



# BRIDGEWATER TOWN COUNCIL

Thursday, March 29, 2012

7:30 PM

Memorial Building, 25 South Street

## **\*\*Special Meeting\*\***

## **AGENDA**

- A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS - None
- B. ANNOUNCEMENTS FROM THE PRESIDENT
- C. PROCLAMATIONS - None
- D. CITIZEN OPEN FORUM
- E. APPOINTMENTS - None
- F. HEARINGS - None
- G. LICENSE TRANSACTIONS - None
- H. PRESENTATIONS - None
- I. TOWN MANAGER'S REPORT
- J. DISCUSSIONS - None
- K. SUBCOMMITTEE REPORTS
- L. LEGISLATION FOR ACTION
  - a) Transfer #T-2012-003: Transfer of Water & Sewer Retained Earnings to Equip New Office Space
    - - Transfer and appropriate \$35,000.00 to account #601-440-05-1021-570000 (Office Relocation) from the Sewer Enterprise budget account #601-000-00-0000-359000 (Sewer Retained Earnings) and \$35,000.00 to account #602-450-09-1021-570000 (Office Relocation) from the Water Enterprise budget account #602-000-00-0000-359000 (Water Retained Earnings)
    - \*\* The Finance Committee voted to approve this item: 6-0 (meeting held 2/22/2012). The legislation was not referred to the Budget & Finance committee.
  - b) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget: Approval Requirements
    - \*\* This matter was referred to the Rules & Procedures Committee for review on 10/18/2011. The Rules & Procedures Committee was deadlocked: 1-1 (meeting held 11/10/2011). This measure was relieved from the committee on 11/22/2011 by vote of the Town Council (7-2).
    - \*\* The Finance Committee voted to "not recommend" this item: 6-0 (meeting held 12/28/2011).
    - \*\* This measure was duly advertised on 1/5/2012 pursuant to Section 2-9 of the Home Rule Charter.

## M. OLD BUSINESS

- a) Order# O-2012-011: Loan Order – Levy Multipurpose  
*\*\*The sum of \$162,470.00 be appropriated and subsequently borrowed by the Town Treasurer pursuant to Chapter 44 or any other enabling authority; and the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto. The purpose of this order is purchase new equipment for several town departments and the Bridgewater-Raynham School District. Principal and interest is expected to be paid from the tax levy. This will replace retiring levy debt.*  
*NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.*
- b) Ordinance # D-2012-004: Administration and Fiduciary Oversight of the Budget - Appropriation of Operating Expenses from Ambulance Receipts and/or Ambulance Reserve Account  
*\*\* The Finance Committee voted to table this item: 5-1 (meeting held 2/22/2012).*  
*NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.*
- c) Ordinance #2011-008: Dealers in Junk, Antiques, Second Hand Articles (as amended by the Town Council at the 3/6/2012 meeting)  
*\*\* The Public Safety Committee did not take action on this matter since its referral on 9/6/2011. This measure was relieved from the Public Safety Committee on 1/3/2012 by vote of the Town Council: (9-0). This measure was initially advertised on 1/27/2012.*  
*NOTE: This legislation may not be finally approved at this evening's meeting as it requires re-advertisement pending any amendments proffered by the Town Council.*
- d) Ordinance #D-2012-001: Council Meeting Times  
*\*\* The Rules & Procedures Committee recommended to return the measure to the full Town Council for action: 2-0 (meeting held 1/17/2012). The Committee did not provide a recommendation on this matter.*

## N. NEW BUSINESS

- a) Order #O-2012-022: Interim Town Manager Selection – *Emergency Measure (\*Late File)*  
*\*This measure is a "late file" and therefore requires a vote of the Council for consideration at this evening's meeting.*
- b) Order# O-2012-016: Loan Order - Sewer Equipment
- c) Supplemental Appropriation # T-2012-006: Olde Scotland Links Golf Course Transfer  
*-- Transfer and appropriate \$273.60 to OSLGC Enterprise budget account #603-655-04-1021-570000 from the FY12 Treasurer/Collector budget account #001-145-01-0102-542000 (Office Supplies)*
- d) Order# O-2012-017: Loan Order – Water Fencing & Equipment
- e) Order# O-2012-018: Loan Order – Hurricane Irene Storm Response
- f) Order# O-2012-015: Contracts Requiring Multi-Year Approval  
*(Sponsor: Councilor Berolini)*
- g) Resolution# R-2012-003: Associate Town Counsel  
*(Sponsor: Councilor Colombotos)*

h) Ordinance# D-2012-005: Licensing Board  
(Sponsor: Councilor Fitzgibbons)

i) Order# O-2012-019: Town Manager's Minimum Requirements  
(Co-Sponsor: Councilor Fitzgibbons & Councilor Wood)

j) Order# O-2012-020: Town Manager's Selection  
(Sponsor: Councilor Pitta)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION - None

R. ADJOURNMENT



# Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Transfer Order: # T-2012-003

Introduced By: Town Manager  
Date Introduced/First Reading: February 15, 2012  
Second Reading: March 29, 2012  
Amendments Adopted:  
Date Adopted:  
Date Effective:

## Proposed Transfer Order #T-2012-003

### Transfer of Water & Sewer Retained Earnings to Equip New Office Space

Whereas: The administrative offices of the Water & Sewer Departments are being moved to the Highway Building on High Street, creating administrative synergy with the Water, Sewer, and Highway Departments; and

Whereas: The retained earnings balances of the Water & Sewer enterprise funds are at \$1,033,815 and \$871,065, respectively; and

Whereas: Equipping the office space at the Highway office on High Street includes installing telephone, data infrastructure, furnishings and computer hardware; and

Whereas: The Water/Sewer Superintendent and the IT Director have been working on a plan for this relocation.

Now, Therefore, it is hereby:

**ORDERED** that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$35,000 from Sewer Retained Earnings Account (#601-000-00-0000-359000) to Office Relocation Account (#601-440-05-1021-570000) and \$35,000 from Water Retained Earnings, Account (#602-000-00-0000-359000) to Office Relocation Account (#602-450-09-1021-570000), for the purposes of furnishings and equipment at the High Street Highway Building.

*Explanation: As part of the Academy Building renovations and consolidation, the Water/Sewer administrative offices are moving to be co-located with the Highway office on High Street. This transfer will fund the IT and furnishings to support this move.*

### Committee Referrals and Dispositions:

| Referral(s)                                                                                                                                     | Disposition(s)                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>Measure referred to Finance Committee 2/16/12</li><li>This measure does not require publication</li></ul> | <ul style="list-style-type: none"><li>2/22/12: Vote 6-0 Approve</li><li>This measure was on the 3/6/12 and 3/20/12 agendas for consideration, but not taken up.</li></ul> |



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Ordinance: 2011-013

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|                                |                            |
|--------------------------------|----------------------------|
| Introduced By:                 | Councilor Michael Berolini |
| Date Introduced/First Reading: | October 18, 2011           |
| Second Reading:                | December 6, 2011           |
| Third Reading:                 | February 7, 2012           |
| Fourth Reading:                | March 29, 2012             |
| Amendments Adopted:            | None                       |
| Date Adopted:                  |                            |
| Date Effective:                |                            |

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### **Proposed Ordinance #2011-013**

#### **ADMINISTRATION AND FIDUCIARY OVERSIGHT OF BUDGET** **APPROVAL REQUIREMENTS**

Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.

**ORDERED:** Pursuant to Section 6-5 of the Bridgewater Home Rule Charter, which allows the Town Council to provide ordinances on procedures for the administration and fiduciary oversight of the budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require the Town Manager to:

- Get approval from the Town Council by majority vote prior to taking any steps to backfill or hire any new personnel in any town department;
- Get approval from the Town Council by majority vote prior to taking any steps to reallocate, reclassify, upgrade or downgrade any position in any town department;
- Prior to bring forward any request to do any of the above, the town manager will provide documentation to the Town Council at least one week in advance of the Council meeting to support any request by the Town Manager to hire, backfill, reallocate, reclassify, upgrade, or downgrade any position. This information will include the impact on salary amounts, fringe benefits, sick leave buyout and any other expenditure relating to this action.

#### **Explanation:**

*Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.*

Committee Referrals and Dispositions:

| Referral(s)                                                                                                                                                                                                                                                                                                         | Disposition(s)                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Rules &amp; Procedures Committee (10/18/11)</li><li>• Measure referred to Finance Committee</li><li>• This measure has been duly advertised</li><li>• This measure was included on the 1/17/12 and 2/15/12, 2/28/12 3/6/12 and 3/20/12 agendas, but not taken up.</li></ul> | <ul style="list-style-type: none"><li>• 11/22/11: Reported deadlocked. Measure relieved from further consideration by Rules &amp; Procedures. Bring back before Council 12/6/11.</li><li>• 12/28/11: Finance Committee voted Not Recommended (6-0)</li></ul> |



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-011

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|                                |                                                          |
|--------------------------------|----------------------------------------------------------|
| Introduced By:                 | Town Manager (at the request of the Treasurer/Collector) |
| Date Introduced/First Reading: | March 6, 2012                                            |
| Second Reading:                | March 20, 2012                                           |
| Third Reading:                 | March 29, 2012                                           |
| Amendments Adopted:            |                                                          |
| Date Adopted:                  |                                                          |
| Date Effective:                |                                                          |

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### **Proposed Order #O-2012-011**

#### **LOAN ORDER: LEVY MULTIPURPOSE**

ORDERED that the sum of \$155,372.00 be appropriated to purchase new equipment listed below, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$155,372.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

|         | item                     | yrs |
|---------|--------------------------|-----|
| 25,432  | Town phone system        | 5   |
| 25,432  | Town Permitting software | 5   |
| 45,777  | Dump truck (Highway)     | 10  |
| 35,334  | Lawn mower (Recreation)  | 10  |
| 23,397  | Tasers (Police)          | 5   |
| 155,372 | TOTAL                    |     |

#### **Explanation:**

This is to purchase new equipment and software for several town departments. Principal and interest is expected to be paid from the tax levy. Please note that maintaining some borrowing capacity within levy limit is recommended by our financial advisor. This will replace retiring levy debt.

Committee Referrals and Dispositions:

| <b>Referral(s)</b>                                                                                                                                                 | <b>Disposition(s)</b>                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure not referred to any committee on 3/6/12.</li><li>• This measure requires publication and Public Hearing.</li></ul> | <ul style="list-style-type: none"><li>• Return to full Council for consideration and amendments before referring to Finance Committee.</li><li>• Measure on 3/20/12 agenda. More information needed.</li></ul> |



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Ordinance: D-2012-004

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Introduced By: Councilor Michael Demos

Date Introduced: February 15, 2012

Second Reading: March 29, 2012

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### Proposed Ordinance #D-2012-004

#### **ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET:** **AMBULANCE RECEIPTS/AMBULANCE RESERVE ACCOUNT**

##### **PREAMBLE:**

Ordinance #2011-010 was presented in Town Council for action on December 20, 2011. A roll call vote was taken and the measure failed by a vote of 4-3 with Councilors Colombotos, Pitta and Wood in the minority and Councilors Fitzgibbons and Callahan absent. At the conclusion of the roll call, the President incorrectly declared the measure passed.

Pursuant to Section XIX – “Resubmission” of the Town Council Rules and Procedures

“When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for resubmission, except as otherwise provided in the Bridgewater Home Rule Charter and unless approved by a majority (5) of the full Council. “

**ORDERED:** That the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish a procedure for the Administration and Fiduciary Oversight of the Budget.

**Whereas**, the Bridgewater Home Rule Charter, Section 6-5 states, “The Town Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.”

##### **Be It Ordained by the Town Council of the City known as the Town of Bridgewater that:**

An aggregate appropriation in any given fiscal year to be applied for operating expenses (e.g. salaries and general expenses) from ambulance receipts and/or ambulance reserve account shall not exceed \$1 million dollars. However, the Town Council with a 2/3 vote of the entire Town Council may exceed \$1 million dollar limit in any given fiscal year. (Note: an appropriation in any given fiscal year from ambulance receipts and/or ambulance reserve account for fire apparatus (e.g. procurement of ambulances, fire truck) is exempt from this \$1 million dollar ceiling.)

*Explanation: The remaining balance of the prison mitigation fund continues to dwindle. This measure going forward will better assist the town to adequately plan for expected upgrades for fire apparatus.*

##### **Committee Referrals and Dispositions:**

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                                 | <b>Disposition(s)</b>                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure referred to Finance Committee 2/16/12</li><li>• This measure was on the 3/6/12 &amp; 3/20/12 agendas for amendment consideration, but not taken up.</li><li>• This measure requires publication pending any Council amendments voted at 3/29/12 meeting.</li></ul> | <ul style="list-style-type: none"><li>• Vote 5-1 Tabled</li></ul> |



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Ordinance: #2011-008

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|                                 |                                                 |
|---------------------------------|-------------------------------------------------|
| Introduced By:                  | Councilor Pitta                                 |
| Date Introduced/Public Hearing: | September 6, 2011                               |
| Second Reading:                 | January 17, 2012                                |
| Third Reading:                  | February 15, 2012                               |
| Fourth Reading:                 | March 6, 2012                                   |
| Fifth Reading:                  | March 29, 2012                                  |
| Amendments Adopted:             | January 17, 2012, <a href="#">March 6, 2012</a> |
| Date Adopted:                   |                                                 |
| Date Effective:                 |                                                 |

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### **Proposed Ordinance #2011-008 (as amended)**

#### **Pawn Shops**

**ORDERED** that, Dealers in Junk, Antiques, Second-Hand Articles, Gold, Silver, Other Valuable Secondhand Items and Pawnbrokers No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Bridgewater for purchasing or purchasing and selling, either gold, silver, other precious metals, including catalytic converters, other precious or semi precious gemstones, art objects, painting, jewelry, rugs, antiques, furniture, furs, computers and computer equipment, video equipment, audio equipment, cameras, other electronic devices such as video game systems, games, software, shall engage in such business or open such place of businesses unless duly licensed by the Town of Bridgewater.

#### **Definitions:**

A Second hand Dealer is a person or business who, makes an outright purchase of personal property that has been used.

A Consignment Dealer is a person or business who, without taking ownership of goods or merchandise displays the merchandise for sale for a specified period of time and, upon sale, delivers the proceeds or a portion thereof, as agreed, to the owner. For purposes of this Ordinance, Consignment Dealers shall be licensed as Second Hand Dealers and shall comply with all record keeping and retention requirements of Second Hand Dealers.

A Pawnbroker is a person or business, who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this Ordinance, Pawnbrokers shall be licensed as Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers. Application for license: Each application for a license under this section shall set forth the name and address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant. The Town Manger may refuse to issue a license to a principal(s) who is deemed "unsuitable" to operate such business or whose registration has been revoked for violation of this Ordinance previously, or who has been convicted of a felony and may deny a license if the applicant has been convicted of anyone or more of the following listed offenses:

a. breaking and entering; entering; or breaking;  
b. defrauding an insurer;  
c. larceny;  
d shoplifting;  
e. uttering fraudulent checks;  
f. unlawful or fraudulent use of credit cards;  
g. unlawful taking of money or other goods;  
h. buying, receiving or concealing stolen goods;  
i. making or publishing false statements;  
j. firearms or weapons violations; and,  
The license shall be in force until the 1st day of January unless sooner revoked.

#### **Record of Purchases**

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of the purchase, the detailed description of each item purchased including serial number(s) if present, the price paid for the item, the name, date of birth, current residence, giving a street and number of the person from whom the purchase was made. Such name, date of birth, and residence being obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport, or out of state driver's license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record.

An electronic photograph clearing showing the Item shall be taken of each item along with the identification presented. Each dealer or keeper of the shop shall also take a photograph of the person presenting such item and ID which will also be maintained for the permanent record, and available for inspection by the Chief or his designee, No entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved by the Chief of Police and shall be in duplicate form. The original and a copy of the electronic photograph shall be delivered, either electronically or by hand, to the Chief of Police or his designate by the opening of business on the nearest Monday and Thursday following said purchase. The duplicate copy shall be kept in some suitable place by the owner or dealer and shall be available for inspection by any person authorized by the Chief of Police. Video Game Systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the sellers information has been properly recorded.

Every dealer, at his expense, will be required to record all such information on a form prescribed or participate in an electronic data base for recording and transmitting such data immediately, including color pictures, to the Chief of Police or his designee. All items purchased must be photographed individually or separated in a singular photograph so they can be easily identified.

#### **Articles Purchased to be Kept for 21 Days Before Resale or Removal From Town**

Nor such item purchased or received by any dealer or keeper of a shop shall be removed from the Town or sold or otherwise disposed of, nor its identity changed for at least twenty-one (21) days from its date of purchase or acquisition unless permission in writing has been obtained from the Chief of Police or his designee. Games for Video Game Systems may be released for resale after seven (7) days. Catalytic converters may be released after five (5) days. Per MGL c140 §71, any item taken in by a Pawnbroker or Pawn Shop, must be retained by them for a period of no less than 4 months from time of deposit.

#### **Purchase From Persons Under Eighteen Years of Age Prohibited**

No person or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

#### **Display of License**

**ROLL CALL VOTE – PASSAGE REQUIRES AFFIRMATIVE VOTE OF FULL COUNCIL (5)**

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Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

**Reason to Believe Items are Stolen**

Every dealer, clerk, agent or other person in charge of such premises shall immediately report to the Bridgewater Police Department any persons and items they have reason to believe may have stolen or be in possession or stolen items.

**Repeat Sales**

Every dealer, clerk, or agent shall be required to report to the Chief of Police or his designee any person who offers for sale any such items defined above on three (3) or more occasions in any 30 day period, or four (4) or more occasions in a 60 day period.

**Revocation of License**

A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The Town Manager, may at any time, with or without cause, revoke said license.

**Penalty for Violation of Article**

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty dollars (\$20.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues

Per c140 §55 \$20 is max fine.

**Examination and Inspection of Records, Articles and Merchandise**

The Chief of Police or his designee shall at all times have the authority to inspect or examine alt books, records, photographic images, articles and merchandise therein.

**Committee Referrals and Dispositions:**

| Referral(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Disposition(s)                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• This measure was referred to the Public Safety Committee on 9/6/11</li><li>• This measure was relieved from the Public Safety Committee by a unanimous vote of the Council on 1/3/12</li><li>• Amendments voted at 1/17/12 Council Meeting</li><li>• This measure has been duly advertised.</li><li>• Further amendments to be considered on 3/6/12.</li><li>• Amendments voted at 3/6/12 meeting. Final review/advertising approval 3/20/12</li><li>• Measure not taken up 3/20/12. Final review/advertising approval 3/29/12</li></ul> | <ul style="list-style-type: none"><li>• No action taken</li></ul> |

**ROLL CALL VOTE – PASSAGE REQUIRES AFFIRMATIVE VOTE OF FULL COUNCIL (5)**



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Ordinance: D-2012-001

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Introduced By: Councilor Fitzgibbons

Date Introduced: January 3, 2012

Second Reading: March 29, 2012

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Ordinance #D-2012-001**

#### **TOWN COUNCIL MEETING TIMES**

**ORDERED** that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish the following meeting conclusion procedures and times pursuant to the Bridgewater Home Rule Charter section 2-6 (c).

Whereas the business of good government is severely diminished at very late hours of the night, and

Whereas the Town Council of the Town of Bridgewater is desirous of promoting good government and allowing citizens who may wish to watch or attend Council meetings to do so to the fullest extent possible,

Now therefore, be it Ordained, by the Bridgewater Town Council in Town Council assembled, that no meeting of the Bridgewater Town Council may extend past midnight.

It is further Ordained that at any open meeting of the Bridgewater Town Council, the Council President shall at 11:45PM immediately cease debate and recognize a period of public comment after which no motion other than a motion to adjourn or recess to a time certain shall be in order.

It is further ordained that if the Bridgewater Town Council is meeting in executive session, that the Council President at 11:55PM advise the Council that the meeting will end in five minutes and to conclude its business or recess to a time certain.

#### *Explanation:*

*This is meant to help foster transparency and good government.*

#### **Committee Referrals and Dispositions:**

| <b>Referral(s)</b>                                                                                                                                                                                          | <b>Disposition(s)</b>                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Referred to Rules &amp; Procedures Committee 1/3/12</li><li>• This measure requires advertisement pending amendments and publication approval by Council.</li></ul> | <ul style="list-style-type: none"><li>• 1/17/12: Vote 2-0 return to full Council without recommendation.</li><li>• Measure on 1/17/12, 2/7/12, 2/15/12, 2/28/12 and 3/6/12 agendas, but not taken up.</li></ul> |



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-016

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Introduced By: Town Manager (at the request of the Treasurer/Collector)

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2012-016**

#### **LOAN ORDER: SEWER EQUIPMENT**

ORDERED that the sum of \$164,107.00 be appropriated to purchase new dump truck, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$164,107.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

*Explanation:*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Transfer: T-2012-006

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Introduced By: Town Manager *at the Request of Town Accountant*

Date Introduced: March 29, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

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### Proposed Transfer #T-2012-006

#### **SUPPLEMENTAL APPROPRIATION – OLDE SCOTLAND LINKS GOLF COURSE TRANSFER**

**ORDERED** that, Pursuant to M.G.L. Chapter 44 Section 64, Ch. 41 Section 56 and Section 6-4 (d) of the Town of Bridgewater Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$273.60 to account 603-655-04-1021-570000 from the FY12 Treasurer/Collector budget account 001-145-01-0102-542000 Office Supplies or take any other action relative thereto.

#### **Explanation:**

*The Olde Scotland Links golf course had presented for payment an invoice related to gift cards purchased through ETS with an order date of 5/17/11. The invoice noted that the amount owed would be electronically drafted from the Town's bank account via an ACH debit. The accounting office contacted the Treasurer/Collector to determine when the funds left the Town bank account. The date of this transaction was 6/27/11. This obligation was not reported to the Accounting office during the yearend encumbrance process and therefore is considered a bill of a prior year and cannot be charged against the FY12 budget.*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Emergency Order: O-2012-022

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Introduced By: Councilor Pitta  
Date Introduced/First Reading: March 29, 2012  
Second Reading:  
Amendments Adopted:  
Date Adopted:

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### **Proposed Order #O-2012-022:**

#### **INTERIM TOWN MANAGER SELECTION – EMERGENCY MEASURE**

In accordance with section 2-7 (c) of the Bridgewater Home Rule Charter, an emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the town council.

**EMERGENCY PREAMBLE:** Whereas, The Town Manager has tendered his resignation with an effective date of April 20th 2012. Less than 30 days remain until the resignation of the current Town Manager is effective. Immediate action by the Town Council is necessary as any delay in selecting an Interim Town Manager will only complicate the transition period and create undo harm to the Town of Bridgewater. Therefore, an emergency exists.

#### **Interim Town Manager Selection**

Ordered that pursuant to Bridgewater Town Charter Section 4-1, the Town Council shall select and appoint a qualified individual to serve as Interim Town Manager. The Interim Town Manager shall serve in the role of Town Manager until such time as a qualified permanent Town Manager is appointed by the Town Council. The term of office for the Interim Town Manager shall not exceed 90 days.

Initial screening of applicants shall be conducted by the Citizen's Advisory Committee (CAC). The CAC shall provide the Town Council with the names and qualifications of the top three applicants in alphabetical order. Final Selection shall be performed by the Town Council.

**VOTE #1: VOICE VOTE – ACCEPT ITEM AS A LATE FILE.**

**VOTE #2: VOICE VOTE: SUSPEND THE RULES (XVIII) TO ACT ON LEGISLATION THE SAME NIGHT IT IS INTRODUCED**

**VOTE #3: ROLL CALL VOTE - ACCEPT/APPROVE THE EMERGENCY PREAMBLE: REQUIRES 2/3 AFFIRMATIVE VOTE OF COUNCIL (6)**

**VOTE #4: ROLL CALL VOTE - VOTE THE MEASURE: REQUIRES AFFIRMATIVE VOTE OF MAJORITY OF FULL COUNCIL (5).**



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-017

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Introduced By: Town Manager (at the request of the Treasurer/Collector)

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2012-017**

#### **LOAN ORDER: WATER FENCING AND EQUIPMENT**

**ORDERED** that the sum of \$147,530.00 be appropriated to purchase new equipment listed below, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$147,530.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto:

| Item    |               |
|---------|---------------|
| 15,262  | Fencing       |
| 86,483  | Dump truck    |
| 45,785  | Service truck |
| <hr/>   |               |
| 147,530 | TOTAL         |

*Explanation:*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-018

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Introduced By: Town Manager (at the request of the Treasurer/Collector)

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order #O-2012-018**

#### **LOAN ORDER: IRENE STORM RESPONSE**

**ORDERED** that the sum of \$100,000.00 be appropriated to pay for costs related to Irene Storm Response, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$100,000.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

*Explanation:*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-015

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Introduced By: Councilor Michael Berolini

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order O-2012-015**

#### **CONTACTS REQUIRING MULTI-YEAR APPROPRIATIONS**

**ORDERED:** Pursuant to the Bridgewater Charter Section 4-2 (15), the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require that:

All contracts that require multi-year appropriations, including the Police Chief's Contract that was recently approved by the town manager but not approved by the Council, shall require approval from the town council before being implemented.

#### *Explanation:*

*The Bridgewater Charter specifically states that under Section 4-2 (15):*

*The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments excluding the Bridgewater Raynham Regional School District, and shall include, but shall not be limited to, the following:*

*(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 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.*

*Since multi-year contracts require appropriation in future years, set by the council, any contracts for multi-year purposes shall require approval from the town council. This is also important to maintain accountability and the necessary checks and balances in our government that was a key concept in developing our Charter.*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Resolution: R-2012-003

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Introduced By: Councilor Peter Colombotos

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Resolution #R-2012-003**

#### **A RESOLUTION REGARDING "ASSOCIATE TOWN COUNSEL"**

WHEREAS: Section 5-3, paragraph (a) of the Town Charter indicates there is "*a* legal officer" (emphasis added)

WHEREAS: There is no mention of the existence of a legal department in the Charter

WHEREAS: Even if there were a legal department, the Town Counsel, *not* the Town Manager, would have responsibility for hiring department subordinates,

**BE IT RESOLVED:** That the Town Council hereby does not recognize the hiring of any individual for the position of Associate Town Counsel.



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Ordinance: D-2012-005

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Introduced By: Councilor Fitzgibbons

Date Introduced: March 29, 2012

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Ordinance #D-2012-005**

#### **LICENSE COMMISSION**

**ORDERED** that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish the following License Commission pursuant to the Bridgewater Home Rule Charter section 2-10.

The License Commission issues all licenses to sell alcoholic beverages, common victualer, innholder, used car dealer (Class I, II, III), lodging house, automatic amusement devices, and entertainment (alcoholic beverage licenses and common victualers). The license commission consists of five members. Three individuals are residents of the town who are appointed by the Town Manager and confirmed by the Town Council. The other two members are the Police Chief and Fire Chief. The commission operates in accordance with Massachusetts General Laws, the Alcoholic Beverages Control Commission, and applicable city ordinance and license commission regulations.

*Explanation:*

*This legislation is in accordance with the recently passed first quarter goals established by the Town Council.*



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-019

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Introduced By: Councilors Timothy Fitzgibbons and William Wood

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Order O-2012-019**

#### **MINIMUM CRITERIA FOR HIRING OF TOWN MANAGER FOR THE TOWN OF BRIDGEWATER**

**ORDERED:** That under Section 2-2 and 2-6 (c) (1) of the Bridgewater Home Rule Charter, providing all powers of the town shall be vested in the Town Council and that any council member may submit to the Town Council proposed town policies, goals, and other objectives to the Town Council for its consideration.

And further under Section 4-1 of the Bridgewater Home Rule Charter which states, "The town council may from time to time establish additional qualifications as deemed necessary and appropriate."

Effective 30 days after final adoption of this measure per the Bridgewater Home Rule Charter, the criteria for hiring a permanent Town Manager shall include at a minimum the following:

- Town Manager may not be located in or live in the Town of Bridgewater.
- Any candidate for Town Manager must make certification of no conflict of interest relating to any business or to any resident in the Town of Bridgewater.
- Town Manager must have a minimum of five years of prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience.
- The Town Manager shall have an MPA

No person appointed as interim Town Manager shall be considered for the position of permanent Town Manager.



## Bridgewater Town Council

In Town Council, Thursday, March 29, 2012

Council Order: O-2012-020

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Introduced By: Councilor Pitta

Date Introduced/First Reading: March 29, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

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### **Proposed Order # O-2012-020**

#### **Town Manager Selection**

**Ordered;** that pursuant to Bridgewater Town Charter Section XX, the Town Council shall select and appoint a qualified individual to the office of Town Manager. Initial screening of applicants shall be conducted by (outside firm TBD). (TBD) Shall provide the Town Council with the names and qualifications of the top three applicants in alphabetical order. Final Selection shall be performed by the Town Council.