

TOWN OF BRIDGEWATER

OFFICE OF THE TOWN COUNCIL



Rules & Procedures Committee Meeting Agenda November 30, 2021

Committee Members:

*Shawn George, Member
District 3 Councilor*

*Erik Moore, Member
District 1 Councilor*

*Frank Sousa, Chair
District 7 Councilor*

Virtual Via Zoom

To Attend Via Video, use the Link Below:

<https://us06web.zoom.us/j/82311173280>

Call In: 1-646-876-9923

Meeting ID: 823 1117 3280

- A. Call to Order – 7:00 p.m.
- B. Legislation Referred:
 - Ordinance D-FY21-011 General Ordinance – Amend Article II Section 2-1 of Town Charter
 - Ordinance D-FY21-012 General Ordinance – Admin Code Change Part II CH. 1 Article II Section 2
 - Ordinance D-FY22-002 Bridgewater Town Charter Amendment Correction of Typographical and Punctuation Errors
 - Ordinance D-FY22-003 Bridgewater Town Charter Article IV, Town Manager “Temporary Absence”
 - Ordinance D-FY22-004 Bridgewater Town Charter Article III, Elected Officials, Library Trustees
 - Ordinance D-FY22-005 Bridgewater Town Charter “Town” to “City” Amendment
 - Ordinance D-FY22-006 Bridgewater Town Charter Article II, Legislative Branch, Term of Office
 - Ordinance D-FY22-007 Bridgewater Town Charter Article II, Legislative Branch, Election Eligibility
 - Ordinance D-FY22-008 Bridgewater Town Charter Article II, Legislative Branch, Annual Stipend
 - Ordinance D-FY22-009 Bridgewater Town Charter Article II, Legislative Branch, Recall Provision
 - Ordinance D-FY22-010 Bridgewater Town Charter Article IV, Town Manager Term of Office
 - Ordinance D-FY22-011 Bridgewater Town Charter Article V, Administrative Organizations, City Attorney, Term Limits

- Ordinance D-FY22-015 General Ordinance Amend Article VII Sec. 7-4 “Districts” of the Town of Bridgewater Home Rule Charter by Special Act Legislation

C. Public Comment

D. Adjourn



Bridgewater Town Council

In Town Council, October 19, 2021

Council Ordinance: D-FY21-011

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	June 29, 2021
First Reading:	June 29, 2021
Second Reading:	August 3, 2021
Third Reading:	October 19, 2021
Amendments Adopted:	(1)
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY21-011

General Ordinance - Amend Article II Sec 2-1. Composition; Eligibility; Term of Office

WHEREAS, an amendment to Article II, Section 2-1 of the Bridgewater Town Charter;

ORDERED, that the Town Council assembled votes to amend the Town Charter, Article II, Section 2-1 to read as follows:

There shall be a Town Council consisting of **nine (9) members** which shall exercise the legislative powers of the town. ~~XXX of these members are to be known as district councilors, shall be nominated and elected by and from the voters of the XXX districts into which the town is divided and XXX of the members to be known as councilors at large, shall be nominated and elected by and from the voters at large.~~ **Each of the districts into which the town is divided shall have a single member to be known as a district councilor, whom shall be nominated and elected by and from the voters of their respective districts. The remaining members shall be known as councilors-at-large and shall be nominated and elected by and from voters at large.**

EXPLANATION:

This begins the process of what we know will be some change in the makeup of the precincts in Bridgewater due to the recent census. The Town Clerk will make a recommendation to the Council as to what the makeup should be, but the Council will have the final say. This puts the issue in committee so discussions can begin to take place as the timeline for this process will be tight.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedure Committee	Vote 2-0 to recommend approval as amended.



Bridgewater Town Council

In Town Council, Tuesday, October 19, 2021

Council Ordinance: D-FY21-012

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	June 29, 2021
First Reading:	June 29, 2021
Second Reading:	August 3, 2021
Third Reading:	October 19, 2021
Amendments Adopted:	(1)
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY21-012

General Ordinance – Admin Code Change: Part II, CH. 1 Article II, Section 2

WHEREAS, In accordance with the provisions of the Bridgewater Home Rule Charter relative to amendments to the Administrative Code, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Administrative Code, Part II, CH. 1 Article II, Section 2 to read as follows:

There shall be **nine (9) members** of the Bridgewater Town Council, one Councilor elected from each district and the remaining elected at-large. ~~The total councilors shall be an uneven number.~~ The Bridgewater Town Council shall exercise all the legislative powers of the Town.

Explanation:

This would put the admin code in line with the charter change.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedures Committee	Vote 2-0 recommend approval as amended



Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-002

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-002

Bridgewater Town Charter Amendment for Correction of Typographical and Punctuation Errors

ORDERED that the Town Charter shall be amended by fixing all typographical and punctuation errors that were present in the review of the charter by the charter review committee and notated on the proposed charter changes as highlighted. Such amendment shall be effective only after approval by the Town Council and the State Legislature.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-003

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George
Date Introduced: September 7, 2021
First Reading: September 7, 2021
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY22-003

Bridgewater Town Charter Article IV, Town Manager "Temporary Absence"

ORDERED that Article IV Town Manger Sec 4-7 Temporary Absence shall be amended such that the Assistant Town Manager shall act in the absence of the Town Manager. If there is no Assistant Town Manager and the Town Manager is unable to act, then the Council President shall appoint an interim Town Manager until the Town Manager is able to perform his/her duties. Such amendment shall be effective only after approval by the Town Council and the State Legislature.

Explanation:

The current recommendations by the charter review committee suggests that "a department head" be appointed interim in the TM absence. This order will clearly indicate that the ATM shall act in his/her absence.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-004

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George
Date Introduced: September 7, 2021
First Reading: September 7, 2021
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY22-004

Bridgewater Town Charter Article III, Elected Officials, Library Trustees

ORDERED that Section 3-2 of the Town Charter shall be amended as below:

"a)Composition, Election - There shall be a Board of Library Trustees composed of nine members, all elected by and from the voters at large.

b)Term of Office - The terms of Library Trustee members shall be staggered terms of three years each, beginning on the day following the election for 3 years and continuing until a successor is qualified.

c)Powers and Duties- The board of library trustees shall insure that the Bridgewater Public Library, a public institution supported and managed by the Library Department and the Library Board of Trustees provide all members of the Bridgewater community the right and means to free and open access to information and ideas and that the Bridgewater Public Library protects intellectual freedom, promotes literacy and encourages life-long learning. The powers set forth herein shall be vested in the Board of Trustees as a ministerial body in furtherance of these duties and obligations.

d)Filling of Vacancies - If a vacancy occurs in the membership of the Library Trustees, whether by failure to elect or otherwise, the Library Trustees have 30 calendar days from the date the vacancy is declared to exist by the City Clerk under section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the City Council. If the vacancy is not filled within 30 calendar days after the vacancy is declared to exist, the appointment will defer to the City Council. The appointee will serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library Trustees or City Council shall give consideration to whichever of the defeated candidates for the seat in which the vacancy is declared to exist, received the highest number of votes at the last regular City election immediately preceding the date the vacancy is declared to exist.

(e)Collections – The books, periodicals, papers and any other material curated by the Bridgewater Public Library shall be in the custody and control of the board of library trustees, subject to the Director's responsibility to manage circulating materials and disposition of outdated materials. The board of library trustees may direct the Director of the Library to make certain items, collections or items related to specific subject matters available as a special collection, subject to Director's obligations regarding the orderly management of the Bridgewater Public Library and the Library Department. The board of library trustees may make, or authorize the Director to make such disposition of old and unused papers and books as they may think for the best interests of the City. The proceeds, if any, of such disposition shall be retained and segregated by the City. The board of library trustees shall have the full and sole power to expend such funds, solely in their discretion, to further the duties set forth in section 3-2 (c).

NOT FOR ACTION – FIRST READING ONLY

(f)Gifts - All gifts of property, including but not limited to funds, that have been, is, or will be given, to the Bridgewater Public Library shall be in the custody and control of the board of library trustees, subject to the board’s acceptance of such property and any restrictions placed upon it. The board of library trustees shall have the power and authority to liquidate or dispose of any such gifted property, subject to any accepted restrictions. The board of library trustees shall have the full and sole power to expend any such funds, or the funds resulting from the liquidation or disposition of such property, solely in their discretion, to further the duties set forth in section 3-2 (c), herein, subject to any gift restriction. Any funds described herein shall be retained and segregated by the City. Property provided to the Library by the Library Department for the support, maintenance and operation of the Library by the Library Department, excluding property subject to 3-2(e), shall not be considered property given to the Library for purposes of this section.

(g)Library Director- Except as set forth herein, the Library Director shall only be hired upon the City Manager receiving a written recommendation from the board of library trustees. Except as set forth herein, the City council may not ratify the appointment of the Library Director if the City Manager has not received a written recommendation from the board of library trustees. Should the Library Board of Trustees fail to provide a written recommendation within 180 calendar days from the date the position becomes publicly posted, the City Manager may proceed with the hiring process without the Board of Trustees recommendation and the City Council may ratify such hiring. The City Manager will provide the board of library trustees with term length and renewal conditions of any employment contract entered into with the Library Director. The City Manager may only renew or extend the employment contract of the Library Director upon receipt of an additional written recommendation of the board of library trustees to do so. In the case of an employment at will situation, any period of consecutive employment for more than one year shall be considered an extension. The City Manager shall include that a member of the Board of Library Trustees is present for a least one interview for each potential candidate.

(h)City Collector-Treasurer- The City treasurer shall act as treasurer of the board of library trustees. The board of library trustees may request from the treasurer a report setting out the funds retained by the City and subject to the custody and control of the board of library trustees.

(i)Annual Fiscal Report- The board of library trustees shall make an annual report to the City, no later than January 1st, of its receipts and expenditures and of the property in its custody and control and of any gifts or bequests made to the library.”

Such amendment shall be effective only after approval by the Town Council and the State Legislature.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-005

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-005

Bridgewater Town Charter "Town" to "City" Amendment

ORDERED that the Town Charter shall be amended to change all references in the current charter that use term "town" to "city." Such amendment shall be effective only after approval by the Town Council and the State Legislature.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-006

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-006

Bridgewater Town Charter Article II, Term of Office

ORDERED that the Town Charter, Article II Legislative Branch Sec 2-1c Term of Office shall be amended by deleting "beginning on the second Monday," and replacing it with "next business day." Such amendment shall be effective only after approval by the Town Council and the State Legislature.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-007

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-007

Bridgewater Town Charter Article II, Legislative Branch, Election Eligibility

ORDERED that the Town Charter, Article II, Legislative Branch, shall be amended to reflect that a Councilor shall not exceed four elections to the Town Council, however, prior service in either at-large or district Councilor position does not limit eligibility. Such amendment shall be effective only after approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-008

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-008

Bridgewater Town Charter Article II, Legislative Branch, Annual Stipend

ORDERED that The Town Charter, Article II, Legislative Branch shall be amended to reflect that each Councilor shall receive an annual stipend of \$3,000 but shall not be eligible for any other city provided benefits or pension, and further that such stipend amount shall only be amended by a two-thirds vote of the Council. Such amendment shall be effective only after approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-009

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George
Date Introduced: September 7, 2021
First Reading: September 7, 2021
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY22-009

Bridgewater Town Charter Article II, Legislative Branch, Recall Provision

ORDERED that the Town Charter, Article II, Legislative Branch shall be amended to include a recall provision as below:

“(a)Any holder of an elective office in the City of Bridgewater may be recalled and removed there from by the qualified voters of said City as herein provided.

(b)One hundred or more of a district’s registered voters, or in the case of an at large official four hundred or more registered voters, may file with the City Clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds upon which the petition is based. Said City Clerk and the Board of Registrars shall, within five business days, certify thereon the number of signatures which are names of registered voters of the City. The City Clerk shall upon certification deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the City Clerk with said Clerk’s signature and official seal attached thereto. They shall be dated, shall be addressed to the City Council, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the office held by the person named, the grounds of recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book to be kept in the office of the City Clerk. The recall petition shall be returned and filed with the City Clerk within 21 calendar days after the certification of the affidavit and shall have been signed by no less than at least ten percent (10%) of the registered voters of the district or the City, as the case may be, based on the last City election, who shall add to their signatures the street and number if any, of their residences. The City Clerk shall within twenty-four hours of receipt of the petition, submit the petition to the Board of Registrars of voters in the City, and the Registrars shall within 14 calendar days certify thereon the number of signatures which are names of registered voters of the City.

(c)If the petition shall be certified by the City Clerk and the Board of Registrars, and found to be sufficient, the City Clerk shall submit the same with the City Clerk’s certification to the City Council without delay and said Council shall within five business days give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five business days thereafter, the City Council shall order an election to be held on a date fixed by them not less than 60 nor more than 90 calendar days after the date of the City Clerk's certification that a sufficient petition has been filed; provided, however, if any other City election is to occur within 100 calendar days after certification, the City Council shall postpone the holding of the recall election to the date of such other election. If a

NOT FOR ACTION – FIRST READING ONLY

vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as specified in the section provided. (d)An officer sought to be removed by recall may be a candidate for re-election and, unless the officer requests otherwise in writing, the City Clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

(e)The incumbent shall continue to perform the duties of office until the recall election. If then re-elected, the officer shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five calendar days after receiving notification of the election, the incumbent shall be deemed removed and the office vacant.

(f)Ballots used in a recall election shall submit the following proposition in the order indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer) (office held). Immediately at the right of each proposition there shall be an oval in which the voter, by filling in the oval, may vote for either of said propositions. Under the proposition shall appear the word "Candidates", the direction "Vote for One", and beneath this the names of candidates nominated as hereinbefore provided. In the case of machine voting or punch card balloting, or other forms of balloting provision shall be made to allow the same intent of the voter. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

(g)No recall petition shall be filed against an officer within six months after taking office, or in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

(h)No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against that person, shall be appointed to any City office within two years after such removal by recall or resignation."

Such amendment shall be effective only after approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-010

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-010

Bridgewater Town Charter Article IV, City Manager Term of Office

ORDERED that The Town Charter, Article IV, Section 4-1 shall be amended to reflect a that the Council shall appoint a City Manager to a maximum 5-year renewable term. Such amendment shall be effective only after approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, September 7, 2021

Council Ordinance: D-FY22-011

Introduced By: Councilor Dennis Gallagher and Councilor Shawn George

Date Introduced: September 7, 2021

First Reading: September 7, 2021

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY22-011

Bridgewater Town Charter Article V, Administrative Organizations, City Attorney, Term Limits

ORDERED that The Town Charter, Article V, Section 5-3, Town Attorney, paragraph (a) shall be amended by replacing the provision with "A city solicitor shall be appointed by the city council to a maximum of a 5-year renewable term." Such amendment shall be effective only after approval by the Town Council, the State Legislature and the voters of the Town of Bridgewater.

Explanation:

This changes the appointment authority to the Town Council and changes the title to City Solicitor.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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