

An Act Establishing A Board Of Selectmen-Administrator Form Of Administration In The Town Of Sheffield

(Enacted as Chapter 15 of the Acts of 1989)

Upon the effective date of this act, as hereinafter provided, the Town 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 laws or the body of law which constitutes the Town Charter under section 9 Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 1. The Town of Sheffield shall, in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreements elect the following:

- a. Moderator
- b. Board of Selectmen
- c. Library Trustees
- e. Planning Board

Unless otherwise provided in this act, this act shall not affect the term of office of any such elected official or elected member of such board or committee, commission, or authority. Every other elective office, board, committee, commission of the Town shall be terminated or shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided by this act, the term of office of any person elected to any office, board, committee or commission existing as an elected office at the time of the effective date 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 qualification of a successor. The term of office for the town clerk shall be up to three years.

The offices of Tax Collector and Town Treasurer shall be abolished at the next annual town Meeting after the effective date of this act and the new office of Treasurer-Collector established to succeed to all the powers, duties and responsibilities of the office of Tax Collector and Treasurer. The office of Treasurer-Collector shall be appointed by the Board of Selectmen in accordance with section 4 of this act.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by the applicable provisions of general laws, special laws, bylaws and votes of the Town, except as otherwise expressly provided herein.

SECTION 2. The executive powers of the Town shall be vested in the Board of Selectmen who shall serve as the chief policy-making board of the Town. The Board of Selectmen shall continue to have and to exercise all the powers and duties vested in Boards of Selectmen under the general laws or by vote of the Town, except as otherwise provided herein. To aid the Board of Selectmen in the conduct of its official business and duties the Board of Selectmen shall appoint a Town Administrator as provided in section 5 of this act.

SECTION 3. The Board of Selectmen shall appoint a Town Counsel, a Treasurer-Collector, Tree Warden, the Constables, election officers and all department heads, employees and subordinates except those persons serving under officers and multiple member bodies elected directly by the voters of Sheffield. The Board of Selectmen shall also appoint all multiple member boards, committees, and commissions except those appointed by the Moderator.

SECTION 4. The Board of Selectmen shall appoint a Town Administrator for a term to be specified by the Board of Selectmen. The Town Administrator shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Board of Selectmen. Pending the appointment of a Town Administrator or the filling of any vacancy, the Board of Selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the Town Administrator, the Board of Selectmen may designate a qualified Officer of the Town to perform the duties of the Town Administrator during such temporary absence or disability.

SECTION 5. The Town Administrator shall receive such compensation for services as the Board of Selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the Town.

SECTION 6. The Town Administrator shall act as the agent for the Board of Selectmen and shall have the powers, duties and responsibilities enumerated in this section:

- a. The Town Administrator shall act as or perform the duties of the Town Accountant or insure that the powers, duties and responsibilities of a Town Accountant are performed in the Town.
- b. The Town Administrator, under the direction of the Board of Selectmen, shall supervise and be responsible for the efficient administration of all offices and departments under jurisdiction of the Board of Selectmen.
- c. The Town Administrator, unless excused, shall attend all regular and special meetings of the Board of Selectmen and attend all sessions of the Town Meeting.
- d. The Town Administrator shall keep the Board of Selectmen fully informed as to the needs of the Town and shall recommend to the Selectmen for adoption, measures requiring action by the Board or by the Town as may be deemed necessary or expedient.
- e. The Town Administrator shall be responsible for compiling the annual operating and capital budget for all Town departments and submitting the budget to the Finance Committee.
- f. The Town Administrator shall be responsible for assisting the Board of Selectmen in the recruitment of department heads and employees.
- g. The Town Administrator shall be responsible for the administration of the Town's personnel system.
- h. The Town Administrator shall be the agent for the Board of Selectmen for collective bargaining and may employ special counsel to assist in the performance of these duties.

- i. The Town Administrator shall insure that a complete and full record of the financial and administrative activities of the Town are maintained and render reports to the Board of Selectmen as may be required.
- j. The Town Administrator may investigate or inquire into the affairs of any Town department or office under the supervision of the Board of Selectmen.
- k. The Town Administrator shall perform such other duties as necessary or as may be assigned by this act, bylaw, Town Meeting vote or vote of the Board of Selectmen.

SECTION 7. Subject only to the express prohibition in a General Law or this act, the Town Meeting may, by bylaw, reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection, or the number of members of any town multiple member body, in whole or part, and may establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

SECTION 8. All laws, bylaws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Sheffield on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules and regulations, respectively. All other laws, votes, rules and regulations so far as they refer to the Town of Sheffield, are hereby suspended but such suspension shall not revive any preexisting enactment. Nothing contained herein shall impair contractual rights established prior to the adoption of this act or any amendment hereto.

SECTION 9. Any person holding a Town Office or employment under the Town shall retain such office or employment and shall continue to perform their duties until provisions 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. Each person shall be retained in a capacity as similar to their former capacity as is practical.

SECTION 10. A committee consisting of at least five and no more than seven members -- part but not all to be members of the existing government study committee, is to be appointed by the selectmen in conjunction with the existing study committee. This new committee is to perform a detailed study of any unmentioned elected officers in regard to staffing, workload and operation; and to prepare a report to the selectmen in sufficient time to initiate actions in the warrant for the annual town meeting in 1989.

SECTION 11. This act shall take effect upon its passage.