

Master Draft: Southborough Town Manager Legislation

January 24, 2012

Section 1: Board of Selectmen, Composition and Term

- (a) There shall be a Board of Selectmen consisting of five (5) members, elected for terms of three (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.

Section 2: Board of Selectmen, Powers and Duties

- (a) The executive powers of the Town shall be vested in the Board of Selectmen, which shall serve as the chief policy-making board of the Town.
- (b) Except as provided by this Act, the Board of Selectmen shall have the powers and duties given to boards of selectmen under the Massachusetts Constitution and General Laws, and shall have such additional powers and duties as may be authorized by this Act, by Town bylaws, or by vote of Town Meeting. The Board of Selectmen shall be authorized to enter into intergovernmental and other agreements on such terms it deems beneficial to the Town of Southborough, subject to the General Laws, this Act, special legislation, and the Town bylaws, or by vote of Town Meeting.
- (c) The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town departments serving under it, and in conjunction with other elected Town officials and multiple member bodies, to develop and promulgate policy guidelines designed to bring the operation of all Town agencies into harmony; provided, however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor 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 Board of Selectmen shall act only through the adoption of broad policy guidelines and long-term plans or programs, which are to be implemented by officials and employees serving under it.
- (d) The Board of Selectmen shall communicate periodically with all Town agencies, departments, committees, and boards, including meeting with representatives of volunteer committees and boards, and shall consider the concerns and plans of all such agencies, departments, committees, and boards when formulating policy, plans, or services.
- (e) The Board of Selectmen shall cause the bylaws of the Town to be enforced and shall cause an up-to-date record of all its official acts to be kept.
- (f) The Board of Selectmen shall appoint the Town Manager as provided by Section 3 of this Act, and by a majority vote of the Board shall appoint a Town Counsel, Zoning Board of Appeals, Constables, Community Preservation Committee, and Registrars of Voters.
- (g) The Board of Selectmen may appoint such offices, boards, committees, and commissions, by a majority vote of the Board, as may be provided by the General Laws, intergovernmental

agreements, or by vote of the Town. In the event of a vacancy in any of said offices, boards, committees, and commissions, the Board of Selectmen shall act to fill said vacancy within ninety (90) days from notice by the affected board to the Board of Selectmen of any vacancy.

- (h) In the event of a vacancy in any elected office, board, committee, or commission, except the Board of Selectmen, the Board shall fill said vacancy pursuant to Section 11 of Chapter 41 of the General Laws. In the event of a vacancy on the Board of Selectmen, said vacancy shall be filled pursuant to Section 10 of Chapter 41 of the General Laws.
- (i) Except as otherwise provided by General Laws, the Board of Selectmen shall be the licensing board of the Town and shall have the power to issue licenses, in accordance with the General Laws, 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.
- (j) The Board of Selectmen shall be responsible for ensuring that timely audits are conducted as required by law. The audits shall be performed 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 or any of its officials.
- (k) The Board of Selectmen shall be responsible for any other duties consistent with the office of the Board of Selectmen as may be provided by the General Laws or by vote of Town Meeting.

Section 3: Town Manager Appointment, Term of Service, Qualifications, and Restrictions

- (a) The Board of Selectmen shall appoint a Town Manager for a term not to exceed three (3) years by a majority vote of the Board. 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. The Town Manager may be appointed for successive terms of office.
- (b) The Town Manager shall be a person of demonstrated ability, with experience in public management or business administration, and who is qualified by reason of education, skills, and experience. The Board of Selectmen may, from time to time, establish additional qualifications for the position of Town Manager. The Town Manager need not be a resident of the Town or the Commonwealth at the time of his or her appointment, but he or she shall establish residence in the Commonwealth within six months of hire, unless this period is extended by the Board of Selectmen.
- (c) Whenever there is a vacancy in the office of Town Manager, a screening committee shall be established for the purpose of soliciting, receiving, and evaluating applications for the position. The screening committee shall consist of five Town residents chosen by the Board of Selectmen and representing as nearly as possible the demographic and occupational base of the Town. Members of the Board of Selectmen shall not be eligible to be on the screening committee. The Board of Selectmen shall provide the screening committee with a charge and a written statement

of qualifications and duties of the position that have been approved by majority vote of the Board. The screening committee shall present candidates to the Board of Selectmen.

- (d) The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his or her term, without the written approval of the Board of Selectmen. The Board of Selectmen may appoint the Town Manager to any appointed office or position consistent with the responsibilities of the position. The Town Manager shall not have served on the Board of Selectmen of the Town of Southborough for at least twenty-four (24) months prior to his or her appointment.

Section 4: Town Manager Powers and Duties

- (a) The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the effective management of all Town affairs placed in the Town Manager's charge by this Act, the Board of Selectmen, or vote of Town Meeting. The Town Manager shall be responsible for the implementation of Town policies established by the Board of Selectmen. The functions and duties of the Town Manager shall include, but not be limited to, the functions and duties described in this Section.
- (b) Except as provided by this Act, the Town Manager shall appoint and may remove all department heads, and shall approve the appointment and removal of all other employees, except employees of the school department. The Town Manager shall consult with the appropriate elected or appointed board, commission, committee, or official prior to making such department head appointments or removals. The Town Manager's appointments to such department head positions shall become effective on the twentieth (20) day following the day that the notice of appointment or removal is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that 20-day period, by a majority vote of the current elected members, vote to reject said appointment or removal, or sooner, by a majority vote of the current elected members, vote to affirm said appointment or removal. Department heads shall, 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 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.
- (c) Notwithstanding the provisions of Chapter 41, Section 97A of the General Laws, the Town Manager shall appoint, subject to approval by the Board of Selectmen, a police chief who shall have the authority to appoint police officers and other department personnel, subject to approval by the Town Manager. The chief shall be appointed for a term not to exceed three (3) years, but may be appointed for successive terms of office. The Town Manager may recommend removal of the chief to the Board of Selectmen, who must act within twenty (20) days to accept or reject the Town Manager's recommendation for removal. The police chief shall from time to time make suitable regulations governing the police department, and the officers thereof, subject to the approval of the Town Manager; provided, that such regulations shall become effective without

such approval upon the failure of the Town Manager to take action thereon within thirty (30) days after they have been submitted to him or her by the police chief. The police chief shall be in immediate control of all Town property used by the department, and of the police officers, whom he or she shall assign to their respective duties and who shall obey his or her orders.

- (d) Notwithstanding the provisions of Chapter 48, Section 42 of the General Laws, the Town Manager shall appoint, subject to approval by the Board of Selectmen, a fire chief who shall have the authority to appoint firefighters and other department personnel, subject to approval by the Town Manager. The chief shall be appointed for a term not to exceed three (3) years, but may be appointed for successive terms of office. The Town Manager may recommend removal of the chief to the Board of Selectmen, who must act within twenty (20) days to accept or reject the Town Manager's recommendation for removal. The fire chief shall have charge of extinguishing fires in the Town and the protection of life and property in case of fire. He or she shall purchase, subject to the approval of the Town Manager, and keep in repair all property and apparatus used for and by the fire department. He or she shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in Towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he or she may think necessary, and may remove the same at any time for cause and after a hearing. He or she shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the Town Manager from time to time as he or she may require, and shall annually report to the Town the condition of the department with his or her recommendations thereon; he or she shall fix the compensation of the permanent and call members of the fire department subject to the approval of the Town Manager. In the expenditure of money the chief shall be subject to such further limitations as the Town may from time to time prescribe.
- (e) The Town Manager shall appoint a Superintendent of Public Works and may provide an employment contract, for a period of up to three years, to provide for the salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, relocation expenses, reimbursement of expenses incurred in the performance of duties or office, liability and disability insurance, and leave, for the Superintendent of Public Works. Such an employment contract shall prevail over and preempt any provision of any local personnel bylaw, Code section, rule or regulation covering the subject matter of the employment contract. If the Town Meeting votes to appropriate the funds necessary for the first year of any contract described herein, the Town shall be bound to fund the remaining term of the contract. Nothing contained in this section shall affect the appointment or removal powers of the Town Manager over the above-referenced department head, nor shall it grant tenure to such department head.
- (f) The Town Manager shall appoint, subject to approval by the Board of Selectmen, the Board of Assessors, Conservation Commission, Council on Aging, Historical Commission, Recreation Commission, Commissioners of Trust Funds, and Southborough members of the Housing Authority, and other such offices, boards, committees, and commissions as may be provided by vote of the Town or for which no other method of appointment is provided by this Act.

Mike Ward 1/24/12 11:00 AM
Comment: Appointment authority of these two bodies has not been voted by the Committee yet.

- (g) The Town Manager shall be responsible for the management of all Town departments and the direction of the operations of the Town; provided, however, that this section shall not apply to employees of the school department.
- (h) The Town Manager shall be responsible for the efficient administration of all offices and departments under the Town Manager's jurisdiction, and of all functions for which the Town Manager is given responsibility, authority, or control by this Act, bylaw, Town Meeting vote, or vote of the Board of Selectmen.
- (i) The Town Manager may reorganize, consolidate, or establish any department or position under the Town Manager's direction or supervision, with the Board of Selectmen's approval. Any reorganization or consolidation proposal shall be made after consultation with the relevant department heads, boards, commissions, or committees. Whenever the Town Manager prepares a plan for reorganization, the Board of Selectmen shall hold one or more public hearings on the proposal. The Board of Selectmen shall give notice of the hearing, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven (7) nor more than fourteen (14) days following publication of notice. The Board of Selectmen may not vote on the proposal until after the public hearing shall have been completed, after which the Board may vote to accept or reject, but not to amend, the proposed plan.
- (j) With the approval of both the Board of Selectmen and Advisory Committee, the Town Manager may transfer all or part of any unexpended appropriation that may result from any reorganization or consolidation of department activities or functions.
- (k) The Town Manager shall establish control and data systems appropriate to monitoring expenditures by Town boards and departments in order to enable the Town Manager to make periodic reports to the Board of Selectmen and the Advisory Committee on the status of the Town's finances.
- (l) With the assistance and guidance of the Personnel Board, as long as it shall exist in the Town, the Town Manager shall develop and administer a personnel system, including, but not limited to, determination of rates of pay, the development and implementation of an ongoing training program, evaluation processes, personnel and hiring policies, practices, and regulations for Town employees.
- (m) The Town Manager shall have full jurisdiction over the rental and use of all Town facilities, except schools. He or she shall be responsible for the maintenance and repair of all Town property, including school buildings placed under his or her control by this Act or by bylaw; provided, however, that the approval of the school committee shall be obtained for all school maintenance and repair plans.
- (n) The Town Manager shall attend and participate in all regular and special Board of Selectmen meetings and Town Meetings, unless excused therefrom by the Board of Selectmen.

- (o) The Town Manager shall present periodic reports to the Board of Selectmen identifying priorities, concerns, and outcomes, etc. of the Town Manager's office and shall cause full and complete records of meetings of the Board of Selectmen to be taken and maintained.
- (p) The Town Manager shall act as the liaison with, and represent the Board of Selectmen before, state, federal, and regional authorities.
- (q) Subject to policies established by the Board of Selectmen, the Town Manager shall approve all warrants or vouchers, including payroll warrants, for payment of Town funds submitted by the Town Accountant.
- (r) The Town Manager shall be responsible for working with Town officers and departments on Town grant applications and, in consultation with the office or department receiving the grant, overseeing adherence to conditions of grants received by the Town. The Town Manager shall keep the Board of Selectmen informed periodically of the status of all grants, grant applications submitted, and grant applications being planned for submission.
- (s) The Town Manager shall prepare and submit at a public meeting to the Board of Selectmen and Advisory Committee, not later than January 30, a written proposed balanced budget for Town government, including the school department, for the ensuing fiscal year. To assist the Town Manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the Town, including the school committees, 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.
 - 1. The proposed budget shall detail all estimated revenues from all sources, and all expenditures, including debt service, for the two previous years, the current year, and the ensuing year.
 - 2. It shall include proposed expenditures for both current operations and capital during the ensuing year, together with estimated revenues and budgetary fund balance available at the close of the fiscal year, including estimated balances in special accounts.
- (t) The Town Manager shall prepare, annually, a five-year financial forecast of revenue, expenditures, including capital expenditures, and the general financial condition of the Town. Said plan shall be submitted to said Board of Selectmen, the Advisory Committee, the board of Assessors and the School Committee, and shall be made available to the public.
- (u) The Town Manager shall negotiate collective bargaining contracts on behalf of the Board of Selectmen, which contracts shall be subject to approval, ratification, and execution by the Board of Selectmen. At its discretion, the Board of Selectmen may authorize or require use of additional counsel to assist the Town Manager in the negotiations.
- (v) The Town Manager shall administer and enforce collective bargaining agreements, and personnel rules and regulations.

- (w) The Town Manager shall, with the approval of the Board of Selectmen, have the authority to prosecute, defend, and compromise all litigation to which the Town is a party, and to employ special counsel whenever in his or her judgment it may be necessary.
- (x) The Town Manager shall act as the chief procurement officer under the provisions of Chapter 30B of the General Laws, and shall be responsible for the purchasing of all supplies, materials, equipment, and services for the Town, including the bidding and awarding of all contracts, except for supplies, materials, equipment, and services for the School Department and for library books and related printed, audio-visual, or digital material purchased by the library, unless specifically requested by the School Committee or the Library Trustees, respectively.
- (y) The Town Manager shall serve as the Town's liaison to all boards, commissions, and officers. Notwithstanding their statutory duties, such boards, commissions, and officers shall seek to ensure effective and ongoing collaboration and cooperation among all entities serving the Town and to assure regular communication and shared understanding of the Town's needs and priorities as determined by the Board of Selectmen.
- (z) The Town Manager may delegate rights, powers, and authority vested in him or her to subordinates when deemed necessary by the Town Manager; provided that such staff shall comply with all applicable laws, rules, and procedures established by the Town; and provided, further, that all actions performed under such delegation shall be deemed to be the actions of the Town Manager.
- (aa) The Town Manager shall perform any other duties consistent with the office of the Town Manager as may be required by bylaw, vote of Town Meeting, or vote of the Board of Selectmen.

Section 5: Town Manager Compensation and Evaluation

- (a) The Board of Selectmen shall set the compensation of the Town Manager, not to exceed the amount appropriated by Town Meeting.
- (b) Based on the Town's adopted personnel policies, the Board of Selectmen shall be responsible for compiling feedback from Town department heads and employees directly supervised by the Town Manager, and shall provide a written annual performance evaluation to the Town Manager within thirty (30) days of his or her hire anniversary date each year. A copy of the written evaluation shall be kept on file by the Town Clerk and shall remain open for examination by the public.

Section 6: Town Manager Suspension and Removal

- (a) The Board of Selectmen may suspend or remove the Town Manager from office after first applying the following procedures, unless otherwise provided under an employment agreement.
 - 1. By the affirmative vote of a majority of its full membership, the Board of Selectmen may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager immediately following adoption and a copy shall be filed

with the Town Clerk.

2. Within five (5) days after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request with the Board of Selectmen. The Town Manager may be represented at the hearing by his or her own counsel. The Town Manager shall be entitled to present evidence, call witnesses, and, personally or through counsel, question any witness appearing at the hearing.
 3. The Board shall convene said hearing not less than twenty (20) but not more than thirty (30) days after a request is filed. The Board of Selectmen shall give the Town Manager not less than five (5) days written notice of the date, time, and location of said hearing. The Town Manager may waive, in writing, such time limits.
 4. The Town Manager may file a written statement with the Board of Selectmen responding to the reasons cited for the proposed removal. The Board of Selectmen shall receive said statement not less than forty-eight (48) hours prior to the time set for said hearing.
- (b) The Board of Selectmen may, by the affirmative vote of a majority of its full membership, adopt a final resolution of removal that shall be effective upon adoption, as follows:
1. If the Town Manager does not request a public hearing, then upon the expiration of ten (10) days from the date of delivery to him or her of the preliminary resolution of removal, the Board may act as stated above.
 2. If the Town Manager does request a public hearing, then five (5) days from the completion of the public hearing, or forty-five (45) days from the date of the adoption of the preliminary resolution, whichever occurs later, the Board of Selectmen may act as stated above. Failure to adopt a final resolution of removal within the time limitations provided in this section shall nullify the preliminary resolution of removal.
- (c) This section vests all authority and fixes all responsibility for such suspension or removal in the Board of Selectmen. The action of the Board of Selectmen in removing the Town Manager shall be final. The Town Manager shall continue to receive his or her salary until a final resolution of removal has become effective, unless otherwise provided under an employment contract or General Laws.

Section 7: Town Manager Temporary Absence or Vacancy

- (a) During a temporary absence, the Town Manager shall, by letter filed with the Town Clerk and with the Board of Selectmen, designate a qualified Town official or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence, the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed, whereupon the Board of Selectmen may appoint another qualified Town official or employee to serve until the Town Manager shall return. The powers of an acting Town Manager appointed under this subsection shall be limited to urgent matters and shall include temporary or emergency appointments or employment.
- (b) Any vacancy in the office of Town Manager must be filled by the Board of Selectmen as soon as feasible following the procedures described in Section 3. Pending such permanent appointment, the Board of Selectmen shall appoint a qualified individual to perform the duties of the office on

an interim basis. Such interim appointment may not exceed six (6) months, but one renewal may be voted by the Board of Selectmen not to exceed an additional three (3) months. The Board of Selectmen shall set the compensation for such person.

Section 8: Advisory Committee

- (a) The composition, terms, and procedures of the Advisory Committee shall be as provided by the general bylaws of the Town.
- (b) The purpose of the Advisory Committee shall be: (1) to advise Town Meeting on articles coming before it, including the annual operating and capital budgets prepared by the Town Manager under the policy guidance of the Board of Selectmen, (2) to analyze and approve requests for transfers from the reserve fund during the course of the year, and (3) to perform other advisory duties as provided by Town bylaws or by vote of Town Meeting.
- (c) The Advisory Committee shall have the authority to examine the books and accounts of any department of the Town by submitting a written request to the Town Manager, and the books and accounts of all departments of the Town shall be open to review of the Committee in such form as the Town Manager shall determine.

Section 9: General Provisions

- (a) In accordance with any applicable laws, bylaws, votes of the Town, or inter-local agreements, the following offices, positions, boards, and committees shall be elected under this Act.
 - 1. Board of Selectmen – Five members for terms of three years.
 - 2. Town Moderator – One person for a term of one year.
 - 3. Southborough School Committee – Five members for terms of three years.
 - 4. Northborough/Southborough Regional School District Committee – As provided by the School District Agreement.
 - 5. Assabet Valley Regional Vocational School District Committee – As provided by the School District Agreement.
 - 6. Board of Library Trustees - Six members for terms of three years.
 - 7. Board of Health – Three members for terms of three years.
 - 8. Planning Board – Five members for terms of five years.
- (b) Subject only to the provisions of this Act or express prohibition by the General Laws, the board of library trustees, the board of health, and the planning board shall retain all statutory authorities and responsibilities provided to such boards by the General Laws, and as may be provided by Town bylaws following adoption of this Act; provided, however, that it is the intent of this Act for said boards to submit their annual budgets to the Town Manager in such manner as the Town Manager shall request of all other Town departments; and provided, further, that the library director, town planner, and health director, or any officer exercising like duties, shall be appointed by and may be removed by the Town Manager, in accordance with the provisions of Section 4B.
- (c) Elected and appointed officers, officials, and employees of the Town are expected to demonstrate, in their general conduct and in the performance of their duties and responsibilities,

the highest ethical standards. Elected and appointed officers, officials, and employees of the Town are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacity they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the Town shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every person.

- (d) All appointments and promotions of Town officers and employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability including, but not limited to, past performance or seniority.
- (e) The provisions of this Act are severable. If any provision of this Act is held to be invalid, the other provisions shall remain in full force and effect and shall not be affected thereby. If the application of this Act or any of its provisions to any person or circumstances is held to be invalid, the application of this Act and its provisions to other persons and circumstances shall not be affected thereby. To the extent that any specific provision of the Act shall conflict with any provision expressed in general terms, the specific provision shall prevail.
- (f) All bylaws, resolutions, rules, regulations, and votes of the Town Meeting which are in force at the time this Act is adopted, not inconsistent with the provisions of this Act, shall continue in full force until amended or repealed. Where provisions of this Act conflict with provisions of Town bylaws, rules, regulations, orders, and special acts and acceptances of laws of the Commonwealth, the Act's provisions shall govern. All provisions of Town bylaws, rules, regulations, orders and special acts not superseded by this Act shall remain in force.
- (g) All records, property, and equipment whatsoever of any office, board, commission, committee or agency, or part thereof, the powers and duties of which are assigned in whole or in part to another Town office, board, commission or agency shall be transferred forthwith to such office, board, commission or agency.
- (h) Except as provided by this Act, any person holding a Town office or employment under the Town shall retain such office or employment, as near to his or her prior position as possible, 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.
- (i) Sections 9-13A and 9-13D of Article III of the Town bylaws hereby stand repealed.

Section 10: Transition Provisions

- (a) At the annual election following the ratification of this Act, two (2) additional Selectmen shall be elected, such that one office shall appear on the ballot as serving a term that shall expire in the third year following adoption of this Act, and one office shall appear on the on the ballot as serving a term that shall expire in the second year following adoption of this Act. Thereafter, as the terms of the Selectmen expire, successors shall be elected for terms of three (3) years.

- (b) Elected members of the Board of Assessors, Housing Authority, and Commissioners of Trust Funds, who hereafter under this Act shall be appointed, shall serve the balance of the terms for which they were elected; thereafter, their successors shall be appointed in accordance with the Section 4F of this Act.
- (c) The incumbent Town Clerk elected at the annual Town election on May 9, 2011 shall complete the term to which elected and shall thereafter hold the position of appointed Town Clerk. Upon the vacating of office by said incumbent Clerk by resignation, retirement, or other cause, such office will be subject to appointment as provided by Section 4B of this Act.
- (d) The Personnel Board of five members shall serve until two years following the appointment of the Town Manager. At such time, the remaining members shall serve in an advisory capacity to the Town Manager, and shall meet as the Town Manager shall determine. Upon the expiration of the terms of all remaining members, the Personnel Board shall cease to exist and all powers and duties as assigned by law or regulation to the Board shall be assumed by the Town Manager; provided, however, that the Town Manager may, with the approval of the Board of Selectmen, maintain the Personnel Board in an advisory capacity and may continue to appoint members to said Board.
- (e) Not later than one hundred and twenty (120) days after the appointment of a Town Manager under this Act, the Board of Selectmen shall appoint five (5) persons to be a committee to begin a review of the Town bylaws for the purpose of preparing revisions and amendments as may be needed or necessary to bring them into conformity with this Act. The committee shall submit a report, with recommendations, to the Annual Town Meeting in the year following the year in which this Act takes effect. The review shall be conducted under the supervision of the town counsel or by special counsel appointed for that express purpose.
- (f) Upon the effective date of this Act, subject to the General Laws, the following multiple-member bodies shall be eliminated and any remaining duties shall be transferred to other multiple-member bodies as determined by the Board of Selectmen to be appropriate:
1. Industrial Development Commission
 2. Industrial Development Financing Authority
- (g) Notwithstanding any provision of this Act to the contrary, it is not expected that the first person to serve as Town Manager shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties, and responsibilities assigned by this Act to the office. It is recognized that in the best long-range interest of the Town of Southborough, that such assumption must be gradual and on a phased-in basis.
- (h) This act shall be submitted for acceptance to the voters of the Town of Southborough at an annual or special town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the general court in the year 2012, entitled 'An Act Providing for a Town Manager for the Town of Southborough' be accepted?" If a majority of the votes cast in answer to the question is in the affirmative, this Act shall take effect in the Town of Southborough, but not otherwise.