

**HOUSE . . . . . No. 3634**

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The Commonwealth of Massachusetts

PRESENTED BY:

*John V. Fernandes and Ryan C. Fattman*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing a municipal finance department for the town of Milford.

PETITION OF:

NAME:

*John V. Fernandes*

DISTRICT/ADDRESS:

*10th Worcester*

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By Representative Fernandes of Milford and Senator Fattman, a joint petition (accompanied by bill, House, No. 3634) of John V. Fernandes (by vote of the town) that the town of Milford be authorized to establish a municipal finance department for said town. Municipalities and Regional Government. [Local Approval Received.]

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act authorizing a municipal finance department for the town of Milford.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. There shall be a department of municipal finance which shall be responsible  
2 for the performance of all fiscal and financial activities of the town, including those duties and  
3 responsibilities related to municipal finance activities which prior to the effective date of this act  
4 were performed by or under the authority of the town accountant, town treasurer and tax  
5 collector. Although the board of assessors shall be part of the department of municipal finance,  
6 the board of assessors shall continue to exercise all of the duties and responsibilities of a board of  
7 assessors under the General Laws, except as otherwise provided in section 3 of this act. The  
8 department of municipal finance shall have such additional powers, duties and responsibilities  
9 with respect to municipal finance-related functions and activities as the town may from time to  
10 time provide by by-law.

11 SECTION 2. The department of municipal finance shall be under the direct control and  
12 supervision of a director of municipal finance who shall be appointed by and be responsible to

13 the Board of Selectmen, upon the recommendation of the town administrator. The director of  
14 municipal finance shall be a person especially fitted by education, experience and training to  
15 perform the duties of the office. The educational qualifications shall consist of an advanced  
16 degree, preferably in accounting or business administration, granted by an accredited degree-  
17 granting college or university. The professional experience shall include at least 3 years of prior  
18 full time compensated service in accounting or business administration. Alternatively, 5 years or  
19 more of such professional experience and a bachelor's degree in an appropriate discipline shall  
20 qualify an applicant. Five years or more of prior full time compensated experience in accounting  
21 or business administration shall also qualify any applicant. The board of selectmen may waive  
22 the education or experience requirements of this section. The salary, fringe benefits and other  
23 conditions of employment of the director of municipal finance, including but not limited to,  
24 severance pay, relocation expenses, reimbursement for expenses incurred in the performance of  
25 his duties or office, liability insurance, conditions of discipline, termination, dismissal,  
26 reappointment, performance standards and leave may be established by contract.

27         SECTION 3. The director of municipal finance shall be responsible for the supervision  
28 and coordination of all activities of the department in accordance with the General Laws, town  
29 by-laws, administrative codes and rules and regulations. The director of municipal finance may  
30 also serve as the town accountant and shall be responsible for coordinating the fiscal  
31 management procedures of the office of the town treasurer, tax collector, board of assessors and  
32 town accountant, and shall be the administrator of budgeting, including financial reporting,  
33 accountability and control, as well as an advisor on financial and programmatic implications of  
34 current and future policies to all town departments, the town Administrator and the board of  
35 selectmen. The finance director shall be responsible for coordinating all financial tasks required

36 by the General Laws, and shall accomplish such tasks in accordance with the dates specified in  
37 the Massachusetts department of revenue municipal calendar, as it may be amended from time to  
38 time.

39           SECTION 4. Upon the effective date of this act, the position of elected tax collector in  
40 Milford shall be abolished and the term of the elected incumbent shall be terminated. The  
41 appointed town accountant holding office as of the effective date of this act shall become the  
42 director of municipal finance. The appointed, or elected, incumbents holding the offices of town  
43 treasurer and tax collector as of the effective date of this act, shall thereupon become the first  
44 appointed town treasurer and tax collector, respectively. The town treasurer and tax collector  
45 shall, subject to appropriation, maintain the same salary and benefits as they have received in  
46 their elected or appointed capacities. Notwithstanding sections 108A & 108C of Chapter 41 of  
47 the General Laws and any By-Law adopted under those sections, the board of selectmen may  
48 establish an employment contract with a director of municipal finance, treasurer, or tax collector  
49 appointed hereunder upon the same terms and conditions, and subject to the same limitations as  
50 contained within Section 108N of said chapter 41, applicable to other municipal employees as  
51 designated within that section. The town treasurer and tax collector shall be employees of the  
52 department of municipal finance under the direction and supervision of the director of municipal  
53 finance. Thereafter, appointments to the position of town treasurer and tax collector will be made  
54 by the board of selectmen upon consultation with the town administrator and director of finance.

55           SECTION 5. This Act shall take effect upon its passage.