



# BRIDGEWATER TOWN COUNCIL

Tuesday, July 17, 2012

7:30 PM

Memorial Building, 25 South Street

## AGENDA

### **\*\*SPECIAL MEETING\*\***

#### A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 21, 2012
- b) June 28, 2012

#### B. ANNOUNCEMENTS FROM THE PRESIDENT

#### C. PROCLAMATIONS - None

#### D. CITIZEN OPEN FORUM

#### E. APPOINTMENTS

- a) Town Manager - Contract Extension

#### F. HEARINGS

#### G. LICENSE TRANSACTIONS

#### H. PRESENTATIONS

#### I. TOWN MANAGER'S REPORT

#### J. DISCUSSIONS

- a) Bridgewater Town Manager Profile (*President Colón*)

#### K. SUBCOMMITTEE REPORTS

#### L. LEGISLATION FOR ACTION

#### M. OLD BUSINESS

- a) Transfer #T-2012-015: Middle School Intercom System  
*This measure was introduced on 6/19/12 and referred to the Finance Committee and Budget & Finance Committee. 6/27/12 Finance Committee returned a disposition of approved 6-0.*
- b) Transfer #T-2012-016: Funding of Library Contract  
*This measure was introduced on 6/19/12 and referred to the Finance Committee and Contracts Review Committee. 6/27/12 Finance Committee returned a disposition of approved 6-0. The Contracts Review Committee will return their disposition at the meeting of 7/17/12.*
- c) Order #O-2012-015: Contracts Requiring Multi-Year Approval  
*This measure was referred to the Contracts Committee on 6/5/12. Contracts Committee will provide a disposition at the 7/17/12 meeting.*

- d) Order #O-2012-023: Police Chief Contract  
*This measure was introduced on 6/19/12 and was not referred to any Committee as these items were discussed during budget process.*
- e) Order #O-2012-033: Town Accountant Contract  
*This measure was introduced on 6/19/12 and was not referred to any Committee as these items were discussed during budget process*
- f) Order #O-2012-034: Fire Chief Contract  
*This measure was introduced on 6/19/12 and was not referred to any Committee as these items were discussed during budget process*
- g) Ordinance #2011-008: Pawn Shops  
*This measure was amended on 6/5/12 and has been duly advertised as amended and may be acted upon at this evening's meeting.*
- h) Ordinance #D-2012-010: Town Council Approval of Employment Contracts  
*This measure was referred to the Finance Committee who tabled the matter on 5/2/12 (5-0). It was also referred to the Contracts Review Committee who will provide a disposition at the 7/17/12 meeting. This measure **may not** be finally acted upon as it requires advertising.*
- i) Ordinance #D-2012-011: Creation of a Capital Stabilization Fund  
*This measure was referred to the Finance Committee and the Budget and Finance Committee. The Finance Committee provided a disposition of approved 7-0. The Budget and Finance Committee returned a disposition of recommend 3-0. This measure has been duly advertised and may be acted upon at this evening's meeting.*

N. NEW BUSINESS

- a) Transfer #T-2012-014: Reversion of CPA Funds

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Order: # T-2012-015

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|                     |                                                                           |
|---------------------|---------------------------------------------------------------------------|
| Introduced By:      | Town Manager <i>at the request of Bridgewater Raynham School District</i> |
| Date Introduced     | June 19, 2012                                                             |
| First Reading:      | June 19, 2012                                                             |
| Second Reading:     | July 17, 2012                                                             |
| Amendments Adopted: |                                                                           |
| Date Adopted:       |                                                                           |
| Date Effective:     |                                                                           |

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### **Proposed Transfer#T-2012-015**

#### **APPROPRIATION TRANSFER - MIDDLE SCHOOL INTERCOM SYSTEM UPGRADE**

**ORDERED** that Order #2011-052 *Town Telephone System* appropriating \$21,984.34 AND #2011-053 *Permitting Software* appropriating \$25,000.00 are hereby rescinded.

**FURTHER ORDERED** that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$57,517.72 from account #204-123-00-2051-596100 (*Capital/Prison Mitigation*) to account #001-194-16-1020-585010 (*Upgrade Communication System*) to fund upgrade to the intercom system at the Bridgewater Middle School .

#### *Explanation:*

- The Bridgewater Middle School is in need of an upgrade to its school intercom system. The original votes for the school intercom system had an inadequate funding source and therefore were deemed invalid by the Town Accountant. Funds for the previously approved projects (*Town Telephone System and Permitting Software*) have been funded through proposed levy limit borrowing rather than through prison mitigation funds. The original votes for these two projects (*#2011-052 Town Telephone System and #2011-053 Permitting Software*) need to be rescinded so that the funds are returned to the prison mitigation fund and become available to fund the intercom system.

#### *Committee Referrals and Dispositions:*

| <b>Referral(s)</b>                                                                                                                                   | <b>Disposition(s)</b>                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure referred to Finance Committee</li><li>• Measure referred to Budget &amp; Finance Committee</li></ul> | <ul style="list-style-type: none"><li>• 6/27/12: Vote 6-0 approve.</li><li>• Budget &amp; Finance Committee voted recommend original order #2011-052. Sustain original recommendation.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Transfer: T-2012-016

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|                     |               |
|---------------------|---------------|
| Introduced By:      | Town Manager  |
| Date Introduced:    | June 19, 2012 |
| First Reading:      | June 19, 2012 |
| Second Reading:     | July 17, 2012 |
| Amendments Adopted: |               |
| Date Adopted:       |               |
| Date Effective:     |               |

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### **Proposed Transfer - #T-2012-016**

#### **CONTRACT FUNDING: BRIDGEWATER LIBRARY STAFF ASSOCIATION**

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council vote to appropriate and transfer the sum of \$ 7,807 from the Stabilization account 800-145-00-8051-596100 to the Culture and Recreation budget account 001-610-01-0101-511000, for the purposes of funding collective bargaining agreement with the Bridgewater Library Staff Association, Local 4928 for FY12, or take any other action relative thereto.

*Explanation: The Town Manager settled a collective bargaining agreement with the Bridgewater Library Staff Association, Local 4928 union. The amounts of transfer requested fulfill the town's obligations for FY2012.*

#### *Committee Referrals and Dispositions:*

| <b>Referral(s)</b>                                                                                                                               | <b>Disposition(s)</b>                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure referred to Finance Committee</li><li>• Measure referred to Contracts Review Committee</li></ul> | <ul style="list-style-type: none"><li>• 6/27/12: Vote 6-0 approve</li><li>• Contracts Review Committee to provide disposition at 7/17/12 meeting.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012,

Council Order: O-2012-015

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Introduced By: Councilor Michael Berolini  
Date Introduced: March 29, 2012  
First Reading: April 3, 2012  
Second Reading: July 17, 2012  
Amendments Adopted:  
Date Adopted:  
Date Effective:

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### **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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<sup>1</sup> **ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF FULL COUNCIL (5) (PENDING VOTE OF AMENDMENTS)**

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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

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<sup>2</sup> ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF FULL COUNCIL (5) (PENDING VOTE OF AMENDMENTS)

87 recommendation for such pursuant to Section B. Under either provision, the vote of the Town Council is  
88 required.

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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? |

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

104  
105 *Committee Referrals and Dispositions:*

| Referral(s)                                                                                                                                                                                                                                                                                                                                                          | Disposition(s)                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• This measure was not referred to a committee.</li><li>• Measure included on 4/24/12 agenda, but not taken up.</li><li>• 5/1/12: Measure postponed to 5/8/12</li><li>• 5/8/12: Measure postponed to 5/15/12</li><li>• 5/15/12: Postponed to 6/5/12</li><li>• 6/5/12: Measure referred to Contracts Review Committee</li></ul> | <ul style="list-style-type: none"><li>• 7/16/12:</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Order: #O-2012-032

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|                     |               |
|---------------------|---------------|
| Introduced By:      | Town Manager  |
| Date Introduced     | June 19, 2012 |
| First Reading:      | June 19, 2012 |
| Second Reading:     | July 17, 2012 |
| Amendments Adopted: |               |
| Date Adopted:       |               |
| Date Effective:     |               |

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### **Proposed Order #O-2012-032**

#### **CONTRACT APPROVAL: POLICE CHIEF**

**ORDERED**, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Chief of Police.

#### Explanation:

*The Town Manager negotiated a three year agreement with the Police Chief that was signed on February 27, 2012. An affirmative vote of the Council will approve the contract as presented.*

#### Committee Referrals and Dispositions:

| <b>Referral(s)</b>                                                                  | <b>Disposition(s)</b>                                                                     |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure not referred to committee</li></ul> | <ul style="list-style-type: none"><li>• Discussed during budget considerations.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Order: #O-2012-033

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|                     |               |
|---------------------|---------------|
| Introduced By:      | Town Manager  |
| Date Introduced:    | Jun 19, 2012  |
| First Reading:      | June 19, 2012 |
| Second Reading:     | July 17, 2012 |
| Amendments Adopted: |               |
| Date Adopted:       |               |
| Date Effective:     |               |

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### **Proposed Order #O-2012-033**

#### **CONTRACT APPROVAL: TOWN ACCOUNTANT**

**ORDERED**, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Town Accountant.

Explanation:

*The Town Manager negotiated a five year agreement with the Town Accountant that was signed on March 1, 2012. An affirmative vote of the Council will approve the contract as presented.*

Committee Referrals and Dispositions:

| <b>Referral(s)</b>                                                                  | <b>Disposition(s)</b>                                                                     |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure not referred to committee</li></ul> | <ul style="list-style-type: none"><li>• Discussed during budget considerations.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, June 19, 2012

Council Order: #O-2012-034

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|                     |               |
|---------------------|---------------|
| Introduced By:      | Town Manager  |
| Date Introduced:    | June 19, 2012 |
| First Reading:      | June 19, 2012 |
| Second Reading:     | July 17, 2012 |
| Amendments Adopted: |               |
| Date Adopted:       |               |
| Date Effective:     |               |

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### **Proposed Order #O-2012-034**

#### **CONTRACT APPROVAL: FIRE CHIEF**

**ORDERED**, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Fire Chief.

#### Explanation:

*The Town Manager negotiated a three year contract extension agreement with the Fire Chief that was signed on April 17, 2012. An affirmative vote of the Council will approve the contract as presented.*

#### Committee Referrals and Dispositions:

| <b>Referral(s)</b>                                                                  | <b>Disposition(s)</b>                                                                     |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure not referred to committee</li></ul> | <ul style="list-style-type: none"><li>• Discussed during budget considerations.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Ordinance: #2011-008

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|                                 |                                               |
|---------------------------------|-----------------------------------------------|
| Introduced By:                  | Councilor Pitta                               |
| Date Introduced/Public Hearing: | September 6, 2011                             |
| Second Reading:                 | January 17, 2012                              |
| Third Reading:                  | February 15, 2012                             |
| Fourth Reading:                 | March 6, 2012                                 |
| Fifth Reading:                  | March 29, 2012                                |
| Sixth Reading:                  | June 5, 2012                                  |
| Seventh Reading:                | July 17, 2012                                 |
| Amendments Adopted:             | January 17, 2012, March 6, 2012, June 5, 2012 |
| Date Adopted:                   |                                               |
| Date Effective:                 |                                               |

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

#### **Pawn Shops**

**Ordered** that, Dealers in Junk, Second-Hand Articles, Gold, Silver, and other precious metals 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, jewelry, 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 business 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 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 a 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 and such findings shall be forwarded to the Town Manager. The Town Manager 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. The license shall be in force until the 1<sup>st</sup> day of January unless sooner revoked.

#### **Record of Purchases**

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

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of purchase, the detailed description of each item purchased including serial numbers(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 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 of each item purchased, clearly 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 licensee for a period of three (3) years. Video game systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the seller's information has been properly recorded.

Every licensee, at his expense, will be required to record all such information on a form prescribed or participate in an electronic database 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

No 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 after five (5) days. Per MGL c.140 §71, any item taken in by a Pawnbroker or Pawn shop must be retained by them for a period of no less than four months from time of deposit.

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

No licensee 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

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 of 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

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

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, revoke said license for cause following notice and an opportunity to be heard.

**Penalty for Violation of Article**

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty (\$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 MGL 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 all books, records, photographic images, articles and merchandise therein as required to be maintained in compliance with this Ordinance.

*Committee Referrals and Dispositions:*

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Disposition(s)</b>                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• This measure was referred to the Public Safety Committee on 9/6/11</li><li>• This measure was relieved from the Public Safety Committee by a unanimous vote of the Council on 1/3/12</li><li>• Amendments voted at 1/17/12 Council Meeting</li><li>• This measure has been duly advertised.</li><li>• Further amendments to be considered on 3/6/12.</li><li>• Amendments voted at 3/6/12 meeting. Final review/advertising approval 3/20/12</li><li>• Measure not taken up 3/20/12. Final review/advertising approval 3/29/12</li><li>• This measure has been duly advertised.</li><li>• Measure included on 4/24/12 agenda, but not taken up.</li><li>• 5/1/12: Measure postponed to 5/8/12.</li><li>• Postponed to 5/15/12</li><li>• 5/15/12: postponed to 5/22 (sponsor absence).</li><li>• 5/22/12: postponed to 6/5/12 (sponsor absence)</li><li>• Amendments approved at 6/5/12 meeting.</li><li>• Measure duly advertised in Enterprise 6/28/12.</li></ul> | <ul style="list-style-type: none"><li>• No action taken</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Ordinance: D-2012-010

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Introduced By: Councilor William Wood

Date Introduced: April 17, 2012

First Reading: April 24, 2012

Second Reading: June 5, 2012

Third Reading: July 17, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Ordinance #D-2012-010**

#### **TOWN COUNCIL APPROVAL OF EMPLOYMENT CONTRACTS**

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

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

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

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

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

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

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

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

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

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

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

*Committee Referrals and Dispositions:*

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                                          | <b>Disposition(s)</b>                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Included on 4/17/12 agenda, but not taken up.</li><li>• 4/24/12: Referred to Finance Committee</li><li>• 4/24/12: Referred to Budget &amp; Finance Committee</li><li>• 6/5/12: Measure referred to Contracts Review Committee</li><li>• This measure requires advertising</li></ul> | <ul style="list-style-type: none"><li>• 5/2/12: vote tabled 5-0</li><li>• 5/7/12: vote tabled</li><li>• 5/30/12: Vote return to full council recommend referral to Contracts Committee.</li><li>• Committee to provide disposition at 7/17/12 meeting.</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Council Ordinance: D-2012-011

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|                     |                                              |
|---------------------|----------------------------------------------|
| Introduced By:      | Town Manager (at request of Town Accountant) |
| Date Introduced:    | May 1, 2012                                  |
| First Reading:      | May 1, 2012                                  |
| Second Reading:     | June 5, 2012                                 |
| Third Reading:      | July 17, 2012                                |
| Amendments Adopted: |                                              |
| Date Adopted:       |                                              |
| Date Effective:     |                                              |

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### **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:**

| <b>Referral(s)</b>                                                                                                                                                                                                                                                                                             | <b>Disposition(s)</b>                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Measure referred to Finance Committee</li><li>• Referred to Budget &amp; Finance Committee</li><li>• This measure requires advertising</li><li>• This measure was duly advertised in the Enterprise on 6/28/12</li><li>• 7/10/12: Postponed to next meeting.</li></ul> | <ul style="list-style-type: none"><li>• 5/16/12: Vote approve 7-0.</li><li>• 5/30/12: Vote 3-0 recommend</li></ul> |



## Bridgewater Town Council

In Town Council, Tuesday, July 17, 2012

Transfer: T-2012-014

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Introduced By: Town Manager

Date Introduced: July 17, 2012

First Reading: July 17, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

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### **Proposed Transfer - # T-2012-014**

#### **REVERSION OF CPA FUNDS FROM STALLED STANLEY IRON WORKS PROJECT**

**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 \$32,000 from account 201-172-05-2068-584002, Stanley Iron Works Restoration to the CPA Reserve for Historic Resources account 201-000-00-0000-324200 or take any other action relative thereto.

*Explanation: Community Preservation Act funds have supported many projects in Bridgewater since its Inception After careful consideration, the Community Preservation Committee (CPC) has determined that the aforementioned project has stalled due to lack of a coherent plan for completion. This transfer request simply returns the unexpended appropriation back to the original funding source.*

*The CPC has recognized that the Iron Works Building is an important historic artifact. The Committee recommends that a clear plan be formulated before further public funds are expended. If the Town wishes to submit a proposal for funding to preserve and restore the Iron Works Building, the CPC will entertain it without prejudice.*