

**AN ACT AUTHORIZING THE TOWN OF NORFOLK TO ESTABLISH A
DEPARTMENT OF PUBLIC WORKS**

**[As approved by unanimous vote of the DPW Ad-hoc Committee – revised by Town
Counsel 5/13/2003]**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the town of Norfolk a department of public works, in this act called the department, which shall be under the supervision and control of the board of selectmen.

SECTION 2. The board shall have all the powers and duties now or from time to time vested by general or special law, or by town by-law in the following boards, commissions, or officers: highway department, including highway superintendent; water department, including the board of water commissioners; and cemetery commission. The board of water commissioners and the cemetery commission are hereby abolished. No existing contract or liability shall be affected by the abolition, but the board shall in all respects be the lawful successor of the entities so abolished.

SECTION 3. The department shall have all the functions now or from time to time vested by general or special law, or by town by-law in the following departments or offices: highway department, water department, cemetery department, and the tree warden.

SECTION 4. The department shall have additional powers related to the duties and responsibilities of a department of public works as the town may from time to time, by a two-thirds approval at Town Meeting, may provide, any other provisions of law to the contrary notwithstanding.

SECTION 5. Notwithstanding any provision of this act to the contrary, any powers transferred to the board of selectmen under this act shall be exercised for a transitional period of three years from the effective date of this act by an interim board of public works, consisting of five members selected as provided for in this section. All members shall serve in a voluntary capacity with no compensation from the town. The members shall include the two senior water commissioners, whose positions were abolished by this act, and three public members appointed by the board of selectmen, who shall be appropriately qualified by training and experience. A simple majority vote by the interim board shall represent the authority of the entire interim board for all actions, affirmations, approvals, or the like required by or from the interim board. The interim board shall automatically dissolve on the third anniversary of final adoption of this act by the town, as provided for in section eleven of this act. Once the interim board dissolves, all powers, duties, responsibilities, and authorities as defined throughout this act for the board, shall be assumed by the board of selectmen.

SECTION 6. The department shall consist of divisions as defined by town by-law.

SECTION 7. No later than one hundred and twenty days prior to the beginning of each fiscal year, the board of selectmen shall convene a public hearing, to determine the ensuing fiscal year water budget and set equitable prices and rates for usage of the water system. The date, time, and place of the hearing shall be included in all water bills mailed in the fall. At least three weeks prior to the proposed hearing, the board shall cause notice to be published in at least one

newspaper that serves Norfolk, and posted at town hall. The board will take testimony from any interested party, and shall submit its recommendation to the town meeting, which shall act upon the budget in the same manner as all other budgets.

SECTION 8. The board, or the town administrator appointed pursuant to chapter 217 of the acts of 1994, if so authorized by the board, shall interview, appoint, fix the tenure for a period of three years, fix the compensation of, and enter into a contract with a director of public works, subject to appropriation. Such contract shall prevail over any conflicting provision of any local personnel by-law, rule or regulation. The director shall exercise and perform, under the supervision and direction of the board, the powers, rights, and duties that have been transferred to the department hereunder, and as the board may from time to time designate. The director shall be responsible for the efficient exercise and performance of the powers, rights, and duties. The director shall be specially fitted by education, training, licensure, and experience to perform the duties of the office, with other qualifications as set forth in the town by-laws. During tenure of office, the director shall not hold elective or appointed office within the town, nor engage in any other business or occupation without the express written prior authorization of the board. If the board requires, and at the expense of the town, the director shall give to the town a bond with a surety company authorized to transact business in the Commonwealth for the faithful performance of duties in the sum and upon the conditions as the board may require. Subject to town personnel by-law and appropriation and unless objected to by the board or town administrator within 30 days of the date of appointment, suspension, or removal, the director may appoint, suspend, or remove such assistants, agents, and employees as the exercise and performance of the director's powers, rights, and duties may require. The director shall keep records of the doings of his office, and render to the board and/or town administrator as often as they may require, a report of operations under the director's control during the period reported upon; and annually and from time to time as required by the board and/or town administrator, shall make a synopsis of the reports for publication. The director shall keep the board and town administrator advised as to the needs of the town within the scope of the director's duties, and shall furnish to the board and/or town administrator each year, upon request, a detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights, and duties.

SECTION 9. Each permanent full-time employee of any board, department or office abolished by this Act shall be transferred to and become an employee of the department.

SECTION 10. All real property and equipment owned by the town of Norfolk and under the control of the offices, boards, or commissions abolished by this act shall be transferred to and be under the control and direction of the department

SECTION 11. This Act shall be submitted to the voters of the Town of Norfolk for acceptance at the next Town election, in the form of the following question, which shall be placed on the official ballot to be used at said election:

"Shall an Act passed by the General Court entitled, 'An Act authorizing the Town of Norfolk to establish a Department of Public Works', be accepted?"

If a majority of votes cast in answer to this question are in the affirmative, this act shall take effect on July 1, 2004.