
Chapter 26. AN ACT RELATIVE TO THE PROSECUTION OF THE CRIME OF RAPE.

Be it enacted, etc., as follows:

Section 63 of chapter 277 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

An indictment for murder may be found at any time after the death of the person alleged to have been murdered. An indictment for an offense set forth in sections twenty-two, twenty-two A, twenty-three, twenty-four, and twenty-four B of chapter two hundred and sixty-five, or for conspiracy to commit any of said offenses or as an accessory thereto or any one or more of them may be found and filed within fifteen years of the date of commission of such offense. An indictment for an offense set forth in sections seventeen, eighteen, nineteen and twenty-one of said chapter two hundred and sixty-five or section seventeen of chapter two hundred and seventy-two or for conspiracy to commit any such crime or as an accessory thereto or any one or more of them may be found and filed within ten years of the date of commission of such offense. An indictment for any other crime shall be found and filed within six years after such crime has been committed; provided, however, that any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.

Approved February 23, 1996.

Chapter 27. AN ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. This act may be cited and shall be known as the Framingham Board of Selectmen-Town Manager Act.

SECTION 2. To the extent that the provisions of this act modify or repeal existing General Laws and special laws or the body of laws which pertain to the town under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 3. There shall be in the town of Framingham a board of selectmen which shall consist of five members elected for terms of three years, so arranged that as nearly an equal number as possible shall expire each year.

The executive powers of the town shall be vested in the board of selectmen, and said board shall have all of the powers and duties given to boards of selectmen under the Constitution and laws of the commonwealth unless otherwise provided by this act and such additional powers and duties as may be authorized by this act, by by-law or by other town meeting vote.

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Said board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained.

Said board of selectmen shall be the chief policymaking board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under said board.

Except as otherwise provided by general law, the board of selectmen shall be the licensing authority 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, and to enforce the laws relating to all businesses for which it issues licenses.

To aid the board of selectmen in conducting its official business and duties, said board shall appoint a town manager and town counsel.

Said board of selectmen shall establish all boards, committees and commissions and appoint their members, except as otherwise provided by this act, by by-law or other vote of the town meeting; and shall appoint members of such other regional authorities, districts, or committees in accordance with any applicable laws or interlocal agreements.

SECTION 4. The board of selectmen, shall appoint a town manager who shall serve for a term not to exceed three years; provided, however, that any such person appointed as town manager may be appointed for more than one term. Said town manager shall meet the minimum qualifications, as determined by the personnel board, to perform the duties of the office. A vacancy in the office of town manager shall be filled as soon as possible by said board of selectmen. Pending the appointment of a town manager or the filling of a vacancy, said board of selectmen shall appoint a suitable person to perform the duties of the office with qualifications as determined by the personnel board. In the event of temporary absence or disability of said town manager, said board of selectmen may designate a qualified person to serve as acting town manager and to perform the duties of said town manager during such temporary absence or disability.

SECTION 5. The town manager shall be the chief administrative officer of the town, shall act as the agent for the board of selectmen and shall be responsible to said board of selectmen for the proper operation of town affairs as provided in this act.

Said town manager, under the policy direction of said board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by said town manager and their respective departments and of all functions for which said town manager shall have responsibility, authority or control by this act, by by-law, by town meeting vote or by vote of said board of selectmen. Said town manager shall have the power to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of said town manager is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of said town manager.

Said town manager may reorganize, consolidate or abolish, any town department, office, agency or function under the jurisdiction of said town manager with the concurrence of town meeting.

SECTION 6. In accordance with the personnel by-law, except as otherwise provided by this act, the town manager shall appoint, based upon merit and fitness alone, the police chief, fire chief, treasurer-collector, town accountant, director of public works, director of parks and recreation, director of health, personnel director and any other officers, subordinates and employees under the direct supervision of said town manager as well as officers, subordinates and employees for whom no other method of selection is provided in this act, except employees of the school department and library department. Said town manager may appoint such ad hoc committees as he deems necessary. Appointment of the personnel director, police chief and fire chief shall be with the concurrence of the board of selectmen.

SECTION 7. The personnel management powers, duties and responsibilities of the town manager shall include, but shall not be limited to, the following:-

(a) administering and adopting personnel policies, practices and rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for the school and library departments, entered into by the town.

(b) fixing compensation for all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements.

(c) negotiating all contracts with town employees concerning wages and other terms and conditions of employment, except the school department; provided, however, that such contracts shall be subject to the approval of the board of selectmen and adoption of a compensation pay plan by town meeting. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of such duties.

SECTION 8. The town manager shall be responsible for all the financial management functions of the town unless otherwise provided by this act or by by-law. Such functions shall include, but not be limited to, the following:-

(a) preparing annually, a financial forecast of revenue, expenditures and the general financial condition of the town;

(b) preparing and submitting, after consultation with all town departments, an annual operating budget and capital improvement program for town departments;

(c) insuring that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;

(d) approving warrants for the payment of town funds prepared by the town accountant;

(e) purchasing all supplies, materials and equipment except books and other educational material for schools and books and other media materials for libraries. The town manager shall approve the award of all contracts for all town departments with the exception of the school department, subject to the approval of the board of selectmen;

(f) keeping the board of selectmen and finance committee fully informed as to the financial condition of the town and to make recommendations to said board of selectmen and

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to such other elected and appointed officials as such town manager deems necessary.

SECTION 9. The administrative powers, duties and responsibilities of the town manager shall include, but not be limited to, the following:

(a) attending all regular and special meetings of the board of selectmen, unless otherwise excused at his request;

(b) attending all sessions of the town meeting and to answer all questions addressed to the town manager which are related to the warrant articles and to matters within the scope of responsibility of the town manager;

(c) administering either directly or through persons supervised by the town manager in accordance with this act, the provisions of general or special laws, by-laws and other votes of the town meeting;

(d) investigating or inquiring into the affairs of any town department or office under the supervision of the town manager;

(e) coordinating activities of all town departments, officers, boards or commissions of the town through joint meetings, as appropriate;

(f) keeping the board of selectmen fully informed as to the needs of the town requiring action by said board or by other agents of the town as the town manager deems necessary;

(g) ensuring the efficient use, maintenance and repair of all town facilities under the jurisdiction of the board of selectmen;

(h) maintaining a full and complete inventory of all town-owned real and personal property;

(i) performing such other duties as may be necessary or as may be required by this act, by-law, town meeting vote, or vote of the board of selectmen.

SECTION 10. 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 Framingham 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, by-laws, votes, rules and regulations, respectively. Nothing contained herein shall impair contractual rights established prior to the adoption of this act.

SECTION 11. Any person holding a town office or employment in the town on the effective date of this act shall retain such office or employment, and shall continue to perform the duties of such office or employment until provisions shall have been made for the performance of such duties by another person or agency; provided, however, that the executive administrator of said town on the effective date of this act shall continue in said office until a town manager has been appointed pursuant to this act.

SECTION 12. The board of public works, the board of health and the parks and recreation commission shall cease to be elective offices upon acceptance of this act by the voters of the town of Framingham on the effective date of this act. The incumbents in said offices shall continue to serve for the balance of the term for which they have been elected and their successors shall be appointed by the board of selectmen. The number of members, the terms of office and the powers and duties of each such board and commission shall re-

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main as currently in effect, until changed in accordance with the provisions of this act.

The board of public works, the board of health and the parks and recreation commission shall continue to operate under the board of public works, the board of health, and the parks and recreation commission, respectively, until a town manager has been appointed at which time said boards and commission shall operate under the supervision of the town manager.

Until a person assumes the position of town manager, the executive administrator shall continue to perform the duties of executive administrator as currently defined.

Within six months of the effective date of this act, the board of selectmen shall appoint a town manager. Upon the appointment of the town manager, the position of executive administrator shall be abolished.

Within ninety days of the effective date of this act, the selectmen shall call a special town election to elect one additional selectman for a term expiring at the nineteen hundred and ninety-eight annual election and one additional selectman for a term expiring at the nineteen hundred and ninety-nine annual election.

SECTION 13. This act shall be submitted for acceptance to the qualified voters of the town of Framingham at the next town election. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws in answer to the question, which shall be placed upon the official ballot to used at said meeting: "Shall an act passed by the general court entitled, 'An Act Establishing a Board of Selectmen-Town Manager Form of Government in the Town of Framingham', be accepted by this town?" If a majority of the votes in answer to said question is in the affirmative, said act shall take effect, but not otherwise.

SECTION 14. Chapter eight hundred and sixteen of the acts of nineteen hundred and seventy-five is hereby repealed.

SECTION 15. This act shall take effect upon its passage.

Approved February 23, 1996.

Chapter 28. AN ACT RELATIVE TO THE REVITALIZATION AND DEVELOPMENT OF THE COMMONWEALTH'S SEAPORTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate revitalization of the seaports of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a capital outlay program of revitalization and development of the commonwealth's seaports, through the preparation of plans, studies, construction, alteration, and improvement of various state, municipal and other properties,