



BRIDGEWATER TOWN COUNCIL

Tuesday, November 21, 2017

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2017 NOV 17 P 12:23

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) November 7, 2017

B. ANNOUNCEMENTS FROM THE PRESIDENT

- a) Presentation of Korean War Peace Medals

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Library Trustee – Jeff Rhind
- b) Board of Health – Leslie Reed
- c) Conservation Commission – Eileen Prisco

F. HEARINGS

- a) **7:40 p.m.:** Order O-2016-027 – Accept Changes to Home Rule Charter

After a final recommendation from the Rules and Procedures Committee to return this measure back to the Council with a recommendation to accept amendments, the Town Council voted to send the matter for advertising and a hearing. This hearing has been duly advertised in the Enterprise and on the Town's website and may be finally considered this evening at the close of the hearing.

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY18-014: Town Council Acceptance of Proposal & Authorization for the Town Manager to Negotiate a Purchase & Sale for the McElwain School

At their meeting held 11/15/17, the Community & Economic Development Committee voted to recommend approval of this measure. This measure may be finally considered this evening.

- b) Resolution R-FY18-003: Bridgewater's FY2019 Budget Policy Guidelines

The Budget & Finance Committee meet 11/21/17 and will provide their disposition to the full Council. This measure may be finally considered upon the receipt of committee disposition.

M. OLD BUSINESS

- a) Ordinance D-FY18-005: Zoning Ordinance - Prohibiting the Retail Sale of Recreational Marijuana

At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community & Economic Development Committee voted to recommend the Town Council adopt this measure with amendments. The Planning Board voted to recommend this ordinance. This measure requires advertising, therefore may not be finally considered this evening.

- b) Ordinance D-FY18-002: Zoning Ordinance - Temporary Moratorium on the Sale and Distribution of Marijuana

At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community &

Economic Development Committee voted to recommend the Town Council reject this measure. The Planning Board voted not to recommend this ordinance.

- c) Ordinance D-FY19-008: Zoning Ordinance - Elm Street Retail Overlay Usage
At their meeting held 11/7/17. The Town Council voted to postpone this matter to 11/21/17 pending the disposition of the Community & Economic Development Committee and Planning Board.
- d) Ordinance D-FY18-009: General Ordinance - Amend Tax Fees Table - Retail Tax on Marijuana Sales
At their meeting held 11/7/17. The Town Council voted to postpone this matter to 11/21/17 pending the disposition of the Community & Economic Development Committee and Planning Board.
- e) Ordinance D-FY18-003: Zoning Ordinance - Rezone Lots on Easy Street to Residential A/B.
At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community & Economic Development Committee voted to recommend the Town Council adopt this measure with amendments. The Planning Board voted to recommend this ordinance with amendment. This measure requires advertising, therefore may not be finally considered this evening.

N. NEW BUSINESS

- a) Ordinance D-FY18-011: Zoning Ordinance – Amend Elm Street Retail Overlay (ERO) District
(Councilor Haley)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Order: O-2016-027

Proposed Amendments

Introduced By:	Councilors Aisha Losche and William Wood
Date Introduced	November 15, 2016
First Reading:	November 15, 2016
Second Reading:	May 9, 2017
Third Reading:	June 27, 2017
Fourth Reading:	September 5, 2017
Fifth Reading/Public Hearing:	November 21, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order #O-2016-027

ACCEPT CHANGES TO BRIDGEWATER'S HOME RULE CHARTER

Ordered that, ~~that~~ the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt the changes set forth in the following document, "Town of Bridgewater's Home Rule Charter with Changes Noted" and submit these changes to the Town Charter to the Legislature as a Special Act, pursuant to Article 89, Section 8, with all due speed; said such Special Act making changes changes to Bridgewater's Home Rule Charter, shall to be contingent upon, and become effective only after, approval by the voters of Bridgewater relative to each specific change contained therein.-

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Rules & Procedures - Referred back to Rules & Procedures – 5/9/17 and 6/27/17 - A public hearing has been duly advertised in the Enterprise and on the Town's website. This measure may be finally considered at the conclusion of the hearing.	5/2/17: Vote 3-0 recommend to full council with amendments. 6/26/17: Vote 3-0 recommend to full council with amendments and support one ballot question 8/15/17: Vote 3-0 recommend to full Council with amendments and recommend one ballot question.

ROLL CALL VOTE REQUIRED

Charter Changes Ad Summary

Charter Section	Summarization of Material Changes
ARTICLE I - INCORPORATION AND AUTHORITY	
Definitions	Section relocated from Section 1-9 to preface of document. Wording of existing definitions clarified and typographical errors corrected. Several new definitions added
Sections 1-1 through 1-8	No material changes. Typographical errors corrected.
ARTICLE II - LEGISLATIVE BRANCH	
Section 2-1. Composition; Eligibility; Term of Office	• Typographical errors corrected in all subsections.
• Subsection (c) • Subsection (d)	• Changes Councilor term of office beginning date from second Monday following election to the day following the election. • New section added for Prohibitions
Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties	• Typographical errors corrected in all subsections
• Subsection (c) (5) • Subsection (c) (6)	• Establishes State of Town Address is held on or before March 15th each year. • Clarifies one Meeting of the General Public will be part of State of the Town Address and addresses publication requirement as required by state law
Section 2-4. Council Vice President	• No material changes. Typographical errors corrected in all subsections
Section 2-5. Filling of Vacancies	• No material changes. Typographical errors corrected in all subsections.
Section 2-6. Exercise of Powers; Quorum; Rules of Procedure	• Typographical errors corrected in all subsections
• Subsection (c) • Subsection (c) (1) – (14)	• Consolidates language relative to where Rules of Procedure are available to public • No material changes. Converts former narrative to enumerated Rules of Procedure
Section 2-7. Measures; Emergency Measures; Charter Objection	• Typographical errors corrected in all subsections
• Subsection (a) • Subsection (c)	• Establishes measures will become effective 72 hours after passage, except as required by MGL. • Enumerates steps for Charter Objections
Section 2-8. Council Staff	• No material changes. Typographical errors corrected in all subsections.
Section 2-9. Publication Requirements	• Changes publication requirements to be posted on the Town's website and in accordance with the requirements of MGL.
Section 2-10. Delegation of Powers	• No material changes. Typographical errors corrected in all subsections.
Section 2-11. Inquiries and Investigations	• No material changes. Typographical errors corrected in all subsections.
Section 2-12 Compensation; Expenses	• Section eliminated in its entirety. Eliminates term limits for Town Councilors.
Section 2-13 (Renumbered to Section 2-12).	• Typographical errors corrected in all subsections. Enumerates subsections.
• Subsection 2-12 (a)	• Establishes stipend of \$3,000 for Town Councilors
ARTICLE III - ELECTED OFFICIALS	
Section 3-1. General Provisions	• Typographical errors corrected • Removes Town Clerk from offices to be filled by ballot of voters • Removes redundancy in eligibility to hold elected town office; refers back to (revised) section 2-1(d)
Section 3-2. Library Trustees	• Typographical errors corrected in all subsections.
• Subsection (b)	• Changes Library Trustees term start date to day following election.
Section 3-3 (<i>New Section</i>) <i>Elected Official Recall Provision</i>	• Inserts new section for Elected Official Recall Provision • Typographical errors corrected in all subsections. Enumerates subsections.
Section 3-4. Town Clerk	• Removes "Town Clerk" section in its entirety
ARTICLE III-A: TOWN CLERK (<i>New Article</i>)	

Section 3-A. Appointment, Term of Office, Powers and Duties	Establishes Appointment, Term of Office, Powers and Duties
- Subsection (a) - Subsection (b) - Subsection (c)	- Establishes appointment by Town Council - Establishes three-year term of office - Defines powers and duties in addition to those provided under general or special law, charter, ordinance or other Town Council vote.
ARTICLE IV – TOWN MANAGER	
Section 4-1. Appointment, Qualifications, Term of Office	No material changes. Typographical errors corrected.
Section 4-2. Administrative Powers and Duties	Corrects typographical errors in all subsections.
- Subsection (a) (1) – (26) - Subsection (b) (<i>renumbered subsection</i>)	- No material changes - Renumbered from previous section (1) a. to Subsection B. No material changes to content.
Section 4-3. Powers of Appointment	No material changes. Typographical errors corrected in all subsections.
Sections 4-4 – 4-7	No material changes. Typographical errors corrected.
Section 4-8. Removal of Town Manager	Corrects typographical errors in all subsections
Subsections (1) – (7)	Converts former narrative to enumerated steps for removal of Town Manager
Section 4-9. Annual Review of the Town Manager	No material changes. Typographical errors corrected.
ARTICLE V – ADMINISTRATIVE ORGANIZATION	
Sections 5-1 – 5-3	No material changes. Typographical errors corrected in all subsections.
ARTICLE VI – FINANCIAL MANAGEMENT	
Section 6-1. Annual Budget Policy	No material changes. Typographical errors corrected in all subsections.
Section 6-2. Submission of Budget; Budget Message	- Typographical errors corrected in all subsections. - Moves language relative to preliminary budget to beginning of section. - Establishes proposed operating budget submission date as “no later than April 1” from “by the first Town Council meeting in April”. - Generally streamlines all other language in section.
Section 6-3. Action of the Budget	Typographical errors corrected in all subsections.
Subsection (a)	Clarifies public hearing publication requirement.
Subsection (c)	Subsection relative to mid-year budget to actual assessment eliminated.
Section 6-4. Supplementary Budgets and Appropriations	- Typographical errors corrected in all subsections - Clarifies public hearing notice in newspaper of general circulation in the Town if required by state law or on the Town’s official website.
Subsection (b)	References emergency appropriations as provided under MGL c 44, section 31
Subsection (d)	- Authorizes Finance Director with concurrence of Town Manager and notification to the Council to transfer up to a maximum amount cited in MGL Chapter 30B, Section 5 of unencumbered appropriation balance to other departments. - Authorizes Finance Director with concurrence of Town Manager and notification to the Council to transfer up to a maximum amount cited in MGL Chapter 30B, Section 5 among departmental line items.
Subsection (e)	Adds language which references MGL Chapter 44, Sections 7, 8 and 10 relative to municipality debt
Section 6-5. Administration and Fiduciary Oversight of the Budget	No material changes. Typographical errors corrected.
Section 6-6. Capital Improvements Program	Typographical errors corrected in all subsections.

• Subsection (a) • Subsection (b)(4) • Subsection (c)	• Changes “shall” to “may” • Changes submission date to be established by ordinance • Changes “recommended time” to “implementation” • Final paragraph consolidates language establishing contents will be reviewed annually. • Changes public hearing publication requirements to the Town’s Website and as required by MGL.
Section 6-7. Long Term Financial Forecast	• No material changes. Typographical errors corrected.
Section 6-8. Annual Independent Audit	• All typographical errors corrected in section • Changes Town Council to Town Manager • Changes Council’s Audit Committee responsibility to receive report and present report to Town Council. • Consolidates language pertinent to selection of accountant or firm • Establishes the Town Manager to designate an accountant or firm and the Town Council to ratify the selection.
Section 6-9. Finance Committee	• Typographical errors corrected in all sections. • Changes narrative format to enumerated subsections
• Subsection (a) (newly enumerated) • Subsection (b)	• Establishes membership of Finance Committee to be established by ordinance. • Requires report of committee to be in writing and eliminates “10 days prior to Town Council meeting” • Streamlines budget process involvement and establishes Town Manager “or designee” to have ex-officio, non-voting membership.
Section 6-10. Financial Management Standards	• No material changes. Typographical errors corrected.
Section 6-11. Public Records	• No material changes. Typographical errors corrected.
ARTICLE VII – ELECTIONS AND; RELATED MATTERS	
Sections 7-1 – 7-5	• No material Changes. Typographical errors corrected.
• ARTICLE VIII – CITIZEN PARTICIPATION MECHANISMS	
• All Sections and Subsections	• Typographical errors corrected • All references to “Elected Town Clerk” changed to “Town Clerk”
• Section 8-1 Citizen Initiative Measures (e) – Publication	• Changes publication requirement by local newspaper if required by state law and on Town’s website.
ARTICLE XVI – GENERAL PROVISIONS	
Sections 9-1 – 9-3	• No material changes. Typographical errors corrected.
Section 9-4. Charter Revision or Amendment	• Typographical errors corrected in all sub-sections.
• Subsection (c)	• New section added “Continuation of Existing Laws”
Sections 9-5 – 9-8	• No material changes. Typographical errors corrected.
ARTICLE X – TRANSITIONAL PROVISIONS	
Sections 10-1 – 10-6	• All original sections eliminated
Section 10-7. Time of Taking Effect	• Renumbered to Section 10-1 • Adds language establishing appointed Town Clerk position to be created at the expiration of the elected Town Clerk’s term or upon vacancy.
• All remaining sections and subsections	• All remaining sections and subsections eliminated

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BRIDGEWATER TOWN CHARTER
PROPOSED AMENDMENTS IN “TRACK CHANGES” VIEW
RULES AND PROCEDURES COMMITTEE
SEPTEMBER 1, 2017

1 ARTICLE 1-INCORPORATION AND AUTHORITY

2 DEFINITIONS

As used in the ~~charter~~ Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

<u>Term</u>	<u>Definition</u>
<u>Administrative code</u>	<u>A written description of the administrative organization of town Town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town Town office, department and multiple member body consistent with this charter Charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the Town.</u>
<u>Charter</u>	<u>This Charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.</u>
<u>City</u>	<u>The body politic and corporate called the Town of Bridgewater in this Charter.</u>
<u>Department Head</u>	<u>Department Heads shall be defined by ordinance and shall appear in the Administrative Code.</u>
<u>Emergency</u>	<u>A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.</u>
<u>Emergency Measure</u>	<u>An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.</u>
<u>Ex-Officio</u>	<u>An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally “from the office,” and the sense intended is “by right of office.”</u>
<u>Experts</u>	<u>A person or persons who has special skill or knowledge in some particular field.</u>
<u>Group Petition</u>	<u>A request signed by at least 150 voters, as certified by the Town</u>

	<u>Board of Registrars of Voters, or its successor</u>
<u>Individual petition</u>	<u>A petition signed by a voter, as certified by the town Town board of registrarsBoard of Registrars of Votersvoters, or its successor</u>
<u>Initiative Petition</u>	<u>An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten10 voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General's Office.</u>
<u>Majority vote</u>	<u>A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter Charter, or by the town council Town Council's own rules.</u>
<u>Measure</u>	<u>An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the town council Town Council.</u>
<u>Multiple member body or organization</u>	<u>Any board, commission or committee in the town Town.</u>
<u>Order</u>	<u>In a general sense, a mandate or precept; a command or direction authoritatively given.</u>
<u>Ordinance</u>	<u>A law, statute, or regulation enacted by the municipal government.</u>
<u>Quorum</u>	<u>In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.</u>
<u>Referendum Petition</u>	<u>A referendum petition is a way for citizens to seek to repeal a law recently enacted by the Town Council Town Council.</u>
<u>Resolution</u>	<u>The official expression of the opinion or will of the body.</u>
<u>Special election</u>	<u>An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.</u>
<u>Supplemental Appropriation</u>	<u>Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.</u>

<u>Town agency or agency</u>	<u>A board, commission, committee, department or office of townTown government, whether elected, appointed or otherwise constituted.</u>
<u>Town officer</u>	<u>An individual who has been elected or appointed to exercise the functions of a townTown office for the benefit of the public. TownTown officers are distinguishable from other employees in that they are required to take an oath of office.</u>
<u>Voters</u>	<u>Registered voters of the townTown</u>

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3 Section 1-1. Incorporation
4

5 The inhabitants of the Town of Bridgewater, within its territorial limits as now or may hereafter
6 be established by law, shall continue to be a body politic and corporate, known as the “Town of
7 Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.
8

9 Section 1-2. Short Title
10

11 This instrument may be cited and shall be known as the Bridgewater ~~H~~ome ~~R~~ule ~~C~~harter.
12

13 Section 1-3. Division of Powers
14

15 All legislative powers of the ~~T~~own shall be exercised by a ~~town-council~~Town Council. The
16 administration of all ~~town~~Town fiscal, business and municipal affairs shall be vested in the
17 executive branch headed by the ~~T~~own ~~M~~anager.
18

19 Section 1-4. Powers of the Town
20

21 The intent and purpose of this ~~charter~~Charter is to secure for the voters of the ~~T~~own of
22 Bridgewater, through the adoption of this ~~charter~~Charter, all the powers possible to secure for
23 their government under Article LXXXIX of the Amendments to the Constitution and ~~laws~~Laws
24 of the ~~C~~ommonwealth.
25

26 Section 1-5. Interpretation of Powers
27

28 The powers of the ~~town~~Town under the ~~charter~~Charter shall be construed and interpreted
29 liberally in favor of the ~~T~~own, and the specific mention of a particular power is not intended to
30 limit in any way the general powers of the ~~T~~own as enumerated in ~~S~~ection 1-4.
31

32 Section 1-6. Intergovernmental Relations
33

34 The ~~T~~own may enter into agreements with any other unit of government to perform jointly or in
35 cooperation, by contract or otherwise, any of its powers or functions.
36

37 Section 1-7. Town Seal and Town Flag
38

39 The ~~town~~Town seal and ~~town~~Town flag in existence at the time this ~~charter~~Charter is adopted,
40 unless the ~~town-council~~Town Council shall adopt another seal or flag, shall continue to be the
41 ~~town~~Town seal and ~~town~~Town flag and shall be kept in the custody of the ~~elected~~ ~~T~~own
42 ~~C~~lerk. Papers or documents issued from any office or board of the ~~T~~own may be attested by
43 use of the ~~town~~Town seal. The ~~town~~Town flag shall be displayed within the ~~town-council~~Town
44 ~~C~~ouncil chambers.
45

46 Section 1-8. Ethical Standards

1
2 Elected and appointed officers and employees of the ~~town~~Town are expected to demonstrate the
3 highest ethical standards, which shall be in compliance with all state and federal laws. Elected
4 and appointed officers and employees are expected to recognize that they act as agents of the
5 public, that they hold offices or positions for the benefit of the public, that the public interest is
6 their primary concern and that they are expected to faithfully discharge the duties of their
7 offices or positions regardless of personal considerations. Elected officers and employees shall
8 not use their official positions to secure or to grant special consideration, treatment, advantage,
9 privilege or exemption to themselves or to any other person beyond that which is available to
10 every other person.
11

12 ~~Section 1-9. Definitions~~

13 ~~As used in the charter, the following words shall, unless the context clearly requires otherwise,~~
14 ~~have the following meanings:-~~
15

16 ~~"Administrative code", a written description of the administrative organization of town offices,~~
17 ~~departments and multiple member bodies. The administrative code shall state the mode of~~
18 ~~selection, either appointed or elected, term of office and general powers and duties of each town~~
19 ~~office, department and multiple member body consistent with this charter and applicable state~~
20 ~~law.~~
21

22 ~~"Charter", this charter and any amendments to it made through any methods provided under~~
23 ~~Article LXXXIX of the Amendments to the Constitution.~~
24

25 ~~"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which~~
26 ~~necessitates immediate action.~~
27

28 ~~"Majority vote", a majority of those present and voting, provided a quorum is present when a~~
29 ~~vote is taken, unless a higher number is required by law, this charter, or by the town council's~~
30 ~~own rules.~~
31

32 ~~"Measure", an ordinance, order, resolution or other vote or proceeding adopted, or which may~~
33 ~~be adopted by the town council.~~
34

35 ~~"Multiple member body", any board, commission or committee in the town.~~
36

37 ~~"Town", the body politic and corporate called the town of Bridgewater.~~
38

39 ~~"Town agency or agency", a board, commission, committee, department or office of town~~
40 ~~government, whether elected, appointed or otherwise constituted.~~
41

42 ~~"Voters", registered voters of the town.~~
43

44 ~~"Town officer", an individual who has been elected or appointed to exercise the functions of a~~
45 ~~town office for the benefit of the public. Town officers are distinguishable from employees in~~

1 ~~that they are required to take an oath of office and are appointed or elected to specified terms of~~
2 ~~office.~~

3 4 5 6 ARTICLE II- LEGISLATIVE BRANCH

7 8 Section 2-1. Composition; Eligibility; Term of Office

9
10 (a) Composition - There shall be a ~~T~~town ~~C~~ouncil consisting of nine members which shall
11 exercise the legislative powers of the ~~T~~town. Seven of these members, to be known as
12 ~~D~~istrict ~~C~~ouncilors, shall be nominated and elected by and from the voters of the seven
13 districts into which the ~~T~~town is divided, and two of the members, to be known as
14 ~~C~~ouncilors-at-~~L~~arge, shall be nominated and elected by and from the voters at large.

15
16 (b) Eligibility - Any voter shall be eligible to hold the office of ~~C~~ouncilor-at-~~L~~arge. A
17 ~~D~~istrict ~~C~~ouncilor must be a voter and resident of the district in which election is sought.
18 If a ~~D~~istrict ~~C~~ouncilor or a ~~C~~ouncilor-at-~~L~~arge moves out of the ~~T~~town during the term
19 for which elected, such office shall immediately be deemed vacant and filled in the manner
20 provided in section 2-5. If a ~~D~~istrict ~~C~~ouncilor moves from the district from which the
21 ~~C~~ouncilor is elected, or is removed by a change in district lines, and more than 14 months
22 remains of the term for which elected, the office shall be deemed vacant and shall be filled
23 in the manner provided in section 2-5. If less than six months of the term remains, the
24 ~~D~~istrict ~~C~~ouncilor who remains a resident of the ~~town~~Town may continue to serve during
25 the term for which elected.

26
27 (c) Term of Office - The term of office of ~~district councilor~~District Councilors and ~~C~~ouncilors-
28 at-~~L~~arge shall be staggered terms of three years each, beginning on ~~the day~~the second
29 Monday following ~~the~~ election and continuing until their successors are qualified.

30
31 (d) Prohibitions - (1) ~~No councilor~~Councilor shall, while a member of the town council~~Town~~
32 Council, hold any other town~~Town~~ office or position. (2) An elected charter commission
33 membership shall not be considered to be a town~~Town~~ office or position. (3) No former
34 councilor~~Councilor shall hold any compensated appointive town~~~~Town~~ office or ~~town~~~~Town~~
35 employment until one year after the expiration of service on the town council~~Town Council.~~
36 This provision shall not prevent a town~~Town~~ officer or employee who has taken a leave of
37 absence from such duties to serve as a member of the town council~~Town Council from~~
38 returning to such office or employment following service as a member of the town~~town~~
39 council~~Town Council.~~ (4) Any councilor~~Councilor who has been finally convicted of a~~
40 criminal offense involving misconduct in any elective or appointive public office, trust or
41 employment at any time held by him/her shall be deemed to have vacated office and shall
42 not be eligible to serve in any other elective or appointive office or position in the
43 town~~Town.~~

44 45 Section 2-2. General Powers and Duties

1 Except as otherwise provided by law or by the Charter, all powers of the ~~town~~Town shall be
2 vested in the ~~town-council~~Town Council which shall provide for their exercise and for the
3 performance of all duties and obligations imposed on the ~~town~~Town by law.

4
5 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties
6

7 (a) Election - After the ~~councilor~~Councilors-elect have been sworn, the ~~town-council~~Town
8 Council shall be called together by the ~~elected town-clerk~~Town Clerk for the purpose of
9 conducting an election among ~~town-council~~Town Council members for the office of
10 ~~town-council~~Town ~~president~~Council President and ~~Vice-President~~vice-president to
11 serve at the pleasure of the ~~town-council~~Town Council. The ~~President~~president shall
12 preside at all meetings of the ~~town-council~~Town Council and perform such other
13 functions as may be assigned by the Charter~~charter~~, by ordinance or by vote of the ~~town~~
14 ~~council~~Town Council.

15
16 (b) Term of Office - The term of the Council ~~P~~president shall be for one year beginning on
17 the second Monday following election and continuing until a successor is qualified.
18

19 (c) Powers and Duties - The powers, duties and responsibilities of the Council ~~P~~president
20 shall include, but not be limited to, the following:
21

- 22 1) The ~~council-president~~Council President shall preside at all meetings of the ~~town~~
23 ~~council~~Town Council, regulate its proceedings and shall decide all questions of
24 order.
25
- 26 2) The ~~council-president~~Council President shall have the same powers to vote upon
27 all measures coming before the ~~town-council~~Town Council as any other member
28 of the ~~town-council~~Town Council, but shall have no veto power.
29
- 30 3) The ~~council-president~~Council President shall be recognized as the official head
31 of the ~~town~~Town for all ceremonial purposes and the ~~council-president~~Council
32 President, or his designee, shall represent the ~~town~~Town in its relations with
33 other units of government.
34
- 35 4) In time of public danger or emergency the ~~council-president~~Council President
36 may, subject to the review of the action by the ~~town-council~~Town Council,
37 temporarily exercise the ~~town-council~~Town Council's supervisory powers over
38 the ~~town-manager~~Town Manager, but such delegation shall not exceed seven
39 days unless the ~~town-council~~Town Council votes to extend the temporary powers
40 not to exceed another seven days. The ~~town-council~~Town Council may extend
41 the period of delegation by successive extensions of not more than seven days
42 each.
43
- 44 5) The ~~council-president~~Council President in conjunction with the ~~town~~
45 ~~manager~~Town Manager shall prepare and deliver a yearly State of the
46 ~~town~~Town message to the ~~town-council~~Town Council and citizens of the

1 ~~town~~Town on or before March 15th of each year~~describing the state of the town.~~
2 The message will address the financial state of the ~~town~~Town, strengths of the
3 ~~town~~Town and areas that need attention, as well as potential opportunities for the
4 betterment of the ~~town~~Town. The ~~S~~state of the ~~town~~Town message should also
5 set the agenda and goals for the ~~town-council~~Town Council and ~~town~~
6 ~~manager~~Town Manager for the ensuing year.
7

- 8 6) The ~~council-president~~Council President shall call no ~~fewer~~less than two
9 meetings, ~~one of which will be the annual state of the town meeting,~~ of the
10 general public each fiscal year for the purpose of obtaining public input to the
11 policies of the ~~town~~Town. The meeting agenda and format shall be determined
12 by the ~~town-council~~Town Council but shall be designed to obtain public input to
13 the policies of the ~~town~~Town. Members of the public may submit potential items
14 for the agenda of the meetings in accordance with rules adopted by the ~~town~~
15 ~~council~~Town Council. The public shall be given at least 14 days notice of the
16 date and time of such meetings. The notices shall be published in a newspaper of
17 general circulation within the ~~town~~Town, ~~if required by state law, and~~ posted on
18 the ~~town~~Town bulletin board, ~~and posted on the town's official website.~~
19 The ~~town-council~~Town Council may provide for additional venues for such
20 postings.
21

22 Section 2-4. Council Vice President 23

24 The ~~town-council~~Town Council shall elect from among its members a ~~Council Vice-~~
25 ~~President~~~~council vice-president~~ who shall act as ~~council-president~~Council President during the
26 absence or disability of the ~~council-president~~Council President and, if a vacancy occurs, shall
27 become ~~acting council-president~~Council President until a successor is qualified ~~at the next~~
28 ~~regular meeting in accordance with the provisions of Section 2-3.~~
29

30 The powers of an acting ~~council-president~~Council President shall be limited to only those
31 powers of the office indispensably essential to the performance of the duties of the office during
32 the period of the temporary absence or disability and no others.
33

34 Section 2-5. Filling of Vacancies 35

- 36 (a) Councilor-at-Large - If a vacancy occurs in the office of ~~councilor-at-large~~Councilor-at-
37 ~~Large~~ during the first 18 months of the term for which a ~~councilor~~Councilor was elected,
38 the vacancy shall be filled in descending order of votes received by the candidate for the
39 office of ~~councilor-at-large~~Councilor-at-Large at the preceding ~~town~~Town election who
40 received the largest number of votes without being elected, provided such person
41 remains eligible and willing to serve and provided such person received votes at least
42 equal to 30 per cent of the vote total received by the person receiving the largest number
43 of votes for the office of ~~councilor-at-large~~Councilor-at-Large at the election. The
44 ~~elected town-clerk~~Town Clerk shall certify such candidate to the office of ~~councilor-at-~~
45 ~~large~~Councilor-at-Large to serve for the balance of the then unexpired term.
46

1 If a vacancy occurs in the office of ~~councilor-at-large~~Councilor-at-Large during the last
2 six months of the term for the ~~councilor-at-large~~Councilor-at-Large was elected, the
3 vacancy shall be filled by the person at the most recent annual ~~town~~Town election who
4 received the highest number of votes for the office of ~~councilor-at-large~~Councilor-at-
5 Large and who is not then serving as a member of the ~~town council~~Town Council.

6
7 The person shall be certified by the ~~town clerk~~Town Clerk and shall serve for the
8 remaining months of the term which the person was elected.
9

10 (b) District Councilor - If a vacancy occurs in the office of ~~district councilor~~District
11 Councilor it shall be filled in the same manner as provided in subsection (a) of section 2-
12 5 for the office of ~~councilor-at-large~~Councilor-at-Large except that the list shall be of the
13 candidates for the office of ~~district councilor~~District Councilor in the district in which
14 the vacancy occurs; provided, however, that if there is no candidate on the list who
15 remains eligible and willing to serve, the next highest ranking candidate from among the
16 candidates for election to the council-at-large who is a resident of the district in which
17 the vacancy exists shall be certified and shall serve until the next regular election
18 provided the candidate remains a resident of the district, is willing to serve as a ~~district~~
19 ~~councilor~~District Councilor and received votes in the district at least equal to 30 per cent
20 of the vote total received by the person receiving the largest number of votes for the
21 office of ~~district councilor~~District Councilor at the election. The ~~elected town clerk~~Town
22 Clerk shall certify such candidate to the office of ~~district councilor~~District Councilor to
23 serve for the balance of the then unexpired term.
24

25 (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of ~~councilor-at-~~
26 ~~large~~Councilor-at-Large or ~~district councilor~~District Councilor and there is no available
27 candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-
28 5, the vacancy shall be filled by the remaining members of the ~~town council~~Town
29 Council. To be eligible for election by the ~~town council~~Town Council, a person shall be
30 a registered voter of the ~~town~~Town and, in the case of a ~~district councilor~~District
31 Councilor, a resident of such district. Persons elected to fill a vacancy by the ~~town~~
32 ~~council~~Town Council shall serve only until the next regular election, or if so decided, a
33 special election, at which time the vacancy shall be filled by the voters and the person
34 chosen to fill the vacancy shall be sworn and shall serve for the remainder of the
35 unexpired term. Persons serving as ~~town councilor~~Town Councilors under this section
36 shall not be entitled to have the words "candidate for re-election" printed against their
37 names on the election ballot.
38

39 Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

40

41 (a) Exercise of Powers - Except as otherwise provided by any general or special law or the
42 Charter~~charter~~, the legislative powers of the ~~town council~~Town Council may be exercised in
43 a manner determined by it.
44

1 (b) Quorum - The presence of five members shall constitute a quorum for the transaction of
2 business. Except as otherwise provided by ~~law~~ or this ~~charter~~Charter, the affirmative vote
3 of five members shall be required to adopt any ordinance or appropriation order.
4

5 (c) Rules of Procedure - The ~~town council~~Town Council shall from time to time establish
6 written rules for its proceedings. The rules shall be available for public inspection at the
7 office of the ~~elected town clerk~~Town Clerk and ~~copies of the rules shall be available in the~~
8 ~~office of the town council during regular and special meetings of the town council.~~
9

10 1) Regular meetings of the ~~town council~~Town Council shall be held at a time and place
11 fixed by ordinance but shall be at least monthly.

12 2) Special meetings may be held on the call of the president of the ~~town council~~Town
13 Council, or on the call of three or more members, by written notice delivered to each
14 member of the ~~town council~~Town Council by the ~~elected town clerk~~Town Clerk at
15 least 48 hours before the time set.

16 3) Except as otherwise authorized by a general or special law all sessions of the ~~town~~
17 ~~council~~Town Council shall be open to the public.

18 4) Every matter coming before the ~~town council~~Town Council for action shall be put to
19 a vote, the result of which shall be duly recorded.

20 5) All ~~town council~~Town Council votes on ordinances, appropriation orders or loan
21 authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk
22 of the council.

23 4)6) A full, accurate, and up-to-date record of the proceedings of the ~~town~~
24 ~~council~~Town Council shall be kept and shall be open to inspection by the public.

25 2)7) All meetings of the ~~town council~~Town Council shall provide for a period of
26 public comment. Regular meetings of the ~~town council~~Town Council shall provide
27 for a period of public comment, provided however, that the ~~town council~~Town
28 Council may promulgate rules that regulate such period of public comment as
29 deemed appropriate.

30 8) Any ~~Council Member~~council member may, from time to time, submit to the ~~town~~
31 ~~council~~Town Council proposed ~~town~~Town policies, goals and other objectives for its
32 consideration.

33 9) The ~~town council~~Town Council may amend, modify or reject any proposal submitted
34 by the ~~council president~~Council President before adopting the same in its final form.

35 3)10) Nothing in this subsection shall preclude any member of the ~~town council~~Town
36 Council from recommending ~~town~~Town policies, goals and other objectives to the
37 ~~town council~~Town Council.

38 4)11) The ~~town council~~Town Council shall be responsible for ensuring that the
39 ~~Charter~~charter, the laws, the ordinances and other plans, policies and orders for the
40 government of the ~~town~~Town are properly implemented and enforced.

41 5)12) The ~~town council~~Town Council shall not direct or request the appointment or
42 employment of any person, or the removal of any person, or in any manner attempt
43 to participate in the appointment or removal of a person in the administrative service
44 of the ~~town~~Town for which the ~~town manager~~Town Manager is responsible.

45 6)13) The ~~town council~~Town Council shall deal with the officers and employees
46 serving under the ~~town manager~~Town Manager solely through the ~~town~~

1 ~~manager~~Town Manager and the ~~council-president~~Council President shall not give
2 any orders or directions to any such officer or employee, either publicly or privately.
3 ~~7)14)~~ The ~~town council~~Town Council shall perform such other duties consistent with
4 the office as may be provided by charter or by ordinance.
5

6 Section 2-7. Measures; Emergency Measures; Charter Objection
7

8 (a) Measures - No measure shall be passed finally on the date on which it is introduced, except
9 in the case of an emergency. Except as required by Massachusetts General Law, measures
10 passed by the Town Council shall become effective 72 hours after final passage. otherwise
11 provided by the charter, every adopted measure shall become effective at the expiration of
12 30 days after adoption or at any later date specified therein. Measures not subject to
13 referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance
14 shall be amended or repealed except by another ordinance adopted in accordance with the
15 ~~charter~~Charter or as provided in the initiative and referendum procedures.
16

17 (b) Emergency Measures - An emergency measure shall be introduced in the form and manner
18 prescribed for measures generally except that it shall be plainly designated as an emergency
19 measure and shall contain statements after the enacting clause declaring that an emergency
20 exists and describing its scope and nature in clear and specific terms.
21

22 A preamble which declares and defines the emergency shall be separately voted on and shall
23 require the affirmative vote of two-thirds of the ~~town council~~Town Council.
24

25 An emergency measure may be passed with or without amendment or rejected at the
26 meeting at which it is introduced.
27

28 No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise
29 or special privilege shall be passed as an emergency measure, and except as provided by any
30 general or special law, no such grant, renewal or extension shall be made otherwise than by
31 ordinance.
32

33 After its adoption, an emergency measure shall be published as prescribed for other adopted
34 measures. An emergency measure shall become effective upon adoption or at such later time
35 as it may specify.
36

37 (c) Charter Objection –
38

39 (1) On the first occasion that the question on adoption of a measure is put to the ~~town~~
40 ~~council~~Town Council, if a single member objects to the taking of the vote, the vote shall
41 be postponed until the next meeting of the ~~town council~~Town Council whether regular
42 or special. If ~~2~~two members shall object, such postponement shall be until the next
43 regular meeting; provided, however, that for a postponement of an emergency measure
44 at least ~~4~~four members, in all, must object, and the postponement shall be until the next
45 regular meeting.

(2) This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter.

(3) A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

(4) Before taking a vote on any measure the ~~council-president~~Council President or ~~councilor~~Councilor acting as the presiding officer shall ask if there is a charter objection to the measure.

~~(1) A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.~~

Section 2-8. Council Staff

The ~~town-council~~Town Council may employ such staff and experts as are necessary to conduct the business of the ~~town-council~~Town Council. The ~~town-council~~Town Council shall set the salaries of such staff.

~~Clerk of the Council~~—The ~~town-council~~Town Council shall appoint an officer of the ~~T~~town who shall have the title of ~~C~~council ~~C~~clerk. The ~~C~~council ~~C~~clerk shall give notice of ~~town-council~~Town Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this ~~Charter~~charter, by the ~~town-council~~Town Council or by general or special law.

Section 2-9. Publication Requirements

Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published in accordance with the requirements of Massachusetts General Laws, posted on the town's official website, once in full in at least 1 newspaper of general circulation within the town, and posted in any additional manner that may be provided by ordinance, ~~at least 10 days before its final passage; provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the town council in a municipal bulletin or printed pamphlet, and if so published in full at least 10 days before its final passage, the publication shall be deemed sufficient without the newspaper publication as herein required.~~

Section 2-10. Delegation of Powers

The ~~town-council~~Town Council may delegate to ~~one~~1 or more ~~town~~Town agencies, the powers vested in the ~~town-council~~Town Council by general or special law to grant and issue licenses and permits and may regulate the granting and issuing of licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 2-11. Inquiries and Investigations

The ~~town-council~~Town Council may require any town officer or member of a board or commission to appear before it and give such information as it may require in relation to an

1 office held by such person, its function and performance. The ~~town council~~Town Council shall
2 give at least 48 hours written notice of the general scope of the inquiry to any person it requires
3 to appear before it under this section. The ~~town council~~Town Council may make investigation
4 into the affairs of the town and into the conduct of any town agency, and for this purpose may
5 subpoena witnesses, administer oaths and require the production of evidence. The ~~town~~
6 ~~council~~Town Council shall adopt rules of procedure to conduct the investigations.

7 8 ~~Section 2-12. Prohibitions; Term Limits~~

9
10 ~~(a) Prohibitions—No councilor shall, while a member of the town council, hold any other town~~
11 ~~office or position. Elected charter commission membership shall not be considered to be a town~~
12 ~~office or position. No former councilor shall hold any compensated appointive town office or~~
13 ~~town employment until 1 year after the expiration of his service on the town council. This~~
14 ~~provision shall not prevent a town officer or employee who has taken a leave of absence from~~
15 ~~such duties in order to serve as a member of the town council from returning to such office or~~
16 ~~employment following service as a member of the town council. Any councilor who has been~~
17 ~~finally convicted of a criminal offense involving misconduct in any elective or appointive public~~
18 ~~office, trust or employment at any time held by him shall be deemed to have vacated office and~~
19 ~~shall not be eligible to serve in any other elective or appointive office or position in the town.~~

20
21 ~~(b) Term Limits—No person shall be eligible to be elected as a member of the town council if,~~
22 ~~at any point during the term of office for which the person may be elected, the service of the~~
23 ~~eligible person would exceed 12 consecutive years on the town council.~~

24 25 ~~Section 2-12~~3. Compensation; Expenses

26
27 ~~(a) Salary - Each town councilor~~Town Councilor shall receive a stipend of \$3,000, but shall not
28 be eligible for any other town provided benefits or pension. This provision shall not take
29 effect until three years has elapsed from the date of adoption. (see, MGL c.268A, section 19)

30 ~~(a)(b)~~ Expenses - Subject to appropriation, the ~~town council~~Town Council members shall be
31 entitled to reimbursement of their actual and necessary expenses incurred in the performance
32 of their duties.

1 ARTICLE III- ELECTED OFFICIALS

2
3 Section 3-1. General Provisions

4
5 The offices to be filled by ballot of the voters of the entire town shall be ~~town council~~Town
6 Council, regional ~~school committee~~School Committee, ~~an elected town clerk~~, a ~~Board~~board of
7 ~~library trustee~~Library Trustees and members of regional authorities or districts as may be
8 established by general or special law, intergovernmental agreement or otherwise. All other
9 offices, boards, committees and agencies shall be appointed by the ~~town manager~~Town
10 Manager as defined in section 4-3 and as detailed in the administrative code.

11
12 Any voter shall be eligible to hold any elective town office, except as noted in Section 2-1(d);
13 provided, however, that to be eligible a person shall not simultaneously hold any other elected
14 or appointed town office or be employed by the town or the Bridgewater-Raynham regional
15 school district in any capacity.

16
17 The regular town election of town officers shall be held annually on the Saturday preceding the
18 last Monday in April.

19
20 Notwithstanding their election by the voters, the town officers named in this section shall be
21 subject to the call of the ~~town council~~Town Council or the ~~town manager~~Town Manager, at all
22 reasonable times, for consultation, conference and discussion on any matter relating to their
23 respective offices.

24
25 Section 3-2. Library Trustees

26
27 (a) Composition, Election - There shall be a ~~Board~~board of ~~library trustee~~Library Trustees
28 composed of ~~nine~~9 members, all elected by and from the voters at large.

29
30 (b) Term of Office - The terms of ~~library trustee~~Library Trustee members shall be staggered
31 terms of three years each, beginning on the day following the election~~for 3 years beginning~~
32 on the second Monday following election and continuing until a successor is qualified.

33
34 (c) Powers and Duties - The ~~library trustee~~Library Trustees shall ~~insure~~ ensure that members of the
35 Bridgewater community have the right and means to free and open access to information
36 and ideas. The library protects intellectual freedom, promotes literacy and encourages life-
37 long learning.

38
39 (d) Filling of Vacancies - If a vacancy occurs in the membership of the ~~library trustee~~Library
40 Trustees whether by failure to elect or otherwise, the ~~library trustee~~Library Trustees have 30
41 days from the date the vacancy is declared to exist by the ~~town clerk~~Town Clerk under
42 section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy.
43 The appointments will be approved by the ~~town council~~Town Council. If the vacancy is not
44 filled within 30 days after the vacancy is declared to exist the appointment will defer to the
45 ~~town council~~Town Council. The appointee will serve for the balance of the unexpired term.
46 A person so chosen shall be sworn and commence to serve forthwith. ~~Library trustee~~Library

1 Trustees or ~~town council~~Town Council shall give consideration to whichever of the defeated
2 candidates for the seat in which the vacancy is declared to exist received the highest number
3 of votes at the last regular town election immediately preceding the date the vacancy is
4 declared to exist.

5
6 Section 3.3. Elected Official Recall Provision

7
8 (a) Any holder of an elective office in the Town~~town~~ of Bridgewater may be recalled and
9 removed therefrom by the qualified voters of said town as herein provided.

10
11 (b) One hundred or more of a district's registered voters, or in the case of an at large official one
12 hundred or more registered voters, may file with the ~~town clerk~~Town Clerk an affidavit
13 containing the name of the officer and the office held whose recall is sought and a statement
14 of the grounds upon which the petition is based. Said ~~town clerk~~Town Clerk and the ~~board-~~
15 ~~of registrars~~Board of Registrars shall, within five days, certify thereon the number of
16 signatures which are names of registered voters of the town. The ~~town clerk~~Town Clerk
17 shall upon certification deliver to said voters making the affidavit copies of petition blanks
18 demanding such recall, copies of which shall be kept available. The blanks shall be issued
19 by the ~~town clerk~~Town Clerk with said Clerk's~~clerk's~~ signature and official seal attached
20 thereto. They shall be dated, shall be addressed to the Town Council, and shall contain the
21 names of all persons to whom they are issued, the name of the person whose recall is sought,
22 the office held by the person named, the grounds of recall as stated in the affidavit, and shall
23 demand the election of a successor to said office. A copy of the petition shall be entered in a
24 record book to be kept in the office of the ~~town clerk~~Town Clerk. The recall petition shall
25 be returned and filed with the ~~town clerk~~Town Clerk within twenty-one days after the
26 certification of the affidavit, and shall have been signed by no less than at least ten percent
27 (10%) of the registered voters of the district or the town, as the case may be, based on the
28 last town election, who shall add to their signatures the street and number if any, of their
29 residences. The ~~town clerk~~Town Clerk shall within twenty-four hours of receipt of the
30 petition, submit the petition to the ~~board of registrars~~Board of Registrars of voters in the
31 town, and the ~~registrar~~Registrars shall within fourteen days certify thereon the number of
32 signatures which are names of registered voters of the Town~~town~~.

33
34 (c) If the petition shall be found and certified by the ~~town clerk~~Town Clerk and the ~~board of~~
35 ~~registrars~~Board of Registrars to be sufficient, the Town Clerk shall submit the same with the
36 Town Clerk's certification to the Town Council without delay, and said Council shall within
37 seven days give written notice of the receipt of the certificate to the officer sought to be
38 recalled and shall, if the officer does not resign within five days thereafter, order an election
39 to be held on a date fixed by them not less than sixty nor more than ninety days after the
40 date of the ~~town clerk~~Town Clerk's certification that a sufficient petition has been filed;
41 provided, however, if any other town election is to occur within one hundred days after
42 certification, the Town Council shall postpone the holding of the recall election to the date
43 of such other election. If a vacancy occurs in said office after a recall election has been
44 ordered, the election shall nevertheless proceed as specified in the section provided.

1 (d) An officer sought to be removed may be a candidate to succeed him or herself and, unless
2 the officer requests otherwise in writing, the ~~town clerk~~Town Clerk shall place his name on
3 the ballot without nomination. The nomination of other candidates, the publication of the
4 warrant for the recall election, and the conduct of the same, shall all be in accordance with
5 the provisions of law relating to elections, unless otherwise provided in this act.
6

7 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
8 re-elected, he shall continue in office for the remainder of the unexpired term, subject to
9 recall as before, except as provided in this section.act. If the majority of the votes cast upon
10 the question of recall is in the affirmative, the candidate receiving the highest number of
11 votes shall be declared elected. If not re-elected in the recall election, the officer shall be
12 deemed removed upon the qualification of his successor, who shall hold office during the
13 unexpired term. If the successor fails to qualify within five days after receiving notification
14 of his election, the incumbent shall be deemed removed and the office vacant.
15

16 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
17 FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
18 (office held). Immediately at the right of each proposition there shall be an oval in which the
19 voter, by filling in the oval, may vote for either of said propositions. Under the proposition
20 shall appear the word "Candidates", the direction "Vote for One", and beneath this the
21 names of candidates nominated as hereinbefore provided. In the case of machine voting or
22 punch card balloting, or other forms of balloting provision shall be made to allow the same
23 intent of the voter. If a majority of the votes cast upon the question of recall is in the
24 affirmative, the candidate receiving the highest number of votes shall be declared elected. If
25 a majority of votes on the question is in the negative, the ballots for candidates need not be
26 counted.
27

28 (g) No recall petition shall be filed against an officer within six months after taking office, or in
29 the case of an officer subjected to a recall election and not removed thereby, until at least six
30 months after that election.
31

32 (h) No person who has been recalled from an office or who has resigned from office while
33 recall proceedings were pending against him, shall be appointed to any town office within
34 two years after such removal by recall or resignation.
35

36 Section 3-4. Town Clerk

37 ~~(a) Composition, Election—A town clerk shall be elected by and from the voters at large.~~
38

39 ~~(b) Term of Office—The term of office for a town clerk shall be for 3 years beginning on the~~
40 ~~second Monday following election and continuing until a successor is qualified.~~
41

42 ~~(c) Powers and Duties—The town clerk shall: (1) be the keeper of vital statistics of the town; (2)~~
43 ~~be the custodian of the town seal and of all records of the town; (3) administer the oath of~~
44 ~~office to all town officers; (4) issue licenses and permits as may be provided by law and (5)~~
45 ~~be responsible for the conduct of elections and all matters relating thereto. The town clerk~~

1 ~~shall have the powers and duties provided under any general or special law, the charter,~~
2 ~~ordinance or other town council vote.~~

7 ARTICLE III-A – TOWN CLERK

9 Section 3-A. Appointment, Term of Office, Powers and Duties

11 (a) Appointment – A town clerk shall be appointed by the Town Council.

12 (b) Term of Office – The term of office for a town clerk shall be for 3 years beginning on the
13 second Monday following appointment and continuing until a successor is qualified.

14 (c) Powers and Duties – The town clerk shall: (1) be the keeper of vital statistics of the town;
15 (2) be the custodian of the town seal and all records of the town; (3) administer the oath of
16 office to all town officers; (4) issue licenses and permits as may be provided by law and (5)
17 be responsible for the conduct of elections and all matters relating thereto.

19 The town clerk shall have the powers and duties provided under any general or special law, the
20 charter, ordinance or other town council vote.

24 ARTICLE IV- TOWN MANAGER

26 Section 4-1. Appointment, Qualifications, Term of Office

28 The ~~town council~~Town Council shall appoint by a majority vote of the full ~~town council~~Town
29 Council, a ~~town manager~~Town Manager. The ~~town manager~~Town Manager shall be a person of
30 proven administrative ability, especially qualified by education and training with prior
31 experience as a city or town manager or an assistant city or town manager or the equivalent
32 public or private sector level experience. The ~~town council~~Town Council may from time to time
33 establish additional qualifications as deemed necessary and appropriate. The ~~town~~
34 ~~manager~~Town Manager shall devote full-time to the duties of the office and shall not hold any
35 other elective or appointive office in the town, nor shall the ~~town manager~~Town Manager
36 engage in other business unless such business is approved in advance by a majority vote in
37 public session of the ~~town council~~Town Council. The ~~town manager~~Town Manager need not be
38 a resident of the town, but must be a United States citizen.

40 Section 4-2. Administrative Powers and Duties

42 (A) The ~~town manager~~Town Manager shall be the chief administrative officer of the town and
43 shall be responsible to the ~~town council~~Town Council for the proper operation of town
44 affairs for which the ~~town manager~~Town Manager is given responsibility under this
45 ~~charter~~Charter. The powers, duties and responsibilities of the ~~town manager~~Town Manager

1 shall apply to all municipal departments excluding ~~the Bridgewater-Raynham~~ the Regional
2 School Districts, and shall include, but shall not be limited to, the following:

- 3
4 1) to supervise, direct and be responsible for the efficient administration of all officers
5 appointed by the ~~town manager~~ Town Manager and their respective departments and of all
6 functions for which the ~~town manager~~ Town Manager is given responsibility under this
7 ~~charter~~ Charter, by ordinance or by vote of the ~~town council~~ Town Council;

8
9 ~~a. With the consent of town council, the town manager may serve as the head of 1~~
10 ~~or more departments, offices or agencies or may appoint 1 person as the head of~~
11 ~~2 or more of them;~~

- 12
13 2) to administer either directly or through a person supervised by the ~~town manager~~ Town
14 Manager, in accordance with this ~~Charter~~ charter, all provisions of any general or special law
15 applicable to the town, all ordinances and all regulations established by the ~~town~~
16 ~~council~~ Town Council;

- 17
18 3) to coordinate all activities of town departments or appointed boards, committees or
19 agencies;

- 20
21 4) to provide consultative services to elected boards, committees or agencies;

- 22
23 5) to attend all regular and special meetings of the ~~town council~~ Town Council, unless excused,
24 and answer all questions addressed to the ~~town manager~~ Town Manager which are related to
25 matters under the general supervision of the ~~town manager~~ Town Manager;

- 26
27 6) to have the right to take part in discussions of the ~~town council~~ Town Council, but not vote;

- 28
29 7) to keep the ~~town council~~ Town Council fully informed as to the needs of the town, and to
30 recommend to the ~~town council~~ Town Council for adoption, such measures requiring action
31 by them as the ~~town manager~~ Town Manager deems necessary or expedient;

- 32
33 8) to make recommendations to the ~~town council~~ Town Council concerning the affairs of the
34 town and facilitate the work of the ~~town council~~ Town Council in developing policy;

- 35
36 9) to ensure that complete and full records of the financial and administrative activity of the
37 town are maintained and to render reports to the ~~town council~~ Town Council and finance
38 committee as may be required;

- 39
40 10) to be responsible for the rental, use, maintenance and repair of all town facilities;

- 41
42 11) to be responsible for the purchase of all supplies, materials and equipment and approve the
43 award of all contracts;

- 44
45 12) to develop and maintain a full and complete inventory of all town-owned real and personal
46 property;

- 13) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;
- 14) to fix the compensation of all town employees and officers appointed by the ~~town manager~~Town Manager within the limits established by appropriation and applicable compensation plan;
- 15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The ~~town manager~~Town Manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the ~~town council~~Town Council.
- 16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;
- 17) to ensure that the ~~council president~~Council President is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- 18) to keep the ~~town council~~Town Council fully informed as to the financial condition of the town and to make recommendations to the ~~town council~~Town Council as the ~~town manager~~Town Manager determines necessary or expedient;
- 19) to assist the ~~town council~~Town Council to develop long-term goals for the town and strategies to implement these goals;
- 20) to investigate or inquire into the affairs of any town department, agency or office;
- 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of ~~town manager~~Town Manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the ~~town manager~~Town Manager;
- 22) to perform such other duties as necessary or as may be assigned by this ~~charter~~Charter, by ordinance or by vote of the ~~town council~~Town Council;
- 23) to provide staff support services for the ~~council president~~Council President and ~~town council~~Town Council members;
- 24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- 25) to promote partnerships among ~~town council~~Town Council, staff, citizens and businesses in developing public policy and building a sense of community; and

26) to hold regular informational sessions with departments and community-based organizations.

(B) With the consent of ~~town council~~Town Council, the ~~town manager~~Town Manager may serve as the head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 4-3. Powers of Appointment

(a) Department Heads - Except as otherwise provided by this ~~charter~~Charter, the ~~town manager~~Town Manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the ~~town council~~Town Council. The ~~town manager~~Town Manager shall also appoint officers, subordinates and employees for whom no other method of selection is provided in this ~~charter~~Charter; provided, however, that the ~~town manager~~Town Manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth in section 5-2, the ~~town manager~~Town Manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

(b) Boards, Committees, and Agencies - Except as otherwise provided by this ~~charter~~Charter, the ~~town manager~~Town Manager shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the ~~town council~~Town Council. The ~~town manager~~Town Manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of the committee shall be established by ordinance.

Section 4-4. Powers of Suspension, Removal

The ~~town manager~~Town Manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this ~~charter~~Charter, except as otherwise provided by-law, collective bargaining agreements, this ~~charter~~Charter or personnel rules adopted pursuant to this ~~charter~~Charter. The ~~town manager~~Town Manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

Section 4-5. Compensation

The ~~town manager~~Town Manager shall receive such compensation for services as the ~~town council~~Town Council shall determine, but such compensation shall be within the limits of available appropriations.

1 Section 4-6. Vacancy in Office

2
3 A vacancy in the office of ~~town-manager~~Town Manager shall be filled as soon as possible by
4 the ~~town-council~~Town Council. Pending appointment of the ~~town-manager~~Town Manager or the
5 filling of any vacancy, the ~~town-council~~Town Council shall forthwith appoint some other
6 qualified person to perform the duties of the ~~town-manager~~Town Manager. The appointment of
7 the acting ~~town-manager~~Town Manager shall be for a term not to exceed ~~three~~3 months;
8 provided, however, that a renewal, not to exceed an additional ~~three~~3 months may be provided.
9

10 Section 4-7. Temporary Absence

11
12 The ~~town-manager~~Town Manager shall designate by letter filed with the ~~town-council~~Town
13 Council and ~~elected town-clerk~~Town Clerk, a qualified officer of the ~~town~~Town to perform the
14 duties of the ~~town-manager~~Town Manager during a temporary absence or disability. The ~~town~~
15 ~~council~~Town Council may not revoke such designation until at least 14 days have elapsed
16 whereupon it may appoint such other person to perform the duties of the ~~town-manager~~Town
17 Manager. In the event of failure of the ~~town-manager~~Town Manager to make such designation
18 or if the person so designated is for any reason unable to serve, or is deemed not qualified by the
19 ~~town-council~~Town Council, the ~~town-council~~Town Council may designate some other qualified
20 person to perform the duties of the ~~town-manager~~Town Manager until the ~~town-manager~~Town
21 Manager returns.
22

23 Section 4-8. Removal of Town Manager

24
25 The ~~town-council~~Town Council, by affirmative vote of a majority of the full ~~town-council~~Town
26 Council, may vote to terminate, remove or suspend the ~~town-manager~~Town Manager from
27 office in accordance with the following procedure:

28 (1) Before removal or termination the ~~town-council~~Town Council shall adopt a preliminary
29 resolution of removal by the affirmative vote of a majority of the full ~~town-council~~Town
30 Council. The preliminary resolution may suspend the ~~town-manager~~Town Manager for a
31 period not to exceed 30 days. A copy of the resolution shall be delivered to the ~~town~~
32 ~~manager~~Town Manager forthwith. If so requested by the ~~town-manager~~Town Manager,
33 the ~~town-council~~Town Council shall provide a written statement setting forth the reasons
34 for the removal or termination.

35 (2) Within ~~five~~5 days after the receipt of the preliminary resolution, the ~~town-manager~~Town
36 Manager may request a public hearing by filing a written request for such hearing with
37 the ~~town-council~~Town Council. If such a hearing is requested, the hearing shall be held
38 at a meeting of the ~~town-council~~Town Council not later than 20 days from the date of
39 request. At such hearing the ~~town-manager~~Town Manager shall be entitled to address the
40 ~~town-council~~Town Council and make comments related to the preliminary resolution.

41 (3) If a public hearing has not been requested by the ~~town-manager~~Town Manager, the ~~town~~
42 ~~council~~Town Council may adopt a final resolution of removal, which may be effective
43 immediately, by the affirmative vote of a majority of the full ~~town-council~~Town Council
44 at any time after 10 days following the date of delivery of a copy of the preliminary
45 resolution to the ~~town-manager~~Town Manager.

(4) If the ~~town-manager~~Town Manager requests a public hearing, the ~~town-council~~Town Council may, at the conclusion of the hearing or within ~~five~~5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full ~~town-council~~Town Council.

(5) The ~~town-council~~Town Council may suspend by an affirmative vote of the majority of the full ~~town-council~~Town Council, the ~~town-manager~~Town Manager pending and during any public hearing as requested by the ~~town-manager~~Town Manager.

(6) The ~~town-manager~~Town Manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise.

~~(4)~~(7) The action of the ~~town-council~~Town Council in terminating, removing or suspending the ~~town-manager~~Town Manager shall be final.

Section 4-9. Annual Review of the Town Manager

Annually, the ~~council-president~~Council President shall cause the ~~town-council~~Town Council to prepare and deliver to the ~~town-manager~~Town Manager a written evaluation of the ~~town-manager~~Town Manager's performance. The evaluation shall be conducted in accordance with any applicable general or special law.

ARTICLE V- ADMINISTRATIVE ORGANIZATION

Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

The organization of the ~~town~~Town into operating agencies for the provision of services and the administration of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be accomplished through either of ~~two~~2 methods provided in this section. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the ~~town~~Town.

(a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this ~~charter~~Charter, the ~~town-council~~Town Council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any ~~town~~Town agency, in whole or in part, establish such new ~~town~~Town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.

(b) Executive Reorganizations - The ~~town-manager~~Town Manager may from time to time prepare and submit to the ~~town-council~~Town Council a plan of organization or reorganization which establishes operating divisions for the orderly, efficient or convenient conduct of business of the ~~town~~Town.

(1) Whenever the ~~town-manager~~Town Manager prepares such plan, the ~~town-manager~~Town Manager shall hold ~~one~~1 or more public hearings on the proposal

1 giving notice by publication in a local newspaper, if required by state law, or on the
2 ~~town~~Town's official website, which notice shall describe the scope of the proposal
3 and the time and place at which the public hearing will be held, not less than seven⁷
4 nor more than 14 days following the date of the publication.

5 (2) Following the public hearing, the proposal, which may be amended by the ~~town~~
6 managerTown Manager subsequent to the public hearing, shall be submitted to the
7 ~~town-council~~Town Council.

8 (3) An organization or reorganization plan shall become effective at the expiration of the
9 60 days following the date of submission of the proposal to the ~~town-council~~Town
10 Council unless the ~~town-council~~Town Council shall, by a majority vote, vote to
11 disapprove the plan.

12 (4) The ~~town-council~~Town Council may vote only to approve or disapprove the plan and
13 no vote to amend or alter it shall be deemed in order.

14 (5) The ~~town-manager~~Town Manager may propose reorganization plans and subject
15 only to express prohibitions of any general or special or this charter^CCharter,
16 reorganize, consolidate or abolish in whole or in part town^TTown agencies or
17 establish such new town^TTown agencies as is deemed necessary to the same extent as
18 is provided in subsection (1) of section 5-1, for ordinances; and for such purpose
19 may transfer the duties and powers and so far as is consistent with the use for which
20 the funds were voted by the ~~town-council~~Town Council, transfer the appropriation of
21 one¹ ~~town~~Town agency to another.

22 (4)(6) Whenever a reorganization proposal becomes effective, whether under the
23 provisions of subsection (a) or (b), no proposal to again reorganize which deals with
24 substantially the same subject matter shall be acted upon within 18 months following
25 the first reorganization, except on the petition of the ~~town-manager~~Town Manager.

26 27 Section 5-2. Personnel Administration

28
29 The ~~town-manager~~Town Manager shall adopt rules and regulations establishing a personnel
30 system. The personnel system shall make use of modern concepts of personnel management and
31 may include, but not be limited to, the following elements:

- 32
33 1) a method of administration;
- 34
35 2) personnel policies indicating the rights, obligations and benefits of employees;
- 36
37 3) a classification plan;
- 38
39 4) a compensation plan;
- 40
41 5) a method of recruiting and selecting employees based upon merit principles;
- 42
43 6) a centralized record keeping system;
- 44
45 7) a merit based performance evaluation system;
- 46

1 8) disciplinary procedures; and

2
3 9) other elements that are determined necessary.

4
5 All ~~town~~Town agencies and positions shall be subject to the rules and regulations adopted under
6 this section; provided, however, that this shall not include employees of the regional school
7 departments.

8
9 Department heads shall have the authority to appoint, suspend and remove based upon merit and
10 fitness alone all department subordinates and employees, except as otherwise provided by -law,
11 collective bargaining agreements, this ~~charter~~Charter or personnel rules adopted under this
12 ~~charter~~Charter. Employees of the regional school departments and persons serving under
13 officers elected directly by the voters of the ~~town~~Town are excluded.

14 15 Section 5-3. Town Attorney

16
17 (a) Appointment - There shall be a legal officer of the ~~town~~Town appointed by the ~~town~~
18 ~~manager~~Town Manager subject to confirmation by the ~~town-council~~Town Council.

19
20 (b) Role - The legal officer shall serve as chief legal adviser to the ~~town-council~~Town Council,
21 the ~~town-manager~~Town Manager and all ~~town~~Town departments, offices and agencies, shall
22 represent the ~~town~~Town in all legal proceedings and shall perform other duties prescribed
23 by any general or special law, by this ~~charter~~Charter or by ordinance.

24 25 26 27 28 ARTICLE VI- FINANCIAL MANAGEMENT

29 30 Section 6-1. Annual Budget Policy

31
32 The ~~council-president~~Council President shall call a joint meeting of the ~~town-council~~Town
33 Council, the ~~Regional~~regional school-committeeSchool Committee chairman, or his designee,
34 the ~~Finance Committee~~finance-committee, the ~~town-manager~~Town Manager and any other
35 committee established for the budget process, before the commencement of the budget process
36 to review the financial condition of the ~~town~~Town, revenue and expenditure forecasts and other
37 relevant information in order to develop a coordinated budget.

38
39 The fiscal year of the ~~town~~Town shall begin annually on the first day of July and end on the last
40 day of June.

41 42 Section 6-2. Submission of Budget; Budget Message

43 Not later than February 1st of each year, the ~~town-manager~~Town Manager shall submit to the
44 ~~town-council~~Town Council a preliminary budget for the ensuing fiscal year and an
45 accompanying message

1 Within the period prescribed by any general or special law, ~~but no later than April 1, and the~~
2 ~~regional school district agreement,~~ the ~~town manager~~Town Manager shall ~~file with the town~~
3 ~~council~~Town Clerk ~~submit to the town council~~ a proposed operating budget ~~and~~
4 ~~budget message~~ for all ~~town~~Town agencies ~~and regional school districts~~. The budget message
5 submitted by the ~~town manager~~Town Manager shall explain the budget in fiscal terms and in
6 terms of work programs for all ~~town~~Town agencies. It shall outline the proposed fiscal policies
7 of the ~~town~~Town for the ensuing fiscal year and shall describe important features of the
8 proposed budget and indicate any major variations from the current budget, fiscal policies,
9 expenditures and revenues together with reasons for such change. The proposed budget shall
10 provide a complete fiscal plan of all ~~town~~Town funds and activities and shall be in the form the
11 ~~town manager~~Town Manager deems desirable.

12
13 ~~The regional school district proposed budget, as adopted by the school committee for the~~
14 ~~ensuing fiscal year, with an accompanying budget message and supporting documents will be~~
15 ~~presented to the town council by the town manager.~~

16
17 ~~On a date as determined from time to time by ordinance, but not later than February 1st of each~~
18 ~~year, the town manager shall submit to the town council a preliminary budget for the ensuing~~
19 ~~fiscal year and an accompanying message. The final budget should be submitted by the first~~
20 ~~town council meeting in April, unless the~~ The town managerTown Manager ~~may~~shall request an
21 ~~time~~ extension ~~of time~~. The extension may be granted at the discretion of the ~~town council~~Town
22 Council, but must provide for a reasonable and timely review of the proposed budget.

23
24 (a) Budget - The budget shall provide a complete financial plan of all ~~town~~Town funds and
25 activities for the ensuing fiscal year and, except as required by-law or this ~~charter~~Charter,
26 shall be in the form as the ~~town manager~~Town Manager deems desirable or the ~~town~~
27 ~~council~~Town Council may require for effective management and an understanding of the
28 relationship between the budget and the ~~town~~Town's strategic goals. The budget shall be
29 realistic and based on a forecast of those scenarios most likely to occur in the coming year.
30 The budget shall begin with a clear general summary of its contents, shall show in detail all
31 estimated income, indicating the proposed property tax levy and all proposed expenditures,
32 including debt service, for the ensuing fiscal year and shall show comparative figures for
33 actual and estimated income and expenditures of the current fiscal year and actual income
34 and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- 35
36 1) The proposed goals and expenditures for current operations during the ensuing fiscal
37 year, detailed for each fund by department or by other organization unit, and program,
38 purpose or activity, method of financing such expenditures and methods to measure
39 outcomes and performance related to the goals;
40
41 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
42 detailed for each fund by department or by other organization unit when practical, the
43 proposed method of financing each such capital expenditure and methods to measure
44 outcomes and performance related to the goals; and
45

3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the ~~town~~Town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Budget Message - The ~~town-manager~~Town Manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the ~~town~~Town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the ~~town~~Town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the ~~town manager~~Town Manager deems desirable.

Section 6-3. Action of the Budget

(a) Public Hearing - The ~~town-council~~Town Council shall publish in a newspaper of general circulation in the ~~town~~Town, if required by law, or the town's official website, a summary of the proposed operating budget as submitted by the ~~town-manager~~Town Manager, by a notice stating: (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and (2) The town-councilTown Council shall identify a the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget will be held by the ~~town-council~~Town Council. For the purpose of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the ~~town-council~~Town Council. ~~The proposed budget will be published on the town's website not less than 14 days before the date of the public hearing.~~

(b) Adoption of the Budget – The ~~town-council~~Town Council shall adopt the budget, with or without amendments, within 45 days following the date the budget is filed with the ~~town council~~Town ~~clerk~~Council Clerk ~~of the town council~~. In amending the budget, the ~~town council~~Town Council may delete or decrease any programs or amounts except expenditures required by law or for debt service. The ~~town-council~~Town Council shall not increase any line item without a corresponding decrease in an identified line item and the total proposed budget may not be increased from what was proposed unless otherwise authorized by any general or special law. If the ~~town-council~~Town Council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, the amount shall, without any action by the ~~town-council~~Town Council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget will be published on the ~~town~~Town's official website not less than 14 days after adoption.

(c) ~~Budget to Actual Assessments—The town manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the public.~~

~~The mid-year assessment will be published on the town's website not less than 14 days after review with the public.~~

Section 6-4. Supplementary Budgets and Appropriations

Whenever the ~~town manager~~Town Manager submits to the ~~town council~~Town Council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the ~~town council~~Town Council shall not act upon the request until it has given notice by publication in a ~~local~~newspaper of general circulation in the townTown, if required by state law, or the townTown's official website of the request and held a public hearing concerning the request. The publication and the public hearing shall be in conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual operating budget.

(a) Supplemental Appropriations - If during or before the fiscal year begins, the ~~town manager~~Town Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, ~~town council~~Town Council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency Appropriations - To address a public emergency affecting life, health, property or the public peace, the ~~town council~~Town Council may make emergency appropriations as provided under M.G.L. c. 44, section 31. The appropriations may be made by emergency ordinance in accordance with Article II. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the ~~town council~~Town Council may by an emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the ~~town manager~~Town Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the ~~town council~~Town Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the ~~town manager~~Town Manager and recommendations as to any other steps to be taken. The ~~town council~~Town Council shall then take the further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate ~~one~~1 or more appropriations.

(d) Transfer of Appropriations - At any time during or before the fiscal year, 1) the ~~finance director~~town manager, with concurrence of the town manager~~from the finance committee and the town council~~, may transfer up to a maximum of an amount cited in M.G.L. c. 30B, section 5~~\$25,000~~ of the unencumbered appropriation balance from ~~one~~1 department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The town manager~~The town manager~~ and shall report the transfers to the ~~town council~~Town Council in writing within a

1 14-day period. 2) The ~~finance director~~town manager may also, with concurrence ~~of the town~~
2 ~~manager~~Town Manager~~from the finance committee and town council~~, transfer up to a
3 maximum of an amount cited in M.G.L. c. 30B, section 5~~funds~~ among line items within a
4 department, fund, service, strategy or organizational unit. ~~The town manager~~Town Manager
5 ~~and~~ shall report the transfers to the ~~town council~~Town Council in writing within a 14-day
6 period.

- 7
8 (e) Limitation; Effective Date — M.G.L. c. 44, section 7 and 8 regulate the purposes for which
9 municipalities may incur debt, and the maximum maturity for bonds issued for each
10 purpose. M.G.L. c. 44, section 10 specifies that the debt limit for ~~town~~Towns is 5% of
11 equalized valuation. No appropriation for debt service may be reduced or transferred, except
12 to the extent that the debt is refinanced and less debt service is required and no appropriation
13 may be reduced below an amount required by-law to be appropriated or by more than the
14 amount of the unencumbered balance thereof. The supplemental and emergency
15 appropriations and reduction or transfer of appropriations authorized by this section may be
16 made effective immediately upon adoption.

17
18 Section 6-5. Administration and Fiduciary Oversight of the Budget

19
20 The ~~town council~~Town Council ~~may~~shall provide by ordinance the procedures for
21 administration and fiduciary oversight of the budget.

22
23 Section 6-6. Capital Improvements Program

- 24
25 (a) Preparation - The ~~town manager~~Town Manager ~~may~~shall, in conjunction with any
26 committee established for such purpose, annually submit a ~~five~~5-year capital improvement
27 program ~~by a date established by to the town council at least 30 days before the date for~~
28 ~~submission of the operating budget, unless some other time is provided by~~ ordinance.

- 29
30 (b) Contents - The capital improvement program shall include:

- 31
32 1) A clear general summary of its contents;
33
34 2) Identification of the long-term goals of the community;
35
36 3) A list of all capital improvements and other capital expenditures proposed to be
37 undertaken during the fiscal years next ensuing, with appropriate supporting information
38 as to the necessity for each;
39
40 4) Cost estimates and ~~implementation~~recommended time schedules for each improvement
41 or other capital expenditure;
42
43 5) Method of financing upon which each capital expenditure is to be reliant;
44
45 6) The estimated annual cost of operating and maintaining the facilities to be constructed or
46 acquired;

- 1
2 7) A commentary on how the plan addresses the sustainability of the community and the
3 region of which it is a part; and
4
5 8) Methods to measure outcomes and performance of the capital plan related to the long-
6 term goals of the community.
7

8 The above shall be ~~reviewed annually~~~~revised and extended each year with regard to capital~~
9 ~~improvements still pending or in process of construction or acquisition.~~

10
11 (c) Public Hearing - The ~~town council~~Town Council shall publish ~~on the town~~Town's official
12 ~~website and, if required by state law,~~ in a newspaper of general circulation in the ~~town~~Town
13 a summary of the proposed capital improvement plan as submitted by the ~~town~~Town
14 ~~manager~~Town Manager. ~~The town council~~Town Council shall identify a-by a notice stating:
15 ~~(1) the times and places where copies of the entire proposed capital improvement plan are~~
16 ~~available for inspection by the public; and (2) the~~ date, time and place not less than 14 days
17 after the publication, when a public hearing on the proposed capital improvement plan will
18 be held ~~by the town council. The proposed capital improvement plan will be published on~~
19 ~~the town's website not less than 14 days before the date of the public hearing.~~

20
21 (d) Adoption of the Capital Improvement Program - ~~Town council~~Town Council shall adopt the
22 capital improvement plan, with or without amendments, ; provided that each amendment
23 must be voted separately and that any increase in the capital improvement plan as submitted
24 must clearly identify and approve the method of financing proposed to accomplish the
25 increase. The proposed capital improvement plan will be published on the ~~town~~Town's
26 website upon adoption.
27

28 Section 6-7. Long Term Financial Forecast

29

30 (a) The ~~town manager~~Town Manager shall annually prepare a ~~five~~5-year financial forecast of
31 ~~town~~Town revenue, expenditures and the general financial condition of the ~~town~~Town. The
32 forecast shall include, but not be limited to: (1) an identification of factors which will impact on
33 the financial condition of the ~~town~~Town; (2) revenue and expenditure trends; and (3) potential
34 sources of new or expanded revenues and any long or short-term actions which may be taken
35 that may enhance the financial condition of the ~~town~~Town. The forecast shall be submitted to
36 the ~~town council~~Town Council and finance committee and shall be available to the public for
37 inspection. The long-term financial forecast shall be published on the ~~town~~Town's official
38 website and when updates occur, they shall be posted in a timely manner.
39

40 Section 6-8. Annual Independent Audit

41

42 The ~~town manager~~Town Manager~~council~~ shall provide for an independent annual audit of all
43 ~~town~~Town accounts and may provide for more frequent audits as it deems necessary. An
44 independent certified public accountant or firm of such accountants shall make the audits. The
45 audits should be performed in accordance with generally-accepted auditing standards and
46 generally-accepted governmental auditing standards.

The ~~town council~~Town Council shall designate no fewer than ~~three~~3 of its members to serve as an audit committee. The committee shall:

~~1) Lead the process of selecting an independent auditor;~~

~~2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and~~

Receive the report of the internal auditor and present that report to the ~~town council~~Town Council with any recommendations from the committee.

The ~~town manager~~Town Manager~~council~~ shall, ~~using competitive bidding,~~ designate such accountant or firm ~~which shall be ratified by the town council~~Town Council~~annually or~~ for a period not exceeding ~~five~~5 years, ~~but the designation for a particular fiscal year shall be made not later than 30 days after the beginning of the fiscal year. The standard for independence is that the~~ auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. ~~No accountant or firm may provide other services to the town during the time it is retained to provide independent audits to the town. The town council may waive this requirement by a majority vote at a public hearing. If the commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section.~~

Section 6-9. Finance~~cial~~ Committee

(a) There shall be a ~~Finance Committee~~finance committee, ~~the number of members and terms of office of which shall be established by ordinance. consisting of 95 members, appointed each for a 3-year staggered term, the members of which shall be appointed as follows: 32 members by the town manager and, 3 members by the town council and 3 members by the elected town clerk.~~ The finance committee shall report in writing its recommendations on finance related matters ~~to~~before the ~~town council~~Town Council, ~~in writing, at least 10 days before a scheduled town council meeting.~~ Before preparing its recommendations, the finance committee shall hold ~~one~~1 or more public meetings to permit discussion of ~~all~~ finance matters before the ~~town council~~Town Council, except those matters subject to public hearings by other multiple-member ~~town~~Town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this ~~charter~~Charter or by ordinance~~by law~~.

(a)(b)

~~The finance committee, town accountant and town treasurer collector shall support the overall budget process. The town manager~~Town Manager~~accountant or his designee and town treasurer collector~~ shall have ex-officio membership, without voting rights on the committee. The finance committee shall carry out its duties in accordance with the provisions of general law, this ~~charter~~Charter and ordinance~~by law~~ and it shall have regular and free access and inspection rights to all books and accounts of any ~~town~~Town department or office. ~~The committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon before consideration, debate and vote by the town council.~~

1
2 Section 6-10. Financial Management Standards
3

4 The ~~town council~~Town Council may by ordinance establish reasonable standards relating to the
5 management of financial systems and practices. Any standards adopted shall conform to modern
6 concepts of financial management.
7

8 Section 6-11. Public Records
9

10 Copies of the budget, capital program, independent audits and appropriation and revenue
11 ordinances shall be public records and shall be published on the ~~town~~Town's website.
12
13
14
15

16 ARTICLE VII- ELECTIONS AND; RELATED MATTERS
17

18 Section 7-1. Town Elections
19

20 The regular ~~town~~Town election of ~~town~~Town officers shall be held annually on the Saturday
21 preceding the last Monday in April.
22

23 Section 7-2. Non-Partisan Elections
24

25 All elections for ~~town~~Town offices shall be non-partisan and election ballots shall be printed
26 without any party mark, emblem or other designation whatsoever
27

28 Section 7-3. Signature Requirements; Information to Voters; Ballot Position
29

30 (a) Signature Requirements - The number of signatures of voters required to place the name of a
31 candidate on the official ballot to be used at an election shall be as follows: For an office
32 which is to be filled by the voters of the whole ~~town~~Town, not less than 150. For an office
33 which is to be filled by the voters of a district, not less than 100 from such district.
34

35 (b) Information to Voters - If the candidate in a regular ~~town~~Town election is an incumbent
36 elected by the voters to the office to which the candidate seeks election, against the
37 candidate's name shall appear the phrase "candidate for re-election".
38

39 (c) Ballot Position - The order in which names of candidates appear on the ballot for each office
40 in a regular ~~town~~Town election shall be determined by a drawing by lot conducted by the
41 ~~elected town clerk~~Town Clerk. At least 35 days before the date of the election, the ~~town~~
42 ~~clerk~~Town Clerk shall post in a conspicuous place in the ~~town~~Town hall the names and
43 residences of the candidates for election who have duly qualified as candidates for election.
44 The order of the names as to appear on the ballot shall be drawn by the ~~town clerk~~Town
45 Clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to
46 be present in person or by one representative each.

Section 7-4. Districts

The territory of the ~~town~~Town shall be divided into ~~seven~~7 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of ~~one~~1 or more voting precincts established in accordance with general laws. The ~~town council~~Town Council shall from time to time, but at least once in each ~~ten~~10 years, review such districts to ~~i~~ensure their uniformity in number of inhabitants.

Section 7-5. Application of State Laws

Except as expressly provided in the ~~charter~~Charter and authorized by any general or special law, all ~~town~~Town elections shall be governed by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS

Section 8-1. Citizen Initiative Measures

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the ~~elected town clerk~~Town Clerk. The petition shall be addressed to the ~~town council~~Town Council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by ~~ten~~10 voters and containing their residential addresses stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying such petition petitioner shall be designated as clerk.

(b) Referral to Town Attorney - The ~~elected town clerk~~Town Clerk shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the ~~town~~Town Attorney. The ~~town~~Town Attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the ~~elected town clerk~~Town Clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the ~~town council~~Town Council. If the opinion of the ~~town~~Town Attorney is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the ~~town~~Town Attorney shall also be mailed by the ~~elected town clerk~~Town Clerk to the clerk of the petitioners' committee.

1 (c) Submission to ~~elected~~ Town Clerk - If the opinion of the ~~town~~Town ~~Attorney~~ is that the
2 petition is in proper form, the ~~elected town-clerk~~Town Clerk shall provide blank forms for
3 the use of subsequent signers and shall print at the top of each blank a fair, concise summary
4 of the proposed measure, as determined by the ~~town~~Town ~~attorney~~Attorney, together with
5 the names and addresses of the first ~~ten~~10 voters who signed the originating petition. Within
6 ~~ten~~10 days following the date the blank forms are issued by the ~~elected town-clerk~~Town
7 Clerk the petitions shall be returned and filed with the ~~elected town-clerk~~Town Clerk signed
8 by at least ~~ten~~10 per cent of the total number of voters as of the date of the most recent
9 ~~town~~Town election. Signatures to an initiative petition need not all be on ~~one~~1 paper, but all
10 such papers pertaining to any ~~one~~1 measure shall be fastened together and shall be filed as a
11 single instrument, with the endorsement thereon of the name and residence address of the
12 person designated as filing the same. With each signature on the petition there shall also
13 appear the street and number of the residence of each signer. Within ~~ten~~10 days following
14 the filing of the petition the ~~board-of-registrars~~Board of Registrars of voters shall ascertain
15 by what number of voters the petition has been signed and what percentage that number is of
16 the total number of voters as of the date of the most recent ~~town~~Town election and shall
17 return the petition along with a certificate showing the results of the examination of the
18 ~~registrar~~Registrars of voters to the ~~elected town-clerk~~Town Clerk. A copy of the certificate
19 of the ~~board-of-registrars~~Board of Registrars of voters shall also be mailed to the person
20 designated as clerk of the petitioners' committee.

21
22 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
23 ~~elected town-clerk~~Town Clerk and after publication in accordance with this section, the
24 ~~town-council~~Town Council may pass the measure without alteration, subject to the
25 referendum vote provided by this ~~charter~~Charter or, the ~~town-council~~Town Council shall
26 call a special election to be held on a date fixed by it not less than 35 nor more than 60 days
27 after the date of the certificate hereinbefore mentioned and shall submit the proposed
28 measure without alteration to a vote of the voters at that election; provided, however, that if
29 a ~~town~~Town election is otherwise to occur within 120 days after the date of the certificate,
30 the ~~town-council~~Town Council may, at its discretion, omit the calling of a special election
31 and submit the proposed measure to the voters at the approaching election. The ballots used
32 when voting upon a proposed measure under this section shall state the nature of the
33 measure in terms sufficient to show the substance thereof as set forth in subsection (f).

34
35 (e) Publication - The full text of any initiative measure which is submitted to the voters shall be
36 published in a local newspaper, if required by state law, and on the ~~town~~Town's official
37 website not less than ~~seven~~7 nor more than 14 days preceding the date of the election at
38 which the question is to be voted upon. Additional copies of the full text shall be available
39 for distribution to the public in the office of the ~~elected town-clerk~~Town Clerk and on the
40 ~~town~~Town's official website.

41
42 (f) Form of Question - The ballots used when voting on a measure proposed by the voters under
43 this section shall contain a question in substantially the following form:

44
45 Shall the following measure which was proposed by an initiative petition take effect? (Here
46 insert a fair, concise summary prepared by the ~~town~~Town ~~attorney~~Attorney.)

1
2 YES NO
3

4 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative,
5 the measure shall be deemed to be effective forthwith, unless a later date is specified in the
6 measure.
7

8 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage
9

10 If within ~~ten~~10 days after the final passage of a measure, a petition signed by voters equal in
11 number to at least ~~five~~5 per cent of the total number of voters and addressed to the ~~town~~
12 ~~council~~Town Council, protesting against the measure or any part thereof taking effect, is filed
13 with the ~~elected town clerk~~Town Clerk, the same shall thereupon and thereby be suspended
14 from taking effect and the ~~town council~~Town Council, as the case may be, shall immediately
15 reconsider the measure or part thereof and if such measure or part thereof is not entirely
16 rescinded, the ~~town council~~Town Council shall submit the same, to a vote of the voters either at
17 the next regular ~~town~~Town election or at a special election which may, in its discretion, be
18 called for the purpose and the measure or part thereof shall forthwith become null and void
19 unless a majority of the voters voting on the same at the election vote in favor thereof.
20

21 Section 8-3. Required Voter Participation
22

23 For a measure to be effective under the initiative procedure and for any measure to be declared
24 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
25 election upon which an initiative or referendum question is submitted to the voters.
26

27 Section 8-4. Measures Not Subject to Initiative and Referendum
28

29 Measures which include the following subject matter shall not be subject to initiative and
30 referendum procedures:
31

- 32 1) Revenue loan orders;
33
- 34 2) Appropriations for the payment of debt or debt service;
35
- 36 3) Internal operational procedures of the ~~town council~~Town Council;
37
- 38 4) Emergency measures;
39
- 40 5) The ~~town~~Town budget as a whole or the ~~school committee~~School Committee budget as a
41 whole;
42
- 43 6) Appropriation of funds to implement a collective bargaining agreement;
44
- 45 7) Procedures relating to election, appointment, removal, discharge or other personnel action;
46 and

1
2 8) Proceedings providing for the submission or referral of a matter to the voters at an election.
3

4 Section 8-5. Submission of Proposed Measure to Voters
5

6 The ~~town-council~~Town Council may, of its own motion, submit any proposed measure or a
7 proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or
8 rejection at a general or special ~~town~~Town election. The ~~town-council~~Town Council shall also
9 allow for the submissions upon request of the regional ~~school-committee~~School Committee if a
10 measure originates with the committee and pertains to the affairs under its administration. Such
11 action of the ~~town-council~~Town Council shall have the same force and effect as are provided
12 herein for submission of the measures on petition by the voters.
13

14 Section 8-6. Measures with Conflicting Provisions
15

16 If ~~two~~2 or more proposed measures passed at the same election contain conflicting provisions,
17 only the one receiving the greater number of affirmative votes shall take effect.
18

19 Section 8-7. Free Petition
20

21 (a) Individual Petitions, Action Discretionary - The ~~town-council~~Town Council shall receive all
22 petitions which are addressed to them and signed by a voter, as certified by the ~~town~~Town
23 ~~board-of-registrars~~Board of Registrars of voters, or its successor, and may, at their
24 discretion, take such action with regard to the petitions as they deem necessary and
25 appropriate.
26

27 (b) Group Petitions; Action Required - The ~~town-council~~Town Council shall hold a public
28 hearing and act by taking a vote on the merits of every petition which is addressed to it and
29 is signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its
30 successor. The hearing shall be held by the ~~town-council~~Town Council or by a committee or
31 subcommittee thereof and the action by the ~~town-council~~Town Council shall be taken not
32 later than ~~two~~2 months after the petition is filed with the ~~elected town-clerk~~Town Clerk.
33 Hearings on ~~two~~2 or more petitions filed under this section may be held at the same time
34 and place. The ~~elected town-clerk~~Town Clerk shall mail notice of the hearing to the ~~ten~~10
35 petitioners whose names first appear on each petition at least ~~seven~~7 days before the
36 hearing. Notice by publication at least ~~seven~~7 days before such hearings shall also be made
37 and shall be at the public expense. No hearing shall be heard upon any one subject more
38 than once in any given 12 month period. All papers with signatures shall be filed in the
39 office of ~~elected town-clerk~~Town Clerk as one instrument on one date and time.
40
41
42
43
44
45
46

1
2 ARTICLE IX- GENERAL PROVISIONS
3

4 Section 9-1. Conflicts of Interest
5

6 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The ~~town~~
7 ~~council~~Town Council shall implement this prohibition by ordinance, the terms of which shall
8 include, but not be limited to: (1) acting in an official capacity on matters in which the official
9 has a private financial interest clearly separate from that of the general public; (2) the
10 acceptance of gifts and other things of value; (3) acting in a private capacity on matters dealt
11 with as a public official; (4) the use of confidential information; and (5) appearances by
12 ~~town~~Town officials before other ~~town~~Town agencies on behalf of private interests. This
13 ordinance shall include a statement of purpose and shall provide for reasonable public
14 disclosure of finances by officials with major decision-making authority over monetary
15 expenditures and contractual and regulatory matters and, insofar as permissible under state law,
16 shall provide for fines and imprisonment for violations.
17

18 Section 9-2- Prohibitions
19

20 (a) Activities Prohibited – The following activities are prohibited:
21

- 22 1) No person shall be appointed to or removed from, or in any way favored or
23 discriminated against with respect to a ~~town~~Town position or appointive ~~town~~Town
24 administrative office because of race, gender, age, sexual orientation, disability, religion,
25 country of origin or political affiliation;
26
- 27 2) No person shall willfully make a false statement, certificate, mark, rating or report in
28 regard to a test, certification or appointment under the provisions of this ~~charter~~Charter
29 or the rules and regulations made there under or in any manner commit or attempt to
30 commit any fraud preventing the impartial execution of the provisions, rules and
31 regulations;
32
- 33 3) No person who seeks appointment or promotion with respect to a ~~town~~Town position or
34 appointive ~~town~~Town administrative office shall directly or indirectly give, render or
35 pay any money, service or other valuable thing to a person for or in connection with the
36 applicant or employee's, appointment, proposed appointment, promotion or proposed
37 promotion.
38
- 39 4) During working hours, no ~~town~~Town employee shall knowingly or willfully participate
40 in any aspect of a political campaign on behalf of, or opposition to, a candidate for
41 ~~town~~Town office. This section shall not be construed to limit a person's right to exercise
42 rights as a citizen to express opinions or to cast a vote, nor shall it be construed to
43 prohibit a person from active participation in political campaigns at any other level of
44 government.
45

(b) Penalties - A person found to be in of a violation of this section shall be ineligible for a period ~~five~~5 years following such conviction to hold a ~~town~~Town office or position and, if an officer or employee of the ~~town~~Town, shall immediately forfeit the employee's office or position. The ~~town-council~~Town Council shall establish by ordinance such further penalties as it may deem appropriate.

Section 9-3. Campaign Finance

(a) Disclosure - The ~~town-council~~Town Council shall enact ordinances to protect the ability of ~~town~~Town residents to be informed of the financing used in support of, or against, campaigns for locally-elected office. The terms of the ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate ~~town~~Town office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed \$200 or more; expenditures made; and obligations entered into by the candidate or candidate committee. In so far as is permissible under general or special law, the regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to section 26 of chapter 55.

(b) Contribution and Spending Limitations - In order to combat the potential for, and appearance of, corruption and to preserve the ability of all qualified citizens to run for public office, the ~~town~~Town shall, in so far as is permitted by general or special law and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally-elected office. Ordinances under this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

Section 9-4. Charter Revision or Amendment

(a) In General - The ~~Charter~~charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts and any general or special law enacted to implement the constitutional amendment.

(b) Periodic Review - Not later than the first day of July, at ~~six~~6-year intervals, the ~~town-council~~Town Council shall provide for a review and propose revisions to the ~~town~~Town ~~charter~~Charter. The review shall be conducted by a special committee to consist of ~~seven~~7 residents of the ~~town~~Town appointed by the ~~council-president~~Council President with the approval of the ~~town-council~~Town Council. The committee shall file a report within the year recommending any changes in the ~~charter~~Charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the ~~town-council~~Town Council.

(c) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and votes of the ~~town-council~~Town Council which are in force at the time this Charter~~charter~~ is adopted, not inconsistent with the provisions of this Charter~~charter~~, shall continue in full force until

1 amended or repealed. Where provisions of this Charter~~charter~~ conflict with provisions of
2 ~~town~~Town ordinances, rules, regulations, orders or special acts or acceptances of laws, the
3 ~~Charter~~~~charter~~ provisions shall govern. All provisions of ~~town~~Town ordinances, rules,
4 regulations, orders and special acts not superseded by this ~~charter~~Charter shall remain in
5 force.

6 7 8 Section 9-5. Severability 9

10 The provisions of this ~~charter~~Charter are severable. If any of the provisions of this
11 ~~Charter~~~~charter~~ are held to be unconstitutional, or invalid, the remaining provisions of this
12 ~~Charter~~~~charter~~ shall not be affected thereby. If the application of this ~~Charter~~~~charter~~, or any of
13 its provisions, to any person or circumstances is held to be invalid, the application of the
14 ~~Charter~~~~charter~~ and its provisions to other persons or circumstances shall not be affected thereby.

15 16 Section 9-6. Rules of Interpretation 17

18 The following rules shall apply when interpreting the ~~Charter~~~~charter~~:

- 19
20 (a) Specific Provisions to Prevail - To the extent that a specific provision of the ~~Charter~~~~charter~~
21 shall conflict with any provision expressed in general terms, the specific provision shall
22 prevail;
23
24 (b) Number and Gender - Words imparting the singular number may extend and be applied to
25 several persons or things, words imparting the plural number may include the singular and
26 words imparting the masculine gender shall include the feminine gender;
27
28 (c) References to General Laws - All references to the general or special laws contained in the
29 ~~Charter~~~~charter~~ refer to the general laws of the ~~Commonwealth~~~~commonwealth~~ and are
30 intended to include any amendments or revisions to the chapters and sections or to the
31 corresponding chapters and sections of any rearrangement of the general laws enacted
32 subsequent to the adoption of the ~~Charter~~~~charter~~; and
33
34 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time
35 under the ~~charter~~Charter, if ~~7~~seven days or less, only business days, not including Saturdays,
36 Sundays or legal holidays shall be counted; if more than ~~7~~seven days, every day shall be
37 counted.
38

39 Section 9-7. Removal of Member of Multiple Member Appointed Bodies 40

41 An official appointed by the ~~town-manager~~Town Manager to a multiple-member body, may be
42 removed from office by the ~~T~~town ~~M~~anager if the official fails to attend regularly scheduled
43 meetings for a period of ~~three~~3 consecutive ~~meetings~~months without express leave from the
44 chairman of the multiple member body, unless the ~~town-manager~~Town Manager shall determine
45 otherwise. The appointed official shall be automatically removed from office if the official is

1 convicted of a felony or if the official is absent from the duties for the period of ~~six~~6 months
2 notwithstanding the permission from the ~~council-president~~Council President to be absent.

3
4 A removal shall be accomplished in accordance with the following procedure:

5
6 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
7 delivered by registered mail to the last known address of the appointed official sought to be
8 removed.

9
10 2) Within 14 days of delivery of the notice the appointed official may request a public hearing
11 before the appointing authority;

12
13 3) If the appointed official fails to request a public hearing, then the appointed official shall be
14 discharged forthwith;

15
16 4) The appointed official may be represented by private counsel at the hearing and shall be
17 entitled to present evidence, to call witnesses and to examine any witness appearing at the
18 hearing;

19
20 5) Within ~~ten~~10 days after the public hearing is adjourned, the appointing authority may, by a
21 majority vote, remove the appointed official for good cause;

22
23 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
24 delivered by registered mail to the last known address of the appointed official;

25
26 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing
27 before the ~~town-council~~Town Council;

28
29 8) If the appointed official fails to request a public hearing, then the appointed official shall be
30 discharged forthwith;

31
32 9) The appointed official may be represented by private counsel at the hearing and shall be
33 entitled to present evidence, to call witnesses and to examine any witness appearing at the
34 hearing; and

35
36 10) Within ~~ten~~10 days after the public hearing is adjourned, the ~~town-council~~Town Council
37 may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall
38 otherwise be removed.

39
40 Nothing in this section shall be construed as granting a right to a hearing when an appointed
41 official who has been appointed to a fixed term is not reappointed when the appointed official's
42 original term expires.

43
44 Section 9-8. Posting of Public Documents
45

1 The ~~town council~~Town Council~~board of selectmen~~ and ~~town manager~~Town Manager shall
2 ensure that all pertinent, public ~~town~~Town documents be posted to the ~~town~~Town's official
3 website. Examples of these documents include, but are not limited to, the following:
4 administrative code, audit results, budget, financial management policies, ordinances and
5 personnel policies and procedures.
6
7
8
9

10 ARTICLE X- TRANSITIONAL PROVISIONS

11 ~~Section 10-1. Continuation of Existing Laws~~

12 ~~All by laws, resolutions, rules, regulations and votes of the town meeting which are in force at~~
13 ~~the time this charter is adopted, not inconsistent with the provisions of this charter, shall~~
14 ~~continue in full force until amended or repealed.~~

15 ~~Where provisions of this charter conflict with provisions of town by laws, rules, regulations,~~
16 ~~orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions~~
17 ~~of town by laws, rules, regulations, orders and special acts not superseded by this charter shall~~
18 ~~remain in force.~~

19 ~~Section 10-2. Existing Officials and Employees~~

20 ~~A person holding a town office or employment under the town, shall retain the office or~~
21 ~~employment and shall continue to perform the duties of the office until provisions shall have~~
22 ~~been made in accordance with this charter for the performance of the duties by another person~~
23 ~~or agency.~~

24 ~~Section 10-3. Continuation of Government~~

25 ~~All town offices, boards, commissions or agencies shall continue to perform their duties until re-~~
26 ~~appointed or re-elected, or until successors to their respective positions are fully appointed or~~
27 ~~elected or until their duties have been transferred and assumed by another town office, board,~~
28 ~~commission or agency.~~

29 ~~Section 10-4. Transfer of Records and Property~~

30 ~~All records, property and equipment whatsoever of an office, board, commission, committee or~~
31 ~~agency or part thereof, the powers and duties of which are assigned in whole or in part to~~
32 ~~another town office, board, commission or agency, shall be transferred forthwith to the office,~~
33 ~~board, commission or agency.~~

34 ~~Section 10-5. Continuation of Personnel~~

~~A person holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.~~

~~The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.~~

~~Section 10-6. Effect on Obligations, Taxes, Etc.~~

~~All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.~~

~~Section 10-17. Time of Taking Effect~~

This ~~charter~~Charter shall become fully effective upon ratification by the voters as provided for by the General Laws, except as provided in this section:

~~The appointed position of town clerk~~Town Clerk will be created at the expiration of the elected ~~town clerk~~Town Clerk's term or upon a vacancy in the office.

~~(a) The election to elect the first town council under this charter shall be scheduled as promptly as possible by the board of selectmen then in office, as a special transition election, not later than 180 days after adoption of the charter.~~

~~(b) The officials so elected shall take office on the first day in January that does not fall on a weekend or holiday, of the year after adoption by the voters of the town. The expiration of the initial transitional terms shall be determined by random draw conducted by the town clerk at least 35 days before the date of the election subject to the following:~~

~~If the charter is approved by the voters at an annual town election:~~

~~Three council members shall expire at the 2nd anniversary of the approval of the charter by the voters;~~

~~Three council members shall expire at the 3rd anniversary of approval of the charter by the voters;~~

~~Three council members shall expire at the 4th anniversary of approval of the charter by the voters.~~

~~If the charter is approved by the voters at an election other than an annual election:~~

~~Three council members shall expire at the annual town election next prior to the 2nd anniversary of approval of the charter by the voters;~~

~~Three council members shall expire at the annual town election next prior to 3rd anniversary of approval of the charter by the voters;~~

~~Three council members shall expire at the annual town election next prior to the 4th anniversary of approval of the charter by the voters.~~

~~Section 10-8. Transition from Municipal Administrator to Town Manager~~

~~Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in this charter in Article 4 to serve for the remaining term of the person's contract with the town.~~

~~Section 10-9. Town Council / Town Manager Transition Duties~~

~~(a) As one of its first priorities during the transition period, the town manager working with the town council shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations.~~

~~A key input source to the creation of the administrative code shall be the final report of the town government study committee, published in May 2009. This report shall guide the functional realignment of all town offices, agencies, boards, and committees, as well as any changes to elected or appointed positions, boards or committees.~~

~~(b) The town council shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.~~

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BRIDGEWATER TOWN CHARTER
PROPOSED AMENDMENTS IN “CLEAN” VIEW RULES
AND PROCEDURES COMMITTEE
SEPTEMBER 1, 2017

1 ARTICLE 1-INCORPORATION AND AUTHORITY

2 Definitions

As used in the Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Term	Definition
Administrative code	A written description of the administrative organization of Town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each Town office, department and multiple member body consistent with this Charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the Town.
Charter	This Charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.
City	The body politic and corporate called the Town of Bridgewater in this Charter.
Department Head	Department Heads shall be defined by ordinance and shall appear in the Administrative Code.
Emergency	A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
Emergency Measure	An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.
Ex-Officio	An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin , meaning literally “from the office,” and the sense intended is “by right of office.”
Experts	A person or persons who has special skill or knowledge in some particular field.
Group Petition	A request signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor

Individual petition	A petition signed by a voter, as certified by the Town Board of Registrars of Voters, or its successor
Initiative Petition	An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General's Office.
Majority vote	A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this Charter, or by the Town Council's own rules.
Measure	An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the Town Council.
Multiple member body or organization	Any board, commission or committee in the Town.
Order	In a general sense, a mandate or precept; a command or direction authoritatively given.
Ordinance	A law, statute, or regulation enacted by the municipal government.
Quorum	In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.
Referendum Petition	A referendum petition is a way for citizens to seek to repeal a law recently enacted by the Town Council.
Resolution	The official expression of the opinion or will of the body.
Special election	An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.
Supplemental Appropriation	Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.
Town agency or agency	A board, commission, committee, department or office of Town government, whether elected, appointed or otherwise constituted.

Town officer	An individual who has been elected or appointed to exercise the functions of a Town office for the benefit of the public. Town officers are distinguishable from other employees in that they are required to take an oath of office.
Voters	Registered voters of the Town

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Section 1-1. Incorporation

1 The inhabitants of the Town of Bridgewater, within its territorial limits as now or may hereafter
2 be established by law, shall continue to be a body politic and corporate, known as the “Town of
3 Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.

4
5 Section 1-2. Short Title

6
7 This instrument may be cited and shall be known as the Bridgewater Home Rule Charter.

8
9 Section 1-3. Division of Powers

10
11 All legislative powers of the Town shall be exercised by a Town Council. The administration of
12 all Town fiscal, business and municipal affairs shall be vested in the executive branch headed by
13 the Town Manager.

14
15 Section 1-4. Powers of the Town

16
17 The intent and purpose of this Charter is to secure for the voters of the Town of Bridgewater,
18 through the adoption of this Charter, all the powers possible to secure for their government
19 under Article LXXXIX of the Amendments to the Constitution and Laws of the
20 Commonwealth.

21
22 Section 1-5. Interpretation of Powers

23
24 The powers of the Town under the Charter shall be construed and interpreted liberally in favor
25 of the Town, and the specific mention of a particular power is not intended to limit in any way
26 the general powers of the Town as enumerated in Section 1-4.

27
28 Section 1-6. Intergovernmental Relations

29
30 The Town may enter into agreements with any other unit of government to perform jointly or in
31 cooperation, by contract or otherwise, any of its powers or functions.

32
33 Section 1-7. Town Seal and Town Flag

34
35 The Town seal and Town flag in existence at the time this Charter is adopted, unless the Town
36 Council shall adopt another seal or flag, shall continue to be the Town seal and Town flag and
37 shall be kept in the custody of the Town Clerk. Papers or documents issued from any office or
38 board of the Town may be attested by use of the Town seal. The Town flag shall be displayed
39 within the Town Council chambers.

40
41 Section 1-8. Ethical Standards

42
43 Elected and appointed officers and employees of the Town are expected to demonstrate the
44 highest ethical standards, which shall be in compliance with all state and federal laws. Elected
45 and appointed officers and employees are expected to recognize that they act as agents of the
46 public, that they hold offices or positions for the benefit of the public, that the public interest is

1 their primary concern and that they are expected to faithfully discharge the duties of their
2 offices or positions regardless of personal considerations. Elected officers and employees shall
3 not use their official positions to secure or to grant special consideration, treatment, advantage,
4 privilege or exemption to themselves or to any other person beyond that which is available to
5 every other person.
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10 ARTICLE II- LEGISLATIVE BRANCH

11 Section 2-1. Composition; Eligibility; Term of Office

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13
14 (a) Composition - There shall be a Town Council consisting of nine members which shall
15 exercise the legislative powers of the Town. Seven of these members, to be known as
16 District Councilors, shall be nominated and elected by and from the voters of the seven
17 districts into which the Town is divided, and two of the members, to be known as
18 Councilors-at-Large, shall be nominated and elected by and from the voters at large.
19

20 (b) Eligibility - Any voter shall be eligible to hold the office of Councilor-at-Large. A District
21 Councilor must be a voter and resident of the district in which election is sought. If a District
22 Councilor or a Councilor-at-Large moves out of the Town during the term for which elected,
23 such office shall immediately be deemed vacant and filled in the manner provided in section
24 2-5. If a District Councilor moves from the district from which the Councilor is elected, or is
25 removed by a change in district lines, and more than 14 months remains of the term for
26 which elected, the office shall be deemed vacant and shall be filled in the manner provided
27 in section 2-5. If less than six months of the term remains, the District Councilor who
28 remains a resident of the Town may continue to serve during the term for which elected.
29

30 (c) Term of Office - The term of office of District Councilors and Councilors-at-Large shall be
31 staggered terms of three years each, beginning on the day following the election and
32 continuing until their successors are qualified.
33

34 (d) Prohibitions - (1) No Councilor shall, while a member of the Town Council, hold any other
35 Town office or position. (2) An elected charter commission membership shall not be
36 considered to be a Town office or position. (3) No former Councilor shall hold any
37 compensated appointive Town office or Town employment until one year after the
38 expiration of service on the Town Council. This provision shall not prevent a Town officer
39 or employee who has taken a leave of absence from such duties to serve as a member of the
40 Town Council from returning to such office or employment following service as a member
41 of the Town Council. (4) Any Councilor who has been finally convicted of a criminal
42 offense involving misconduct in any elective or appointive public office, trust or
43 employment at any time held by him/her shall be deemed to have vacated office and shall
44 not be eligible to serve in any other elective or appointive office or position in the Town.
45

46 Section 2-2. General Powers and Duties

1
2 Except as otherwise provided by law or by the Charter, all powers of the Town shall be vested
3 in the Town Council which shall provide for their exercise and for the performance of all duties
4 and obligations imposed on the Town by law.

5
6 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties
7

8 (a) Election - After the Councilors-elect have been sworn, the Town Council shall be called
9 together by the Town Clerk for the purpose of conducting an election among Town
10 Council members for the office of Town Council President and Vice-President to serve
11 at the pleasure of the Town Council. The President shall preside at all meetings of the
12 Town Council and perform such other functions as may be assigned by the Charter, by
13 ordinance or by vote of the Town Council.
14

15 (b) Term of Office - The term of the Council President shall be for one year beginning on
16 the second Monday following election and continuing until a successor is qualified.
17

18 (c) Powers and Duties - The powers, duties and responsibilities of the Council President
19 shall include, but not be limited to, the following:
20

- 21 1) The Council President shall preside at all meetings of the Town Council, regulate
22 its proceedings and shall decide all questions of order.
23
- 24 2) The Council President shall have the same powers to vote upon all measures
25 coming before the Town Council as any other member of the Town Council, but
26 shall have no veto power.
27
- 28 3) The Council President shall be recognized as the official head of the Town for all
29 ceremonial purposes and the Council President, or his designee, shall represent
30 the Town in its relations with other units of government.
31
- 32 4) In time of public danger or emergency the Council President may, subject to the
33 review of the action by the Town Council, temporarily exercise the Town
34 Council's supervisory powers over the Town Manager, but such delegation shall
35 not exceed seven days unless the Town Council votes to extend the temporary
36 powers not to exceed another seven days. The Town Council may extend the
37 period of delegation by successive extensions of not more than seven days each.
38
- 39 5) The Council President in conjunction with the Town Manager shall prepare and
40 deliver a yearly State of the Town message to the Town Council and citizens of
41 the Town on or before March 15th of each year. The message will address the
42 financial state of the Town, strengths of the Town and areas that need attention,
43 as well as potential opportunities for the betterment of the Town. The State of the
44 Town message should also set the agenda and goals for the Town Council and
45 Town Manager for the ensuing year.
46

- 1 6) The Council President shall call no fewer than two meetings, one of which will
2 be the annual state of the town meeting, of the general public each fiscal year for
3 the purpose of obtaining public input to the policies of the Town. The meeting
4 agenda and format shall be determined by the Town Council but shall be
5 designed to obtain public input to the policies of the Town. Members of the
6 public may submit potential items for the agenda of the meetings in accordance
7 with rules adopted by the Town Council. The public shall be given at least 14
8 days' notice of the date and time of such meetings. The notices shall be
9 published in a newspaper of general circulation within the Town, if required by
10 state law, posted on the Town bulletin board, and posted on the Town's official
11 website. The Town Council may provide for additional venues for such postings.
12

13 Section 2-4. Council Vice President

14

15 The Town Council shall elect from among its members a Council Vice-President who shall act
16 as Council President during the absence or disability of the Council President and, if a vacancy
17 occurs, shall become Council President until a successor is qualified at the next regular meeting
18 in accordance with the provisions of Section 2-3.
19

20 The powers of an acting Council President shall be limited to only those powers of the office
21 indispensably essential to the performance of the duties of the office during the period of the
22 temporary absence or disability and no others.
23

24 Section 2-5. Filling of Vacancies

25

- 26 (a) Councilor-at-Large - If a vacancy occurs in the office of Councilor-at-Large during the
27 first 18 months of the term for which a Councilor was elected, the vacancy shall be filled
28 in descending order of votes received by the candidate for the office of Councilor-at-
29 Large at the preceding Town election who received the largest number of votes without
30 being elected, provided such person remains eligible and willing to serve and provided
31 such person received votes at least equal to 30 per cent of the vote total received by the
32 person receiving the largest number of votes for the office of Councilor-at-Large at the
33 election. The Town Clerk shall certify such candidate to the office of Councilor-at-
34 Large to serve for the balance of the then unexpired term.
35

36 If a vacancy occurs in the office of Councilor-at-Large during the last six months of the
37 term for the Councilor-at-Large was elected, the vacancy shall be filled by the person at
38 the most recent annual Town election who received the highest number of votes for the
39 office of Councilor-at-Large and who is not then serving as a member of the Town
40 Council.
41

42 The person shall be certified by the Town Clerk and shall serve for the remaining
43 months of the term which the person was elected.
44

- 45 (b) District Councilor - If a vacancy occurs in the office of District Councilor it shall be
46 filled in the same manner as provided in subsection (a) of section 2-5 for the office of

Councilor-at-Large except that the list shall be of the candidates for the office of District Councilor in the district in which the vacancy occurs; provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council-at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided the candidate remains a resident of the district, is willing to serve as a District Councilor and received votes in the district at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of District Councilor at the election. The Town Clerk shall certify such candidate to the office of District Councilor to serve for the balance of the then unexpired term.

- (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of Councilor-at-Large or District Councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of the Town Council. To be eligible for election by the Town Council, a person shall be a registered voter of the Town and, in the case of a District Councilor, a resident of such district. Persons elected to fill a vacancy by the Town Council shall serve only until the next regular election, or if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and shall serve for the remainder of the unexpired term. Persons serving as Town Councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

- (a) Exercise of Powers - Except as otherwise provided by any general or special law or the Charter, the legislative powers of the Town Council may be exercised in a manner determined by it.
- (b) Quorum - The presence of five members shall constitute a quorum for the transaction of business. Except as otherwise provided by law or this Charter, the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.
- (c) Rules of Procedure - The Town Council shall from time to time establish written rules for its proceedings. The rules shall be available for public inspection at the office of the Town Clerk.
- 1) Regular meetings of the Town Council shall be held at a time and place fixed by ordinance but shall be at least monthly.
 - 2) Special meetings may be held on the call of the president of the Town Council, or on the call of three or more members, by written notice delivered to each member of the Town Council by the Town Clerk at least 48 hours before the time set.
 - 3) Except as otherwise authorized by a general or special law all sessions of the Town Council shall be open to the public.

- 1 4) Every matter coming before the Town Council for action shall be put to a vote, the
2 result of which shall be duly recorded.
- 3 5) All Town Council votes on ordinances, appropriation orders or loan authorizations
4 shall be taken by roll call vote, and shall be duly recorded by the clerk of the council.
- 5 6) A full, accurate, and up-to-date record of the proceedings of the Town Council shall
6 be kept and shall be open to inspection by the public.
- 7 7) All meetings of the Town Council shall provide for a period of public comment.
8 Regular meetings of the Town Council shall provide for a period of public comment,
9 provided however, that the Town Council may promulgate rules that regulate such
10 period of public comment as deemed appropriate.
- 11 8) Any Council Member may, from time to time, submit to the Town Council proposed
12 Town policies, goals and other objectives for its consideration.
- 13 9) The Town Council may amend, modify or reject any proposal submitted by the
14 Council President before adopting the same in its final form.
- 15 10) Nothing in this subsection shall preclude any member of the Town Council from
16 recommending Town policies, goals and other objectives to the Town Council.
- 17 11) The Town Council shall be responsible for ensuring that the Charter, the laws, the
18 ordinances and other plans, policies and orders for the government of the Town are
19 properly implemented and enforced.
- 20 12) The Town Council shall not direct or request the appointment or employment of any
21 person, or the removal of any person, or in any manner attempt to participate in the
22 appointment or removal of a person in the administrative service of the Town for
23 which the Town Manager is responsible.
- 24 13) The Town Council shall deal with the officers and employees serving under the
25 Town Manager solely through the Town Manager and the Council President shall
26 not give any orders or directions to any such officer or employee, either publicly or
27 privately.
- 28 14) The Town Council shall perform such other duties consistent with the office as may
29 be provided by charter or by ordinance.
30

31 Section 2-7. Measures; Emergency Measures; Charter Objection 32

- 33 (a) Measures - No measure shall be passed finally on the date on which it is introduced, except
34 in the case of an emergency. Except as required by Massachusetts General Law, measures
35 passed by the Town Council shall become effective 72 hours after final passage. No
36 ordinance shall be amended or repealed except by another ordinance adopted in accordance
37 with the Charter or as provided in the initiative and referendum procedures.
38
- 39 (b) Emergency Measures - An emergency measure shall be introduced in the form and manner
40 prescribed for measures generally except that it shall be plainly designated as an emergency
41 measure and shall contain statements after the enacting clause declaring that an emergency
42 exists and describing its scope and nature in clear and specific terms.
43

44 A preamble which declares and defines the emergency shall be separately voted on and shall
45 require the affirmative vote of two-thirds of the Town Council.
46

1 An emergency measure may be passed with or without amendment or rejected at the
2 meeting at which it is introduced.

3
4 No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise
5 or special privilege shall be passed as an emergency measure, and except as provided by any
6 general or special law, no such grant, renewal or extension shall be made otherwise than by
7 ordinance.

8
9 After its adoption, an emergency measure shall be published as prescribed for other adopted
10 measures. An emergency measure shall become effective upon adoption or at such later time
11 as it may specify.

12
13 (c) Charter Objection –

14
15 (1) On the first occasion that the question on adoption of a measure is put to the Town
16 Council, if a single member objects to the taking of the vote, the vote shall be postponed
17 until the next meeting of the Town Council whether regular or special. If two members
18 shall object, such postponement shall be until the next regular meeting; provided,
19 however, that for a postponement of an emergency measure at least four members, in all,
20 must object, and the postponement shall be until the next regular meeting.

21 (2) This procedure shall not be used more than once for any matter bearing a single docket
22 number notwithstanding any amendment to the original matter.

23 (3) A charter objection shall have privilege over all motions but must be raised prior to or at
24 the call for a vote by the presiding officer and all debate shall cease.

25 (4) Before taking a vote on any measure the Council President or Councilor acting as the
26 presiding officer shall ask if there is a charter objection to the measure.

27
28 Section 2-8. Council Staff

29
30 The Town Council may employ such staff and experts as are necessary to conduct the business
31 of the Town Council. The Town Council shall set the salaries of such staff.

32
33 The Town Council shall appoint an officer of the Town who shall have the title of Council
34 Clerk. The Council Clerk shall give notice of Town Council meetings to its members and the
35 public, keep the journal of its proceedings and perform such other duties as are assigned by this
36 Charter, by the Town Council or by general or special law.

37
38 Section 2-9. Publication Requirements

39
40 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined
41 and revenue loan orders, shall be published in accordance with the requirements of
42 Massachusetts General Laws, posted on the Town's official website, and posted in any
43 additional manner that may be provided by ordinance.

44
45 Section 2-10. Delegation of Powers

1 The Town Council may delegate to one or more Town agencies, the powers vested in the Town
2 Council by general or special law to grant and issue licenses and permits and may regulate the
3 granting and issuing of licenses and permits by any such town agency, and may in its discretion,
4 rescind any such delegation without prejudice to any prior action which has been taken.

5 6 Section 2-11. Inquiries and Investigations

7 The Town Council may require any town officer or member of a board or commission to appear
8 before it and give such information as it may require in relation to an office held by such person,
9 its function and performance. The Town Council shall give at least 48 hours written notice of
10 the general scope of the inquiry to any person it requires to appear before it under this section.
11 The Town Council may make investigation into the affairs of the town and into the conduct of
12 any town agency, and for this purpose may subpoena witnesses, administer oaths and require the
13 production of evidence. The Town Council shall adopt rules of procedure to conduct the
14 investigations.

15 16 17 Section 2-12. Compensation; Expenses

18
19 (a) Salary - Each Town Councilor shall receive a stipend of \$3,000, but shall not be eligible for
20 any other town provided benefits or pension. This provision shall not take effect until three
21 years has elapsed from the date of adoption. (see, MGL c.268A, section 19)

22 (b) Expenses - Subject to appropriation, the Town Council members shall be entitled to
23 reimbursement of their actual and necessary expenses incurred in the performance of their
24 duties.

25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 ARTICLE III- ELECTED OFFICIALS

40 41 Section 3-1. General Provisions

42
43 The offices to be filled by ballot of the voters of the entire town shall be Town Council, regional
44 School Committee, a Board of Library Trustees and members of regional authorities or districts
45 as may be established by general or special law, intergovernmental agreement or otherwise. All

1 other offices, boards, committees and agencies shall be appointed by the Town Manager as
2 defined in section 4-3 and as detailed in the administrative code.

3
4 Any voter shall be eligible to hold any elective town office, except as noted in Section 2-1(d).

5
6 The regular town election of town officers shall be held annually on the Saturday preceding the
7 last Monday in April.

8
9 Notwithstanding their election by the voters, the town officers named in this section shall be
10 subject to the call of the Town Council or the Town Manager, at all reasonable times, for
11 consultation, conference and discussion on any matter relating to their respective offices.

12 13 Section 3-2. Library Trustees

14
15 (a) Composition, Election - There shall be a Board of Library Trustees composed of nine
16 members, all elected by and from the voters at large.

17
18 (b) Term of Office - The terms of Library Trustee members shall be staggered terms of three
19 years each, beginning on the day following the election and continuing until a successor is
20 qualified.

21
22 (c) Powers and Duties - The Library Trustees shall ensure that members of the Bridgewater
23 community have the right and means to free and open access to information and ideas. The
24 library protects intellectual freedom, promotes literacy and encourages life-long learning.

25
26 (d) Filling of Vacancies - If a vacancy occurs in the membership of the Library Trustees
27 whether by failure to elect or otherwise, the Library Trustees have 30 days from the date the
28 vacancy is declared to exist by the Town Clerk under section 109 of chapter 41 of the
29 General Laws, to act to appoint a person to fill the vacancy. The appointments will be
30 approved by the Town Council. If the vacancy is not filled within 30 days after the vacancy
31 is declared to exist the appointment will defer to the Town Council. The appointee will serve
32 for the balance of the unexpired term. A person so chosen shall be sworn and commence to
33 serve forthwith. Library Trustees or Town Council shall give consideration to whichever of
34 the defeated candidates for the seat in which the vacancy is declared to exist received the
35 highest number of votes at the last regular town election immediately preceding the date the
36 vacancy is declared to exist.

37 38 Section 3.3. Elected Official Recall Provision

39
40 (a) Any holder of an elective office in the Town of Bridgewater may be recalled and removed
41 therefrom by the qualified voters of said town as herein provided.

42
43 (b) One hundred or more of a district's registered voters, or in the case of an at large official,
44 one hundred or more registered voters, may file with the Town Clerk an affidavit containing
45 the name of the officer and the office held whose recall is sought and a statement of the
46 grounds upon which the petition is based. Said Town Clerk and the Board of Registrars

1 shall, within five days, certify thereon the number of signatures which are names of
2 registered voters of the town. The Town Clerk shall upon certification deliver to said voters
3 making the affidavit copies of petition blanks demanding such recall, copies of which shall
4 be kept available. The blanks shall be issued by the Town Clerk with said Clerk's signature
5 and official seal attached thereto. They shall be dated, shall be addressed to the Town
6 Council, and shall contain the names of all persons to whom they are issued, the name of the
7 person whose recall is sought, the office held by the person named, the grounds of recall as
8 stated in the affidavit, and shall demand the election of a successor to said office. A copy of
9 the petition shall be entered in a record book to be kept in the office of the Town Clerk. The
10 recall petition shall be returned and filed with the Town Clerk within twenty-one days after
11 the certification of the affidavit, and shall have been signed by no less than at least ten
12 percent (10%) of the registered voters of the district or the town, as the case may be, based
13 on the last town election, who shall add to their signatures the street and number if any, of
14 their residences. The Town Clerk shall within twenty-four hours of receipt of the petition,
15 submit the petition to the Board of Registrars of voters in the town, and the Registrars shall
16 within fourteen days certify thereon the number of signatures which are names of registered
17 voters of the Town.

18
19 (c) If the petition shall be found and certified by the Town Clerk and the Board of Registrars to
20 be sufficient. the Town Clerk shall submit the same with the Town Clerk's certification to
21 the Town Council without delay, and said Council shall within seven days give written
22 notice of the receipt of the certificate to the officer sought to be recalled and shall, if the
23 officer does not resign within five days thereafter, order an election to be held on a date
24 fixed by them not less than sixty nor more than ninety days after the date of the Town
25 Clerk's certification that a sufficient petition has been filed; provided, however, if any other
26 town election is to occur within one hundred days after certification, the Town Council shall
27 postpone the holding of the recall election to the date of such other election. If a vacancy
28 occurs in said office after a recall election has been ordered, the election shall nevertheless
29 proceed as specified in the section provided.

30
31 (d) An officer sought to be removed may be a candidate to succeed him or herself and, unless
32 the officer requests otherwise in writing, the Town Clerk shall place his name on the ballot
33 without nomination. The nomination of other candidates, the publication of the warrant for
34 the recall election, and the conduct of the same, shall all be in accordance with the
35 provisions of law relating to elections, unless otherwise provided in this act.

36
37 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
38 re-elected, he shall continue in office for the remainder of the unexpired term, subject to
39 recall as before, except as provided in this section. If the majority of the votes cast upon the
40 question of recall is in the affirmative, the candidate receiving the highest number of votes
41 shall be declared elected. If not re-elected in the recall election, the officer shall be deemed
42 removed upon the qualification of his successor, who shall hold office during the unexpired
43 term. If the successor fails to qualify within five days after receiving notification of his
44 election, the incumbent shall be deemed removed and the office vacant.

- 1 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
2 FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
3 (office held). Immediately at the right of each proposition there shall be an oval in which the
4 voter, by filling in the oval, may vote for either of said propositions. Under the proposition
5 shall appear the word "Candidates", the direction "Vote for One", and beneath this the
6 names of candidates nominated as hereinbefore provided. In the case of machine voting or
7 punch card balloting, or other forms of balloting provision shall be made to allow the same
8 intent of the voter. If a majority of the votes cast upon the question of recall is in the
9 affirmative, the candidate receiving the highest number of votes shall be declared elected. If
10 a majority of votes on the question is in the negative, the ballots for candidates need not be
11 counted.
12
- 13 (g) No recall petition shall be filed against an officer within six months after taking office, or in
14 the case of an officer subjected to a recall election and not removed thereby, until at least six
15 months after that election.
16
- 17 (h) No person who has been recalled from an office or who has resigned from office while
18 recall proceedings were pending against him, shall be appointed to any town office within
19 two years after such removal by recall or resignation.
20
21

22 ARTICLE III-A – TOWN CLERK 23

24 Section 3-A. Appointment, Term of Office, Powers and Duties 25

- 26 (a) Appointment – A town clerk shall be appointed by the Town Council.
27 (b) Term of Office – The term of office for a town clerk shall be for 3 years beginning on the
28 second Monday following appointment and continuing until a successor is qualified.
29 (c) Powers and Duties – The town clerk shall: (1) be the keeper of vital statistics of the town;
30 (2) be the custodian of the town seal and all records of the town; (3) administer the oath of
31 office to all town officers; (4) issue licenses and permits as may be provided by law and (5)
32 be responsible for the conduct of elections and all matters relating thereto.
33

34 The town clerk shall have the powers and duties provided under any general or special law, the
35 charter, ordinance or other town council vote.
36
37
38

39 ARTICLE IV- TOWN MANAGER 40

41 Section 4-1. Appointment, Qualifications, Term of Office 42

43 The Town Council shall appoint by a majority vote of the full Town Council, a Town Manager.
44 The Town Manager shall be a person of proven administrative ability, especially qualified by
45 education and training with prior experience as a city or town manager or an assistant city or
46 town manager or the equivalent public or private sector level experience. The Town Council

1 may from time to time establish additional qualifications as deemed necessary and appropriate.
2 The Town Manager shall devote full-time to the duties of the office and shall not hold any other
3 elective or appointive office in the town, nor shall the Town Manager engage in other business
4 unless such business is approved in advance by a majority vote in public session of the Town
5 Council. The Town Manager need not be a resident of the town, but must be a United States
6 citizen.

7 8 Section 4-2. Administrative Powers and Duties 9

10 (A) The Town Manager shall be the chief administrative officer of the town and shall be
11 responsible to the Town Council for the proper operation of town affairs for which the Town
12 Manager is given responsibility under this Charter. The powers, duties and responsibilities
13 of the Town Manager shall apply to all municipal departments excluding the regional school
14 districts, and shall include, but shall not be limited to, the following:
15

- 16 1) to supervise, direct and be responsible for the efficient administration of all officers
17 appointed by the Town Manager and their respective departments and of all functions for
18 which the Town Manager is given responsibility under this Charter, by ordinance or by vote
19 of the Town Council;
20
- 21 2) to administer either directly or through a person supervised by the Town Manager, in
22 accordance with this Charter, all provisions of any general or special law applicable to the
23 town, all ordinances and all regulations established by the Town Council;
24
- 25 3) to coordinate all activities of town departments or appointed boards, committees or
26 agencies;
27
- 28 4) to provide consultative services to elected boards, committees or agencies;
29
- 30 5) to attend all regular and special meetings of the Town Council, unless excused, and answer
31 all questions addressed to the Town Manager which are related to matters under the general
32 supervision of the Town Manager;
33
- 34 6) to have the right to take part in discussions of the Town Council, but not vote;
35
- 36 7) to keep the Town Council fully informed as to the needs of the town, and to recommend to
37 the Town Council for adoption, such measures requiring action by them as the Town
38 Manager deems necessary or expedient;
39
- 40 8) to make recommendations to the Town Council concerning the affairs of the town and
41 facilitate the work of the Town Council in developing policy;
42
- 43 9) to ensure that complete and full records of the financial and administrative activity of the
44 town are maintained and to render reports to the Town Council and finance committee as
45 may be required;
46

- 1 10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 2
- 3 11) to be responsible for the purchase of all supplies, materials and equipment and approve the
- 4 award of all contracts;
- 5
- 6 12) to develop and maintain a full and complete inventory of all town-owned real and personal
- 7 property;
- 8
- 9 13) to administer personnel policies, practices or rules and regulations, any compensation plan
- 10 and related matters for all town employees and to administer all collective bargaining
- 11 agreements entered into by the town;
- 12
- 13 14) to fix the compensation of all town employees and officers appointed by the Town Manager
- 14 within the limits established by appropriation and applicable compensation plan;
- 15
- 16 15) to be responsible for the negotiation of all contracts with town employees over wages, and
- 17 other terms and conditions of employment. The Town Manager may employ special counsel
- 18 to assist in the performance of these duties. Insofar as they require appropriations, contracts
- 19 shall be subject to the approval of the Town Council.
- 20
- 21 16) to prepare and submit an annual operating budget, capital improvement program and a long
- 22 term financial forecast as provided in Article VI;
- 23
- 24 17) to ensure that the Council President is kept fully informed of and fully involved in the
- 25 town's emergency preparedness planning and preparation;
- 26
- 27 18) to keep the Town Council fully informed as to the financial condition of the town and to
- 28 make recommendations to the Town Council as the Town Manager determines necessary or
- 29 expedient;
- 30
- 31 19) to assist the Town Council to develop long-term goals for the town and strategies to
- 32 implement these goals;
- 33
- 34 20) to investigate or inquire into the affairs of any town department, agency or office;
- 35
- 36 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power,
- 37 duty or responsibility which the office of Town Manager may exercise; provided, however,
- 38 that all acts that are performed under the delegation shall be considered to be the acts of the
- 39 Town Manager;
- 40
- 41 22) to perform such other duties as necessary or as may be assigned by this Charter, by
- 42 ordinance or by vote of the Town Council;
- 43
- 44 23) to provide staff support services for the Council President and Town Council members;
- 45

24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;

25) to promote partnerships among Town Council, staff, citizens and businesses in developing public policy and building a sense of community; and

26) to hold regular informational sessions with departments and community-based organizations.

(B) With the consent of Town Council, the Town Manager may serve as the head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them.

Section 4-3. Powers of Appointment

(a) Department Heads - Except as otherwise provided by this Charter, the Town Manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the Town Council. The Town Manager shall also appoint officers, subordinates and employees for whom no other method of selection is provided in this Charter; provided, however, that the Town Manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth in section 5-2, the Town Manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

(b) Boards, Committees, and Agencies - Except as otherwise provided by this Charter, the Town Manager shall appoint all boards, committees and agencies. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the Town Council. The Town Manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of the committee shall be established by ordinance.

Section 4-4. Powers of Suspension, Removal

The Town Manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this Charter, except as otherwise provided by-law, collective bargaining agreements, this Charter or personnel rules adopted pursuant to this Charter. The Town Manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

Section 4-5. Compensation

1 The Town Manager shall receive such compensation for services as the Town Council shall
2 determine, but such compensation shall be within the limits of available appropriations.

3 4 Section 4-6. Vacancy in Office

5
6 A vacancy in the office of Town Manager shall be filled as soon as possible by the Town
7 Council. Pending appointment of the Town Manager or the filling of any vacancy, the Town
8 Council shall forthwith appoint some other qualified person to perform the duties of the Town
9 Manager. The appointment of the acting Town Manager shall be for a term not to exceed three
10 months; provided, however, that a renewal, not to exceed an additional three months may be
11 provided.

12 13 Section 4-7. Temporary Absence

14
15 The Town Manager shall designate by letter filed with the Town Council and Town Clerk, a
16 qualified officer of the Town to perform the duties of the Town Manager during a temporary
17 absence or disability. The Town Council may not revoke such designation until at least 14 days
18 have elapsed whereupon it may appoint such other person to perform the duties of the Town
19 Manager. In the event of failure of the Town Manager to make such designation or if the person
20 so designated is for any reason unable to serve, or is deemed not qualified by the Town Council,
21 the Town Council may designate some other qualified person to perform the duties of the Town
22 Manager until the Town Manager returns.

23 24 Section 4-8. Removal of Town Manager

25
26 The Town Council, by affirmative vote of a majority of the full Town Council, may vote to
27 terminate, remove or suspend the Town Manager from office in accordance with the following
28 procedure:

- 29 (1) Before removal or termination the Town Council shall adopt a preliminary resolution of
30 removal by the affirmative vote of a majority of the full Town Council. The preliminary
31 resolution may suspend the Town Manager for a period not to exceed 30 days. A copy of
32 the resolution shall be delivered to the Town Manager forthwith. If so requested by the
33 Town Manager, the Town Council shall provide a written statement setting forth the
34 reasons for the removal or termination.
- 35 (2) Within five days after the receipt of the preliminary resolution, the Town Manager may
36 request a public hearing by filing a written request for such hearing with the Town
37 Council. If such a hearing is requested, the hearing shall be held at a meeting of the
38 Town Council not later than 20 days from the date of request. At such hearing the Town
39 Manager shall be entitled to address the Town Council and make comments related to
40 the preliminary resolution.
- 41 (3) If a public hearing has not been requested by the Town Manager, the Town Council may
42 adopt a final resolution of removal, which may be effective immediately, by the
43 affirmative vote of a majority of the full Town Council at any time after 10 days
44 following the date of delivery of a copy of the preliminary resolution to the Town
45 Manager.

- 1 (4) If the Town Manager requests a public hearing, the Town Council may, at the
2 conclusion of the hearing or within five days of the conclusion of the hearing, adopt a
3 final resolution of removal by an affirmative vote of majority of the full Town Council.
4 (5) The Town Council may suspend by an affirmative vote of the majority of the full Town
5 Council, the Town Manager pending and during any public hearing as requested by the
6 Town Manager.
7 (6) The Town Manager shall continue to receive a salary until the final date of removal
8 becomes effective unless provided otherwise.
9 (7) The action of the Town Council in terminating, removing or suspending the Town
10 Manager shall be final.
11

12 Section 4-9. Annual Review of the Town Manager 13

14 Annually, the Council President shall cause the Town Council to prepare and deliver to the
15 Town Manager a written evaluation of the Town Manager's performance. The evaluation shall
16 be conducted in accordance with any applicable general or special law.
17
18
19
20

21 ARTICLE V- ADMINISTRATIVE ORGANIZATION 22

23 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code 24

25 The organization of the Town into operating agencies for the provision of services and the
26 administration of government may, under charter powers granted in section 20 of chapter 43B
27 of the General Laws, be accomplished through either of two methods provided in this section.
28 For the convenience of the public, the administrative code and any amendments thereto shall be
29 printed as an appendix to, but not an integral part, of the ordinances of the Town.
30

- 31 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the
32 provisions of this Charter, the Town Council may by ordinance, reorganize, consolidate,
33 create, merge, divide or abolish any Town agency, in whole or in part, establish such new
34 Town agencies as it deems necessary or advisable, determine the manner of selection, the
35 term of office and prescribe the functions of all such agencies.
36
37 (b) Executive Reorganizations - The Town Manager may from time to time prepare and submit
38 to the Town Council a plan of organization or reorganization which establishes operating
39 divisions for the orderly, efficient or convenient conduct of business of the Town.
40

- 41 (1) Whenever the Town Manager prepares such plan, the Town Manager shall hold one
42 or more public hearings on the proposal giving notice by publication in a local
43 newspaper, if required by state law, or on the Town's official website, which notice
44 shall describe the scope of the proposal and the time and place at which the public
45 hearing will be held, not less than seven nor more than 14 days following the date of
46 the publication.

- (2) Following the public hearing, the proposal, which may be amended by the Town Manager subsequent to the public hearing, shall be submitted to the Town Council.
- (3) An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of the proposal to the Town Council unless the Town Council shall, by a majority vote, vote to disapprove the plan.
- (4) The Town Council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order.
- (5) The Town Manager may propose reorganization plans and subject only to express prohibitions of any general or special or this Charter, reorganize, consolidate or abolish in whole or in part Town agencies or establish such new Town agencies as is deemed necessary to the same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the Town Council, transfer the appropriation of one Town agency to another.
- (6) Whenever a reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the Town Manager.

Section 5-2. Personnel Administration

The Town Manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

- 1) a method of administration;
- 2) personnel policies indicating the rights, obligations and benefits of employees;
- 3) a classification plan;
- 4) a compensation plan;
- 5) a method of recruiting and selecting employees based upon merit principles;
- 6) a centralized record keeping system;
- 7) a merit based performance evaluation system;
- 8) disciplinary procedures; and
- 9) other elements that are determined necessary.

All Town agencies and positions shall be subject to the rules and regulations adopted under this section; provided, however, that this shall not include employees of the regional school departments.

1
2 Department heads shall have the authority to appoint, suspend and remove based upon merit and
3 fitness alone all department subordinates and employees, except as otherwise provided by law,
4 collective bargaining agreements, this Charter or personnel rules adopted under this Charter.
5 Employees of the regional school departments and persons serving under officers elected
6 directly by the voters of the Town are excluded.

7
8 Section 5-3. Town Attorney

9
10 (a) Appointment - There shall be a legal officer of the Town appointed by the Town Manager
11 subject to confirmation by the Town Council.

12
13 (b) Role - The legal officer shall serve as chief legal advisor to the Town Council, the Town
14 Manager and all Town departments, offices and agencies, shall represent the Town in all
15 legal proceedings and shall perform other duties prescribed by any general or special law, by
16 this Charter or by ordinance.

17
18
19
20
21 ARTICLE VI- FINANCIAL MANAGEMENT

22
23 Section 6-1. Annual Budget Policy

24
25 The Council President shall call a joint meeting of the Town Council, the Regional School
26 Committee chairman, or his designee, the Finance Committee, the Town Manager and any other
27 committee established for the budget process, before the commencement of the budget process
28 to review the financial condition of the Town, revenue and expenditure forecasts and other
29 relevant information in order to develop a coordinated budget.

30
31 The fiscal year of the Town shall begin annually on the first day of July and end on the last day
32 of June.

33
34 Section 6-2. Submission of Budget; Budget Message

35 Not later than February 1st of each year, the Town Manager shall submit to the Town Council a
36 preliminary budget for the ensuing fiscal year and an accompanying message

37
38 Within the period prescribed by any general or special law, but no later than April 1, the Town
39 Manager shall file with the Town Council Clerk a proposed operating budget and budget
40 message for all Town agencies and regional school districts. The budget message submitted by
41 the Town Manager shall explain the budget in fiscal terms and in terms of work programs for all
42 Town agencies. It shall outline the proposed fiscal policies of the Town for the ensuing fiscal
43 year and shall describe important features of the proposed budget and indicate any major
44 variations from the current budget, fiscal policies, expenditures and revenues together with
45 reasons for such change. The proposed budget shall provide a complete fiscal plan of all Town
46 funds and activities and shall be in the form the Town Manager deems desirable.

1
2
3 The Town Manager may request a time extension. The extension may be granted at the
4 discretion of the Town Council, but must provide for a reasonable and timely review of the
5 proposed budget.
6

7 (a) Budget - The budget shall provide a complete financial plan of all Town funds and activities
8 for the ensuing fiscal year and, except as required by-law or this Charter, shall be in the
9 form as the Town Manager deems desirable or the Town Council may require for effective
10 management and an understanding of the relationship between the budget and the Town's
11 strategic goals. The budget shall be realistic and based on a forecast of those scenarios most
12 likely to occur in the coming year. The budget shall begin with a clear general summary of
13 its contents, shall show in detail all estimated income, indicating the proposed property tax
14 levy and all proposed expenditures, including debt service, for the ensuing fiscal year and
15 shall show comparative figures for actual and estimated income and expenditures of the
16 current fiscal year and actual income and expenditures of the preceding fiscal year. It shall
17 indicate in separate sections:
18

19 1) The proposed goals and expenditures for current operations during the ensuing fiscal
20 year, detailed for each fund by department or by other organization unit, and program,
21 purpose or activity, method of financing such expenditures and methods to measure
22 outcomes and performance related to the goals;
23

24 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
25 detailed for each fund by department or by other organization unit when practical, the
26 proposed method of financing each such capital expenditure and methods to measure
27 outcomes and performance related to the goals; and
28

29 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year
30 for each utility or other enterprise fund or internal service fund operated by the Town
31 and methods to measure outcomes and performance related to the goals; provided,
32 however, that for any fund, the total of proposed expenditures shall not exceed the total
33 of estimated income plus carried forward fund balance exclusive of reserves.
34

35 (b) Budget Message - The Town Manager's message shall explain the budget both in fiscal
36 terms and in terms of the work programs, linking those programs to organizational goals and
37 community priorities. It shall outline the proposed financial policies of the Town for the
38 ensuing fiscal year and the impact of those policies on future years. It shall describe the
39 important features of the budget, indicate any major changes from the current year in
40 financial policies, expenditures and revenues together with the reasons for such changes,
41 summarize the Town's debt position, including factors affecting the ability to raise resources
42 through debt issues and include such other material as the Town Manager deems desirable.
43

44 Section 6-3. Action of the Budget
45

1 (a) Public Hearing - The Town Council shall publish in a newspaper of general circulation in
2 the Town, if required by law, or the Town's official website, the proposed operating budget
3 as submitted by the Town Manager. The Town Council shall identify a date, time and place
4 not less than 14 days after the publication, when a public hearing on the proposed budget
5 will be held by the Town Council. For the purpose of this section, the summary of the
6 proposed operating budget that is required to be published shall contain proposed
7 appropriations, funding sources and any narrative summary deemed necessary by the Town
8 Council.

9
10 (b) Adoption of the Budget – The Town Council shall adopt the budget, with or without
11 amendments, within 45 days following the date the budget is filed with the Town Council
12 Clerk. In amending the budget, the Town Council may delete or decrease any programs or
13 amounts except expenditures required by law or for debt service. The Town Council shall
14 not increase any line item without a corresponding decrease in an identified line item and
15 the total proposed budget may not be increased from what was proposed unless otherwise
16 authorized by any general or special law. If the Town Council fails to take action with
17 respect to any item in the budget within 45 days after receipt of the budget, the amount shall,
18 without any action by the Town Council become a part of the appropriations for the year and
19 be available for the purposes specified. The adopted budget will be published on the Town's
20 official website not less than 14 days after adoption.

21
22 (c)

23 24 Section 6-4. Supplementary Budgets and Appropriations

25
26 Whenever the Town Manager submits to the Town Council a request for an appropriation of
27 any sum of money, whether as a supplement to the annual operating budget or for an item not
28 included therein, the Town Council shall not act upon the request until it has given notice by
29 publication in a newspaper of general circulation in the Town, if required by state law, or the
30 Town's official website of the request and held a public hearing concerning the request. The
31 publication and the public hearing shall be in conformity with the provisions of subsection (a) of
32 section 6-3 concerning the proposed annual operating budget.

33
34 (a) Supplemental Appropriations - If during or before the fiscal year begins, the Town Manager
35 certifies that there are available for appropriation, revenues in excess of those estimated in
36 the budget, Town Council by ordinance may make supplemental appropriations for the year
37 up to the amount of the excess.

38
39 (b) Emergency Appropriations - To address a public emergency affecting life, health, property
40 or the public peace, the Town Council may make emergency appropriations as provided
41 under M.G.L. c. 44, section 31. The appropriations may be made by emergency ordinance in
42 accordance with Article II. To the extent that there are no available unappropriated revenues
43 or a sufficient fund balance to meet the appropriations, the Town Council may by an
44 emergency ordinance authorize the issuance of emergency notes, which may be renewed
45 from time to time, but the emergency notes and renewals of any fiscal year shall be paid or

1 refinanced as long-term debt not later than the last day of the fiscal year next succeeding that
2 in which the emergency appropriation was made.
3

4 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the
5 Town Manager that the revenues or fund balances available will be insufficient to finance
6 the expenditures for which appropriations have been authorized, the manager shall report to
7 the Town Council without delay, indicating the estimated amount of the deficit, any
8 remedial action taken by the Town Manager and recommendations as to any other steps to
9 be taken. The Town Council shall then take the further action as it deems necessary to
10 prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate
11 one or more appropriations.
12

13 (d) Transfer of Appropriations - At any time during or before the fiscal year, 1) the finance
14 director, with concurrence of the Town Manager, may transfer up to a maximum of an
15 amount cited in M.G.L. c. 30B, section 5 of the unencumbered appropriation balance from
16 one department, fund, service, strategy or organizational unit to the appropriation for other
17 departments or organizational units or a new appropriation. The Town Manager shall report
18 the transfers to the Town Council in writing within a 14-day period. 2) The finance director
19 may also, with concurrence of the Town Manager, transfer up to a maximum of an amount
20 cited in M.G.L. c. 30B, section 5 among line items within a department, fund, service,
21 strategy or organizational unit. The Town Manager shall report the transfers to the Town
22 Council in writing within a 14-day period.
23

24 (e) Limitation; Effective Date – M.G.L. c. 44, section 7 and 8 regulate the purposes for which
25 municipalities may incur debt, and the maximum maturity for bonds issued for each
26 purpose. M.G.L. c. 44, section 10 specifies that the debt limit for Towns is 5% of equalized
27 valuation. No appropriation for debt service may be reduced or transferred, except to the
28 extent that the debt is refinanced and less debt service is required and no appropriation may
29 be reduced below an amount required by-law to be appropriated or by more than the amount
30 of the unencumbered balance thereof. The supplemental and emergency appropriations and
31 reduction or transfer of appropriations authorized by this section may be made effective
32 immediately upon adoption.
33

34 Section 6-5. Administration and Fiduciary Oversight of the Budget

35

36 The Town Council may provide by ordinance the procedures for administration and fiduciary
37 oversight of the budget.
38

39 Section 6-6. Capital Improvements Program

40

41 (a) Preparation - The Town Manager may, in conjunction with any committee established for
42 such purpose, annually submit a five-year capital improvement program by a date
43 established by ordinance.
44

45 (b) Contents - The capital improvement program shall include:
46

- 1) A clear general summary of its contents;
- 2) Identification of the long-term goals of the community;
- 3) A list of all capital improvements and other capital expenditures proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- 4) Cost estimates and implementation schedules for each improvement or other capital expenditure;
- 5) Method of financing upon which each capital expenditure is to be reliant;
- 6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- 7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
- 8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be reviewed annually.

- (c) Public Hearing - The Town Council shall publish on the Town's official website and, if required by state law, in a newspaper of general circulation in the Town a summary of the proposed capital improvement plan as submitted by the Town Manager. The Town Council shall identify a date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan will be held.
- (d) Adoption of the Capital Improvement Program - Town Council shall adopt the capital improvement plan, with or without amendments, provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan will be published on the Town's website upon adoption.

Section 6-7. Long Term Financial Forecast

- (a) The Town Manager shall annually prepare a five-year financial forecast of Town revenue, expenditures and the general financial condition of the Town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the Town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the Town. The forecast shall be submitted to the Town Council and finance committee and shall be available to the public for inspection. The long-term financial forecast

1 shall be published on the Town's official website and when updates occur, they shall be posted
2 in a timely manner.

3 4 Section 6-8. Annual Independent Audit

5
6 The Town Manager shall provide for an independent annual audit of all Town accounts and may
7 provide for more frequent audits as it deems necessary. An independent certified public
8 accountant or firm of such accountants shall make the audits. The audits should be performed in
9 accordance with generally-accepted auditing standards and generally-accepted governmental
10 auditing standards.

11
12 The Town Council shall designate no fewer than three of its members to serve as an audit
13 committee. The committee shall:

14
15
16 Receive the report of the internal auditor and present that report to the Town Council with
17 any recommendations from the committee.

18
19 The Town Manager shall designate such accountant or firm which shall be ratified by the Town
20 Council for a period not exceeding five years. The auditor must be capable of exercising
21 objective and impartial judgment on all issues encompassed within the audit engagement.

22 23 Section 6-9. Finance Committee

24
25 (a) There shall be a Finance Committee, the number of members and terms of office of which
26 shall be established by ordinance. The finance committee shall report in writing its
27 recommendations on finance related matters to the Town Council. Before preparing its
28 recommendations, the finance committee shall hold one or more public meetings to permit
29 discussion of finance matters before the Town Council, except those matters subject to
30 public hearings by other multiple-member Town bodies and not containing appropriations.
31 The finance committee shall have such additional powers and duties as may be provided by
32 the General Laws, by this Charter or by ordinance.

33 (b)
34 The Town Manager or his designee shall have ex-officio membership, without voting rights on
35 the committee. The finance committee shall carry out its duties in accordance with the
36 provisions of general law, this Charter and ordinance and it shall have regular and free access
37 and inspection rights to all books and accounts of any Town department or office.

38 Section 6-10. Financial Management Standards

39
40 The Town Council may by ordinance establish reasonable standards relating to the management
41 of financial systems and practices. Any standards adopted shall conform to modern concepts of
42 financial management.

43 44 Section 6-11. Public Records

1 Copies of the budget, capital program, independent audits and appropriation and revenue
2 ordinances shall be public records and shall be published on the Town's website.
3
4
5
6

7 ARTICLE VII- ELECTIONS AND; RELATED MATTERS 8

9 Section 7-1. Town Elections 10

11 The regular Town election of Town officers shall be held annually on the Saturday preceding
12 the last Monday in April.
13

14 Section 7-2. Non-Partisan Elections 15

16 All elections for Town offices shall be non-partisan and election ballots shall be printed without
17 any party mark, emblem or other designation whatsoever
18

19 Section 7-3. Signature Requirements; Information to Voters; Ballot Position 20

21 (a) Signature Requirements - The number of signatures of voters required to place the name of a
22 candidate on the official ballot to be used at an election shall be as follows: For an office
23 which is to be filled by the voters of the whole Town, not less than 150. For an office which
24 is to be filled by the voters of a district, not less than 100 from such district.
25

26 (b) Information to Voters - If the candidate in a regular Town election is an incumbent elected
27 by the voters to the office to which the candidate seeks election, against the candidate's
28 name shall appear the phrase "candidate for re-election".
29

30 (c) Ballot Position - The order in which names of candidates appear on the ballot for each office
31 in a regular Town election shall be determined by a drawing by lot conducted by the Town
32 Clerk. At least 35 days before the date of the election, the Town Clerk shall post in a
33 conspicuous place in the Town hall the names and residences of the candidates for election
34 who have duly qualified as candidates for election. The order of the names as to appear on
35 the ballot shall be drawn by the Town Clerk. In drawing by lot for position on the ballot the
36 candidates shall have an opportunity to be present in person or by one representative each.
37

38 Section 7-4. Districts 39

40 The territory of the Town shall be divided into seven districts so established as to consist of as
41 nearly an equal number of inhabitants as it is possible to achieve based on compact and
42 contiguous territory, bounded insofar as possible by the center line of known streets or ways or
43 by other well defined limits. Each such district shall be composed of one or more voting
44 precincts established in accordance with general laws. The Town Council shall from time to
45 time, but at least once in each ten years, review such districts to ensure their uniformity in
46 number of inhabitants.

1
2 Section 7-5. Application of State Laws
3

4 Except as expressly provided in the Charter and authorized by any general or special law, all
5 Town elections shall be governed by federal, state and local laws relating to the right to vote,
6 the registration of voters, the nomination of candidates, the conduct of elections, the submission
7 of charter amendments and other propositions, the counting of votes and the declaration of
8 results.
9

10
11
12
13 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS
14

15 Section 8-1. Citizen Initiative Measures
16

17 (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative
18 petition with the Town Clerk. The petition shall be addressed to the Town Council, shall
19 contain a request for the passage of a particular measure which shall be set forth in full in
20 the petition and shall be signed by at least 50 voters. The petition shall be accompanied by
21 an affidavit signed by ten voters and containing their residential addresses stating they will
22 constitute the petitioners' committee and be responsible for circulating the petition and filing
23 it in proper form. The person whose signature appears first on the affidavit accompanying
24 such petition petitioner shall be designated as clerk.
25

26 (b) Referral to Town Attorney - The Town Clerk shall, forthwith following receipt of each such
27 proposed petition, deliver a copy of the petition to the Town Attorney. The Town Attorney
28 shall, within 15 days following receipt of a copy of the petition, in writing, advise the Town
29 Clerk whether the measure as proposed may lawfully be proposed by the initiative process
30 and whether, in its present form, it may be lawfully adopted by the Town Council. If the
31 opinion of the Town Attorney is that the measure is not in proper form, the reply shall state
32 the reasons for such opinion, in full. A copy of the opinion of the Town Attorney shall also
33 be mailed by the Town Clerk to the clerk of the petitioners' committee.
34

35 (c) Submission to Town Clerk - If the opinion of the Town Attorney is that the petition is in
36 proper form, the Town Clerk shall provide blank forms for the use of subsequent signers
37 and shall print at the top of each blank a fair, concise summary of the proposed measure, as
38 determined by the Town Attorney, together with the names and addresses of the first ten
39 voters who signed the originating petition. Within ten days following the date the blank
40 forms are issued by the Town Clerk the petitions shall be returned and filed with the Town
41 Clerk signed by at least ten per cent of the total number of voters as of the date of the most
42 recent Town election. Signatures to an initiative petition need not all be on one paper, but all
43 such papers pertaining to any one measure shall be fastened together and shall be filed as a
44 single instrument, with the endorsement thereon of the name and residence address of the
45 person designated as filing the same. With each signature on the petition there shall also
46 appear the street and number of the residence of each signer. Within ten days following the

1 filing of the petition the Board of Registrars of voters shall ascertain by what number of
2 voters the petition has been signed and what percentage that number is of the total number
3 of voters as of the date of the most recent Town election and shall return the petition along
4 with a certificate showing the results of the examination of the Registrars of voters to the
5 Town Clerk. A copy of the certificate of the Board of Registrars of voters shall also be
6 mailed to the person designated as clerk of the petitioners' committee.
7

8 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
9 Town Clerk and after publication in accordance with this section, the Town Council may
10 pass the measure without alteration, subject to the referendum vote provided by this Charter
11 or, the Town Council shall call a special election to be held on a date fixed by it not less
12 than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned and
13 shall submit the proposed measure without alteration to a vote of the voters at that election;
14 provided, however, that if a Town election is otherwise to occur within 120 days after the
15 date of the certificate, the Town Council may, at its discretion, omit the calling of a special
16 election and submit the proposed measure to the voters at the approaching election. The
17 ballots used when voting upon a proposed measure under this section shall state the nature
18 of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).
19

20 (e) Publication - The full text of any initiative measure which is submitted to the voters shall be
21 published in a local newspaper, if required by state law, and on the Town's official website
22 not less than seven nor more than 14 days preceding the date of the election at which the
23 question is to be voted upon. Additional copies of the full text shall be available for
24 distribution to the public in the office of the Town Clerk and on the Town's official
25 website.
26

27 (f) Form of Question - The ballots used when voting on a measure proposed by the voters under
28 this section shall contain a question in substantially the following form:
29

30 Shall the following measure which was proposed by an initiative petition take effect? (Here
31 insert a fair, concise summary prepared by the Town Attorney.)
32

33 YES NO
34

35 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative,
36 the measure shall be deemed to be effective forthwith, unless a later date is specified in the
37 measure.
38

39 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage 40

41 If within ten days after the final passage of a measure, a petition signed by voters equal in
42 number to at least five per cent of the total number of voters and addressed to the Town
43 Council, protesting against the measure or any part thereof taking effect, is filed with the Town
44 Clerk, the same shall thereupon and thereby be suspended from taking effect and the Town
45 Council, as the case may be, shall immediately reconsider the measure or part thereof and if
46 such measure or part thereof is not entirely rescinded, the Town Council shall submit the same,

1 to a vote of the voters either at the next regular Town election or at a special election which
2 may, in its discretion, be called for the purpose and the measure or part thereof shall forthwith
3 become null and void unless a majority of the voters voting on the same at the election vote in
4 favor thereof.

5 6 Section 8-3. Required Voter Participation 7

8 For a measure to be effective under the initiative procedure and for any measure to be declared
9 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
10 election upon which an initiative or referendum question is submitted to the voters.

11 12 Section 8-4. Measures Not Subject to Initiative and Referendum 13

14 Measures which include the following subject matter shall not be subject to initiative and
15 referendum procedures:

- 16
17 1) Revenue loan orders;
- 18
19 2) Appropriations for the payment of debt or debt service;
- 20
21 3) Internal operational procedures of the Town Council;
- 22
23 4) Emergency measures;
- 24
25 5) The Town budget as a whole or the School Committee budget as a whole;
- 26
27 6) Appropriation of funds to implement a collective bargaining agreement;
- 28
29 7) Procedures relating to election, appointment, removal, discharge or other personnel action;
30 and
- 31
32 8) Proceedings providing for the submission or referral of a matter to the voters at an election.

33 34 Section 8-5. Submission of Proposed Measure to Voters 35

36 The Town Council may, of its own motion, submit any proposed measure or a proposition for
37 the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a
38 general or special Town election. The Town Council shall also allow for the submissions upon
39 request of the regional School Committee if a measure originates with the committee and
40 pertains to the affairs under its administration. Such action of the Town Council shall have the
41 same force and effect as are provided herein for submission of the measures on petition by the
42 voters.

43 44 Section 8-6. Measures with Conflicting Provisions 45

1 If two or more proposed measures passed at the same election contain conflicting provisions,
2 only the one receiving the greater number of affirmative votes shall take effect.

3 4 Section 8-7. Free Petition

5
6 (a) Individual Petitions, Action Discretionary - The Town Council shall receive all petitions
7 which are addressed to them and signed by a voter, as certified by the Town Board of
8 Registrars of voters, or its successor, and may, at their discretion, take such action with
9 regard to the petitions as they deem necessary and appropriate.

10
11 (b) Group Petitions; Action Required - The Town Council shall hold a public hearing and act by
12 taking a vote on the merits of every petition which is addressed to it and is signed by at least
13 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The
14 hearing shall be held by the Town Council or by a committee or subcommittee thereof and
15 the action by the Town Council shall be taken not later than two months after the petition is
16 filed with the Town Clerk. Hearings on two or more petitions filed under this section may
17 be held at the same time and place. The Town Clerk shall mail notice of the hearing to the
18 ten petitioners whose names first appear on each petition at least seven days before the
19 hearing. Notice by publication at least seven days before such hearings shall also be made
20 and shall be at the public expense. No hearing shall be heard upon any one subject more
21 than once in any given 12 month period. All papers with signatures shall be filed in the
22 office of Town Clerk as one instrument on one date and time.

23 24 25 26 27 28 29 30 31 ARTICLE IX- GENERAL PROVISIONS

32 33 Section 9-1. Conflicts of Interest

34
35 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The Town
36 Council shall implement this prohibition by ordinance, the terms of which shall include, but not
37 be limited to: (1) acting in an official capacity on matters in which the official has a private
38 financial interest clearly separate from that of the general public; (2) the acceptance of gifts and
39 other things of value; (3) acting in a private capacity on matters dealt with as a public official;
40 (4) the use of confidential information; and (5) appearances by Town officials before other
41 Town agencies on behalf of private interests. This ordinance shall include a statement of
42 purpose and shall provide for reasonable public disclosure of finances by officials with major
43 decision-making authority over monetary expenditures and contractual and regulatory matters
44 and, insofar as permissible under state law, shall provide for fines and imprisonment for
45 violations.

1 Section 9-2- Prohibitions

2
3 (a) Activities Prohibited – The following activities are prohibited:

- 4
5 1) No person shall be appointed to or removed from, or in any way favored or
6 discriminated against with respect to a Town position or appointive Town administrative
7 office because of race, gender, age, sexual orientation, disability, religion, country of
8 origin or political affiliation;
9
10 2) No person shall willfully make a false statement, certificate, mark, rating or report in
11 regard to a test, certification or appointment under the provisions of this Charter or the
12 rules and regulations made there under or in any manner commit or attempt to commit
13 any fraud preventing the impartial execution of the provisions, rules and regulations;
14
15 3) No person who seeks appointment or promotion with respect to a Town position or
16 appointive Town administrative office shall directly or indirectly give, render or pay any
17 money, service or other valuable thing to a person for or in connection with the applicant
18 or employee's, appointment, proposed appointment, promotion or proposed promotion.
19
20 4) During working hours, no Town employee shall knowingly or willfully participate in
21 any aspect of a political campaign on behalf of, or opposition to, a candidate for Town
22 office. This section shall not be construed to limit a person's right to exercise rights as a
23 citizen to express opinions or to cast a vote, nor shall it be construed to prohibit a person
24 from active participation in political campaigns at any other level of government.
25

26 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for a
27 period five years following such conviction to hold a Town office or position and, if an officer
28 or employee of the Town, shall immediately forfeit the employee's office or position. The Town
29 Council shall establish by ordinance such further penalties as it may deem appropriate.
30

31 Section 9-3. Campaign Finance

32
33 (a) Disclosure - The Town Council shall enact ordinances to protect the ability of Town
34 residents to be informed of the financing used in support of, or against, campaigns for locally-
35 elected office. The terms of the ordinances shall include, but not be limited to, requirements
36 upon candidates and candidate committees to report in a timely manner to the appropriate Town
37 office: contributions received, including the name, address, employer, and occupation of each
38 contributor who has contributed \$200 or more; expenditures made; and obligations entered into
39 by the candidate or candidate committee. In so far as is permissible under general or special law,
40 the regulations shall also provide for fines and imprisonment for violations. The ordinance shall
41 provide for convenient public disclosure pursuant to section 26 of chapter 55.
42

43 (b) Contribution and Spending Limitations - In order to combat the potential for, and
44 appearance of, corruption and to preserve the ability of all qualified citizens to run for public
45 office, the Town shall, in so far as is permitted by general or special law and federal law, have
46 the authority to enact ordinances designed to limit contributions and expenditures by, or on

1 behalf of, candidates for locally-elected office. Ordinances under this section may include, but
2 are not limited to: limitations on candidate and candidate committees that affect the amount,
3 time, place, and source of financial and in-kind contributions; and, voluntary limitations on
4 candidate and candidate committee expenditures tied to financial or non-financial incentives.

5 6 Section 9-4. Charter Revision or Amendment 7

8 (a) In General - The Charter may be replaced, revised or amended in accordance with any
9 procedure made available by Article LXXXIX of the Amendments to the Constitution of the
10 Commonwealth of Massachusetts and any general or special law enacted to implement the
11 constitutional amendment.

12
13 (b) Periodic Review - Not later than the first day of July, at six-year intervals, the Town Council
14 shall provide for a review and propose revisions to the Town Charter. The review shall be
15 conducted by a special committee to consist of seven residents of the Town appointed by the
16 Council President with the approval of the Town Council. The committee shall file a report
17 within the year recommending any changes in the Charter which it may deem to be
18 necessary or desirable, unless an extension is granted by vote of the Town Council.

19
20 (c) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and votes of
21 the Town Council which are in force at the time this Charter is adopted, not inconsistent
22 with the provisions of this Charter, shall continue in full force until amended or repealed.
23 Where provisions of this Charter conflict with provisions of Town ordinances, rules,
24 regulations, orders or special acts or acceptances of laws, the Charter provisions shall
25 govern. All provisions of Town ordinances, rules, regulations, orders and special acts not
26 superseded by this Charter shall remain in force.

27 28 29 Section 9-5. Severability 30

31 The provisions of this Charter are severable. If any of the provisions of this Charter are held to
32 be unconstitutional, or invalid, the remaining provisions of this Charter shall not be affected
33 thereby. If the application of this Charter, or any of its provisions, to any person or
34 circumstances is held to be invalid, the application of the Charter and its provisions to other
35 persons or circumstances shall not be affected thereby.

36 37 Section 9-6. Rules of Interpretation 38

39 The following rules shall apply when interpreting the Charter:
40

41 (a) Specific Provisions to Prevail - To the extent that a specific provision of the Charter shall
42 conflict with any provision expressed in general terms, the specific provision shall prevail;
43

44 (b) Number and Gender - Words imparting the singular number may extend and be applied to
45 several persons or things, words imparting the plural number may include the singular and
46 words imparting the masculine gender shall include the feminine gender;

1
2 (c) References to General Laws - All references to the general or special laws contained in the
3 Charter refer to the general laws of the Commonwealth and are intended to include any
4 amendments or revisions to the chapters and sections or to the corresponding chapters and
5 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
6 Charter; and
7

8 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time
9 under the Charter, if seven days or less, only business days, not including Saturdays,
10 Sundays or legal holidays shall be counted; if more than seven days, every day shall be
11 counted.
12

13 Section 9-7. Removal of Member of Multiple Member Appointed Bodies 14

15 An official appointed by the Town Manager to a multiple-member body, may be removed from
16 office by the Town Manager if the official fails to attend regularly scheduled meetings for a
17 period of three consecutive meetings without express leave from the chairman of the multiple
18 member body, unless the Town Manager shall determine otherwise. The appointed official shall
19 be automatically removed from office if the official is convicted of a felony or if the official is
20 absent from the duties for the period of six months notwithstanding the permission from the
21 Council President to be absent.
22

23 A removal shall be accomplished in accordance with the following procedure:
24

- 25 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
26 delivered by registered mail to the last known address of the appointed official sought to be
27 removed.
28
- 29 2) Within 14 days of delivery of the notice the appointed official may request a public hearing
30 before the appointing authority;
31
- 32 3) If the appointed official fails to request a public hearing, then the appointed official shall be
33 discharged forthwith;
34
- 35 4) The appointed official may be represented by private counsel at the hearing and shall be
36 entitled to present evidence, to call witnesses and to examine any witness appearing at the
37 hearing;
38
- 39 5) Within ten days after the public hearing is adjourned, the appointing authority may, by a
40 majority vote, remove the appointed official for good cause;
41
- 42 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
43 delivered by registered mail to the last known address of the appointed official;
44
- 45 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing
46 before the Town Council;

1
2 8) If the appointed official fails to request a public hearing, then the appointed official shall be
3 discharged forthwith;
4

5 9) The appointed official may be represented by private counsel at the hearing and shall be
6 entitled to present evidence, to call witnesses and to examine any witness appearing at the
7 hearing; and
8

9 10) Within ten days after the public hearing is adjourned, the Town Council may, by a two-
10 thirds vote, reinstate the appointed official, but the appointed official shall otherwise be
11 removed.
12

13 Nothing in this section shall be construed as granting a right to a hearing when an appointed
14 official who has been appointed to a fixed term is not reappointed when the appointed official's
15 original term expires.
16

17 Section 9-8. Posting of Public Documents 18

19 The Town Council and Town Manager shall ensure that all pertinent, public Town documents
20 be posted to the Town's official website. Examples of these documents include, but are not
21 limited to, the following: administrative code, audit results, budget, financial management
22 policies, ordinances and personnel policies and procedures.
23
24
25
26

27 ARTICLE X- TRANSITIONAL PROVISIONS 28 29

30 Section 10-1. Time of Taking Effect 31

32 This Charter shall become fully effective upon ratification by the voters as provided for by the
33 General Laws, except as provided in this section:
34

35 The appointed position of Town Clerk will be created at the expiration of the elected Town
36 Clerk's term or upon a vacancy in the office.
37
38
39



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Order: O-FY18-014

Proposed Amendment

Introduced By:	Town Manager
Date Introduced	November 7, 2017
First Reading:	November 7, 2017
Second Reading:	November 21, 2017
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-014

Town Council Acceptance of Proposal & Authorization for the Town Manager to Negotiate a Purchase & Sale Agreement for the McElwain School

Whereas, the Town Manager issued a Request for Proposals for the sale or lease of the McElwain School ("the property");

Whereas, Capstone Communities Development, LLC and MPZ Development, LLC submitted a proposal to purchase the property and to rehabilitate the school building into 16 workforce housing units, and construct a new, detached structure with an additional 36 affordable housing units;

Whereas, the Town Manager has determined that the proposal meets the requirements of the RFP;

Whereas, the proposal proposes to invest \$20,572,000 into the property, with funding from multiple grant sources including the Department of Housing and Community Development, Community Scale Housing Initiative; MassHousing; and the Town of Bridgewater Affordable Housing Trust, with additional funding from private mortgages, historic tax credits, LIHTC, and other sources;

Whereas, the proposal requests a response from the Town prior to the end of November in order to secure state grant funding during the current cycle;

Whereas, the Town Manager recommends the Council accept this proposal as a proactive way to ensure we will meet out 10% housing stock after the year 2020, and authorize the Town Manager to negotiate a Purchase and Sales Agreement and a development agreement with the proposer;

ORDERED, in accordance with MGL c. 30B, that the Town Council assembled vote to accept the RFP submission for the purchase of the McElwain School by Capstone Communities LLC and MPZ Development LLC, and authorizes the Town Manager to negotiate the Purchase and Sales Agreement and a development agreement, with the condition that no Purchase and Sale agreement shall be signed without final approval from the Town Council.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Explanation:

The Town Manager issued a RFP for the sale or lease of the old McElwain School. The only proposal received proposes an affordable housing development with preserves the old school as 16 units of housing and a new building of approximately 36 units. The proposal also looks for a Town contribution to the development project which is common in these types of housing developments. The Town Manager seeks to negotiate further with the proponents, but can only do so with acceptance of the proposal.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee	• 11/15/17: Vote to recommend approval with proposed amendment.



Bridgewater Town Council

In Town Council, Tuesday November 21, 2017

Council Resolution: R-FY18-003

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading: November 21, 2017

Amendments Adopted:

Date Adopted:

Effective Date:

Resolution R-FY18-003

BRIDGEWATER'S FY 2019 BUDGET POLICY GUIDELINES

WHEREAS: The Town Council established orderly steps for the FY18 Budget creation process; and

WHEREAS: The Town Manager delivered a high-level overview of the FY19 Budget to the Town Council; and

WHEREAS: The economic outlook for FY19 continues to be uncertain, and a cautious approach to the budget is warranted; and

WHEREAS: Budget guidelines and Council priorities are beneficial to constructing the FY19 budget for effective Budget management.

RESOLVED: Pursuant to establishing guidelines and priorities for the Town Manager to develop the Annual Budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to adopt the following Policy Guidelines for the Town Manager to use in creating the FY19 Budget:

The Town Council is adopting these budget policy guidelines pursuant to Section 6-1 of the Bridgewater Home Rule Charter. Based on these guidelines, the Town Manager will develop budgetary goals and the Town Budget for Fiscal Year 2019.

Introduction

The following financial principles set forth the framework for our overall fiscal planning and management of the Town of Bridgewater's resources.

The principles outlined in this policy are designed to ensure the Town's sound financial condition now and in the future.

Sound Financial Condition may be defined as:

- Cash Solvency - the ability to pay bills in a timely fashion
- Budgetary Solvency - the ability to annually balance the budget
- Long Term Solvency - the ability to pay future costs
- Service Level Solvency - the ability to provide needed and desired services

VOICE VOTE REQUIRED

It is equally important that the Town maintain flexibility in its finances to ensure that the Town is in a position to react and respond to changes in the economy and new service challenges without measurable financial stress. To this end we will adhere to the following financial policies.

General Financial Policies

1. The town will avoid budgetary practices that balance current expenditures at the expense of meeting future year's expenses, such as postponing expenditures, and accruing future years' revenues.
2. Recurring operating costs will be funded by recurring sources of revenue. This protects the Town from fluctuating service levels and avoids concern when one-time revenues are reduced or removed which create a structural deficit. In addition in order to budget prudently and plan for contingencies the town sets the following:
 - a. Unreserved Fund Balance (free cash) will be planned at 3% to 5% (State Average is 3.79%, GFOA 5%-15%, Bond Rating Agency Guideline 5%) of the operating budget and used only for one-time expenditures such as capital improvements, capital equipment, unexpected or extraordinary expenses such as unbudgeted snow and ice removal expenses and/or to meet the stabilization reserve policy.
 - b. The Town will maintain a Stabilization Fund as its main financial reserve in the event of an emergency, unforeseen circumstances or an extraordinary need. It shall be the goal of the town to achieve and maintain a balance in the Stabilization Fund equal to 5% (State Average 2.90%, GFOA 5%, Bond Rating Agency 5%-10%) of its operating budget, understanding that this will take several years to accomplish. The established target will be reviewed upon meeting this goal.
3. Revenue Policies: Our Revenue Policies will address the need for diversification and stabilization, revenue estimating, user fee methodology and taxes.
 - a. Revenue Estimating: the revenues will be estimated conservatively, using an objective analytical approach. The goal of this policy is to predict revenues as accurately as possible while erring on the side of caution. Methodologies will be established that best fit the accuracy of forecasting, different methods for different revenue types.

Multi-Year forecasts, which give the Town, lead-time to react to expected revenue shortfalls and to intelligently manage predicted revenue surges are a valuable component of sound long-term financial revenue estimating practices.

The Town will maintain the historical data and a clear chronology of the budgeted to actual estimates results.

4. Expenditure Policies:
 - a. Maintenance of Capital Assets: Within the resources available each fiscal year the Town will maintain capital assets and infrastructure at a sufficient level to protect the Town's investment, minimize future replacement and maintenance costs, and to continue service levels.
 - b. The budget should consider impact of fixed costs including health insurance, retirement, sick leave buyback, transportation, COLA adjustments/Contractual Step Increases, and other costs and should be treated on a consistent basis with all departments for comparison purposes.
 - c. Program Review/Prioritization: The Town encourages delivery of services by other public and private organizations whenever and wherever greater efficiencies and effectiveness can be expected. In addition develop and use technology and productivity advancements that will help reduce or avoid personnel and related overhead costs. The intent is to control these costs as a proportion of the total budget, to more productively and creatively use available resources, and avoid duplication of effort and resources.

VOICE VOTE REQUIRED

- d. Each department's budget will be broken down into three categories: salaries & wages, operating expenses, and capital expenses, if any. The salaries & wages portion will reflect the number of FTE for all departments.
- e. Estimated allocation of health benefit costs by department and pension assessments should be provided.

FY19 BUDGET PRACTICES

In preparing the budget for FY19, the Town Manager should continue to use the following budget practices:

- Continue the Town's efforts within all departments to obtain grant funding from federal, state, and other sources, including the implementation of a college internship program.
- Continue the Town's efforts to maximize the use of Chapter 90 monies to expand upon the road repair program started in FY12 and updated in FY16.
- Review the possibilities and cost implication of contracted services vs. staffing in various departments and to eliminate overtime whenever practical.
- Continue to enhance the Town's website and use other technologies as cost effective means for delivering information and services, increasing public awareness, and encouraging public feedback.

FY19 FINANCIAL POLICIES

The first and foremost goal of the FY19 budget must be to continue to build undesignated fund balances and to build reserves for Stabilization. The budget should be constructed to anticipate positive Free Cash which will enable the Town greater budgetary flexibility in future years, and will continue to enhance the Town's bond rating. At the same time, the budget should maintain Town services.

Revenue:

- The Tax Levy is governed by statute and has a high confidence for receipt. For FY19 budget planning purposes, spending shall use 100% of the anticipated Tax levy amount after accounting for the appropriate overlay amount reduction.
- Given the uncertain economic forecast, New Growth projections shall be limited to \$300,000.
- Local Receipts are highly influenced by economic conditions and forecasts. Therefore, for FY19 planning purposes, spending shall be limited to 85% of FY18 actual values per revenue classification plus 85% of the last three fiscal years of actual prison mitigation revenue.
- Downward adjustments to specific local receipt line items should be made to any line item where actual receipts increased by more than 25% between FY17 and FY18.
- Revenue from State Aid should be the numbers used in the Cherry Sheet estimates released March 1. If no FY2019 Cherry Sheets are available, use the final FY2018 Cherry Sheet values.
- General Fund revenues from Ambulance Receipts should be limited to \$1.0 million.
- Grants may be used to calculate revenue if allowed by the terms of the grant.

Expenses:

- Expect that the Plymouth County Retirement assessment paid by the Town will increase by approximately \$120,000.
- Assume an 11% increase in health care expenses.
- Identify all employees and their salary costs. Include written summaries of all initiatives greater than maintenance with the breakdown of expenditures and FTEs.
- Provide a summary of settled union contract impacts to payroll costs for FY19 and FY20.
- Each department's budget should be broken down into three categories: payroll costs, regular expenditures, capital expenditures. Estimated allocation of health benefit costs and pension assessments should be provided.

VOICE VOTE REQUIRED

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Committee meet 11/21/17. Disposition will be provided to full Council.



Bridgewater Town Council

In Town Council, Tuesday, September 21, 2017

Council Ordinance: D-FY18-005

Introduced By: Councilors Dennis Gallagher and Frank Sousa
Date Introduced: September 5, 2017
First Reading: September 5, 2017
Second Reading: November 21, 2017
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-005

ZONING ORDINANCE – PROHIBITING THE RETAIL SALE OF RECREATIONAL MARIJUANA

WHEREAS, In accordance with the provisions of MGL, Chapter 40A, and H.3818 it is therefore;

ORDERED, that the Town Council assembled votes to amend Section 6, Use Regulations, of the Bridgewater Zoning Bylaws to read as follows:

“6.4 Marijuana ~~Establishments-Retail~~ Forbidden

The Town of Bridgewater prohibits the operation of any marijuana establishment as defined in G.L. c. 94G, § 1- ~~including without limitation a marijuana cultivator, a marijuana testing facility, a marijuana product manufacturer or a marijuana retailers in all zoning Districts of the Town of Bridgewater. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.~~

Explanation:

Adoption of the aforementioned ordinance would affect a ban on the sale of recreational marijuana in the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Community & Economic Development Committee - Planning Board	11/01/17: A duly advertised joint public hearing was held with the Planning Board. The hearing was closed, and committee discussions continued to 11/15/17 11/15/17: Committee vote 2-0 to recommend adoption with proposed amendment. 11/01/17: A duly advertised joint public hearing was held with the CEDC. The hearing was closed, and board discussions continued to 11/15/17 11/15/17: Committee vote 4-0 to recommend adoption with proposed amendment.



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Ordinance: D-FY18-002

Introduced By: Councilor Edward Haley
Date Introduced: September 5, 2017
First Reading: September 5, 2017
Second Reading: November 21, 2017
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-002

ZONING ORDINANCE - TEMPORARY MORATORIUM ON THE RETAIL SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

Whereas, by vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes, and

Whereas, by vote of the legislature on July 20, 2017, and signature by the Governor on July 28, 2017, the General Court made changes to the law approved by voters, and altered the date by which the Cannabis Control Commission must promulgate regulations to no later than March 15, 2018, and

Whereas, currently under the Bridgewater Zoning Bylaw, Recreational Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the Town in regulating Recreational Marijuana Retailers, and

Whereas, the regulation of Recreational Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Retailers and other issues related to the regulation of recreational marijuana, and

Whereas, the Marijuana Ad Hoc Committee recommends that the Town Council adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Retailers in order to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

Now, therefore, for the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town, through its Town Council, adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Retailers extending through December 31, 2018.

Explanation:

During the moratorium period, the Town would undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Advisory Board regulations regarding Recreational Marijuana Retailers and related uses, determine whether the town shall restrict any, or all, licenses for Recreational Marijuana Retailers, determine whether the town will prohibit on-site consumption at Recreational Marijuana Retailers

NOT FOR ACTION – REQUIRES ADVERTISING

and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Retailers and related uses.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Community & Economic Development Committee - Planning Board	11/01/17: A duly advertised joint public hearing was held with the Planning Board. The hearing was closed, and committee discussions continued to 11/15/17 11/15/17: Committee vote 2-0 not to recommend adoption. 11/01/17: A duly advertised joint public hearing was held with the CEDC. The hearing was closed, and board discussions continued to 11/15/17 11/15/17: Committee vote 4-0 to not recommend adoption.



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Ordinance: D-FY18-008

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading: November 21, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY18-008

ZONING ORDINANCE – ELM STREET RETAIL OVERLAY USAGE

WHEREAS, MGL Chapter 94G Section 3 allows local control; and

WHEREAS, the Elm Street Retail Overlay was established to allow Bridgewater to limit and restrict Retail Marijuana businesses to the location of the Medical Marijuana Establishments; and

WHEREAS, MGL 94G Section 3(2)(a)(iii) allows local control to limit the number of Retail Locations equal to the number of Medical Locations, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by adding Retail Marijuana Establishments to Elm Street Retail Overlay (ERO) District as a Special Permit and No for all other zones in the Use Table and to limit the number of special permits to the number of Medical Marijuana Establishments, as allowed by MGL 94G Section 3(2)(a)(iii).

Explanation:

- 1. This measure is in keeping with the original strategy discussed in the Council and implements limits and controls.*
- 2. Prior to the intervention of the State for Question 4, Question 4 allowed local control over the location and number of Retail Stores. Local control can be established by the Town Council since we are a City and not a Town form of government.*
- 3. Should the Council decide to allow the Town to vote on a Ban, as now allowed by the revised Question 4 language, and should the ban fail, this measure will protect Bridgewater from having too many shops in unrestricted areas (e.g. Downtown)*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This measure was postponed to 11/15/17 to consider dispositions from CEDC and Planning Board consideration of Ordinances D-FY18-002 and D-FY18-005 - This ordinance requires consideration by the Planning Board.	



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Ordinance: D-FY18-009

Introduced By: Councilor William Wood
Date Introduced: November 7, 2017
First Reading: November 7, 2017
Second Reading: November 21, 2017
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-009

GENERAL ORDINANCE – AMEND TAX FEES TABLE – RETAIL TAX ON MARIJUANA SALES

WHEREAS, MGL c. 94G, Section 3 allows for local control; and

WHEREAS, MGL c. 64N, Section 3(a); and

WHEREAS, the maximum local tax allowed by law is three percent; and

WHEREAS, a tax on retail sales is used for the General Fund and School Assessment, it is therefore;

ORDERED, that the Town Council assembled votes to establish the maximum local sales tax of three (3) percent of the total sales price received from the retail sales of marijuana or marijuana products, or any additional amount as approved by the Commonwealth.

Explanation:

- 1. The State allows local municipalities to tax Retail sales of marijuana up to three percent. The State also allows the local municipalities to negotiate with any proposed retail outlet an additional tax of three percent, for a total possible tax of 6%.*
- 2. Many estimates put the per store sales of retail marijuana at \$2.6 million dollars. There is a proposal to limit the number of shops to two, making the total sales about \$5.2 million dollars in Bridgewater. Six percent of \$5.2M is \$312,000. That is a shareable revenue stream of which approximately \$156,000 would go to the schools in each budget year.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This measure was postponed to 11/15/17 to consider dispositions from CEDC and Planning Board's consideration of Ordinances D-FY18-002 and D-FY18-005 - This measure requires consideration by Finance Committee	



Bridgewater Town Council

In Town Council, Tuesday, November 21, 2017

Council Ordinance: D-FY18-011

Introduced By: Councilor Edward Haley
Date Introduced: November 21, 2017
First Reading: November 21, 2017
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-011

ZONING ORDINANCE: AMEND ELM STREET RETAIL OVERLAY (ERO) DISTRICT

WHEREAS, the Marijuana Ad-Hoc Committee at its 08/03/2017 meeting voted to recommend to the Town Council, pursuant to Chapter 94G, a zoning moratorium on locating a recreational marijuana facility; and

WHEREAS, the Marijuana Ad-Hoc Committee at its 11/09/2017 meeting voted to recommend to the Town Council that an area be specifically zoned to locate and restrict marijuana retail establishments and its ancillary businesses. Further, the Committee voted that the recommended zoning measure be enacted regardless of whether the Town institutes a moratorium or a ban on retail sales of marijuana; and

WHEREAS, pursuant to G.L. c.94G, §3, a municipality may prohibit or limit recreational marijuana establishments by ordinance; and

WHEREAS, the Town has designated an area - *Elm Street Retail Overlay (ERO)* - where Medical Marijuana Establishments may be restricted to in order to minimize the adverse impacts of a Medical Marijuana Establishment on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities;

WHEREAS, local regulation under G.L. c.94G, §3 provides that municipalities may regulate the time, place and manner of marijuana establishment operations and may adopt ordinances that impose reasonable safeguards on the operation of marijuana establishments, provided they are not “unreasonably impracticable.”, it is therefore;

ORDERED, that the Town Council assembled votes to amend *Section 21 Medical Marijuana Treatment Center* of the Bridgewater Amended Zoning By-Laws by adding Retail Marijuana Establishments to Elm Street Retail Overlay (ERO) District as a Special Permit and No for all other zones in the Use Table and to limit the number of special permits to the number of Medical Marijuana Establishments, as allowed by G.L. c.94G, §3 (2)(a)(iii).

Explanation:

The mission of the Ad-Hoc Marijuana Committee is to identify the issues associated with the retail sales of marijuana in the Town of Bridgewater and suggest possible solutions, including recommendations on the promulgation of ordinances and regulations. The proposed Legislation reflects the recommendation of the committee should the Town fail to enact a ban on retail establishments; or should the Town and other communities be subject to intervention either by the legislature or court challenge.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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