# BRIDGEWATER TOWN COUNCIL

Tuesday, June 5, 2012
7:30 PM
Memorial Building, 25 South Street

# AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) May 15, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS

a) 7:35 P.M. PUBLIC HEARING: 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) 7:40 P.M. PUBLIC HEARING: 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*

G. LICENSE TRANSACTIONS

a) Petition# P-2012-018: New Common Victualler License - MPG Bridgewater LLC dba 7-Eleven, 155 Broad Street

b) Petition# P-2012-019: New Common Victualler License - Bridgewater Girls Softball League, Crescent Street

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order #O-2012-030: Chapter 90
*** Appropriate the sum of $721,447.00, the same being the town share of the State Highway fund for fiscal year 2013, for the purpose of maintaining, repairing, improving and constructing town and county ways, bridges, sidewalks, and bikeways under G.L. ch.90, sec. 34(2)(a)*
*** The Finance Committee voted to recommend this item: 6-0-1 (meeting held*

*5/16/2012).*
*** The Budget & Finance Committee voted to recommend this item: 3-0 (meeting held 5/30/2012).*

b) Order #O-2012-031: Authorization of Revolving Funds
*** Legislation would establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2012, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2013.*
*** The Finance Committee voted to recommend this item: 6-0-1 (meeting held 5/16/2012).*
*** The Budget & Finance Committee voted to recommend this item: 2-0-1 (meeting held 5/30/2012).*

c) Transfer #T-2012-008: CPA Funded Finished Projects
*** Appropriate and transfer $122,917.14 from the accounts listed (in the order) to the CPA Undesignated Fund Balance account 201-000-00-0000-359000 and $1,436.90 from account listed (in the order) to the CPA Reserve for Historic Resources account 201-000-00-0000-324200*
*** The Finance Committee voted to approve this item: 7-0 (meeting held 5/16/2012).*
*** The Budget & Finance Committee voted to recommend this item: 3-0 (meeting held 5/30/2012).*

d) Transfer #O-2012-009: Community Preservation Annual Reserve Accounts
*** Legislation is to meet the Administrative Budget, Reserves and Debt Service and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013*
*** The Finance Committee voted to approve this item: 7-0 (meeting held 5/16/2012).*
*** The Budget & Finance Committee voted to recommend this item: 3-0 (meeting held 5/30/2012).*

e) Transfer #T-2012-010: Overlay Surplus Transfer
*--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*
*** The Finance Committee voted to recommend this item: 6-1 (meeting held 5/16/2012).*
*** The Budget & Finance Committee voted to recommend this item: 3-0 (meeting held 5/30/2012).*

f) Transfer #T-2012-011: Supplemental Appropriation - Olde Scotland Links Golf Course Transfer
*- - Transfer and appropriate $177,891.00 to Olde Scotland Links Golf Course FY12 budget (posted to various accounts as determined by Golf Superintendent) from Stabilization*
*** The Finance Committee voted to recommends the measure with a caveat that the Golf Commissioners, Town Council Budget & Finance SubCommittee and FinCom meet to further discuss the Golf Course during an upcoming meeting tentatively scheduled for June to justify this and potential future appropriations.: 7-0 (meeting held 5/16/2012).*
*** The Budget & Finance voted to recommend subject to Finance Committee caveat & further back up information to be provided by the Town Manager: 3-0 (meeting held 5/30/2012)*

M. OLD BUSINESS

a) 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.*

b) Ordinance #2011-008: Pawn Shops
*This measure was relieved from the Public Safety Committee on 1/3/2012 by vote of the Town Council: (9-0). This measure as amended was initially advertised on 3/29/2012.*

NOTE: *This measure may not be finally approved at this evening's meeting as it requires re-advertisement pending any amendments proffered by the Town Council.*

c) Ordinance # D-2012-004: Administration and Fiduciary Oversight of the Budget - Appropriation of Operating Expenses from Ambulance Receipts and/or Ambulance Reserve Account
*** The Finance Committee voted to table this item: 5-1 (meeting held 2/22/2012).*
*** This measure was duly advertised on 4/13/2012 pursuant to Section 2-9 of the Home Rule Charter.*

d) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget – Approval Requirements
*** This measure was relieved from the Rules & Procedures committee on 11/22/2011 by vote of the Town Council (7-2).*
*** The Finance Committee voted to "not recommend" this item: 6-0 (meeting held 12/28/2011).*
*** This measure was duly advertised on 1/5/2012 pursuant to Section 2-9 of the Home Rule Charter and may be acted upon should there be no further amendments offered.*

e) Ordinance #D-2012-011: Creation of a Capital Stabilization Fund
*** The Budget & Finance voted on 5/30/2012 to recommend approval (3-0).*
*** The Finance Committee voted to approve: 7-0 (meeting held 5/16/2012).*

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.*

f) Ordinance #D-2012-012: Creation of OPEB Trust Fund
*-- Vote to accept the provisions of Chapter 479 of the Acts of 2008 (codified as M.G.L Chapter 32B, Section 20), to provide for the establishment of an "Other Post Employment Benefits Liability Trust Fund" and further, to establish a "Other Post Employment Benefits Liability Trust Fund" to account for appropriations made to cover the unfunded actuarial liability for retirees' health care and life insurance benefits*

*** The Budget & Finance voted on 5/30/2012 to recommend approval (3-0).*
*** The Finance Committee voted to approve: 7-0 (meeting held 5/16/2012).*
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.*

g) Ordinance #D-2012-010: Town Council Approval of Employment Contracts
*** The Budget & Finance Committee voted to return the measure to the Town Council with the recommendation that the matter be referred to the council's Contracts Committee: 3-0 (meeting held 5/30/2012).*
*** The Finance Committee voted to table this item: 5-0 (meeting held 5/2/2012).*

h) 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.*

i) Order# O-2012-019: Town Manager's Minimum Requirements *(as amended on 4/10/2012)*
***This legislation was to the Town Manager Search Committee for review. Recommend return to full council. 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.*

*j)* Order# O-2012-020: Town Manager's Selection *(as amended on 4/10/2012)*
*****This legislation was to the Town Manager Search Committee for review. Recommend return to full council. 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-2012-029: Bridgewater State University Restricted Public Safety Gift Expenditure
*** The Budget & Finance Committee voted to recommend: 3-0 (meeting held 5/30/2012).*
*** The Finance Committee voted to approve: 7-0 (meeting held 5/16/2012).*

l) Resolution# R-2012-007: Town Council Support of the High/Broad Street Traffic Light Project
***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) Ordinance #D-2012-013: An Ordinance Amending And Codifying A Flood Plain Ordinance For The Town Of Bridgewater

b) Transfer #T-2012-012: Treasurer Prior Year Invoice
*- - Transfer and appropriate $762.03 to account 001-911-03-1012-517010, $713.22 from the FY12 Benefits and Insurance budget account 001-911-01-0102-517010 and $48.81 from the FY12 Finance budget account 001-145-01-0102-570005*

c) Transfer #T-2012-013: Academy Building Appropriation
*- - Appropriate and transfer from the account #201-000-00-0000-324200 Reserve for Historic Resources to the account #201-172-23-1021-530006 Academy Building Property Survey the sum of $4,115.00 as unanimously recommended by the Community Preservation Committee to contract with a land surveyor/engineering firm in a manner and within a budget consistent with the contract approved by the Town Manager or take any other action relative thereto*

d) Resolution #R-2012-008: A Resolution On The Fiscal Year 2014 Budget *(Sponsor: Councilor Wood)*

e) Resolution #R-2012-009: A Resolution To Bring Forward Hold-Over Appointments
*(Sponsors: Councilors Berolini and Colón)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 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 |
| Second Reading/Public Hearing: | June 5, 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.<br>• 4/24/12: Referred to Finance Committee<br>• 4/24/12: Referred to Budget & Finance Committee<br>• This measure was duly advertised for a public hearing in the Enterprise 5/22/12 and posted on the Town's website<br>• This measure may be acted upon. | • 5/2/12: Vote approve 5-0<br><br>5/7/12: Vote recommend return to full council. |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 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/Public Hearing: | June 5, 2012 |
| 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.<br>• 4/24/12: Referred to Finance Committee<br>• 4/24/12: Referred to Budget & Finance Committee<br>• This measure was duly advertised as a public hearing in the Enterprise on 5/22/12 and posted on the Town's website<br>• This measure may be acted upon | • 5/2/12: Vote approved 5-0<br>• 5/7/12: Vote recommend return to full council |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Petition: P-2012-018

Date Introduced/Public Hearing: June 5, 2012

Date Adopted:

Date Effective:

Relative to:

## ***THE GRANTING OF A COMMON VICTUALLER LICENSE***

WHEREAS, MPG Bridgewater, LLC dba 7-Eleven #35944A has submitted all applicable documentation as required for a license to operate a food establishment at 155 Broad Street, Bridgewater, Massachusetts; and

WHEREAS, MPG Bridgewater, LLC proposes to operate the business during the following hours:

| | |
|---|---|
| Monday - Sunday | 24 hours daily |

and;

WHEREAS, MPG Bridgewater, LLC has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health 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 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of MPG Bridgewater, LLC be granted a license to operate a food establishment within the Town of Bridgewater.**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Petition: P-2012-019

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Date Introduced/Public Hearing: June 5, 2012

Date Adopted:

Date Effective:

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Relative to:

## ***THE GRANTING OF A COMMON VICTUALLER LICENSE***

WHEREAS, Bridgewater Girls Softball League, Inc. has submitted all applicable documentation as required for a license to operate a food establishment at the *Crescent Street Ballfields* in Bridgewater, Massachusetts; and

WHEREAS, Bridgewater Girls Softball League, Inc. proposes to operate the business during the following hours:

| | |
|---|---|
| Tuesday - Thursday | 5:00 p.m. – 9:00 p.m. |
| Saturday | 8:00 a.m. – 7:00 p.m. |
| Monday, Friday & Sunday | Closed |

and;

WHEREAS, Bridgewater Girls Softball League, Inc. has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health 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 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of the Bridgewater Girls Softball League, Inc. and they be granted a license to operate a food establishment within the Town of Bridgewater.**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Order: O-2012-030

| | |
|---|---|
| Introduced By: | Town Manager (at the request of the Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Order #O-2012-030**

## CHAPTER 90

**ORDERED** that the Town will vote to appropriate the sum of $721,447, the same being the town share of the State Highway fund for fiscal year 2013, for the purpose of maintaining, repairing, improving and constructing town and county ways, bridges, sidewalks, and bikeways under G.L. ch.90, sec. 34(2)(a).

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee | • 5/16/12: Vote approve, 6 in favor, 0 against, 1 abstention. |
| • Referred to Budget & Finance Committee | • 5/30/12: Vote recommend 3-0. |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Order: O-2012-031

| | |
|---|---|
| Introduced By: | Town Manager (at the request of the Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Order #O-2012-031**

## AUTHORIZATION OF REVOLVING FUNDS

**ORDERED:** that the Town Council vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2012, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2013 as follows:

| Spending Authority | Fund | Receipts | Expenditures | FY13 Spending Limit |
|---|---|---|---|---|
| Town Clerk | Street Listing | Sale of street lists; sale of bylaws/zoning bylaws; sale of subdivision rules; sale of zoning maps | Printing and other costs with publications/books sold to public | $ 5,000 |
| Recreation Director | Recreation | Fees associated with recreation programs | Salaries and benefits of full-time staff, part-time and seasonal staff, recreation programs, facility expenses and other expenses related to programs | $ 150,000 |
| Building Inspector | After Hours Inspections | Fees charged related to after hour inspections | Personnel costs associated with inspections and other related expenses | $ 4,000 |



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

| | | | | |
|---|---|---|---|---|
| Police Chief | Police Equipment | Proceeds from sale/auction of Police related equipment and unclaimed property | Purchase, repair/maintenance of police equipment, training of officers related to purchase, repair/maintenance of such equipment | $ 10,000 |
| Building Inspector/Fire Chief | Ch.148A Fines | Fines assessed per statute | Enforcement, training, equip/tools and education | $ 4,000 |
| IT Director | Cable Services | License fee | Technology related equipment | $ 3,000 |
| Health Agent | Compost Bins | Fees from sale of compost bins | Purchase of compost bins | $ 2,000 |

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee | • 5/16/12: Vote approve; 6 in favor, 0 against, 1 abstention.<br>• 5/30/12: Vote recommend subject to backup 2-0, 1 recusal. |

# Bridgewater Town Council

In Town Council, Tuesday June 5, 2012

Council Transfer Order: # T-2012-008

| | |
|---|---|
| Introduced By: | Town Manager (at the Request of the Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Transfer Order #T-2012-008**

**CPA Finished Projects**

**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 appropriate and transfer $122,917.14 from the accounts listed below to the CPA Undesignated Fund Balance account 201-000-00-0000-359000 and $1,436.90 from account listed below to the CPA Reserve for Historic Resources account 201-000-00-0000-324200 or take any other action relative thereto.

| Project | Account | Balance | Original Funding Source | Meeting |
|---|---|---|---|---|
| CPA Liaison - Consulting | 201-172-06-2069-530032 | $ 745.00 | F/B - Undesignated | STM 5/7/07 |
| Town River Bridge | 201-172-07-2070-530006 | $ 5,250.00 | F/B - Undesignated | ATM 5/5/08 |
| Book Binding - Restore Records | 201-172-09-2072-530015 | $ 12,891.19 | F/B - Undesignated | ATM 5/5/08 |
| Town Hall Renovation | 201-172-13-2076-582003 | $ 99,236.95 | F/B - Undesignated | FTM 11/10/08 |
| Library HVAC | 201-172-14-2085-582005 | $ 1,436.90 | F/B - Reserve Historic | FTM 11/9/09 |
| Clerk of Works - Town Hall | 201-172-19-1016-530034 | $ 4,794.00 | F/B - Undesignated | TCM 6/7/11 |

*Explanation: The Community Preservation Act funds have supported many projects in Bridgewater since its inception. After review of the general ledger, inquiries and follow up done by community preservation committee members and confirmation from the committee the following projects have been deemed complete. The request simply returns the unexpended appropriation back to the original funding source.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee | • 5/16/12: Vote approve7-0.<br>• 5/30/12: Vote recommend 3-0 |



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

# Bridgewater Town Council

In Town Council, Tuesday June 5, 2012

Council Transfer Order: # T-2012-009

| | |
|---|---|
| Introduced By: | Town Manager (at the Request of the Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Transfer Order #T-2012-009**

## CPA RESERVE ACCOUNTS

**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 from the Community Preservation Fund FY2013 estimated annual revenues the sum of $26,846 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013;

And further,
To reserve for future appropriation from the Community Preservation Fund FY2013 estimated annual revenues the sum of $53,692 for the acquisition, creation and preservation of open space; $53,692 for acquisition, preservation, restoration and rehabilitation of historic resources; and $53,692 for the acquisition, creation, preservation and support of community housing,

And further,
To reserve for future appropriation from the Community Preservation Fund FY2013 estimated annual revenues the sum of $337,744 for a FY2013 budgeted reserve,

And further,
To appropriate $11,250 for the payment of debt related to the Keith Homestead purchase from FY2013 estimated revenues.

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee | • 5/16/12: Vote approve7-0.<br>• 5/30/12: Vote recommend 3-0 |



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

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Transfer: T-2012-010

| | |
|---|---|
| Introduced By: | Town Manager (*at the Request of Town Accountant)* |
| Date Introduced: | May 8, 2012 |
| First Reading: | May 8, 2012 |
| Second Reading: | June 5, 2012 |
| 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.

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee | • 5/16/12: Vote recommend 6-1.<br>• 5/30/12: Vote recommend 3-0. |

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

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Transfer: T-2012-011

| | |
|---|---|
| Introduced By: | Town Manager (*at the Request of Town Accountant)* |
| Date Introduced: | May 8, 2012 |
| First Reading: | May 8, 2012 |
| Second Reading: | June 5, 2012 |
| 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.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee | • 5/16/12: Vote recommend7-0 with caveat: *The Finance Committee recommends the measure with a caveat that the Golf Commissioners, Town Council Budget & Finance Sub Committee and FinCom meet to further discuss the Golf Course during an upcoming meeting tentatively scheduled for June to justify this and potential future appropriations..* |
| • Referred to Budget & Finance Committee | • 5/30/12: Vote recommend 3-0 subject to Finance Committee caveat and backup information. |

**ROLL CALL VOTE: PASSAGE REQUIRES 2/3 VOTE OF FULL COUNCIL (6)**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Ordinance: D-2012-007

| | |
|---|---|
| Introduced By: | Councilor Kristy Colon |
| Date Introduced/Public Hearing: | April 3, 2012 |
| Second Reading: | June 5, 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.

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Postponed to 5/1/12 meeting (4/24/12)<br>• This measure requires advertisement pending amendments offered 5/1/12.<br>• 5/1/12: Postponed<br>• This measure requires advertising pending amendments offered/voted by 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.*

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 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: | June 5, 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 sellers information has been properly recorded.

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

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

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

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

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

**Display of License**

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

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<br>• This measure was relieved from the Public Safety Committee by a unanimous vote of the Council on 1/3/12<br>• Amendments voted at 1/17/12 Council Meeting<br>• This measure has been duly advertised.<br>• Further amendments to be considered on 3/6/12.<br>• Amendments voted at 3/6/12 meeting. Final review/advertising approval 3/20/12<br>• Measure not taken up 3/20/12. Final review/advertising approval 3/29/12<br>• This measure has been duly advertised.<br>• Measure included on 4/24/12 agenda, but not taken up.<br>• 5/1/12: Measure postponed to 5/8/12.<br>• Postponed to 5/15/12<br>• 5/15/12: postponed to 5/22 (sponsor absence).<br>• 5/22/12: postponed to 6/5/12 (sponsor | • No action taken |

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

| | |
|---|---|
| absence)<br>• Amendments to be offered at 6/5/12 meeting (attached). | |

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

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Ordinance: D-2012-004

| | |
|---|---|
| Introduced By: | Councilor Michael Demos |
| Date Introduced: | February 15, 2012 |
| Second Reading: | March 29, 2012 |
| Third Reading: | June 5, 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<br>• This measure was on the 3/6/12 & 3/20/12 agendas for amendment consideration, but not taken up.<br>• This measure requires publication pending any Council amendments voted at 3/29/12 meeting.<br>• 5/1/12: Measure postponed to 5/8/12<br>• 5/8/12: Measure postponed.<br>• 5/17/12: Measure postponed to 6/5/12<br>• This measure has been duly advertised. | • Vote 5-1 Tabled |

Bridgewater Town Council

In Town Council, June 5, 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 | June5, 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.*


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

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Rules & Procedures Committee (10/18/11)<br><br><br>• Measure referred to Finance Committee<br>• This measure has been duly advertised on 1/5/12.<br>• 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.<br>• This measure was postponed on 3/29/12 for further council considerations for amendments.<br>• Measure included on 4/24/12 agenda, but not taken up.<br>• 5/1/12: Measure postponed to 5/8/12.<br>• 5/8/12: Measure postponed to 5/15/12.<br>• 5/15/12: Measure postponed to 5/21.<br>• 5/21/12: postponed to 6/5/12 | • 11/22/11: Reported deadlocked. Measure relieved from further consideration by Rules & Procedures. Bring back before Council 12/6/11.<br>• 12/28/11: Finance Committee voted Not Recommended (6-0) |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Ordinance: D-2012-011

| | |
|---|---|
| Introduced By: | Town Manager (at request of Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Ordinance D-2012-011**

## CREATION OF A CAPITAL STABILIZATION FUND

WHEREAS: The Bridgewater Home Rule Charter, Section 6-6, sets forth the requirements for a five year capital plan; and

WHEREAS: Capital planning is an important part of the town's fiscal planning; and

WHEREAS: It is imperative and appropriate that the Town Council have a dedicated fund from which to appropriate capital resources;

Now, therefore, in accordance with the authority so vested in it by the Bridgewater Home Rule Charter, the Town Council votes to take the following action:

**ORDERED that under Massachusetts General Laws, Chapter 40, §5B, the Town of Bridgewater establish a Capital Stabilization Fund for the purpose of accepting funds from a variety of sources to be used exclusively for the purpose annual capital expenditures, or take any other action relative thereto.**

*Explanation:*

*This ordinance will establish a capital fund to be used for ongoing capital needs and will demonstrate the town's commitment to ongoing capital improvements.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee<br>• This measure requires advertising | • 5/16/12: Vote approve7-0.<br>• 5/30/12: Vote 3-0 recommend |

**VOICE VOTE TO APPROVE ADVERTISING**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Ordinance: D-2012-012

| | |
|---|---|
| Introduced By: | Town Manager (at request of Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Ordinance D-2012-012**

## CREATION OF OPEB TRUST FUND

**ORDERED:** The Town Council vote to accept the provisions of Chapter 479 of the Acts of 2008 (codified as M.G.L Chapter 32B, Section 20), to provide for the establishment of an "Other Post Employment Benefits Liability Trust Fund" and further, to establish a "Other Post Employment Benefits Liability Trust Fund" to account for appropriations made to cover the unfunded actuarial liability for retirees' health care and life insurance benefits; or take any other action relative thereto.

*Explanation:*

*As noted in the FY11 Management Letter under "Informational Items", the Town has not yet begun to act on a strategy to fund its other post-employment benefits. By creating an irrevocable trust, the Town can slowly begin funding OPEB costs and work towards reducing its' liability. Roselli, Clark & Associates points out that the towns that have at least begun to put some funds aside are being viewed as more fiscally responsible by the credit agencies. Legislation submitted in conjunction with the 5 Year Capital Plan included a free cash policy that devoted 2% of annual free cash to the unfunded pension liability.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee<br>• This measure requires advertising. | • 5/16/12: Vote approve7-0.<br>• 5/30/12: Vote recommend 3-0 |

**VOICE VOTE TO APPROVE ADVERTISING**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Ordinance: D-2012-010

| | |
|---|---|
| Introduced By: | Councilor William Wood |
| Date Introduced: | April 17, 2012 |
| First Reading: | April 24, 2012 |
| Second Reading: | June 5, 2012 |
| 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 contacts.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Included on 4/17/12 agenda, but not taken up.<br>• 4/24/12: Referred to Finance Committee<br>• 4/24/12: Referred to Budget & Finance Committee<br><br>• This measure requires advertising | • 5/2/12: vote tabled 5-0<br><br>• 5/7/12: vote tabled<br>5/30/12: Vote return to full council recommend referral to Contracts Committee. |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012,

Council Order: O-2012-015

| | |
|---|---|
| Introduced By: | Councilor Michael Berolini |
| Date Introduced: | March 29, 2012 |
| First Reading: | April 3, 2012 |
| Second Reading: | June 5, 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

[1] **ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF FULL COUNCIL (5) (PENDING VOTE OF AMENDMENTS)**

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.

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

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • This measure was not referred to a committee.<br>• Measure included on 4/24/12 agenda, but not taken up.<br>• 5/1/12: Measure postponed to 5/8/12<br>• 5/8/12: Measure postponed to 5/15/12<br>• 5/15/12: Postponed to 6/5/12 | • |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 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: | May 1, 2012 |
| Third Reading: | June 5, 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.

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

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*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure included on 4/3/12 agenda, but not taken up.<br>• First reading and amendments 4/10/12<br>• This measure was not referred to a committee.<br>• This measure can be considered as 14 days has elapsed per Section XVIII of the Council Rules & Procedures.<br>• Measure included on 4/24/12 agenda, but not taken up. | |

**ROLL CALL VOTE: PASSAGE REQUIRE SIMPLE MAJORITY**

| | |
|---|---|
| • 5/1/12: Referred to Town Manager Search Committee | • 5/24/12: Return to full Council. |

**ROLL CALL VOTE: PASSAGE REQUIRE SIMPLE MAJORITY**

# Bridgewater Town Council

In Town Council, June 5, 2012

Council Order: O-2012-020

| | |
|---|---|
| Introduced By: | Councilors Pitta and Wood |
| Date Introduced: | April 3, 2012 |
| First Reading: | April 10, 2012 |
| Second Reading: | May 1, 2012 |
| Third Reading: | June 5, 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<br>• First reading and amendments 4/10/12<br>• This measure was not referred to a committee.<br>• This matter may be considered for action as 14 days has elapsed per Section XVIII of the Council Rules and Procedures.<br>• Measure included on 4/24/12 agenda, but not taken up.<br>• 5/1/12: Referred to Town Manager Search Committee | • 5/24/12: Return to full Council |

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Order: O-2012-029

| | |
|---|---|
| Introduced By: | Town Manager (at request of the Town Accountant) |
| Date Introduced: | May 1, 2012 |
| First Reading: | May 1, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Order O-2012-029**

## EXPENDITURE OF GIFT

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:

"A city council, with the mayor's approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority…use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable;" and

WHEREAS: The Town of Bridgewater has received a restricted gift of $51,000 (Fifty-one thousand dollars) to be used for public safety related purposes and equally distributed to the Fire Department, Police Department and Highway Department.

Now, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

**ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to expend the gift of $51,000 from Bridgewater State University in accordance with stated restricted purpose of the gift.**

*Explanation:*
*As a result of the strong and productive partnership between the Town Manager and public safety officials, Bridgewater State University donated funds in support of the Town's fire, police and highway departments.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • Measure referred to Finance Committee<br>• Referred to Budget & Finance Committee | • 5/16/12: Vote approve7-0.<br>• 5/30/12: Vote recommend 3-0 |

**ROLL CALL VOTE – PASSAGE REQUIRES SIMPLE MAJORITY VOTE**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Resolution: R-2012-007

| | |
|---|---|
| Introduced By: | Councilor William Wood |
| Date Introduced: | May 15, 2012 |
| First Reading: | May 15, 2012 |
| Second Reading: | June 5, 2012 |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Resolution #R-2012-007**

**TOWN COUNCIL SUPPORT OF THE HIGH/BROAD STREET LIGHT PROJECT**

WHEREAS, the intersection of High Street and Broad Street in Bridgewater, Massachusetts has been clearly identified as a dangerous intersection; and

WHEREAS, intersection improvement has been an identified project at the Massachusetts Department of Transportation since 2002; and

WHEREAS, citizens have urged action through a petition drive including two thousand signatures; and

WHEREAS, the existing conditions represent a daily and ongoing danger to our community,

**BE IT RESOLVED**: That the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, respectfully requests via letter that the Massachusetts Department of Transportation, though the Old Colony Planning Council and the Metropolitan Planning Organization make signalization improvements to the intersection of High and Broad Streets, identified as MassDOT project #663660, a high priority. The Town Council further requests that the MPO make every effort to include this project in the 'Transportation Improvement Plan" for Fiscal year 2013.

*Explanation: May 15 to June 19 is the public comment period to prioritize the next TIP and a comment from the Town Council regarding project #663660 will be significant.*

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • First reading 5/15/12<br>• This measure was not referred to a committee<br>• This measure does not require publication.<br>• 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, June 5, 2012

Council Ordinance: D-2012-013

| | |
|---|---|
| Introduced By: | Town Manager (at request of Town Planner) |
| Date Introduced: | June 5, 2012 |
| First Reading: | June 5, 2012 |
| Second Reading: | |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Ordinance D-2012-013**

**AMEND AND CODIFY A FLOOD PLAIN ORDINANCE FOR THE TOWN OF BRIDGEWATER**

**WHEREAS**, Sections 14.10 through 14.50 of the Town of Bridgewater Zoning By-Laws defines flood plain districts and regulates such districts and uses thereunder;

**WHEREAS**, Section 10-1 of the Town Charter relative to "Continuation of Existing Laws" provides that all by-laws which were in force at the time the Charter was adopted, not inconsistent with the provisions of the Town Charter, shall continue in full force until amended or repealed.

**WHEREAS**, the Federal Flood Plain maps have recently been updated some changes made to relevant regulations necessitating an amendment and update to the existing Town of Bridgewater flood plain by-law in order to remain a participating National Flood Insurance Program community; now, therefore,

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

# Flood Plain District

## 14.10 Purposes

a. The purpose of the Flood Plain District is: To provide that lands in the Town of Bridgewater subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety, of the occupants thereof or of the public generally, or as to burden the public with costs resulting from unwise individual choices of land use.
b. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety.
c. To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

## 14.20 District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Bridgewater designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Bridgewater are panel numbers 25023C0188J, 25023C0189J, 25023C0193J, 25023C0281J, 25023C0282J, 25023C0283J, 25023C0284J, 25023C0292J, 25023C0301J, 25023C0302J, 25023C0303J, 25023C0304J, 25023C0306J, 25023C0307J, 25023C0308J, 25023C0311, and 25023C0312J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

## 14.30 Use Regulations

a. The. Flood Plain shall be superimposed on existing Zoning By-law Districts.
b. In Flood Plain applicable use and provisions of the Zoning By-Law continue in force. All uses permitted in the underlying district are allowed, except mobile homes and trailers.

## 14.33 BASE FLOOD ELEVATION AND FLOODWAY DATA:

a. Floodway Data - in Zone A and AE, alone watercourses that have not had a regulatory floodway designated the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
b. Base Flood Elevation Data - in a Zone A, applicants may be required under the Wetland Protection Act, to determine base flood elevation information on engineering calculations. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres; whichever is the lesser, within unnumbered A. Zones.
c. In floodway, the following provisions apply: All encroachments (fill, construction, etc.) are prohibited unless engineer's certification is provided that such encroachment does not increase flood levels.
d. In Flood Plain District, NO mobile homes, trailers,

14.34 In Flood Plains no new building shall be erected, altered, enlarged, unless special permit is received from the Board of Appeals.

14.35 Board of Appeals shall issue a permit stating the conditions under which a building may be erected in the Flood Plain.

14.36 All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

## 14.40 Permit Procedure

a. Any person undertaking action described in Subsection 14,33B above, within the Flood Plain shall submit six (6) copies of application for permit to the Building Inspector, who transmits to the Board of Appeals, Board of Health, Department of Public Works, Conservation Commission and Planning Board. Application accompanied by plans that conform to existing Rules and Regulations of Subdivision Control.

b. No permit to be issued by the Board of Appeals until receipt of recommendations from the Planning Board and Conservation Commission.

c. Board of Appeals to issue permit under this Section if it does not endanger health, safety, welfare of occupants, and Board shall be satisfied:

1. That floor level elevation is proper.
2. That other land is protected against detriments.
3. That safe vehicular and pedestrian passage be provided.
4. That methods of drainage are adequate.
5. That methods of filling will assure that the health and safety of occupants is protected.
6. That the land is not subject to periodic flooding.
7. That the portion of any lot used to meet the yard and area requirements, does not exceed 50% of the minimum lot area, except in the Residential A/B District, wherein the portion of any lot used to meet the yard and area requirements shall not exceed 50% of the minimum lot requirements.

d. Nothing in this section limits the authority of the Board of Health in respect to premises in the Flood Plain or the applicability of the Town's Building Code.

e. Nothing in this section shall limit the applicability of Section 40 of Chapter 131, Massachusetts General Laws.

f. A permit issued by the Board of Appeals, or a building permit issued by the Building Inspector, shall be deemed to be a permit hereunder provided work is started within six (6) months, or take any other action relative thereto.

## 14.50 Compliance With Other Regulations

All development in the Flood Plain District including structural and non-structural activities whether permitted by right or special permit must be in compliance with Chapter 131 Section 40, of the Massachusetts General Laws and the following. (where applicable):

- 780 CMR Massachusetts State Building Code,
- 10 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP)
- 310 CMR 13.00 Inland Wetlands Restriction
- 10 CMR 15, Title V, Minimum Requirements for Subsurface Disposal of Sanitary Sewage (DEP) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedure of these state regulations.
-

14.51 Prior to the alteration and/or relocation of any river or watercourse in a riverine situation, notice shall be given to the following:

Adjacent Communities

NFIP State Coordinator,
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist
Federal Emergency Management Agency
Region I,
99 High Street6th Floor
Boston, MA 02110

_____
Councilor _____

*Explanation:*

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Transfer: T-2012-012

| | |
|---|---|
| Introduced By: | Town Manager |
| Date Introduced: | June 5, 2012 |
| First Reading: | June 5, 2012 |
| Second Reading: | |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Transfer #T-2012-012**

**TREASURER DEPARTMENT - PRIOR YEAR INVOICE**

**ORDERED** that, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter and M.G.L. Chapter 44 Section 64, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate $762.03 to account 001-911-03-1012-517010, $713.22 from the FY12 Benefits and Insurance budget account 001-911-01-0102-517010 and $48.81 from the FY12 Finance budget account 001-145-01-0102-570005 or take any other action relative thereto.

*Explanation:*

*The Treasurer-Collector Department has presented for payment amounts owed to State Board of Retirement for payments the state made to Annette Wheland, surviving spouse of retiree Gerald Wheland in fiscal year 2011. This obligation totaling $762.02 was not reported to the Accounting office during the yearend encumbrance process and therefore is considered bills of a prior year.*

**ROLL CALL VOTE – PASSAGE REQUIRES SIMPLE MAJORITY VOTE**

# Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Transfer: T-2012-013

| | |
|---|---|
| Introduced By: | Town Manager *(at the request of the Town Planner and CPC)* |
| Date Introduced: | June 5, 2012 |
| First Reading: | June 5, 2012 |
| Second Reading: | |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Transfer - # T-2012-013**

## Academy Building Property Survey

**ORDERED that,** the Town Council appropriate and transfer from the account #201-000-00-0000-324200 Reserve for Historic Resources to the account #201-172-23-1021-530006 Academy Building Property Survey the sum of $4,115.00 as unanimously recommended by the Community Preservation Committee to contract with a land surveyor/engineering firm in a manner and within a budget consistent with the contract approved by the Town Manager or take any other action relative thereto.

*Explanation:* This action will fund the request for the firm Outback Engineering, Inc. to perform the property survey for the forthcoming Academy Building restoration project.



**ROLL CALL VOTE: PASSAGE REQUIRES SIMPLE MAJORITY**

Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

**Council Resolution: #R-2012-008**

| | |
|---|---|
| Introduced By: | Councilor William Wood |
| Date Introduced: | June 5, 2012 |
| First Reading: | June 5, 2012 |
| Second Reading: | |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

## Proposed Resolution #R-2012-008

### A RESOLUTION ON THE FISCAL YEAR 2014 BUDGET

WHEREAS: Article 6 of the Bridgewater Home Rule Charter sets out a process for the development and adoption of the annual operating budget and capital improvement program; and,

WHEREAS: As the Town Council wishes to establish a timeline, consistent with the Charter, by which it will provide policy guidance to the Town Manager on the development of the budget and capital improvement program; and,

WHEREAS: Such a timeline will also give town residents notice of their opportunity to offer input on these important financial matters;

NOW THEREFORE BE IT RESOLVED: That the Town Council of the City known as the Town of Bridgewater establishes the following timeline for the development of the Fiscal Year 2014 operating budget and capital improvement program:

1. The Fiscal Year 2014 Preliminary Budget Overview will be presented to the Town Council on November 6th, 2012.
2. The Town Council will adopt its Fiscal Year 2014 Budget Policy Guidelines by December 4th, 2012.
3. The proposed Fiscal Year 2014-2018 Capital Improvement Program will be presented to the Town Council by January 22nd, 2013.
4. The Town Council will adopt its conceptual recommendations on the Fiscal Year 2014-2018 Capital Improvement Program by March 12th, 2013 subject to the availability of funds.

*Committee Referrals and Dispositions:*

| Referral(s) | Disposition(s) |
|---|---|
| • | • |

Bridgewater Town Council

In Town Council, Tuesday, June 5, 2012

Council Resolution: R-2012-009

| | |
|---|---|
| Introduced By: | Councilors Michael Berolini and Kristy Colon |
| Date Introduced: | June 5, 2012 |
| First Reading: | June 5, 2012 |
| Second Reading: | |
| Amendments Adopted: | |
| Date Adopted: | |
| Date Effective: | |

**Proposed Resolution #R-2012-009:**

## A RESOLUTION TO BRING FORWARD HOLD-OVER APPOINTMENTS

Purpose: To effectuate the intent and purpose of the Bridgewater Home Rule Charter by expressing to the Town Manager the Policy and principles of the Town Council concerning the bringing forward of hold-over appointments from the former form of government into the present form of government.

Whereas, on April 24, 2010, the voters of Bridgewater Massachusetts adopted a new Home Rule Charter establishing a city form of government to replace the town's former town form of government;

Whereas, Section 10 of the Home Rule Charter set forth certain provisions for the orderly continuation of government during the town's transition from its former form of government to its present form of government;

Whereas, there exists several persons holding a town office or a position in the administrative service, remaining from the prior form of government, requiring appointment or reappointment with confirmation of the Town Council ("hold-over appointments") and

Whereas, more than two (2) years have elapsed from the effective date of the Home Rule Charter and several of these hold-over appointments have not been brought forward by the Town Manager for confirmation by the Town Council.

NOW, THEREFORE, in order to establish policy guidelines for the Town Manager to effectuate the intent and purposes of the Bridgewater Home Rule Charter, the Town Council does Resolve as follows:

Section 1. The Town Manager will bring forward to the Town Council all hold-over appointments so requiring confirmation by the Town Council within 30 days of the effective date of this resolution.

Section 2. In the event that the Town Council denies confirmation of a person brought forward for appointment or reappointment by the Town Manager, the Town Manager will submit another person for confirmation of appointment within 30 days of the date of denial. In the event that the Town Manager is

unable to find another qualified appointee within the subsequent 30 day period, he will notify the Town Council in writing that he has been unable to find another qualified candidate for appointment and describe his plan for recruitment of a suitable candidate and an estimated and reasonable time frame for the resubmission of another suitable and qualified person for appointment and confirmation.

Section 3. Unless and until a term of office has been otherwise established in the Home Rule Charter or by ordinance pursuant to Section 5, the Administrative Organization of Town Agencies, all hold-over appointments should be for a term of office up to twelve (12) months or until defined or redefined by ordinance pursuant to the Administrative Code required by Section 5 of the Home Rule Charter.

Section 4. The Town Council establishes as a policy goal for itself that it will commence immediately to establish all requirements for all town agencies pursuant to Section 5 of the Home Rule Charter and adopt such in whole or in part so as to complete the entire Administrative Organization within twelve months of the passage of this Resolution.