

CHARTER

[HISTORY: Enacted by the General Court as Ch. 184, Acts of 1992.¹ Amendments noted where applicable.]

AN ACT ESTABLISHING THE BOARD OF SELECTMEN/TOWN MANAGER
FORM OF ADMINISTRATION IN THE TOWN OF GREAT BARRINGTON

Section 1.

Upon the effective date of this act, the Town of Great Barrington shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general laws and special acts or the by-laws or town charter of the town of Great Barrington, this act shall govern.

Section 2:

The Board of Selectmen shall consist of five members elected by the voters of the town. Within 100 days after the acceptance of this act, the town will hold a special election, at which time there shall be two selectmen elected, one for a three year term to expire at the 1995 annual elections, and one for a two year term to expire at the 1994 annual elections; bringing the board of selectmen to its full compliment of five members. At each annual election thereafter, there shall be elected one or two selectmen each for a three year term, such as to maintain a five member board. Those selectmen in office at the time of approval of this act shall serve until the terms for which they were elected shall have expired.

Section 3:

- A. The Board of Selectmen shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by the town manager and other officers, boards, committees, commissions and employees of the town.

¹ Editor's Note: This Act was accepted by the town at a Special Town Election held 11-17-1992. Prior to the Act's enactment, the town voted 6-25-1992 STM, Art. 1, to petition the Massachusetts Legislature to enact this legislation.

- B. The Board of Selectmen shall exercise, through the Town Manager, general supervision over all matters affecting the interests or welfare of the town.
- C. The Board of Selectmen shall have the authority to create special committees or commissions to investigate affairs of the town.
- D. The Board of Selectmen shall have the responsibility and authority for licenses and except as specifically provided herein for other quasi-judicial functions as provided by the General Laws and the town of Great Barrington by-laws.
- E. The Board of Selectmen shall have responsibility and general administrative oversight of such boards, committees and commissions appointed by the Board.
- F. The Board of Selectmen shall appoint the Town Manager, Town Counsel, Cable Television Advisory Committee, Fence Viewer, Historical Commission, Board of Registrars, Arts Lottery, Conservation Commission, Historical Committee, Veterans Grave Officer, and Assistant, Associate Town Counsel, Handicapped Commission, Historic District Commission, Housing Partnership Committee.
- G. The Board of Selectmen may make investigations, may authorize the Town Manager or other agents to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town, and for this purpose the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing said investigations shall be printed in the next annual town report.
- H. The Board of Selectmen shall review the annual proposed budget submitted by the Town Manager and make recommendations with respect thereto as they deem advisable. The Town Manager shall present the budget, incorporating recommendations of the Selectmen to the Finance Committee.

Section 4.

- A. The Board of Selectmen, by a majority vote of full membership, shall appoint a Town Manager.

- B. The Town Manager shall be a professionally qualified person especially fitted by education, training and previous full time experience to perform the duties of the office. The Town Manager shall be appointed without regard to his or her political designation. He or she shall be a citizen of the United States and, although he or she need not be a resident of the town or Commonwealth when appointed, shall become a resident of the town during the first year of his or her appointment unless otherwise excused by the Board of Selectmen.
- C. He or she shall have a college degree at the bachelor level in public administration or a similar discipline, and shall have completed courses in the fields of administration, finance and business, and shall have had five years of full-time previous paid experience in a supervisory administrative position in municipal government. A masters degree may be substituted for not more than two years of such paid experience.
- D. The Board of Selectmen shall conduct an annual evaluation of the Town Manager's job performance. Such evaluation shall be reviewed at a public session.
- E. The Town Manager, may be appointed or re-appointed for successive terms of office, no term which shall be for more than three (3) years.
- F. Before entering upon the duties of his or her office, he or she shall be sworn in, in the presence of a majority of the Selectmen, to the faithful and impartial performance thereof by the Town Clerk or notary public.
- G. He or she shall execute a bond in favor of the town for faithful performance of his or her duties in such signs and with such sureties as may be fixed or approved by the selectmen, the cost for which shall be borne by the town.

Section 5.

- A. Upon the election of a five member Board of Selectman, the selectman within thirty (30) days shall recruit and appoint town residents to serve on a committee to be known as the "Town Manager Screening Committee".
- B. This committee shall consist of 7 Great Barrington residents. Its duty shall be to screen all applicants for the Town Manager post, submitting

five (5) applicants to the Board of Selectman for their consideration. From this group of applicants the Board of Selectman shall appoint the Town Manager. The Committee's duties shall terminate upon appointment of a Town Manager.

- C. The Town Manager shall receive compensation for his or her services as the Board of Selectman shall determine, but it shall not exceed the amount appropriated therefor by the town.
- D. Removal of Town Manager The Board of Selectman, by a vote of three or more members of the Board may remove a Town Manager. At least thirty days before such proposed removal shall become effective, the Selectman shall adopt at a public meeting, and shall file with the Town Clerk, a written preliminary resolution for removal, setting forth in detail the specific reasons for the proposed removal. The Town Manager must reply in writing to the resolution within 7 days and may request a public hearing. If the Town Manager so requests Selectman shall hold a public hearing not earlier than twenty days, nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the preliminary resolution, and after full consideration, the Selectman by a vote of four or more members of the Board may adopt a final resolution of removal. In the preliminary resolution the Selectman may suspend the manager from duty, but in any case his or her salary shall be continued to be paid during the period of consideration of the preliminary resolution and until the final resolution.
- E. The Board of Selectman shall designate a qualified person to serve as acting Town Manager and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the Town Manager's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days.
- F. In the event of the resignation or removal of a Town Manager, the Board of Selectman shall within thirty (30) days appoint a new screening committee in accordance with the provisions of section 5, A & B, to assist the Board in hiring a new Town Manager.

Section 6.

- A. The Town Manager shall be the chief administrative officer of the town and shall be responsible to the Board of Selectman for the effective management of all town affairs under his or her supervision.
- B. The Town Manager shall be the chief financial officer of the town and shall be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the warrant for the payment of town funds prepared by the Town Treasurer in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws for approval by the Board of Selectman. Without limiting the generality of the foregoing the Town Manager shall have the following specific budgetary powers:
 - 1. The Town Manager shall submit to the Board of Selectman a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the School Committee. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town, by by-law or the Selectmen may establish additional financial information and reports to be provided by the Town Manager.
 - 2. The Town Manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.
 - 3. The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the Board of Selectmen, and the budget presented by the Town Manager to the Finance Committee shall be as specified by by-law or the Board of Selectmen.

4. To assist the Town Manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, department heads and committees of the town shall, furnish the relevant information in their possession and submit to the Town Manager in writing, a detailed estimate of the appropriations required and available funds.
- C. In addition to specific powers and duties provided in this act, the Town Manager shall have the powers and duties enumerated in this section:
1. The Town Manager shall be responsible for coordination of operational and strategic planning for the town.
 2. The Town Manager shall supervise all town departments except the School Departments, and direct the operations of the town. The Town manager may choose to retain to advise him or her, boards and committees e.g. the Board of Public Works, or, from time to time, appoint like committees to advise him or her on special projects.
 3. The Town Manager shall have the power to appoint, and establish compensation on the basis of merit and qualifications, and may remove, with just cause, the following positions and staff:

Board of Assessors

Town Clerk

Town Treasurer

Town Collector

Town Accountant

Building Inspector

Sanitation Supt.

Buildings/Grounds

Tree Warden

Parks and Recreation

Keeper of the Lockup

Parking Clerk

Right To Know

Council on Aging and Director

Police Chief & Ranking Officers according to Civil Service

Police Officers according to Civil Service

Special Police Officers

Crossing Guards

Parking Enforcement Officersa
Communications Committee
Cemetery Commissioners
Department of Public Works Superintendent/Town Engineer
Sealer of Weights & Measures
Housatonic War Memorial Building Committee
Administrative Assistant
Gas Inspector
Animal Control Officer
Wire Inspector
Deputy Wire Inspector
Fire Chief & Assistant
Recycling Committee
Parks Commissioners
Highway Supt.
Cemetery Supt.
Civil Defense Director
Veterans Service
Parking Clerk/Collector

The Town Manager shall hold the department heads responsible for the proper operation of their departments.

4. The Town Manager shall have full authority to hire, appoint and terminate all town employees and committee members as deemed appropriate by this document. The Board of Selectmen, after a thorough investigation, with just cause and a through a vote of its majority, can reverse a decision made by the Town Manager.
5. The Town Manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the manager is authorized to fill be appointment at no additional cost.
6. The personnel management powers, duties and responsibilities of the Town Manager shall include, but are not limited to, the following:
 - a. The power to appoint and remove other employees as authorized by General Law, by-law or Town Meeting vote and for whom appointment is not otherwise provided;

- b. To administer, and to adopt, personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all town employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town;
 - c. To fix compensation of all town employees and officers within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement;
 - d. To be responsible for the negotiations of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department, such contract will be subject to the approval of the Board of Selectmen. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties.
- 7. The Town Manager shall keep full and complete records of the office and annually submit to the Selectmen, unless requested to do so more frequently, a full written report of the operations of the office of Town Manager. The Town Manager may also prepare reports to boards and committees and for Town Meetings.
 - 8. The Town Manager shall advise the Selectmen of all matters requiring action by them or the town.
 - 9. The Town Manager shall attend all meetings of the Board of Selectmen and all Town Meetings and shall be permitted to speak when recognized by the Moderator.
 - 10. The Town Manager shall act as central purchasing agent for all town departments and activities, pursuant to the Uniform Procurement Act.
 - 11. The Town Manager shall manage and be responsible for all town buildings, property and facilities.
 - 12. The Town Manager shall be responsible for the negotiations of all contracts.
 - 13. The Town Manager shall administer, either directly or through a person or persons appointed by him or her in accordance with

this act, all provisions of general and special laws applicable to said town, all bylaws, and all regulations established by the Board of Selectmen.

14. The Town Manager shall serve as Selectmen's liaison to the Town Counsel.
 15. The Town Manager shall receive and address all citizens' complaints and problems.
 16. The Town Manager shall be responsible for the management of all the town insurance programs.
 17. The Town Manager shall represent the Town at local, state and regional meetings and undertake public relations activities under the direction of the Board of Selectmen.
 18. The Town Manager, with the approval of the Board of Selectmen, shall after a public hearing, set sewer rates, landfill fees and other fees in accordance with the provisions of the General Laws.
 19. The Town Manager shall perform such other duties consistent with the office, as may be required of the manager by by-law or by vote of the Board of Selectmen or Town Meeting.
- D. The Town Manager shall have access to all municipal books, papers, and documents or information necessary for the proper performance of the duties of the Town Manager. The Town Manager may, without notice, cause the affairs of any division or department under the manager's supervision or the job related conduct of any officer or employee thereof to be examined.

Section 7.

- A. The acceptance of this act shall not affect the term of office of the following elected officials or elected members of such board, committee or authority: 1) Moderator; 2) Board of Selectmen; 3) School Committee; 4) Housing Authority; 5) Library Trustees; 6) Finance Committee; 7) Planning Board; 8) Constables and 9) Zoning Board of Appeals and 10) Board of Health. Every other elective office, board, committee or commission of the town shall become appointive as hereinbefore provided, any other provision of law contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission existing as an elected office

at the time of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualifications of his or her successor.

- B. The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of any general law or special law or by-law or vote of the town, except as otherwise expressly provided herein.
- C. Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the Town Manager for consultation, conference and discussion on matters relating to their respective offices.

Section 8.

- A. All laws, special acts, by-laws, rules, regulations and votes of town meeting in force on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act shall continue in full force and effect until amended or repealed.
- B. Upon assumption of office by the Town Manager, he or she shall assume the duties of the Personnel and Compensation Board, which shall be abolished.
- C. Any person employed by the town shall retain such employment and shall be entitled to continue to perform their duties until provision shall have been made in accordance with this act for the performance of said duties by another person or agency. No person in the permanent full time service or employment of the town shall forfeit pay grade for time in service.

Section 9.

This act shall take effect upon its passage.