



Town of Bridgewater

Rules and Procedure Committee

July 27, 2023

7:00 PM

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/84636201815>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 846 3620 1815

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2020, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, and the March 31, 2025, extension granted by Chapter 22 of the Acts of 2022, this meeting for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. No in-person attendance is permitted. Citizens who wish to tune in to the meeting may do so via Zoom.

- A. Call to Order**
- B. Approval of Meeting Minutes**
- C. Public Comment**
- D. Scope of the Rules & Procedures Committee**
 - a) Scope of the Rules & Procedures Committee
- E. Items Referred**
 - a) Ordinance D-FY24-002: Rat Control and Prevention Ordinance
- F. Adjournment of Meeting**

Overview

As you are each new to the Council and to its committee structure, it makes sense that we consider the role of the Rules and Procedures Committee upon which you serve and the scope of its authority as a vehicle to advance the overall work of the Council.

Committees of the Town Council serve two important functions: (i) to provide a venue for extended discussion and debate of proposals properly referred by the Council, and (ii) to develop among committee membership areas of subject matter expertise which will, over time, facilitate better decision making by the Council overall.

The Council has established 6 standing committees – the overall mission of most committees can be intuitively understood by name alone: CEDC concerns community and economic development measures referred by the Council, Public Safety, obviously, deals with matters of public safety brought before the Council, and so on. The proper role of Rules & Procedures is not necessarily intuitively clear by name alone.

The responsibility of the Rules & Procedures Committee is to consider legislation referred by the Council within the context of existing law, regulation and rules – namely, our Town Charter, our existing Ordinances, the Administrative Code and the Rules of the Council. In addition, R&P considers proposed legislation requiring approval by ballots cast by voters at a Town Election. And R&P must, at times, weigh our pending legislation against existing state law which could restrict or even prohibit a proposed Ordinance.

The Council is the legislative arm of municipal government and as such is solely responsible for local lawmaking. The Council adopts Ordinances with which citizens must comply (our “Town Code”) and also adopts Ordinances with which Town Government must comply (our “Administrative Code”). Finally, the Council adopts Rules with which the Council itself must comply (our “Council Rules and Procedures”).

In each of these roles, the Rules & Procedures Committee is the appropriate venue for such proposed legislation to be vetted. In so doing, **we must determine that new proposals do not conflict with existing law and that the proposed legislation is within the authority of the Council to adopt** (pursuant to whichever law it would amend). Importantly, the Rules & Procedures Committee is not merely another venue for further consideration of the merits of legislation under consideration by the Council. The merits of proposed legislation brought before the Rules & Procedures Committee are best considered by the full Council.

This scope of activity establishes the proper purview of the Rules & Procedures Committee, a role which is widely consistent among municipal governments throughout Massachusetts and around the nation.

AGENDA ITEM D

Scope of the Rules & Procedures Committee

Fred C. Chase, Chairman

Date: July 27, 2023

Conclusions

1. We are not attorneys.

Although we are not lawyers, we are expected to review the constitutive documents of the Town and render decisions as to the propriety of proposed legislation in the context of those documents and applicable state law. Lawyers do not exert exclusive domain over the language, and black letter law is written for the common understanding of ordinary citizens. Legal practitioners analyze specific fact patterns to determine applicability of law; we are examining proposed law which will establish or clarify the parameters of the Town's legal authority. To the extent that we require clarity as to a matter of legal interpretation, we may engage with the Town Attorney or Town Manager, as necessary.

2. Our role is to vet proposed legislation.

The Council depends upon our diligent inquiry to review proposed legislation and flag issues which may give rise to duplicity, ambiguity or conflict with existing law and regulation. **We should be expected to give a fair hearing to legislation referred to the Committee, including proposals to which we individually may be personally opposed.** Opposition on the basis of personal opinion can be expressed, but is best reserved for expression after the proposal has been properly vetted and we have voted for disposition of the matter to the full Council.

3. The Rules & Procedures Committee is not a dumping ground.

Councilors are sometimes inclined to refer legislation to the Committee simply because the subject matter does not easily "fit" within the purview of another Town committee. When no other committee can properly exert subject matter jurisdiction over proposed legislation, such legislation is best considered by the full Council and not referred to Rules & Procedures. Each member of the R&P Committee may motion for return to the Council, without review, any matter referred which is beyond the proper scope of the Committee.

4. Proponents of legislation need not appear.

A Councilor sponsoring referred legislation is not required to appear before the Committee to defend or voice support for such proposal; he/she may do so **during the public comment segment of a Committee meeting** scheduled to consider the legislation. However, in the event that the Committee may benefit from detail or expertise which a proponent Councilor or other person may offer, the Chair will entertain a motion to permit such input beyond the public comment period and such motion for approval may be voted in the same fashion as the Committee would consider any other motion.

5. Legislation proposed by Committee members is appropriate.

No ordinance or Council Rule prohibits the participation of a proponent Councilor who also serves upon the Committee from engaging in debate, review or vote which relates to the legislation which he/she has proposed.

Best Practices

In light of the foregoing, Committee members should be prepared to consider referred legislation by utilizing any available information relevant to the matter at-hand, including:

- Giving thoughtful review to the specific language of the legislation in advance of a meeting.
- Review Town documents which have direct bearing on the subject legislation.
- Consider the experience of other municipalities with respect to the same subject.
- Search the Code of Massachusetts Regulations (“CMR”) if the proposal concerns areas for which the Town and the Commonwealth share legislative responsibility.
- Consider whether a non-governmental source may make available reliable and objective information relevant to the proposed legislation (e.g., the Massachusetts Municipal Association (“MMA”), websites of recognized Massachusetts municipal law firms or public interest advocacy groups which have relevant research or analysis concerning a subject).
Be sure to rely upon authoritative sources.
- Search online for news articles relevant to the topic.
- Confer informally with Council colleagues, members of Town boards and committees or others who may have familiarity with the topic.



Bridgewater Town Council

Introduced By: Erik Moore, Councilor
Date Introduced: 7/11/2023
First Reading: 7/11/2023
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Ordinance D-FY24-002: Rat Control and Prevention Ordinance

Purpose:

The purpose of this ordinance is to establish the guidelines for rat control and prevention in the Town of Bridgewater, in order to safeguard public health, safety, and welfare.

Section 1: Definitions

For the purpose of this ordinance, the following definitions shall apply:

- Rat: Any member of the species *Rattus norvegicus*, commonly known as a Norwegian or brown rat.
- Property Owner: Any person, firm, corporation, partnership, or entity that owns, occupies, or controls any property within the town limits of Bridgewater
- Inspector: The Town's representative responsible for enforcing this ordinance.

Section 2: Rat Control and Prevention

1. Property owners must take measures to control rat populations on their properties to prevent infestation and reduce the risks of public health hazards.
2. If a property owner fails to comply with this ordinance, the inspector may file a complaint and order the owner to take corrective action within a specified time frame.
3. The following measures should be taken to control rat populations:
 - Eliminating sources of food and water
 - Proper storage of garbage and waste
 - Removal of piles of debris and clutter
 - Sealing entry points to homes and outbuildings
 - Use of rat traps and baits, if necessary.

Section 3: Inspector's Authority

The inspector has the authority to:

1. Inspect and investigate any property or building during normal business hours to determine compliance with this ordinance.
2. Issue notices of violations to property owners who violate the provisions of this ordinance and specify a time

NOT FOR ACTION - FIRST READING

frame in which corrective action must be taken.

Section 4: Penalties for Non-Compliance

Any property owner who fails to comply with the requirements of this ordinance and fails to take corrective action within the specified time frame may be subject to the following penalties:

- First offense: A written warning
- Second offense: A fine of \$25 per day until the violation is corrected
- Third offense: A fine of \$50 per day until the violation is corrected, plus other penalties as deemed necessary by the inspector.

Section 5: Severability

If any part of this ordinance is found to be invalid, the remaining provisions will remain in effect.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Attachments: None