



BRIDGEWATER TOWN COUNCIL

Tuesday, April 24, 2012

7:30 PM

Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) February 7, 2012
- b) April 10, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Planning Board – Dennis Keough (*reappointment*)

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) Petition# P-2012-013: One-Day Alcohol Licenses (3) and One-Day Entertainment Licenses (3) for Portuguese Holy Ghost Society of Bridgewater, Inc. – Jose DeChaves, Event Manager
- b) Petition# P-2012-014: One-Day Alcohol Licenses (2) for Sodexo, Inc. at Bridgewater State University – Gary Boothby, Event Manager

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Allocation of Interim Town Manager's Time – *Councilor Fitzgibbons*
- b) Budget Process and Timelines - *President Pitta*

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order# O-2012-013: Recall Election Warrant
-- *Passage of this legislation would set a Special Election for Saturday, May 19, 2012 for the recall of Mike S. Demos as Councilor District Three and Peter Riordan as Councilor District Seven.*
** *This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*
- b) Ordinance #2011-008: Pawn Shops (Councilor Pitta)
--*This measure has been duly advertised and can be acted upon*

- c) Ordinance #D-2012-004: Administration & Fiduciary Oversight of Budget: Ambulance Receipts
--This measure has been duly advertised and may be acted upon.
- d) Ordinance #D-2012-006: Additional Town Council Meeting Dates – May, 2012 (Councilor Demos)
--This measure has been duly advertised and may be acted upon
- e) Transfer #T-2012-003: Transfer of Water & Sewer Retained Earnings to Equip New Office Space --*This measure was considered by the Finance Committee on 2/22/12 and returned a disposition of approve (6-0). This measure may be acted upon pending the disposition of the Council Budget & Finance Committee (meeting 4/23/12)*

M. OLD BUSINESS

- a) Order #O-2012-014: Declaratory Judgment Order (As To Whether Chapter 251 Of The Acts Of 1990 Is Lawful Following The Town's Adoption Of Its Home Rule Charter)
*** This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*
- b) 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.*
- c) Ordinance #D-2012-007: Code of Conduct and Ethics, Statement of Financial Interest and Financial Disclosure Form
***This ordinance establishes a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials. It also establishes a requirement and procedure for the filing of financial interests by the Town Manager, Town Council, certain Town Officials (elected or appointed). The provisions of this legislation supplement the conflict of interest provisions of the State Ethics Law.*
NOTE: *This measure may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.*
- d) Order# O-2012-019: Town Manager's Minimum Requirements (as amended) (Co-Sponsor: Councilor Fitzgibbons & Councilor Wood).
*** This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*
- e) Order# O-2012-020: Town Manager's Selection (as amended) (Sponsor: Councilors Pitta and Wood)
*** This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*
- f) Resolution #R-2012-003: Associate Town Counsel (Sponsor: Councilor Colombotos)
*** This legislation was not referred to a committee for review. The 14-day requirement*

as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.

- g) Ordinance #D-2012-005: Licensing Board (*Sponsor Councilor Fitzgibbons*) *** This legislation was referred to the Rules and Procedures Committee for review who returned a disposition of XXXXX at their meeting of 4/19/12. **NOTE:** This measure may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.*
- h) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget – Approval Requirements (Councilor Berolini)
***This measure has been duly advertised and may be acted upon should there be no further amendments offered.*
- i) Ordinance #D-2012-009: Legislative Director (*Councilors Demos and Colon*) *** This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council. **NOTE:** This measure may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.*
- j) Order# O-2012-015: Contracts Requiring Multi-Year Approval (*Sponsor: Councilor Berolini*)
***This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council pending approval of proposed amendments.*
- k) Order #O-2012-004: Establishment of a Revolving Fund for Cable Services (*pursuant to the provisions of M.G.L. c.44, §53E ½*)

N. NEW BUSINESS

- a) Transfer # T-2012-005: Supplemental Appropriation –Ambulance Receipts Reserve - - *Transfer and appropriate \$125,000.00 to the Public Safety budget to the line items and varied accounts enumerated (in the order) from the Ambulance Receipts Reserve*
- b) Transfer # T-2012-007: Supplemental Appropriation – Sewer Enterprise -- *Transfer and appropriate \$50,000.00 to account #601-440-05-1021-586001 (Lease/Purchase Vehicles) from the Sewer Enterprise retained earnings account #601-000-00-0000-359000*
- c) Order# O-2012-016: Loan Order - Sewer Equipment
- d) Order# O-2012-017: Loan Order – Water Fencing & Equipment
- e) Order# O-2012-023: 2012 Tax Agreement between Enfinity American Corporation and Landcraft Corporation with the Town of Bridgewater
- f) Transfer T-2012-004: Funding of Collective Bargaining Agreements --*Transfer and appropriate funds to various departmental appointed officials accounts from the Stabilization Fund account #800-145-00-8051-596100*
- i) Resolution #R-2012-004: Declaratory Judgment (Councilor Colon)
*****Emergency Measure*****

- j) Resolution #R-2012-005: Housing Production Plan (Councilor Colombotos) **Note: See link below for full Plan:
<http://bridgewaterdevelopment.files.wordpress.com/2012/04/bwtr-hpp-final-draft-04-18-12.pdf>
- k) Ordinance #D-2012-010: Town Council Approval of Employment Contracts (Councilor Wood)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION - None

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Petition: P-2012-013

Introduced By: Council President

Date Introduced/Public Hearing: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-013

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL & ONE-DAY ENTERTAINMENT PERMIT

WHEREAS, the Portuguese Holy Ghost Society of Bridgewater, Inc. has petitioned for three (3) One-Day Alcohol and three (3) One-Day Entertainment Permits for its Annual Holy Ghost Feast to be held on the grounds of the club at 352 Broad Street; and

WHEREAS, the Portuguese Holy Ghost Society of Bridgewater, Inc. has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Police Department and Fire Department who has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140 - section 183A of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that the Portuguese Holy Ghost Society of Bridgewater, Inc. be granted three (3) One-Day Alcohol & three (3) One-Day Entertainment Permits for its event to be held on Friday, June 15, 2012 between the hours of 6:00 p.m. and 12:00 a.m.; Saturday, June 16, 2012 between the hours of 6:00 p.m. and 12:00 a.m.; and Sunday, June 17, 2011 between the hours of 12:00 p.m. and 10:00 p.m..

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Petition: P-2012-014

Introduced By: Council President

Date Introduced/Public Hearing: April 24, 2012

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL PERMITS

WHEREAS, Sodexo, Inc. has petitioned for two (2) One-Day Wine and Malt Beverages Permits for the following events to be held on the campus of Bridgewater State University (B.S.U.):

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	LOCATION
1	Chairman's Dinner	May 14, 2012	5:30 p.m. – 9:00 p.m.	300	East Campus Commons
2	Class of 1987 Reunion	June 2, 2012	5:30 p.m. – 10:00 p.m.	150-200	East Campus Commons

; and

WHEREAS, Gary Boothby – Director of Sodexo Food Service for B.S.U. will serve as the manager of record for the events; and

WHEREAS, Sodexo, Inc. has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and in accordance with the affirmative recommendations of the Police and Fire Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140 - section 183A of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that Sodexo, Inc. be granted a two (2) One-Day Wine and Malt Beverages Permits for the aforementioned events to be held on the campus of Bridgewater State University.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-013

Introduced By: President Scott Pitta

Date Introduced/First Reading: March 14, 2012

Second Reading: April 3, 2012

Third Reading: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-013

SPECIAL ELECTION FOR RECALL WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for a Special Recall Election.

Explanation:

It is required that the Town Council accepts and approves the attached Warrant for a Special Recall Election as a matter of record.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure received first reading 3/14/12 • Measure was subject to two Charter Objections on 3/14/12, moving it to next regular meeting per Charter Section 2-7 (c) once 14 days has elapsed. • 14 days has elapse per section XVIII of the Council Rules and Procedures • 4/3/12: This matter was postponed to 4/24/12.	•

COMMONWEALTH OF MASSACHUSETTS

**TOWN OF BRIDGEWATER
SPECIAL ELECTION WARRANT**

PLYMOUTH, SS.

To the Constables of the Town of Bridgewater:

GREETINGS:

In the name of the Commonwealth of Massachusetts and the Town of Bridgewater, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special Election to vote at

Precincts 3 & 7
Bridgewater Middle School
166 Mount Prospect Street

on SATURDAY, THE 19th DAY OF MAY, 2012, from 12:00 NOON to 8:00 P.M. for the following purposes:

For or Against the recall of Mike S. Demos as Councilor District Three;

For or Against the recall of Peter Riordan as Councilor District Seven;

the consideration of such questions, and the election of successor Councilors, if any, to be held pursuant to the provisions of Chapter 251 of the Acts of 1990 and the election laws of the Commonwealth.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands, the Bridgewater Town Council, this day of March, 2012.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: #2011-008

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
Sixth Reading:	April 24, 2012
Amendments Adopted:	January 17, 2012, March 6, 2012
Date Adopted:	
Date Effective:	

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:

ROLL CALL VOTE: PASSAGE REQUIRES AFFIRMATIVE VOTE OF MAJORITY OF FULL COUNCIL (5)

- 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 seller's 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.

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

Display of License

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)
• This measure was referred to the Public Safety Committee on 9/6/11 • This measure was relieved from the Public Safety Committee by a unanimous vote of the Council on 1/3/12 • Amendments voted at 1/17/12 Council Meeting • This measure has been duly advertised. • Further amendments to be considered on 3/6/12. • Amendments voted at 3/6/12 meeting. Final review/advertising approval 3/20/12 • Measure not taken up 3/20/12. Final review/advertising approval 3/29/12 • This measure has been duly advertised.	• No action taken

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



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-004

Introduced By: Councilor Michael Demos

Date Introduced: February 15, 2012

Second Reading: March 29, 2012

Third Reading: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

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.

ROLL CALL VOTE: PASSAGE REQUIRES AFFIRMATIVE VOTE OF MAJORITY OF FULL COUNCIL (5)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Finance Committee 2/16/12 • This measure was on the 3/6/12 & 3/20/12 agendas for amendment consideration, but not taken up. • This measure requires publication pending any Council amendments voted at 3/29/12 meeting. • This measure has been duly advertised.	• Vote 5-1 Tabled



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-006

Introduced By:	Councilor Michael Demos
Date Introduced:	April 3, 2012
Second Reading:	April 24, 2012
Third Reading:	
Amendments Adopted:	April 3, 2012
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-006 (as amended)

ADDITIONAL TOWN COUNCIL MEETING DATES - 2012

ORDERED that pursuant to The Bridgewater Home Rule Charter section 2-6 (c), the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to establish the following addition to their schedule of regular meeting dates for the year 2012. All regular meetings will be held in the Memorial Building, 25 South Street, Bridgewater, MA beginning at 7:30 p.m., unless otherwise noted.

Proposed Addition:

Thursday, May 17, 2012 Tuesday, May 22, 2012 <u>Tuesday, June 19, 2012</u>
--

Meetings already voted:

January 3, 2012	July 10, 2012
January 17, 2012	August 7, 2012
February 7, 2012	September 4, 2012
February 28, 2012	September 18, 2012
March 6, 2012	October 2, 2012
March 20, 2012	October 16, 2012
April 3, 2012	November 13, 2012
April 24, 2012	November 27, 2012
May 1, 2012	December 4, 2012
May 15, 2012	December 18, 2012
June 5, 2012	

Explanation: This Ordinance ensures sufficient scheduled meetings to accommodate the budget process. Further, the above proposed Ordinance complies with Charter Section 2-7 (a) "Measures" which states: "No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures."

ROLL CALL VOTE: PASSAGE REQUIRES AFFIRMATIVE VOTE OF MAJORITY OF FULL COUNCIL (5)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Amendments voted 4/3/12 • This measure has been duly advertised	•

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Transfer Order: # T-2012-003

Introduced By:	Town Manager
Date Introduced/First Reading:	February 15, 2012
Second Reading:	April 3, 2012
Third Reading:	April 10, 2012
Fourth Reading:	April 24, 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)
• Measure referred to Finance Committee 2/16/12 • This measure does not require publication • On 4/10/12 this measure was referred to the Council Budget & Finance Committee • This measure may be considered on 4/24/12 pending a disposition from the Council Budget & Finance Committee	• 2/22/12: Vote 6-0 Approve • This measure was on the 3/6/12, 3/20/12, and 3/29/12 agendas for consideration, but not taken up. On 4/3/12 this measure was subject to a Charter Objection. • 4/23/12:



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012, 2012

Council Order: O-2012-014

Introduced By:	Councilor Michael Berolini
Date Introduced/First Reading:	March 14, 2012
Second Reading:	April 3, 2012
Third Reading:	April 24, 2012
Amendments Adopted:	April 3, 2012
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-014 (as amended)

SUBMISSION TO THE SUPERIOR COURT A PETITION REQUESTING DECLARATORY JUDGMENT AS TO WHETHER CHAPTER 251 OF THE ACTS OF 1990 IS LAWFUL FOLLOWING THE TOWN'S ADOPTION OF ITS HOME RULE CHARTER

EMERGENCY PREAMBLE

EMERGENCY MEASURE:

In accordance with Section 2-7 (b) of the 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: That Section 2-2, of the Bridgewater Town Charter commands that the Town Council provide for the exercise and performance of all duties and obligations of the Town, and whereas the Town Clerk and Registrar of Voters of Bridgewater has requested that the Town Council order a special recall election pursuant to Chapter 251 of the Acts of 1990, whereas credible questions exist as to whether Chapter 251 of the Acts of 1990 has been superseded, preempted or is in conflict with the Special Act Town Charter of Bridgewater, adopted April 24, 2010, and whereas the Registrar of Voters has certified as sufficient, a number of petitions that are substantially less than those required by the plain and unambiguous language of Chapter 251 of the Acts of 1990, and whereas if the conflicts stated herein are not resolved lawfully and immediately, the voters of the Town and certain elected officials of the Town may be irreparably harmed, therefore an emergency exists.

Preamble

Purpose: In order to lawfully fulfill its responsibilities and duties under Section 2-2 of the Bridgewater Town Charter.

Whereas, ambiguity exists as to whether Chapter 251 of the Acts of 1990, a Special Act promulgated pursuant to Article II, Section 8 (1) of the Amendments to the Constitution of the Commonwealth of

Massachusetts, has any continued legal viability following the Town’s subsequent adoption of its Home Rule Charter, a Special Act Charter also promulgated pursuant to Article II, Section 8 (1) of the Amendments to the Constitution of the Commonwealth of Massachusetts;

Whereas the Bridgewater Registrar of Voters has certified as sufficient, a number of petitions that are substantially less than the number of petitions required under the plain and unambiguous language of Chapter 251 of 1990;

Whereas there is no evidence that the Registrar of Voters provided for an due process, notice, or a public hearing, or that it had sufficient information to vary from the plain language of the Chapter 251 of the Act of 1990, requiring that the recall petition be signed by at least ten percent of the registered voters of the town;

Whereas the Town Council recently conducted an investigation as to the question of whether the Town’s Charter supersedes, preempts, or conflicts with Chapter 251 of the Acts of 1990 and whereas that Town Council has not yet determined its findings of fact, conclusions of law, or voted on this matter; and

Whereas, if it is determined that the adoption of the Town’s Charter supersedes, preempts, or conflicts with Chapter 251 of the Acts of 1990, that the rights and interests of the voters of the Town and certain elected officials will be irreparably harmed, should the recall election be allowed to proceed prior to a judicial declaration of judgment.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Wednesday, March 14, 2012, the aforementioned Emergency Preamble (requiring an affirmative 2/3 vote). The vote failed by a roll call vote (5-4) (Councilors Demos, Riordan, Berolini, Colon and Colombotos in the dissent).

NOW, THEREFORE, pursuant to Sections 2-2 of the Bridgewater Town Charter and M.G.L. c. 43B, et seq, and notwithstanding any laws to the contrary, the Town Council, as governing body of the town of Bridgewater, does order as follows:

Ordered: ~~The Town Council shall order that Special Council immediately file a petition with the Superior Court of the Commonwealth of Massachusetts requesting Declaratory Judgment as to whether the Chapter 251 of the Acts of 1990 has any continued legal viability following the adoption of the Town Charter and if so, whether the Registrar of Voters lawfully complied with its provisions in certifying as sufficient, approximately 300 signatures on the petitions where the plain and unambiguous language of the Act would require approximately 1600 signatures.~~

Deleted: That the Town Council shall suspend taking any action on ordering a recall election pursuant to Chapter 251 of the Acts of 1990.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Emergency Preamble failed - Measure received first reading 3/14/12 14 days has elapsed per Section XVIII of the Council Rules and Procedures.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-011

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
Fourth Reading:	April 24, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

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:

Referral(s)	Disposition(s)
• Measure not referred to any committee on 3/6/12. • This measure requires publication and Public Hearing.	• Return to full Council for consideration and amendments before referring to Finance Committee. • Measure on 3/20/12 agenda. More information needed. • 3/29/12 Measure postponed to 4/24/12 to be considered after budget presentation.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-007

Introduced By:	Councilor Kristy Colon
Date Introduced:	April 3, 2012
First Reading:	April 3, 2012
Second Reading:	April 24, 2012
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance # D-2012-007

TOWN OF BRIDGEWATER CODE OF CONDUCT AND ETHICS: STATEMENT OF FINANCIAL INTEREST AND FINANCIAL DISCLOSURE FORM

Be it ordained by the Town Council of the Town of Bridgewater as follows:

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote that an ordinance of the town of Bridgewater, Massachusetts, to establish a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BRIDGEWATER, MASSACHUSETTS, AS FOLLOWS:

1. Declaration of Purpose. The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a standard of conduct for town employees and municipal agents. It also establishes a requirement and procedure for the filing of financial interests by the Town Manager, Town Council, certain Town Officials (*elected or appointed*).
2. Conflicts of Interest. The provisions of this article supplement the conflict of interest provisions of the State Ethics Law. All town employees shall comply with the requirements of the State Ethics Law, including, but not limited to, Sections 2, 3, 17-20, and 23 of the State Ethics Law, in addition to the provisions of this Article. Note persons who are not considered town employees under this chapter may still be considered a "municipal employee" under the State Ethics Law M.G.L. c. 268A.

Further, this provision will establish conflict of interest guidelines as it pertains to the following areas:

- Improper Influence
- Gifts Among Town Employees
- Illegal Gifts. Surrendered to Town Treasurer-Collector
- Town-Owned Property
- Use or Disclosure of Confidential information
- Interest in Town Business
- Conferring Benefits to Others: Employment of Immediate Family
- Prohibited Acts by Members of the Town Manager/Town Council
- Duty to Disclose and Recuse

3. Statement of Financial Interest. The provisions of the article for Statement of Financial Interest are to ensure the public's trust and confidence that decisions of Town Officials and Town Employees are not contaminated by such Town Official and Town Employee's personal financial interests. The article requires certain Town Employees, and Town Officials to make certain financial disclosures.

Further, this provision will establish Statement of Financial Interest guidelines as it pertains to the following areas:

- Required Reporting Persons
- Financial Statements
- Advisory Opinions
- Penalties
- Recovery of Damages and Other Remedies
- Conflict with other law
- Distribution of Chapter; Training Provisions; Town Website
- Retaliatory Action

4. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Town Council.



The full text of the proposed Ordinance has been posted in the office of the Town Clerk, Town Manager's Office and the Town's website (www.bridgewaterma.org) for public examination.

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-019

Introduced By: Councilors Timothy Fitzgibbons and William Wood
Date Introduced: April 3, 2012
First Reading: April 10, 2012
Second Reading: April 24, 2012
Amendments Adopted: 4/10/12
Date Adopted:
Date Effective:

Proposed Order O-2012-019 (as amended)

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 seven 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.
- It is preferred that the Town Manager shall have an MPA or equivalent.

Deleted: five

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure included on 4/3/12 agenda, but not taken up. • First reading and amendments 4/10/12 • This measure was not referred to a committee. • This measure can be considered as 14 days has elapsed per Section XVIII of the Council Rules & Procedures.	•

ROLL CALL VOTE: PASSAGE REQUIRE SIMPLE MAJORITY



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-020

Introduced By: Councilors Pitta and Wood
Date Introduced: April 3, 2012
First Reading: April 10, 2012
Second Reading: April 24, 2012
Amendments Adopted: [April 10, 2012](#)
Date Adopted:

Proposed Order # O-2012-020 [\(as amended\)](#)

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. [The Interim Town Manager Search Committee will become the Town Manager Search Committee and will meet and bring forward recommended process for selection.](#) Final Selection shall be performed by the Town Council.

Deleted: 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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Measure included on 4/3/12 agenda. Not taken up as proponent not present - First reading and amendments 4/10/12 - This measure was not referred to a committee. - This matter may be considered for action as 14 days has elapsed per Section XVIII of the Council Rules and Procedures.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Resolution: R-2012-003

Introduced By:	Councilor Peter Colombotos
Date Introduced	March 20, 2012
First Reading:	March 29, 2012
Second Reading:	April 24, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• First reading 3/29/12 • This measure was not referred to a committee. • This measure does not require publication. • This matter may be considered for action as 14 days has elapsed per Section XVIII of the Council Rules and Procedures.	•

ROLL CALL VOTE: PASSAGE REQUIRES SIMPLE MAJORITY



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-005

Introduced By:	Councilor Fitzgibbons
Date Introduced:	March 20, 2012
First Reading	March 29, 2012
Second Reading:	April 24, 2012
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure included on 4/3/12 agenda. Not taken up as proponent not present • First reading 3/29/12 • Referred to Rules & Procedures Committee 3/29/12. • This measure requires publication pending amendments.	• 4/19/12 Meeting:



Bridgewater Town Council

In Town Council, April 24, 2012

Council Ordinance: 2011-013

Introduced By:	Councilor Michael Berolini
Date Introduced/First Reading:	October 18, 2011
Second Reading:	December 6, 2011
Third Reading:	February 7, 2012
Fourth Reading	April 24, 2012
Amendments Adopted:	None
Date Adopted:	
Date Effective:	

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)
• Rules & Procedures Committee (10/18/11) • Measure referred to Finance Committee • This measure has been duly advertised • 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. • This measure was postponed on 3/29/12 for further council considerations for amendments.	• 11/22/11: Reported deadlocked. Measure relieved from further consideration by Rules & Procedures. Bring back before Council 12/6/11. • 12/28/11: Finance Committee voted Not Recommended (6-0)



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-009

Introduced By:	Councilors Michael Demos and Kristy Colon
Date Introduced:	April 10, 2012
First Reading:	April 10, 2012
Second Reading:	April 24, 2012
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-009

LEGISLATIVE DIRECTOR

AN ORDINANCE PROVIDING FOR AN ANNUAL APPROPRIATION SO THAT TOWN COUNCIL MAY EMPLOY SUCH RESOURCES, STAFF AND EXPERTS AS ARE NECESSARY TO CONDUCT THE BUSINESS OF THE TOWN COUNCIL.

Whereas, the Bridgewater Home Rule Charter requires that the Town Council shall begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation;

Whereas, the Town Council is responsible for reviewing all proposed measures to assure that measures passed by the Town Council do not violate federal or state constitutional requirements, and to assure that measures do not conflict with and are not inconsistent with any general or special laws, as the Attorney General no longer provides this review for the Town since it has adopted a city form of government;

Whereas, The Town Council must have appropriate resources available to accomplish its duties as describe above;

Whereas, the Town Council must establish and maintain a codification of the town ordinances, orders, and measures, so that members of the public may have adequate notice of the town's laws;

Whereas the Town Council is required to establish by ordinance and maintain, administrative code of all town agencies and to append the administrative code to the Charter;

Whereas, drafting and interpreting ordinances require expert knowledge and experience not normally possessed by persons elected to the Town Council;

Whereas, under the Bridgewater Town Charter, Bridgewater now has a city form of government, the legislative responsibilities of the Town must be assured by the Town Council; and
Whereas, all persons elected to the Town Council, while serving on a part-time uncompensated basis, must nonetheless assure that legislative functions of the Town are performed in accordance with the law;

NOW, THEREFORE, pursuant to Sections 2-8 of the Bridgewater Home Rule Charter, the Town Council does ordain as follows:

Section 1. The Town Council shall determine what expertise is required for the proper and professional direction of all legislative activities of the Town Council. The Town Council shall determine how many hours per week are required to perform these responsibilities. The Town Council shall determine the compensation to be paid and all other terms and conditions of employment. The Town Council may enter into an employment contract if believe it necessary and beneficial.

Section 2. The legislative director employed by the Town Council shall recommend to the Town Council, the resources and research tools required within the cost guidelines established by the Town Council. The Town Council shall, if it deems appropriate, make an annual appropriation for the resources so approved.

Section 3. The legislative director shall be available to draft, or assist with drafting, any proposed legislation at the request of any Council member. The legislative director shall review all legislation and amendments thereto, to ascertain whether the proposed legislation and the legislative process in not inconsistent with any constitutional, statutory, or Charter requirement. The legislative director shall review all prior bylaws, ordinances and other prior measures prior to final passage of the proposed legislation to determine whether the proposed legislation conflicts with any prior town laws. If such a conflict is suspected, the legislative director shall recommend legislative amendments to eliminate the conflict. The legislative director shall assure that each proposed measure includes a legislative file that includes all documents introduced in support or opposition of the proposed measure to assure that the proposed measure, if passed, will sustain a challenge that the measure is arbitrary or capricious and therefore unlawful. The legislative director shall propose a legislative process to the Town Council. The legislative director shall obtain or prepare, informational materials that will assist any members of the public who desire to submit a citizen initiated measure as provided in the Town Charter.

Explanation:

To provide for an annual appropriation, subject to the sufficiency of revenues, to enable the Town Council to effectively fulfill its legislative obligations and duties as required by the Charter, general law, and the Constitution of the Commonwealth.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• First reading 4/10/12 • This measure was not referred to a committee. • This measure requires publication pending any Council amendments.	•



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012, 2012

Council Order: O-2012-015

Introduced By: Councilor Michael Berolini

Date Introduced:

First Reading: April 3, 2012

Second Reading: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #2012-015

Contracts 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.~~

In addition, the appropriation provisions of the Police Chief Contract require the vote of the Town Council pursuant to M.G.L. c. 44, § 33A. and pursuant to the Town Charter, which requires that the Town Council vote to approve all appropriations.

The provisions of the Police Chief Contract that involve the length of office and methods of removal of the Police Chief must be determined by a vote of the Town Council.

The Town Council shall vote to select an attorney who specialized in Massachusetts Labor Law, Civil Service laws, and Collective Bargaining under Massachusetts law to determine whether the Police Chief contract, as written comports with or is in violation of Massachusetts law relating to recitals in the Police Chief Contract that assert that the Police Chief is included under the Civil Service laws and relating to the recitals that assert that the Police Chief is a One Person Collective Bargaining Unit where superseding state statutes do not support and conflict with these assertions.

Once a special labor and employment attorney is selected and approved by the Town Council, the Town Council shall by vote, elect two of its members to be the liaison to the labor counsel and to submit the questions in this order to the attorney for an opinion.

Comment [amh1]: Proposed added language – M. Berolini

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. In addition:

1. For the present fiscal year, the Contract proposes to increase the Chief's present rate of pay and therefore requires a 2/3 vote of the Council. If in the alternative, the contract is determined to be a new position or new appointment, the statute requires that the Council make a supplemental appropriation for the present fiscal year, regardless of whether funds are available. In either event, the vote of the Town Council is required.
2. The Town Charter requires that the Town Council vote for all appropriations. The contract calls for increase appropriations for Fiscal years 2013 and 2014. The Town Council must vote to approve the increase in salary called for in the Contract. There is no circumstance where the town manager may commit the Town to pay increased appropriations for these years without a vote of the Council. Without an vote of approval, the Town Manager has performed a legislative act by committing the Town to appropriations for fiscal years 2013 and 2014. The Town Manager has no legislative or appropriate power granted to him under the charter.
3. Without Town Council vote of approval of appropriations required by the contract, the appropriation provisions of the Police Chief Contract are void and unenforceable and subject to challenge by future Town Councils and the public.
4. Where the Town Council recognizes that the Charter provides that the Town Manager determines whether the Town should remove the Police Chief, the charter requires that the Town Council vote to determine the length of office and the methods for removal. The Police chief Contract dictates the two provisions, which violate the Charter as the Town Manager does not have this legislative power.
5. Under the present language of the Police Chief Contract, the Town Manager grants the Police Chief a term of office for life, unless the Police Chief voluntarily resigns or he is removed for just cause. The Contract limits the salary and some benefit provisions for the Police Chief to three years, but it does not limit his term office to three years.
6. The Contract violates the Town Charter in that only the Town Council may vote to determine the length of office and methods of removal of the office of the Police Chief. Section 5-1 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such new 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. The Town Manager may only submit his recommendation for such pursuant to Section B. Under either provision, the vote of the Town Council is required.

7. Officers whose appointment or election is by a city council, town council or subject to its confirmation. G.L.c. 31, § 48. Civil service offices and positions; exemptions.
8. G.L.c. 31, § 51. Cities; civil service offices and positions. (2) the office or offices of chief of police or chief of fire department, or the officer performing similar duties, whatever his title, in cities which vote pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to such office or offices; which has not occurred.
9. Contrary to the language inserted by the Town Manager, M.G.L. c. 105E has no provisions for a “one-person” collective bargaining unit. Collective bargaining requires 2 or more employees. You cannot collectively bargain for just yourself.
10. Also, Chapter 105E, section 3, specifically excludes chiefs of departments from collective bargaining units. Who is the chief and the Town Manager claiming the labor organization to be?

Comment [amh2]: Proposed added language – M. Berolini



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-004

Introduced By: Town Manager (at the request of the Town Accountant)
Date Introduced: January 17, 2012
First Reading: February 28, 2012
Second Reading: April 24, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-004

ESTABLISHMENT OF A REVOLVING FUND **CABLE SERVICES**

ORDERED: That the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to establish revolving fund for Cable Services under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2011, with specific receipts credited to the fund, the purposes for which the fund may be spent, and the maximum amount that may be spent from the fund for FY2012 as follows:

Spending Authority	Fund	Receipts	Expenditures	FY12 Spending Limit
IT Director	Cable Services	PEG Access and license/franchise fees	Cable related technology	\$360,000

The PEG (Public, Educational and Governmental) Access fee is to be used for, among other things, salary, operating, equipment and other related expenses connected to PEG Access programming and operations. The Town receives this amount from Comcast and disburses the same amount to BTV. This amount for FY11 was \$340,567. The license fee is considered revenue of the Town and determined by the number of subscribers.

Explanation:

The Town of Bridgewater is currently in the third year of a ten year (5/12/08-5/11/18) cable television license renewal agreement with Comcast of Massachusetts/New Hampshire, LLC. The terms of this agreement require the licensee to provide an annual payment to the Town for PEG Access purposes and a license fee.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Council Budget & Finance Committee 2/28/12	• 4/23/12 Meeting:



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Transfer: T-2012-005

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

Date Introduced: April 3, 2012

First Reading: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2012-005

SUPPLEMENTAL APPROPRIATION – AMBULANCE RECEIPTS RESERVE

ORDERED Pursuant to Section 6-4 (a) of the Town of Bridgewater Charter and M.G.L. Ch. 40 Section 5F, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$125,000.00 to the Public Safety budget to be represented in the accounts listed below from the Ambulance Receipts Reserve or take any other action relative thereto.

Hazardous Waste Removal	001-220-01-0102-520005	\$ 500.00
Stretcher Maintenance	001-220-01-0102-524008	\$ 500.00
Network Expense/Software	001-220-01-0102-524026	\$ 5,455.00
Telephone	001-220-01-0102-534001	\$ 5,000.00
Medical Supplies	001-220-01-0102-550000	\$ 24,000.00
Oxygen	001-220-01-0102-550010	\$ 750.00
EMS License Renewal	001-220-01-0102-573003	\$ 2,000.00
Ambulance Billing	001-220-01-0103-530027	\$ 52,000.00
Repairs & Maintenance	001-220-01-0102-524000	\$ 23,000.00
Shift Coverage	001-220-01-0101-513200	\$ 11,795.00
		\$ 125,000.00

Explanation:

Fire Chief Rogers has estimated the following needs related to FY12 operation of the ambulance services provided by the Bridgewater Fire Department.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure included on 4/3/12 and 4/10/12 agendas, but not taken up.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Transfer: T-2012-007

Introduced By: Town Manager *at the Request of Town Accountant*
Date Introduced: April 3, 2012
First Reading: April 24, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2012-007

SUPPLEMENTAL APPROPRIATION – SEWER ENTERPRISE

ORDERED Pursuant to 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 \$50,000.00 to account 601-440-05-1021-586001 (Lease/Purchase Vehicles) from the Sewer Enterprise retained earnings account 601-000-00-0000-359000 or take any other action relative thereto.

Explanation:

The Sewer Department has identified the need to replace an existing utility vehicle. The original vehicle is a 1998 and has reached its useful life. It has become unreliable.

The Sewer Enterprise fund retained earnings was certified as of 6/30/11 with a balance of \$871,065. Of that amount, \$150,000 has been previously voted in Order #2011-073 related to Rotating Biological Contractor (RBC).

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure included on 4/3/12 and 4/10/12 agendas, but not taken up.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-016

Introduced By:	Town Manager (at the request of the Treasurer/Collector)
Date Introduced:	March 20, 2012
First Reading:	April 24, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-016

LOAN ORDER: SEWER EQUIPMENT

ORDERED that the sum of \$5,070,500.00 be appropriated to reline sewer main lines, 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 \$5,070,500.00 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: This is rehabilitation work to the sewer collection system

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure included on 3/20/12, 3/29/12, 4/3/12 and 4/10/12 agendas, but not taken up.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-017

Introduced By: Town Manager (at the request of the Treasurer/Collector)
Date Introduced: March 20, 2012
First Reading: April 24, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

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
147,530	TOTAL

*Explanation: Fencing around Sprague Hill Tower ---replacing, security Issue
Water Dump Truck – Replacing a 1988 Ford Dump—has more than passed its useful life
Water Service Truck – Replacing existing vehicle –this vehicle sees heavy daily usage and is becoming maintenance intensive*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure included on 3/20/12, 3/29/12, 4/3/12 and 4/10/12 agendas, but not taken up.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Order: O-2012-023

Introduced By: Town Manager
Date Introduced: April 3, 2012
First Reading: April 24, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-023

TAX AGREEMENT

ORDERED: Pursuant to MGL Ch. 59 §38H and MA Department of Revenue Informational Guideline Release 98-403, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to approve or ratify the tax agreement between Enfinity American Corporation ("Enfinity") and Landcraft Corporation ("Landcraft") with the Town of Bridgewater.

Explanation: The Town Manager, with the guidance of the Assessing Department and a Massachusetts Certified General Real Estate Appraiser reached a tax agreement with a proposed solar facility. After an agreement has been negotiated by the authorized official, it must be approved or ratified by the legislative body to be binding.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure on 4/3/12 and 4/10/12 agendas - not taken up.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Transfer: T-2012-004

Introduced By: Town Manager

Date Introduced: April 3, 2012

First Reading: April 24, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #2011-004 – FUNDING OF COLLECTIVE BARGAINING AGREEMENTS

ORDERED, pursuant to Section 6-4(a) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate \$23,640.99 to the General Government budget, \$22,421.95 to the Finance budget, \$17,517.42 to the License and Permit budget, \$9,052.69 to the Public Works budget, \$21,739.98 to the Culture and Recreation budget, \$316,107.55 to the Public Safety budget and \$13,732.61 to the OSLGC budget to be represented in the accounts listed below and to meet said appropriation transfer \$424,213.19 from the stabilization fund, account #800-145-00-8051-596100 for the purposes of funding collective bargaining agreements, or take any other action relative thereto.

And;

ORDERED, pursuant to Section 6-4(a) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate \$7,531.87 to the Sewer Enterprise Fund budget to be represented in the accounts listed below and to meet said appropriation transfer \$7,531.87 from Sewer Enterprise retained earnings, account #601-000-00-0000-359000 for the purposes of funding collective bargaining agreements, or take any other action relative thereto.

And;

ORDERED, pursuant to Section 6-4(a) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate \$9,359.27 to the Water Enterprise Fund budget to be represented in the accounts listed below and to meet said appropriation transfer \$9,359.27 from Water Enterprise retained earnings, account #602-000-00-0000-359000 for the purposes of funding collective bargaining agreements, or take any other action relative thereto.

Explanation: The Town Manager, working with the town's unions, has settled collective bargaining agreements with the Police, Fire, and Steelworkers unions. The amounts of transfers to fulfill the town's obligations for Fiscal Year 2012 are currently being calculated.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure included on 4/3/12, 4/10/12 and 4/17/12 agendas, but not taken up.	

▪ **REQUIRES MAJORITY VOTE OF FULL COUNCIL**



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Resolution: R-2012-004

Introduced By: Councilor Kristy Colon

Date Introduced: April 24, 2012

First Reading: April 24, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Proposed Resolution #R-2012-004

DECLARATORY JUDGMENT – EMERGENCY MEASURE

EMERGENCY MEASURE:

In accordance with Section 2-7 (b) of the 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**.

PREAMBLE:

The Town Clerk and Registrar of Voters of Bridgewater has requested that the Town Council order a special recall election pursuant to Chapter 251 of the Acts of 1990, whereas credible questions exist as to whether Chapter 251 of the Acts of 1990 has been superseded, preempted or is in conflict with the Special Act Town Charter of Bridgewater, adopted April 24, 2010, and whereas the Registrar of Voters has certified as sufficient, a number of petitions that are substantially less than those required by the plain and unambiguous language of Chapter 251 of the Acts of 1990, and whereas if the conflicts stated herein are not resolved lawfully and immediately, the voters of the Town and certain elected officials of the Town may be irreparably harmed, therefore an emergency exists which extends to the following legislation.

WHEREAS: There have been significant questions and allegations raised regarding the recall process, the validity of the Special Acts of 1990, and the collection and certification of petition signatures; and

WHEREAS: The implications of the recall process could have, without clarification, could have long term devastating implications on the stability of the Town's government; and

WHEREAS: If it is determined that the adoption of the Town's Charter supersedes, preempts, or conflicts with Chapter 251 of the Acts of 1990, that the rights and interests of the voters of the Town and certain elected officials will be irreparably harmed, should the recall election be allowed to proceed prior to a judicial declaration of judgment.

BE IT RESOLVED: Pursuant to Section 2-2 of the Bridgewater Home Rule Charter, it is the will and intention of the Town Council to urge the Town Manager to seek a Declaratory Judgment, without delay, into the proposed recall election and all other matters that have been raised as to the legality of

the recall elections including its implementation; including but not limited to, the 10% rule and if the petitions were properly certified on February 27, 2012.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Resolution: R-2012-005

Introduced By:	Councilor Peter Colombotos
Date Introduced:	April 24, 2012
First Reading:	April 24, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Resolution #R-2012-005

A Resolution to Endorse the Draft Housing Production Plan

Whereas only 2.65% of Bridgewater housing units meet the Commonwealth's standards for affordability, and

Whereas, the Commonwealth requires that 10% of a town's housing units be deemed affordable in order to deny Comprehensive Permit applications under Chapter 40B,

Whereas projects built under a Comprehensive Permit afford the town little control over how and where they are built, and

Whereas formal adoption of the Affordable Housing Plan and the subsequent development of 42 affordable units a year would enable the town to deny Comprehensive Permit applications for one year and furnish a plan for the construction of affordable housing under terms that better serve the town and its residents,

It is therefore resolved that the Bridgewater Town Council does hereby endorse the *Draft Housing Production Plan* dated April 17, 2012.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2012

Council Ordinance: D-2012-010

Introduced By: Councilor William Wood

Date Introduced: April 17, 2012

First Reading: April 24, 2012

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-010

TOWN COUNCIL APPROVAL OF EMPLOYMENT CONTRACTS

WHEREAS, Charter Section 6-5 - Administration and Fiduciary Oversight of the Budget - grants the right to the Town Council to provide by ordinance the procedures for administration and fiduciary oversight of the budget;

WHEREAS, Charter Section 4-2(13) tasks the Town Manager to administer all collective bargaining agreements entered into by the town;

WHEREAS, Charter Section 4-2(15) grants the right to negotiate all contracts with town employees over wages, and other terms and conditions of employment, to the Town Manager;

WHEREAS, Charter Section 4-2(15) grants the right to approve employment contracts when they require appropriation to the Town Council;

WHEREAS, Charter Section 6-4(a) –Supplemental Appropriations - recognizes that the budget is an appropriation;

WHEREAS, Charter Section 6-4(d) – Transfer of Appropriations – recognizes that any transfer is an appropriation;

WHEREAS, Charter Section 4-2(22) allows the Town Council to define, by Ordinance, additional duties of the Town Manager;

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 relative to employment contracts, such that,

1. Any employment contract for an individual shall be presented to the Town Council for approval;
2. Any collective employment contract shall be presented to the Town Council for approval if a reserve has not been provided by another budget action;
3. In keeping with Charter Section 4-2(15), no employment contract may be negotiated or modified by the Town Council except for a contract for Town Manager, Assistant Town Manager, and any staff hired under Charter Section 2-8 (Council Staff).

Explanation: The Town of Barnstable shifted to the Town Manager/Town Council form of government in 1989 and the Town of Watertown has been a Town Manager/Town Council form for about a decade. The language found in charter section 4-2(15) is identical to a similar passage in the Barnstable Charter

except that the Barnstable Charter adds exclusions for the School and Airport contracts. In practice, both the Barnstable and Watertown Town Council approve employment contracts.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Included on 4/17/12 agenda, but not taken up.	•