

TOWN OF BRIDGEWATER

Charter Review Committee

Dennis C. Gallagher, Chair

Carlton Hunt
Stephanie Ryan
Erick Lynch
Aisha Losche
Eric Desrochers



Patti Paccia, Secretary
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Academy Building - 66 Central Square
Bridgewater, MA 02324

Bridgewater Charter Review Committee

Minutes for the Charter Review Meeting that Convened on Wednesday, April 1, 2015 and the Final Charter Review Meeting that Convened on Wednesday, April 15, 2015

Meeting called to order by Dennis C. Gallagher (Chairman of the Committee) in accordance with rules governing meetings and quorum filled. Meeting starts at 7:12 PM and goes into formal session at 7:30 PM.

Members in Attendance: *Dennis C. Gallagher, Carlton Hunt, Aisha Losche, Erick Lynch and Stephanie Ryan*

Guests: *Greg Lee, Library Trustee*

Members Not in Attendance: *Eric Desrochers*

Approval of Agenda: *The Committee accepts the agenda of the current meeting.*

Approval of Meeting Minutes: *The Committee considers the following minutes:*

A motion is made by Mr. Hunt to accept the formal minutes of February 25, 2015, seconded by Ms. Losche. With a vote of 4 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to accept the formal minutes of March 4, 2015 with amendments, seconded by Ms. Losche. With a vote of 4 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to accept the formal minutes of March 11, 2015, seconded by Ms. Losche. With a vote of 4 yea, 0 nay, the minutes are approved.

A motion is made by Ms. Losche to accept the formal minutes of March 18, 2015 with amendments, seconded by Mr. Hunt. With a vote of 4 yea, 0 nay, the minutes are approved.

A motion is made by Mr. Hunt to strike references to "informal" meeting and accept the minutes of March 25, 2015 as amended, seconded by Ms. Ryan. With a vote of 4 yea, 0 nay, the minutes are approved.

On April 15, 2015 the Committee meets one last time to vote on the minutes of April 1, 2015. *A motion is made by Mr. Hunt to accept the formal minutes of April 1, 2015, seconded by Mr. Lynch. With a vote of 5 yea, 0 nay, minutes are approved.*

Public Comments: *There are no public comments for the current meeting.*

Committee Meeting Schedule: *The final CRC wrap up meeting will be held at the Memorial Building at 6:30 pm on April 15, 2015 to sign finalized minutes with no input or discussion.*

New Business:

Library Trustee Greg Lee attended the meeting to share concerns about the original charter wording and now the suggested revisions to the charter language as pertains to Library Trustees. The current wording in the charter and the code do not comply with MGL chapters 78 subsections 10, 11, 12 and 34 as pertains to library trustees. Mr. Lee distributed the law to the group and they reviewed the various subsections. (see 4/1/15 Addendum). There is nothing under section 3-2 of the charter that alludes to the library's independence as far as property, building and staff. The trustees had bigger concerns with the administrative code language, but it has been reviewed with the Town Manager and revised language has been agreed upon. The Town Manager suggested that Mr. Lee come before the CRC as well. A motion is made by Mr. Hunt that in charter Section 3-2 (c) Powers and Duties, language be inserted as the first sentence that MGL Chapter 78 Sections 10, 11, 12 and 34 direct all powers and duties of the library trustees. In addition, Mr. Hunt moves for an editorial change in section 3-2 (c) Powers and Duties from insure to ensure; seconded by Ms. Losche. A provisional vote was taken of 3 yea, 0 nay. Once meeting had quorum with Ms. Ryan's arrival, a revote was taken. With a vote of 4 yea, 0 nay, the vote passes.

Old Business

At the last meeting a provisional vote was taken that any votes taken at the April 1, 2015 meeting would require only a single vote versus the standard double vote policy. Mr. Hunt moved to ratify the vote from last week; seconded by Ms. Losche. The motion passes unanimously.

The group revisits follow up items from their discussion with the Town Attorney as listed in the Addendum to the March 25, 2015 minutes.

Section 2.7a – Ms. Losche moves to reduce the previous recommendation of 10 days to 72 hours; seconded by Ms. Ryan. Motion passes unanimously.

Section 2.8 – Part I no action. Part II no action.

Section 2.9 – Ms. Losche moves to update the posting language to strike 'and', replace with 'or both'; seconded by Mr. Hunt. Motion passes unanimously.

Section 3-1 Paragraph 2 – Ms. Ryan moves to eliminate the second paragraph of 3-1 and cite MGL 268A; seconded by Ms. Losche. Motion passes unanimously.

Section 3-1 Paragraph 4 – Mr. Hunt moves to retain the language of Paragraph 4 as is; seconded by Ms. Ryan. Motion passes unanimously.

Section 3-4 – No further action. Original votes stand. With council appointing the person, it's less of a conflict than being appointed by the Town Manager who would be the appointee's boss.

Section 3-5 Paragraph 5 – No further action. Original vote stands.

Section 4-3 – Mr. Lynch moves to add language to Section 4-3 that clearly defines the appointive administrative officers of the town of Bridgewater. These are the Town Assessor, Town Attorney, Chief of Police, Fire Chief, Director of Public Works, Finance Director, and such additional administrative officers or departments as may be created by ordinance; seconded by Mr. Hunt. Motion passes unanimously.

Section 5-3 – Mr. Lynch moves to rescind the original 2 votes to include a revision, and instead recommend it for the administrative code; seconded by Mr. Hunt. Motion passes unanimously.

Section 6-3 – Ms. Losche moves to update the language to strike 'and', replace with 'or both'; seconded by Mr. Lynch. Motion passes unanimously.

Section 6-4 (a) – Mr. Lynch moves that we strike all language and cite MGL 44 Section 32; seconded by Ms. Losche. Motion passes unanimously.

Section 9-7 – Ms. Losche moves to change language of appointed bodies to 'for a period of three consecutive meetings' versus the current language 'months'; seconded by Mr. Lynch. Motion passes unanimously.

Regarding felon language – No action taken.

Regarding Board of Health language – No action taken.

Section 4-2 (a) 22 – No action taken.

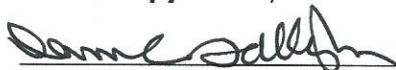
The group reviews and makes final revisions to the PPT for presentation to Town Council on April 7, 2015. The order of presentation is discussed. Ms. Losche will finalize the PPT and email to Town Council Clerk, copying CRC. Mr. Hunt Carlton will distribute the final CR Recommendations Report by Friday.

With formal discussion concluded, a request is made to adjourn: *By unanimous consensus of the Committee, the meeting is hereby adjourned. The final meeting will be April 15, 2015.*

Meeting is hereby adjourned by unanimous consensus of the members in attendance in accordance with rules governing meetings. Meeting adjourns at 9:08 PM.

I hereby affix my hand to this document that the minutes of this meeting are true and accurate to the best of my ability, note-taking, and penmanship as so ordered by the Chair of the Committee this First Day of April, Two Thousand and Fifteen.

A True Copy Attest,



Dennis C. Gallagher, Chairman of the Committee



Patti Paccia, Secretary of the Committee

Memo:

To: Dennis Gallagher, Chairman of The Bridgewater Charter Review Committee

From: Greg Lee, Bridgewater Library Trustee

Date: 4/1/15

Re: **Bridgewater Library Trustee Concerns About The Wording In The Current Bridgewater Town Charter, Administrative Code, and Their Current Proposed Revisions, Regarding The Mandate, Duties, and Authority Of The Bridgewater Board Of Library Trustees, as outlined under Chapt. 78 of The Mass. General Laws**

The Bridgewater Board Of Library Trustee would like to share its concerns about the current wording in the Town Charter, The Town Administrative Code, and their proposed revisions, now under consideration, regarding the authority and duties of the Bridgewater Board Of Library Trustees.

It appears that the current wording in these documents doesn't comport or comply with the Mass. General Laws mandate regarding Town Library Boards of Trustees, as outlined in Chapt. 78.

I have attached copies of sections of Chapt. 78 to this memo, as a starting place for discussions. The Library Trustees would like to see wording, in the proposed Charter Revision Document and the Revised Administrative Code, that outlines and takes into account the actual authority and responsibilities of the Bridgewater Board of Library Trustees, as outlined in Chapt. 78, of the Mass. General Laws. The present wording and proposed changes may not be approved by the Mass. Secretary Of State's review of these documents.

A simple wording change, that includes allusion to, or incorporates the Mass. General Law's Chapt. 78 mandate, for The Bridgewater Board of Library Trustees, will avoid any possible future misunderstandings or conflicts. We ask that you consider making this change, before moving ahead with the final approval process for both, the revised Administrative Code and the revised Charter Proposal.

Thanks for your consideration in this matter.

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XII EDUCATION

CHAPTER 78 LIBRARIES

Section 10 Town libraries; selection of trustees and officers

Section 10. A town which raises or appropriates money for the support of a free public library, or free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect. When such board is first chosen, one third thereof shall be elected for one year, one third for two years and one third for three years, and thereafter one third shall be elected annually for a term of three years. The board shall, from its own number, annually choose a chairman and secretary and, if the town so votes, a treasurer, who shall give a bond similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the selectmen. Until the town otherwise directs the town treasurer shall act as treasurer of the board of trustees.

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XII EDUCATION

CHAPTER 78 LIBRARIES

Section 11 Board of trustees; powers and duties

Section 11. The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property which the town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest. The board of any library, for the purpose of improving the services of said library, may enter into an agreement with the board or boards of any neighboring library or libraries, to pay for services in common, or to manage a facility to be operated jointly by more than one municipality, such payments to be shared in accordance with terms of such agreement.



PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XII EDUCATION

CHAPTER 78 LIBRARIES

Section 12 Annual report of trustees

Section 12. The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance of money and of any gifts or bequests which it holds in behalf of the town, with its recommendations.

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**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE XII EDUCATION****CHAPTER 78 LIBRARIES****Section 34** Employment contracts for library employees

Section 34. The board of trustees of a free public library in any city or town, or in the absence of such board, the city or town official possessing the appointive powers of such board shall, except in the case of those employees subject to the provisions of chapter one hundred and fifty E, execute a written employment contract with an employee of said library outlining the basic conditions of employment, including but not limited to the establishment of a probationary period and the procedure for dismissal during this period and the establishment of a procedure which specifies the cause for dismissal after the completion of such probationary period.

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TOWN OF BRIDGEWATER CHARTER (PAGE 10)
(HOME RULE PETITION)
RE: LIBRARY TRUSTEES

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the town council or the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

Section 3-2. Library Trustees

- (a) Composition, Election - There shall be a board of library trustees composed of 9 members, all elected by and from the voters at large.
- (b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.
- (c) Powers and Duties - The library trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.
- (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 days from the date the vacancy is declared to exist by the town 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 town council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the appointment will defer to the town 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 town 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 town election immediately preceding the date the vacancy is declared to exist.

Section 3-4. Town Clerk

- (a) Composition, Election - A town clerk shall be elected by and from the voters at large.
- (b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.
- (c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the town; (2) be the custodian of the town seal and of all records of the town; (3) administer the oath of office to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided under any general or special law, the charter, ordinance or other town council vote.

ARTICLE IV - TOWN MANAGER

Section 4-1. Appointment, Qualifications, Term of Office

The town council shall appoint by a majority vote of the full town council, a town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish additional qualifications as deemed necessary and appropriate. The

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TOWN OF BRIDGEWATER - ADMINISTRATIVE CODE

RE: LIBRARY TRUSTEES

- G. Exercise of powers. Except as otherwise provided by the laws of the Commonwealth or the Bridgewater Town Charter, the legislative powers of the Town Council may be exercised in a manner determined by the Town Council.
- H. Interrelationships. The Bridgewater Town Council interacts with all elective officers of the Town, all multiple-member appointive boards, and the administrative organization of the Town. A description of said interactions appears as part of the Administrative Code under each appropriate part and section that describe the officers and agencies of the Town.

Section 3. Library Trustees

- A. Term of office. There shall be a Board of Library Trustees consisting of nine members who shall be elected at large for a term of three years.
- B. Eligibility. Only voters of the Town of Bridgewater, who at all times during their term of office shall be and remain residents of the Town shall be eligible to hold the office of Trustee.
- C. Authorities and responsibilities. The Board of Library Trustees has no independent authority within the Town's municipal operations, but the Library Trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning. The Board of Library Trustees also acts as an advisory committee of the Town.
- D. Interrelationships
 - (1) Town Council: The Board meets annually with the Council Committee on Community and Economic Development for the purpose of discussing those matters within the purview of the Board.
 - (2) Town Manager: The Board meets as necessary with the Town Manager for the purposes of discussing those matters within the purview of the Board and the Town Manager, and further, in order to make Board comments in the annual departmental budget.

Section 4. Town Clerk

- A. Term of Office. There shall be a Town Clerk who shall be elected at large for a term of three years.
- B. Eligibility. Only a voter of the Town of Bridgewater, who at all times during his/her term of office shall be and remain a resident of the Town, shall be eligible to hold the office of Town Clerk.
- C. Authority and Responsibility. The Town Clerk is the keeper of vital statistics of the Town, custodian of the Town Seal and all records of the Town, administers the oath of office to all Town officers, issues licenses and permits as may be provided by law and is responsible for the conduct of elections and all matters relating thereto. The Town Clerk has all the powers and duties provided that office by the laws of the Commonwealth, the Bridgewater Town Charter, ordinance, and other Town Council vote.
- D. Interrelationships