

**CHAPTER 67 OF THE ACTS OF 2009 – AN ACT ESTABLISHING A TOWN
MANAGER FORM OF GOVERNMENT FOR THE TOWN OF HANOVER,
INCLUDING THE APPROVED AMENDMENTS OF CHAPTER 141 OF THE ACTS
OF 2013 AND OF CHAPTER 344 OF THE ACTS OF 2018 AND OF CHAPTER 22 OF THE
ACTS OF 2023.**

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. CONTINUATION OF EXISTING GOVERNMENT

(A) Continuation of Existing Laws

All laws, by-laws, rules and regulations of or pertaining to the town of Hanover which are in force on the effective date of this act and which are not inconsistent with the provisions of this act, shall continue in full force and effect until amended or repealed. Elected and appointed officers, boards, commissions and committees shall have all of the powers, duties and responsibilities, which are in force on the effective date of this act that are not inconsistent with this act, which are given to the respective officers, boards, commissions and committees by law, this act, town by-law or by vote of town meeting.

If any provision of this act conflicts with any provision of any law, by-law, rule or regulation of the town of Hanover, this act shall govern.

(B) Continuation of Personnel

Any office or position in the administrative service of the town of Hanover and incumbents in such offices, on the effective date of this act shall continue to function as the office, position or incumbent did previously until a change in such office, position or incumbent is effected in accordance with the provisions of this act.

SECTION 2. SELECT BOARD

(A) Composition

There shall be a Select Board consisting of 5 members elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(B) Vacancy in Office

Vacancies in the office of Select Board shall be filled by a special election in accordance with the provisions of the General Laws.

(C) Executive Powers

The executive powers of the town shall be vested in the Select Board which shall serve as the chief policy making body of the town.

(1) The Select Board shall have all of the executive powers given to Select Boards by the General Laws except for those granted to the town manager. The Select Board shall be authorized to enter into intergovernmental or public or private agreements on such terms as it deems beneficial to the citizens of the town of Hanover.

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(2) The Select Board shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the Select Board, or a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.

(3) The Select Board shall cause the by-laws, rules and regulations for the government of the town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

(4) The Select Board shall appoint the town manager and town counsel, and approve the hire of the town audit firm, which shall be chosen by the town manager.

(5) The Select Board shall be the licensing board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The Select Board shall enforce the laws relating to all businesses for which it issues such licenses. The Select Board under this act may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary.

(6) The Select Board shall be responsible for providing timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government of the town of Hanover or any of its officers.

(7) The Select Board, in consultation with the town manager, shall develop a personnel system to include, but not be limited to, classifications and pay schedules, benefit programs, personnel and hiring policies and practices and regulations for town employees. (*Amended 2013*)

SECTION 3. TOWN MANAGER

(A) Appointments, Qualifications, Terms of Office and Employment

(1) Appointment

After the establishment of the 5-member Select Board, there shall be established in the town of Hanover the office of town manager, who shall be appointed by the Select Board for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office.

(2) Qualifications

The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience.

(3) Terms of Office

The town manager shall devote full-time to the duties of said office and shall not engage in any other business or occupation during such employment by the town. The town manager shall hold no elective office in the town while serving as town manager, but the Select Board may appoint the

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town manager to any non-elective office or position consistent with the responsibilities of the town manager. Before entering upon his duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk. The town manager shall not have served in an elected office for the town of Hanover for at least 24 months prior to his appointment.

(4) Terms of Employment

(a) Additional Qualifications

The Select Board may, from time to time, establish additional qualifications for the position of town manager. To the extent permitted by law, the terms of the town manager's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, annual review, vacation, sick leave, benefits and such other matters, excluding tenure, as are customarily included in an employment contract.

(b) Compensation

The Select Board shall set the compensation of the town manager, not to exceed the amount appropriated by the town meeting.

SECTION 4. TOWN MANAGER - POWERS AND DUTIES

The town manager shall be the chief executive officer of the town. The town manager shall be responsible to the Select Board for the effective management of all town affairs placed in the town manager's charge by this act, the Select Board or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the Select Board. The functions and duties of the town manager shall include, but not be limited to, the functions and duties in subsections (A), (B) and (C).

(A) Powers of Appointment

(1) The town manager shall appoint and remove all non-elected department heads and approve the appointment and removal of all other town employees except employees of the school department. The town manager shall consult with the appropriate elected or appointed board, commission, committee or official and the Select Board prior to making department head appointments or removals. Prior to finalizing a department head appointment, the town manager shall provide notice to the Select Board of the anticipated appointment and the terms and conditions of employment for the appointment. The Select Board shall approve or disapprove the appointment and the terms and conditions of employment within 20 days of notice to the Select Board. A failure of the Select Board to act in this 20 day period shall be considered approval. Any adjustment to the terms and conditions of employment of department heads or the termination or removal of department heads shall be subject to the same notice and approval requirements as set forth above for appointments. *(Amended 2013)*

(2) Department heads shall, in accordance with the personnel system developed pursuant to paragraph (7) of subsection (C) of section 2 and *(Amended 2013)* subject to the consent and approval of the town manager, appoint or remove assistant department heads, officers, subordinates and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this act, except employees of the school department; provided, however, that the department head shall consult

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with the appropriate elected or appointed board, commission, committee or official prior to making such appointments or removals. The town manager may transfer personnel between departments as needed.

(3) All appointments under this section shall be based on merit and fitness alone.

(4) Copies of notices of job opportunities and appointments shall be posted on the town bulletin board.

(B) Administrative Duties

The town manager shall:

(1) be responsible for the day-to-day supervision of all town departments and direction of the operations of the town; provided, however, that this section shall not apply to employees of the school department and to the statutory responsibilities and functions of the school committee;

(2) supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their representative departments, and of all functions for which the town manager is given responsibility, authority or control by this act, by-law, town meeting vote, or vote of the Select Board;

(3) reorganize, consolidate or establish any department or position under the town manager's direction or supervision, at the town manager's discretion and with the Select Board's approval. With the approval of both the Select Board and advisory committee, the town manager may transfer all or part of any unexpended appropriation of a reorganized or consolidated department, board or office to any other town department, board or office;

(4) administer, either directly or through a person that the town manager appoints, all provisions of general and special laws applicable to the town including federal and Massachusetts emergency management agencies' requirements, by-laws, votes of the town within the scope of the town manager's duty, and all policy rules and regulations made by the Select Board;

(5) establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the Select Board and the advisory committee on the status of the town's finances;

(6) administer the personnel system developed by the Select Board pursuant to paragraph (7) of subsection (C) of section 2; (*Amended 2013*)

(7) manage and be responsible for all town buildings, properties and facilities, except those under the control of the school committee, parks and recreation department and conservation commission; provided, however, that the town manager may only maintain and repair school committee, parks and recreation department, open space committee and conservation commission buildings, properties and facilities to the extent the school committee, parks and recreation department or conservation commission may request and authorize same;

(8) attend and participate in all regular and special Select Board meetings and town meetings, unless excused therefrom by the Select Board;

(9) cause full and complete records of meetings of the Select Board to be taken and maintained, and compile reports of the meetings as requested by the Select Board;

(10) act as the liaison with, and represent the Select Board before, state, federal and regional authorities;

(11) subject to policies established by the Select Board, approve all warrants or vouchers, including

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payroll warrants, for payment of town funds submitted by the town accountant; provided, that any warrants generated by the town manager shall be signed by the Select Board;

(12) be responsible for approving all grants submitted on behalf of the town; and

(13) perform any other duties consistent with the office of the town manager as may be required by by-law or vote of the town or by vote of the Select Board.

(C) Financial Powers and Duties

(1) Budget

(a) The town manager shall prepare and submit at a public meeting to the Select Board and advisory committee, not later than 90 days prior to the annual town meeting, a written proposed balanced budget for town government, including the school department, for the ensuing fiscal year.

(b) The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service for the previous, current and ensuing year.

(c) It shall include proposed expenditures for both current operations and capital during the ensuing year, together with estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts.

(d) The town may, by by-law, establish additional financial reports to be provided by the town manager.

(e) To assist said town manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the school committee shall, within the time frame requested by the town manager, furnish all relevant information in their possession and submit to the town manager, in writing and in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.

(2) Collective Bargaining

(a) The town manager shall negotiate collective bargaining contracts on behalf of the Select Board, which contracts shall be subject to approval, ratification and execution by the board. The town manager shall provide the Select Board with regular updates as to the status of those negotiations and, at the request of the Select Board, the town manager shall include a member of the board in all collective bargaining negotiating sessions. (*Amended 2018*). The Select Board may authorize use of additional counsel, as requested by the town manager to assist the town manager in the negotiations at its discretion.

(b) The town manager shall administer and enforce collective bargaining agreements, personnel rules and regulations, and by-laws adopted by the town.

(3) Procurement

(a) The town manager shall act as the chief procurement officer under the provisions of chapter 30B of the General Laws, and be responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.

SECTION 5. TOWN MANAGER - VACANCY

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(A) Permanent Vacancy

The Select Board shall fill any permanent vacancy in the office of the town manager as soon as feasible in accordance with section 3 of this act. Pending the appointment of a town manager or filling of a vacancy, the Select Board shall, within a reasonable period of time, not to exceed 14 days, appoint some other qualified person to temporarily perform the duties of the town manager until a permanent replacement is appointed.

(B) Temporary Absence or Disability

(1) The town manager may designate by letter filed with the town clerk and Select Board a qualified officer of the town to perform the duties of town manager during a temporary absence or disability.

(2) If the absence or disability exceeds 30 days, any designation by the town manager shall be subject to approval by the Select Board. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the Select Board may designate some other qualified person to perform the duties of town manager.

(3) Powers and Duties – Notwithstanding the duration of the absence of the town manager, the Select Board shall determine the powers and responsibilities of an acting or temporary town manager appointed pursuant to subsection (A) or paragraphs (1) and (2) of subsection (B). (*Amended 2018*)

SECTION 6. TOWN MANAGER – REMOVAL; SUSPENSION

The Select Board may terminate and remove or suspend the town manager by a majority vote of the entire Select Board. Prior to any termination or removal, or a suspension exceeding 5 days, notice shall be given and reasons for the proposed action shall be provided in writing to the town manager, and an opportunity shall be provided for the town manager to meet with the Select Board and respond to those reasons. After such meeting, if any, the Select Board may act by majority vote of the entire Select Board to terminate, remove or suspend the town manager.

SECTION 7. DEPARTMENT OF PUBLIC WORKS

(*Amended 2018*)

The authority of the special act, chapter 39 of the acts of 1930 creating the water commissioners, is hereby assumed by the town manager, except that changes in water rates shall be approved by the Select Board. The vote of the town of Hanover at the 1972 town election adopting the provisions of sections 69C to 69F, inclusive of chapter 41 of the General Laws, is hereby rescinded.

SECTION 8. TRANSITION PROVISIONS

(A) Addition to Select Board

At an annual election following the effective date of this act, 2 additional Select Board members shall be elected 1 to a term expiring at the town election in the third year following the election at which this act was approved and 1 to a term expiring at the town election in the second year following the election at which this act was approved. Thereafter, as the terms of Select Board members expire, a successor shall be elected for terms of 3 years.

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(B) Town Administrator

The position of town administrator shall be abolished upon the assumption of office by the town manager. Should the position become vacant prior to the town manager assuming the duties of the office, the Select Board may appoint an acting town administrator to serve until the assumption of the duties of office by the town manager.

SECTION 9. This act shall take effect upon its passage.

Passed at the May 2009 Annual Town Meeting and approved August 20, 2009 as Chapter 67 of the Acts of 2009.

Amended at the May 2013 Annual Town Meeting and approved November 22, 2013 as Chapter 41 of the Acts of 2013.

Amended at the May 2018 Annual Town Meeting and approved January 1, 2019 as Chapter 344 of the Acts of 2018.

Amended at the May 2022 Annual Town Meeting and approved July 18, 2023 as Chapter 22 of the Acts of 2023.