

CHARTER AND RELATED ACTS

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AN ACT FOR INCORPORATING THE PLANTATION CALLED EAST HOOSUCK, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF ADAMS

[Province Laws 1778-1779, Ch. 20]

Whereas a number of the inhabitants of the plantation called East Hoosuck, in the County of Berkshire, have represented to this court the great difficulties and inconveniences they labor under in their present situation, and have earnestly requested that they may be incorporated into a town,

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Section 1. How bounded.

That the said plantation, called East Hoosuck, bounded as follows; viz., begin[n]in at the south-west corner, [at][of] a spruce-tree, marked T.D.,I.C.,O.P., and ND., 1749; from thence, runs north, ten degrees east, two thousand three hundred poles, to a white-oak tree marked ND.; thence, east, ten degrees south, sixteen hundred poles, to a beach-tree on the top of the East Mountain, marked ND.; thence, runs south; ten degrees west, two thousand three hundred poles, to a beach-tree with stones at the root, marked ND.; thence, runs west, ten degrees north, sixteen hundred poles, to the first mentioned bounds,-be and hereby is erected into a town by the name of Adams; and that the inhabitants thereof be, and they hereby are, invested with all the powers, privileges and immunities which the inhabitants of towns within this state do or may by law enjoy.

Section 2. Warrants to issue for calling a meeting for the choice of town officers.

That Col[onel] Joab Stafford be, and he hereby is, [i] [e]mpowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet, at such time and place as shall be therein set forth, to choose all such officers as towns are, by law, required and [i] [e]mpowered to choose in the month of March, annually; at which said meeting all the then present inhabitants upwards of twenty-one years of age shall be admitted to vote.

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AN ACT ESTABLISHING IN THE TOWN OF ADAMS REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS [Ch. 235, Acts of 1935, approved 5-1-1935]

Section 1. Established.

There is hereby established in the Town of Adams the form of representative town government by limited town meetings hereinafter set forth.

Section 1A. Division of town into voting precincts; precinct voting at elections.

Upon acceptance of this act by the Town of Adams, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than five or more than eight voting precincts, each of which shall be plainly designated and shall contain not less than eight hundred registered voters. All precincts shall contain approximately an equal number of registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed, and, if need be, wholly or partly revised by the selectmen in October, once in five years, or in October of any year when so directed by a vote of a representative town meeting. The selectmen shall, within twenty days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

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Section 2. Representative town meetings - Membership; election; terms of office; tie votes; filling vacancies; notifying elected members.

Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal number of members and which will not cause the total elected town meeting membership to exceed one hundred and fifty. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty days after the establishment of precincts under this act, or at the first annual town election held after the establishment thereof, and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in the order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting, or, in case such election is at a special meeting, from the next annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

Section 3. Same - Members; notice; quorum; adjourned meetings; compensation of members; resignation or removal of members. [Amended by Ch. 560, Acts of 1941; Ch. 527, Acts of 1970]

Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large, ex officio; namely, any member of the general court of the commonwealth who is a registered voter of the town, the moderator, the town clerk, the town treasurer-collector, members of the board of selectmen and the chairman of the finance committee. It shall be the duty of the chairman of each board or committee of the town and the head of each town department to attend every representative town meeting. The town clerk shall notify the town meeting members of

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the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. Eighty-five town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town and he shall notify the members by mail of the adjournment at least twenty-four hours before the time of the adjourned representative town meeting. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to the conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such times as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

Section 4. Same - Nomination of candidates.

Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers which shall bear no political designation, but to the name of a candidate for re-election there may be added the words "Candidate for Re-election." Nomination papers shall be signed by not less than ten registered voters of the precinct in which the candidate is nominated for office and filed with the town clerk at least ten days before the election. No nomination papers shall be valid in respect to any candidate unless his written acceptance is filed therewith.

Section 5. Same - Warrants for town meetings.

All articles in the warrant for every town meeting, so far as they relate to the election of the town moderator, town officers and town meeting members, and, as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting, beginning with the annual town meeting in the year when said town meeting members are first elected, or, if first elected at a special town meeting, beginning with the next annual town meeting thereafter, shall be acted upon and determined exclusively by town meeting members at a representative town meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, and subject to the referendum provided for by section eight.

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Section 6. Same - Moderator pro tempore.

A moderator shall be elected by ballot at each annual town election, and shall serve as the moderator of all town meetings except as otherwise provided by law until his successor is elected and qualified. Nominations for moderator and his election shall be as in the case of other elective town officers, and any vacancy in such office may be filled by the town meeting members at a representative town meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

Section 7. Same - Filling vacancies.

In the event of any vacancy in the full number of elected town meeting members from any precinct the remaining elected members of the precinct may choose from among the registered voters thereof a successor to serve until the next annual town election. The town clerk may, and upon a petition therefor signed by not less than five elected town meeting members from the precinct shall, call a special meeting for the purpose of filling such vacancy and shall mail a notice thereof to the remaining elected members from the precinct specifying the object and the time and place of such meeting which shall be held not less than four days after the mailing of such notice. At such meeting a majority of such members shall constitute a quorum and shall elect from their own number a chairman and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the member so elected, who shall thereupon be deemed elected and qualified as an elected town meeting member, subject to the provisions of section three respecting the election and qualifications of elected town meeting members.

Section 8. Same - When votes to take effect; calling for general election upon petition; conduct and results of general election.

A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than five per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for

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the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: - "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

Section 9. Same - Town bound by meeting members; powers generally; force and effect of actions.

The Town of Adams, after the acceptance of this act, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings, and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

Section 10. Same - Rules.

The representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.

Section 11. Same - Appointing committees.

The representative town meeting may appoint such committees of its members for investigation and report as it may consider necessary.

Section 12. Applicability of act.

All by-laws or parts of by-laws of the town inconsistent with the provisions of this act are hereby repealed. The provisions of chapter forty-four of the General Laws shall continue to apply in the Town of Adams notwithstanding the provisions of this act.

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Section 13. Construction of act.

This act shall not abridge the right of the inhabitants of Adams to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Adams the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Section 14. Submitting act to voters.

This act shall be submitted to the registered voters of the Town of Adams at any annual town meeting. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: "Shall an act passed by the General Court in the year nineteen hundred and thirty-five, entitled 'An Act establishing in the Town of Adams representative town government by limited town meetings,' be accepted by this town?" This act shall take effect upon its acceptance by a majority of the voters voting thereon.

Section 15. Acceptance or rejection of act.

If this act is rejected by the registered voters of the Town of Adams when submitted to said voters under section fourteen, it may again be submitted for acceptance in like manner from time to time to such voters at any annual town meeting in said town within three years thereafter, and, if accepted by a majority of the voters voting thereon at such a meeting, shall thereupon take effect. Approved May 1, 1935.

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AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF ADAMS [Ch. 31, Acts of 1983, accepted 5-2-1983]

Section 1. Upon acceptance of this act by the town of Adams, 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 acts or that body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

Section 1A. Following acceptance of this act, as hereinafter provided, the voters of the town of Adams shall, in accordance with any applicable general or special law or by-law or vote of the town, continue to elect the following:

- (a) town meeting members
- (b) moderator
- (c) Board of Selectmen
- (d) library trustees
- (e) representatives to the Adams-Cheshire Regional School District Committee
- (f) representatives to the Northern Berkshire Regional Vocational School Committee
- (g) redevelopment authority
- (h) housing authority
- (i) town clerk
- (j) assessor
- (k) board of health
- (l) cemetery commissioner
- (m) park commissioner
- (n) planning board member
- (o) treasurer-collector

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The acceptance of this act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee, or commission of the town shall become appointive as hereinafter provided, any other provision of law to the 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 the acceptance 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 his successor. 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. Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the administrator for consultation, conference and discussion on matters relating to their respective offices.

Section 2. The board of selectmen shall consist of five members elected by the voters of the town. At the first annual election after acceptance of this act by the town, there shall be elected three selectmen, one for three years, one for two years, one for one year term. At each annual election thereafter, there shall be elected one or two selectmen such as to maintain a five member board. Those selectmen in office at the time of the approval of this act shall serve until the terms for which they were elected shall have expired.

Section 3. The board of selectmen shall appoint the members of all multi-member boards, committees and commissions except those appointed by the moderator and the town administrator as herein provided.

The moderator shall appoint the finance committee, the personnel board, and such committees and officers as he may now or hereafter be directed to appoint by any applicable general or special law or by-law or vote of the town.

Section 4. A member of the board of selectmen, or of the finance committee shall during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office, other than that of town meeting member. Any person appointed by the town administrator to any town office under the provisions of this act or of any general or special law shall be eligible during the term of said office to appointment to any other town office, except that the town accountant shall not be eligible to hold the position of town treasurer/collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may assume the duties

Section 5. The selectmen elected as provided herein shall appoint as soon as practicable, for a three year term, a town administrator who shall be a professionally qualified person

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especially fitted by education, training and previous full-time experience to perform the duties of the office. The town administrator shall be appointed without regard to his political designation. He shall be a citizen of the United States and, although he need not be a resident of the town or of the commonwealth when appointed, shall become a resident of the town during the first year of his appointment unless otherwise provided by the board of selectmen. He shall have a college degree at the bachelor level and shall have had three years of full-time paid experience in a supervisory administrative position. A masters degree may substitute for not more than two years of such paid experience. No person holding elective office in the town with the exception of town meeting members shall, within three years of holding such office, be eligible for appointment as town administrator. The town administrator may be appointed for successive terms of office. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such sureties as may be fixed or approved by the selectmen, the cost for which shall be borne by the town.

Section 6. 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, within seven days, appoint a suitable person to perform the duties of the office.

Section 7. The town administrator may designate, subject to the approval of the board of selectmen, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such designation, the board of selectmen may, by resolution, designate an officer of the town to perform the duties of the administrator until he shall return or his disability shall cease.

Section 8. The board of selectmen, by a four-fifths vote, may remove the town administrator. At least thirty days before such proposed removal shall become effective, the selectmen shall file a written preliminary resolution of removal with the town clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town administrator. The administrator may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at the administrator's last known abode. If the administrator so requests, the board of selectmen 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 filing of the preliminary resolution, and after full consideration, the selectmen, by a four-fifths vote of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the administrator from duty, but in any case his

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salary shall continue to be paid during the period of consideration of the preliminary resolution and until the vote on the final resolution.

Section 9. The town administrator shall receive such compensation for his services as the board of selectmen shall determine but it shall not exceed the amount appropriated therefor by the town.

Section 10. The town administrator shall appoint all other town officials whose appointment or election is not specifically provided for herein. The town administrator shall appoint with majority approval of the board of selectmen, and may remove with the majority approval of the board of selectmen, subject to the provisions of chapter thirtyone of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other elected agencies and appointments made by representatives of the commonwealth. Appointments to permanent positions made by the town administrator shall become effective on the fifteenth day following the day notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the board, vote to reject any such appointment.

Section 11. In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

(a) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and offices, except the board of selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.

(b) The town administrator, with the approval of the board of selectmen and in accordance with the provisions of this act and the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the powers and duties of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, the town administrator shall appoint upon merit and fitness alone, and, subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the town; town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him except on ten days notice in writing, setting forth the cause of such removal.

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- (d) The town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered.
- (e) The town administrator shall keep full and complete records of his office, and shall render as often as may be required by the selectmen, a full report of all operations during the period reported on.
- (f) The town administrator shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.
- (g) The town administrator shall have jurisdiction over the rental and use of all town property and shall be responsible for the maintenance and repair of all town buildings. He shall be responsible for the preparation of plans and the supervision of construction, reconstruction, alterations, improvements and other undertakings authorized by the town unless otherwise assigned by the town meeting.
- (h) The town administrator shall be responsible for the purchase of all supplies and materials and equipment, except books and other media for the library, and shall approve the award of all contracts for all departments of the town. He shall make purchases for departments not under his supervision only upon and in accordance with requisitions duly signed by the heads of such departments.
- (i) The town administrator shall administer either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and votes of the town, and all regulations established by the board of selectmen.
- (j) The town administrator shall, with the approval of the board of selectmen, have authority to prosecute, defend, or compromise all litigation to which the town is party, and shall be the executive officer of a public employer in the town as defined in section one of chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.
- (k) The town administrator shall be the agent of the board of selectmen for collective bargaining and may employ special counsel to assist him in the performance of these duties.
- (l) The town administrator shall attend all town meetings and shall be permitted to speak when recognized by the moderator.
- (m) The town administrator shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the status of prior town meeting votes on which implementation is not complete.
- (n) The town administrator shall be accessible and available for consultation to

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chairmen of boards, committees and commissions of the town, whether appointed or elected, and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.

(o) The town administrator shall perform such other duties consistent with his office as may be required of him by the by-laws of the town or by the vote of the board of selectmen or town meeting.

Section 12. The town administrator may without notice cause the affairs of any division or department under his supervision or the job-related conduct of any officer or employee thereof to be examined. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

Section 13. The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer but the selectmen shall approve all warrants in the event of a vacancy in the office of town administrator.

Section 14. At least ninety days prior to the annual town meeting, the town administrator shall submit to the board of selectmen a detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the preceding year and an estimate of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report 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 said amount. For the purpose of enabling the town administrator to make up the annual estimates of expenditures, all boards, officers, and committees of the town shall, at least one hundred and twenty days prior to the annual town meeting, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

Section 15. The board of selectmen shall consider the tentative budget submitted by the town administrator and make such recommendations relative thereto as they deem

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expedient and proper in the interests of the town. On or before the seventy-fifty day prior to the annual town meeting, the board of selectmen shall transmit a copy of the budget, together with their recommendations relative thereto, to each member of the finance committee.

Section 16. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Adams 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 otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to the town of Adams, are hereby suspended but such suspension shall not revive any preexisting enactment.

Section 17. No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that upon revocation any contract made by the town with the town administrator then in office shall be terminated immediately upon such vote.

Section 18. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this act for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical.

Section 19. This act shall be submitted for acceptance to the voters of the town of Adams at the annual town meeting to be held in the year nineteen hundred and eighty-three in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: - "Shall an act passed by the General Court in the year nineteen hundred and eighty-three, entitled 'An Act establishing a Selectmen-Administrator form of government in the Town of Adams', be accepted?" If a majority of the votes in answer to said question is in the affirmative, said act shall take effect but not otherwise. If this act is not accepted in the year nineteen hundred and eighty-three, it shall again be submitted at the annual town meeting in the year nineteen hundred and eighty-four, and if accepted shall take full effect but not otherwise.

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AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF ADAMS

[Ch. 34, Acts of 1983, accepted 5-2-1983]

Section 1. There is hereby established in the town of Adams a department of public works, which shall have all the powers and duties now vested by the General Laws and town by-laws in the highway department, cemetery department, parks department, wastewater treatment plant and the office of tree warden. Upon acceptance of this act by the said town, as hereinafter provided, the aforesaid departments are hereby abolished and their powers and duties shall be transferred to and shall be under the direction of the department of public works.

Section 2.

(a) The department of public works shall consist of a director appointed by the board of selectmen.

(b) Said director shall be a person qualified by education and experience and shall be responsible for the operational and administrative functions of the department of public works in accordance with a job description to be developed by said town.

(c) The salary of said director and his term of office shall be determined by said board of selectmen, subject to appropriation by the town meeting.

(d) Said director shall hold office subject to the will of said board.

Section 3. The department of public works shall consist of the following four divisions: (i) equipment and maintenance, (ii) highways, (iii) parks and grounds, including the cemetery, and (iv) wastewater treatment.

The division of equipment and maintenance shall consist of a chief mechanic and such additional personnel as said director deems necessary.

The division of highways shall consist of a foreman and such additional personnel as said director deems necessary.

The division of parks and grounds shall consist of a foreman a clerk and a tree warden and such additional personnel as said director deems necessary.

The division of wastewater treatment shall consist of a superintendent and such additional personnel as said director deems necessary.

CHARTER AND RELATED ACTS

ADAMS CODE

Section 4. All equipment owned by the town of Adams, and under the control of the highway, parks, cemetery, wastewater treatment plant and tree warden shall, upon acceptance of this act, be under the control and supervision of the department of public works.

Section 5. Upon acceptance of this act, the board of selectmen shall prepare and provide proper job descriptions for employees of the department of public works.

Section 6. There is hereby established in the town of Adams a cemetery commission and a parks and playground commission which shall serve said town as advisory commissions; provided however, that the cemetery commission shall also control the care and expenditure of perpetual care funds as provided in chapter eighty-five of the acts of nineteen hundred and thirty-four. The members of said commissions shall be elected in the manner in which the cemetery commission and parks and playground commission in effect in said town prior to the acceptance of this act are elected and the present members of said commissions shall be members of said commissions in office on said date of acceptance of this act and shall serve until their successors are elected.

Section 7. Notwithstanding the provisions of section one, the incumbent tree warden on the date this act is accepted by the town of Adams shall continue to perform all the functions of said office until the expiration of the term for which he was elected.

Section 8. This act shall be submitted for acceptance to the voters of the town of Adams at the annual town meeting to be held in the year nineteen hundred and eighty-three in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the general court in the year nineteen hundred eighty-three, entitled 'An Act establishing a department of public works in the town of Adams', be accepted?" If a majority of the voters in answer to said question is in the affirmative, this act shall take effect, but not otherwise except as provided hereafter. If this act is rejected when so submitted, it shall again be submitted at the annual town meeting in the year nineteen hundred and eighty-four and if accepted, shall take effect as heretofore provided. If this act is again rejected after having been submitted for the second time, it shall not be submitted again and shall not take effect.