



BRIDGEWATER TOWN COUNCIL

SPECIAL MEETING

Tuesday, May 8, 2012

7:30 PM

Memorial Building, 25 South Street

AGENDA

Reorganization of Town Council

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS - None

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

a) Firefighter George Hogg (Duty Group 1)

b) Lieutenant Tom Luckman (Duty Group 2)

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

a) 7:30 pm: FY2013 Budget

O-2012-024: FY13 Annual Town Budget

O-2012-025: FY13 Sewer Enterprise Fund Budget

O-2012-026: FY13 Water Enterprise Fund Budget

O-2012-027: FY13 OSLGC Enterprise Fund Budget

O-2012-028: FY13 Transfer Station Enterprise Fund Budget

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION - None

M. OLD BUSINESS

a) 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 2/22/12)*

***This measure was duly advertised on 4/13/12 pursuant to Section 2-9 of the Home
Rule Charter*

- b) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget – Approval Requirements
***This measure was relieved from the Rules & Procedures committee on 11/22/11 by a vote of the Council (7-2).*
***The Finance Committee voted to “not recommend” this item 6-0 (12/28/11 meeting)*
- c) Ordinance #D-2012-009: Legislative Director
***This legislation was not referred to a committee for review.*
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-2012-015: Contracts Requiring Multi-Year Approval
***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.*

N. NEW BUSINESS

- a) Transfer #T-2012-010: Overlay Surplus Transfer
- b) Transfer #T-2012-011: Olde Scotland Links Golf Course Transfer

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



TOWN OF BRIDGEWATER

FIRE DEPARTMENT



George W. Rogers Jr.
Fire Chief
grogers@bridgewaterma.org

Fire Headquarters
22 School Street
Bridgewater, MA 02324

EMERGENCY: 911
BUSINESS: (508) 697-0900
FAX: (508) 697-0955

MFR-CHF

May 2, 2012

MEMORANDUM FOR Firefighter George Hogg, Duty Group 1

SUBJECT: **LETTER OF COMMENDATION**

1. This Letter of Commendation is to acknowledge your efforts for the rescue of a 48 year old woman who was trapped in her home from fire at 70 Winter Street on Monday April 23, 2012. You entered the smoked filled home with zero visibility in an attempt to find the trapped victim. With rapidly deteriorating fire conditions, the victim was found unconscious in her bedroom. The victim was carried from the home and resuscitation efforts were initiated by rescuers. Upon exiting the building with the victim the house became fully engulfed in flames. Your heroic efforts to save this victim were remarkable. Unfortunately, the victim succumbed to her injuries sustained in the fire.
2. This act of selflessness is indicative of your training, dedication and courage. Your actions in keeping with the highest traditions of the Fire Service have brought distinct credit to you, your Duty Group and the Bridgewater Fire Department.

DISTRIBUTION:
A

GEORGE W. ROGERS JR.
Chief of Department
Bridgewater Fire



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D. CITIZEN OPEN FORUM

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F. HEARINGS

a) 7:30 pm: FY2013 Budget

O-2012-024: FY13 Annual Town Budget

O-2012-025: FY13 Sewer Enterprise Fund Budget

O-2012-026: FY13 Water Enterprise Fund Budget

O-2012-027: FY13 OSLGC Enterprise Fund Budget

O-2012-028: FY13 Transfer Station Enterprise Fund Budget

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION - None

M. OLD BUSINESS

a) 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 2/22/12)*

***This measure was duly advertised on 4/13/12 pursuant to Section 2-9 of the Home
Rule Charter*

- b) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget – Approval Requirements
***This measure was relieved from the Rules & Procedures committee on 11/22/11 by a vote of the Council (7-2).*
***The Finance Committee voted to “not recommend” this item 6-0 (12/28/11 meeting)*
- c) Ordinance #D-2012-009: Legislative Director
***This legislation was not referred to a committee for review.*
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-2012-015: Contracts Requiring Multi-Year Approval
***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.*

N. NEW BUSINESS

- a) Transfer #T-2012-010: Overlay Surplus Transfer
- b) Transfer #T-2012-011: Olde Scotland Links Golf Course Transfer

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Order: O-2012-024

Introduced By: Town Manager

Date Introduced: April 10, 2012

First Reading: April 17, 2012

Second Reading: May 8, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-024

FY13 ANNUAL TOWN BUDGET

ORDERED that to provide for the payment of certain current year expenses of the Town for the fiscal year ending June 30, 2013, the Town raise and appropriate and vote into a tax to be assessed according to law and/or appropriate and transfer from funds already appropriated for other purposes and/or borrow pursuant to law or otherwise a sum of money for the operation and current expenses of the Town for the ensuing year and further that such appropriation in the sum of \$45,319,518 be for personal services, general expenses, principal and interest on maturing debt, and all other charges for various departments, for the ensuing fiscal year, all of the foregoing to be apportioned and segregated for several specific purposes, designated and that the same be expended for such purposes, each function being considered a separate appropriation as shown below:

Other Amounts	\$ 465,000
State & County Charges	\$ 367,753
General Government	\$ 851,680
Finance	\$ 664,240
License & Permitting	\$ 454,084
Public Safety	\$ 6,486,916
School Assessments & Debt	\$ 26,540,894
Public Works	\$ 1,051,066
Culture & Recreation	\$ 963,501
Debt	\$ 2,175,419
Benefits & Insurance	\$ 5,053,965
Utilities	\$ 145,000
Transfers	\$ 100,000
Total	\$ 45,319,518

And that to meet such appropriation the following amounts are raised and/or transfers are authorized:

Taxation	\$ 35,906,580
State Aid	\$ 4,123,201
Local Receipts	\$ 3,561,887
Enterprise Fund Indirects	\$ 395,501
Title V Receipts Reserved	\$ 103,474
Building Insurance Trust	\$ 21,854
Employers Liability Trust	\$ 1,021
Conservation Receipts Reserved	\$ 15,000
Ambulance Receipts Reserved	\$ 1,191,000
Total	\$ 45,319,518

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure introduced 4/10/12 • Budget Presentation/First Reading 4/17/12	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Order: O-2012-025

Introduced By: Town Manager

Date Introduced: April 10, 2012

First Reading: April 17, 2012

Second Reading: May 8, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-025

FY13 SEWER ENTERPRISE FUND BUDGET

ORDERED to see if the Town will vote to appropriate \$1,572,287 from Sewer Enterprise receipts to defray Sewer direct costs and that \$100,578 as appropriated under Order #O-2012-024 be used for Sewer indirect costs, all to fund the totals costs of operations of the Sewer Enterprise as follows:

Personal Services	\$	455,153
Other Expenses	\$	702,394
Debt Service	\$	414,740
Appropriated for Direct Costs	\$	1,572,287
Indirect Costs - Charged to Enterprise Fund from General Fund	\$	100,578
Total Cost - Sewer Fund	\$	1,672,865

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure introduced 4/10/12 • Budget Presentation/First Reading 4/17/12	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Order: O-2012-026

Introduced By: Town Manager

Date Introduced: April 10, 2012

First Reading: April 17, 2012

Second Reading: May 8, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-026

FY13 SEWER ENTERPRISE FUND BUDGET

ORDERED to see if the Town will vote to appropriate \$2,610,746 from Water Enterprise receipts to defray Water direct costs and that \$137,196 as appropriated under Order #O-2012-024 be used for water indirect costs, all to fund the totals costs of operations of the Water Enterprise as follows:

Personal Services	\$ 559,274
Other Expenses	\$ 1,157,112
Debt Service	\$ 894,360
Appropriated for Direct Costs	\$2,610,746
Indirect Costs - Charged to Enterprise Fund from General Fund	\$ 137,196
Total Cost - Water	\$ 2,747,942

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure introduced 4/10/12 • Budget Presentation/First Reading 4/17/12	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Order: O-2012-027

Introduced By: Town Manager

Date Introduced: April 10, 2012

First Reading: April 17, 2012

Second Reading: May 8, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-027

FY13 OSLGC ENTERPRISE FUND BUDGET

ORDERED to see if the Town will vote to appropriate \$1,315,236 from OSLGC Enterprise receipts and a \$100,000 General Fund subsidy to defray OSLGC direct costs and that \$110,372 as appropriated under Order #O-2012-024 be used for OSLGC indirect costs, all to fund the totals costs of operations of the OSLGC Enterprise as follows:

Personal Services	\$	432,249
Other Expenses	\$	336,999
Debt Service	\$	535,616
Appropriated for Direct Costs	\$	1,304,864
Indirect Costs - Charged to Enterprise Fund from General Fund	\$	1,415,236
Total Cost - OSLGC	\$	110,372

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure introduced 4/10/12 • Budget Presentation/First Reading 4/17/12	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Order: O-2012-028

Introduced By: Town Manager

Date Introduced: April 10, 2012

First Reading: April 17, 2012

Second Reading: May 8, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-028

FY13 TRANSFER STATION ENTERPRISE FUND BUDGET

ORDERED to see if the Town will vote to appropriate \$260,771 from Transfer Station Enterprise receipts to defray Transfer Station direct costs and that \$47,355 as appropriated under Order #O-2012-024 be used for Transfer Station indirect costs, all to fund the totals costs of operations of the Transfer Station Enterprise as follows:

Personal Services	\$	41,760
Other Expenses	\$	219,011
Debt Service	\$	-
Appropriated for Direct Costs	\$	260,771
Indirect Costs - Charged to Enterprise Fund from General Fund	\$	47,355
Total Cost - Transfer Station	\$	308,126

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure introduced 4/10/12 • Budget Presentation/First Reading 4/17/12	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Council Ordinance: D-2012-004

Introduced By: Councilor Michael Demos

Date Introduced: February 15, 2012

Second Reading: March 29, 2012

Third Reading: May 8, 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. • 5/1/12: Measure postponed to 5/8/12 • This measure has been duly advertised.	• Vote 5-1 Tabled



Bridgewater Town Council

In Town Council, May 8, 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	May 8, 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. • Measure included on 4/24/12 agenda, but not taken up. • 5/1/12: Measure postponed to 5/8/12.	• 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, May 8, 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:	May 8, 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. • Measure was included on 4/24/12 agenda but not taken up. • 5/1/12: Measure postponed to 5/8/12 • This measure requires publication pending any Council amendments.	•



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012, 2012

Council Order: O-2012-015

Introduced By: Councilor Michael Berolini
Date Introduced: March 29, 2012
First Reading: April 3, 2012
Second Reading: May 8, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2012-015 (Proposed amendments)

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

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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 Counsel. 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.

- 89
- 90 7. Officers whose appointment or election is by a city council, town council or subject to its confirmation.
- 91 G.L.c. 31, § 48. Civil service offices and positions; exemptions.
- 92
- 93 8. G.L.c. 31, § 51. Cities; civil service offices and positions. (2) the office or offices of chief of police or chief of
- 94 fire department, or the officer performing similar duties, whatever his title, in cities which vote pursuant to the
- 95 provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to
- 96 such office or offices; which has not occurred.
- 97
- 98 9. Contrary to the language inserted by the Town Manager, M.G.L. c. 105E has no provisions for a “one-person”
- 99 collective bargaining unit. Collective bargaining requires 2 or more employees. You cannot collectively
- 100 bargain for just yourself.
- 101
- 102 10. Also, Chapter 105E, section 3, specifically excludes chiefs of departments from collective bargaining units.
- 103 Who is the chief and the Town Manager claiming the labor organization to be? |
- 104

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

105 *Committee Referrals and Dispositions:*

Referral(s)	Disposition(s)
• This measure was not referred to a committee. • Measure included on 4/24/12 agenda, but not taken up. • 5/1/12: Measure postponed to 5/8/12	•

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Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Transfer: T-2012-010

Introduced By:	Town Manager (<i>at the Request of Town Accountant</i>)
Date Introduced:	May 8, 2012
First Reading:	May 8, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer #T-2012-010

OVERLAY SURPLUS TRANSFER

ORDERED that, 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 \$40,000 to Olde Scotland Links Golf Course FY12 budget (posted to various accounts as determined by Golf Superintendent) from the Fund Balance Reserved for Overlay Released by Assessors account #001-000-00-0000-322000 or take any other action relative thereto.



Bridgewater Town Council

In Town Council, Tuesday, May 8, 2012

Transfer: T-2012-011

Introduced By:	Town Manager (<i>at the Request of Town Accountant</i>)
Date Introduced:	May 8, 2012
First Reading:	May 8, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer #T-2012-011

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 \$177,891 to (various accounts determined by Golf Superintendent) from Stabilization Fund account 800-145-00-8051-596100 or take any other action relative thereto.

Explanation:

The Olde Scotland Links golf course needs the above supplemental appropriation in order to keep the golf course open for business through the end of fiscal year.