

ARTICLE 29. BOARD OF PUBLIC WORKS

29.1. Membership. The Town shall have an elected Board of Public Works consisting of three residents.

29.2. Term. The term of office shall be three years.

29.3. General Duties. Under relevant special acts and Chapter 41, Sections 69C through 69F, the Board shall have the powers and duties of road commissioners, surveyors of highways, superintendent of streets, water commissioners, and sewer commissioners. The Board shall also:

- a. Establish policies for reduction, reuse, recycling, collection and disposal of garbage and solid waste, including regulations governing the use of the Recycling and Disposal Facility, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws.
- b. provide engineering services for the Town;
- c. provide maintenance or other related services for those Town departments requesting such maintenance or service;
- d. carry out maintenance, tasks and work affecting natural resources in accordance with general policies established by the Natural Resources Commission pursuant to Section 43.4.c., except when the public safety and welfare requires the Department instead to perform other maintenance, tasks or work on a temporary basis;
- e. establish rules and regulations to effectively prohibit pollutants and non-storm water discharges from entering the Town's storm water collection system, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws. *(Section added ATM 2004, Art. 29)*
- f. serve as the Board designated by the Town to issue permits for the excavation of trenches on privately owned land and on public ways within the Town. Said Board shall establish rules and regulations to effectively regulate the same, said regulations also to establish such fines and other penalties for infractions of said regulations as the Board of Public Works shall deem appropriate, not to exceed, however, \$200 (two hundred dollars) for any offense, each violation to constitute a separate offense. Regulations providing for fines or other penalties shall be implemented only after a public hearing and shall be subject to the procedure governing non-criminal disposition as set forth in Article 52 of these Bylaws. *(Section added, ATM 2009, Art 37)*

29.4. Director of Public Works. The Board shall appoint a Director of Public Works who shall:

- a. have the qualifications prescribed in the General Laws;

- b. hold office subject to the will of the Board;
- c. exercise and perform, under the supervision of the Board, such of the powers and duties of the Board as it may delegate to the Director.

29.5. Utilities. The water and sewer facilities shall be under the charge and control of the Board, subject to applicable statutes. The Board shall fix rates and charges for these services, and enact policies and procedures in connection with the operation, extensions, and services of those facilities.

29.6. Town Engineer. The Board shall appoint the Town Engineer who shall:

- a. have the qualifications prescribed in the General Laws;
- b. be in charge of the engineering work provided by the Department, subject to the direction and control of the Director.

29.7. Budgets. The Board shall present to the Advisory Committee separate budgets for the several divisions under its control.

29.8. Annual Report. In addition to the requirements of Article 4, the Board's annual report shall include:

- a. all engineering work and all work done on the public ways, the water and sewer plants, and collection and disposal of garbage and solid waste;
- b. all work done at the request of the Natural Resources Commission;
- c. all work done at the request of other Town departments;
- d. a review of the condition of the waterworks and sewerage plants; and
- e. a review of the condition of other facilities under the Board's control.

29.9. General Provisions. The Board shall also be governed by Articles 2 through 7 of these Bylaws and other provisions of these Bylaws applicable generally to all boards, except as it is specifically directed by law or a provision of these Bylaws to act otherwise.

29.10. Temporary Minor Repairs to Private Ways. The Town may make temporary minor repairs to private ways which have been opened to public use for two years or more and provided that such repairs are required by public necessity as shall be determined solely by the Board of Public Works. Such repairs shall be made only if petitioned for by the majority of the abutters, except in the case of special emergency involving the health or safety of people or their property as determined by said Board in its sole discretion. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said repairs. The extent and type of repairs shall be determined by the Board of Public Works and shall only include the filling in of holes or depressions with material to be the same as, or similar to, those materials existing on such ways; but shall not include drainage. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this Bylaw.