

# HOUSE . . . . . No. 4500

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Angelo L. D'Emilia and Marc R. Pacheco*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the city known as the town of Bridgewater.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>

**HOUSE . . . . . No. 4500**

By Representative D'Emilia of Bridgewater and Senator Pacheco, a joint petition (accompanied by bill, House, No. 4500) of Angelo L. D'Emilia and Marc R. Pacheco (by vote of the town council) relative to amending the charter of the city known as the town of Bridgewater. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**


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**In the One Hundred and Ninetieth General Court  
(2017-2018)**

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An Act amending the charter of the city known as the town of Bridgewater.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1            SECTION 1. Article I of the charter of the city known as the Town of Bridgewater,  
2 which is on file in the office of the archivist of the commonwealth, as provided in section 12 of  
3 chapter 43B of the General Laws, is hereby amended by adding the following definitions section  
4 prior to Section 1-1. Incorporation:

5            **DEFINITIONS**

6            As used in the Charter, the following words shall, unless the context clearly requires  
7 otherwise, have the following meanings:

Term	Definition
Administrative code	A written description of the administrative organization of Town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each Town office, department and multiple member

	body consistent with this Charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the Town.
Charter	This Charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.
City	The body politic and corporate called the Town of Bridgewater in this Charter.
Department Head	Department Heads shall be defined by ordinance and shall appear in the Administrative Code.
Emergency	A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
Emergency Measure	An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.
Ex-Officio	An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally “from the office,” and the sense intended is “by right of office.”
Experts	A person or persons who has special skill or knowledge in some particular field.
Group Petition	A request signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor
Individual petition	A petition signed by a voter, as certified by the Town Board of Registrars of Voters, or its successor
Initiative Petition	An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for ten voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General’s Office.
Majority vote	A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this Charter, or by the Town Council’s own rules.
Measure	An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the Town Council.
Multiple member body or organization	Any board, commission or committee in the Town.
Order	In a general sense, a mandate or precept; a command or direction authoritatively given.
Ordinance	A law, statute, or regulation enacted by the municipal government.

Quorum	In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.
Referendum Petition	A referendum petition is a way for citizens to seek to repeal a law recently enacted by the Town Council.
Resolution	The official expression of the opinion or will of the body.
Special election	An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.
Supplemental Appropriation	Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.
Town agency or agency	A board, commission, committee, department or office of Town government, whether elected, appointed or otherwise constituted.
Town officer	An individual who has been elected or appointed to exercise the functions of a Town office for the benefit of the public. Town officers are distinguishable from other employees in that they are required to take an oath of office.
Voters	Registered voters of the Town

9           Section 2. Article I, Section 1-2 of said charter, and in all other sections where the  
 10          words “Bridgewater home rule charter” appear, is hereby amended by striking out “home rule  
 11          charter” and inserting in place thereof “Home Rule Charter”.

12           Section 3. Article I, Section 1-3 of said charter, and in all other sections where the word  
 13          “town” refers to the Town of Bridgewater, is hereby amended by striking out the word “town”  
 14          and inserting in place thereof “Town”.

15           Section 4. Article I, Section 1-3 of said charter, and in all other sections where the words  
 16          “town council” refers to the Bridgewater town council, is hereby amended by striking out the  
 17          words “town council” and inserting in place thereof “Town Council”.

18           Section 5. Article I, Section 1-3 of said charter, and in all other sections where the words  
19   “town manager” refers to the town manager of the Town of Bridgewater, is hereby amended by  
20   striking out the words “town manager” and inserting in place thereof “Town Manager”.

21           Section 6. Article I, Section 1-4 of said charter, and in all other sections where the word  
22   “charter” refers to the Town of Bridgewater charter, is hereby amended by striking out the word  
23   “charter” and inserting in place thereof “Charter”.

24           Section 7. Article I, Section 1-4 of said charter is hereby amended by striking out the  
25   word “laws” and inserting in place thereof “Laws”.

26           Section 8. Article I, Section 1-4 of said charter, and in all other sections where the words  
27   “commonwealth” refers to the Commonwealth of Massachusetts, is hereby amended by striking  
28   out the word “commonwealth” and inserting in place thereof “Commonwealth”.

29           Section 9. Article I, Section 1-9 of said charter is amended by striking the section in its  
30   entirety.

31           Section 10. Article II, Section 2-1(a) of said charter, and in all other sections where the  
32   words “town council” refers to the Town of Bridgewater town council, is hereby amended by  
33   striking out the words “town council” and inserting in place thereof “Town Council”.

34           Section 11. Article II, Section 2-1(a) of said charter, and in all other sections where the  
35   words “district councilors” refers to the Town of Bridgewater district councilors, is hereby  
36   amended by striking out the words “district councilors” and inserting in place thereof “District  
37   Councilors”.

38           Section 12. Article II, Section 2-1(a) of said charter, and in all other sections where the  
39   words “councilors-at-large” refers to the Town of Bridgewater councilors-at-large, is hereby  
40   amended by striking out the words “councilors-at-large” and inserting in place thereof  
41   “Councilors-at-Large”.

42           Section 13. Article II, Section 2-1(c) of said charter is hereby amended by striking the  
43   words “second Monday” and inserting in place thereof “next business day.”

44           Section 14. Article II, Section 2-1(c) of said charter is hereby amended by inserting the  
45   word “the” after the word “following.”

46           Section 15. Article II, Section 2-1 of said charter is hereby amended by inserting  
47   subsection (d) as follows:

48           (d) Prohibitions - (1) No Councilor shall, while a member of the Town Council, hold any  
49   other Town office or position. (2) An elected charter commission membership shall not be  
50   considered to be a Town office or position. (3) No former Councilor shall hold any compensated  
51   appointive Town office or Town employment until one year after the expiration of service on the  
52   Town Council. This provision shall not prevent a Town officer or employee who has taken a  
53   leave of absence from such duties to serve as a member of the Town Council from returning to  
54   such office or employment following service as a member of the Town Council. (4) Any  
55   Councilor who has been finally convicted of a criminal offense involving misconduct in any  
56   elective or appointive public office, trust or employment at any time held by him/her shall be  
57   deemed to have vacated office and shall not be eligible to serve in any other elective or  
58   appointive office or position in the Town.

59           Section 16. Article II, Section 2-3(a) of said charter, and in all other sections where the  
60   words “elected town clerk” appear, is hereby amended by striking out the words “elected town  
61   clerk” and inserting in place thereof “Town Clerk.”

62           Section 17. Article II, Section 2-3(a) of said charter, and in all other sections where the  
63   words “president” appear, is hereby amended by striking out “president” and inserting in place  
64   thereof “President.”

65           Section 18. Article II, Section 2-3(a) of said charter, and in all other sections where the  
66   words “vice-president” appear, is hereby amended by striking out the words “vice-president” and  
67   inserting in place thereof “Vice-President.”

68           Section 19. Article II, Section 2-3(c)(5) of said charter is hereby amended by striking out  
69   the words “describing the state of the town” and inserting in place thereof the words “on or  
70   before March 15th of each year.”

71           Section 20. Article II, Section 2-3(c)(6) of said charter is hereby amended by striking out  
72   the word “less” and inserting in place thereof the word “fewer.”

73           Section 21. Article II, Section 2-3(c)(6) of said charter is hereby amended by inserting  
74   the words “, one of which will be the annual state of the town meeting,” after the words “two  
75   meetings.”

76           Section 22. Article II, Section 2-3(c)(6) of said charter is hereby amended by striking the  
77   second to last sentence and inserting in place thereof the following sentence: “The notices shall  
78   be published in a newspaper of general circulation within the Town, if required by state law,  
79   posted on the Town bulletin board, and posted on the Town’s official website.”

80           Section 23. Article II, Section 2-4 of said charter is hereby amended by inserting the  
81       words “at the next regular meeting in accordance with the provisions of Section 2-3” after the  
82       word “qualified.”

83           Section 24. Article II, Section 2-5(a) of said charter is hereby amended by striking the  
84       number “18” and inserting in place thereof the number “30”.

85           Section 25. Article II, Section 2-5(c) of said charter is hereby amended by striking the  
86       subsection in its entirety and inserting in place thereof the following subsection (c):

87           (c)     Rules of Procedure - The Town Council shall from time to time establish written  
88       rules for its proceedings. The rules shall be available for public inspection at the office of the  
89       Town Clerk.

90           1)     Regular meetings of the Town Council shall be held at a time and place  
91       fixed by ordinance but shall be at least monthly.

92           2)     Special meetings may be held on the call of the president of the Town  
93       Council, or on the call of three or more members, by written notice delivered to each member of  
94       the Town Council by the Town Clerk at least 48 hours before the time set.

95           3)     Except as otherwise authorized by a general or special law all sessions of  
96       the Town Council shall be open to the public.

97           4)     Every matter coming before the Town Council for action shall be put to a  
98       vote, the result of which shall be duly recorded.

99                   5)     All Town Council votes on ordinances, appropriation orders or loan  
100   authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the  
101   council.

102                   6)     A full, accurate, and up-to-date record of the proceedings of the Town  
103   Council shall be kept and shall be open to inspection by the public.

104                   7)     All meetings of the Town Council shall provide for a period of public  
105   comment. Regular meetings of the Town Council shall provide for a period of public comment,  
106   provided however, that the Town Council may promulgate rules that regulate such period of  
107   public comment as deemed appropriate.

108                   8)     Any Council Member may, from time to time, submit to the Town Council  
109   proposed Town policies, goals and other objectives for its consideration.

110                   9)     The Town Council may amend, modify or reject any proposal submitted  
111       by the Council President before adopting the same in its final form.

112                   10)   Nothing in this subsection shall preclude any member of the Town  
113   Council from recommending Town policies, goals and other objectives to the Town Council.

114                   11)   The Town Council shall be responsible for ensuring that the Charter, the  
115   laws, the ordinances and other plans, policies and orders for the government of the Town are  
116   properly implemented and enforced.

117                   12)   The Town Council shall not direct or request the appointment or  
118   employment of any person, or the removal of any person, or in any manner attempt to participate

119       in the appointment or removal of a person in the administrative service of the Town for which  
120      the Town Manager is responsible.

121           13)     The Town Council shall deal with the officers and employees serving  
122      under the Town Manager solely through the Town Manager and the Council President shall not  
123      give any orders or directions to any such officer or employee, either publicly or privately.

124           14)     The Town Council shall perform such other duties consistent with the  
125      office as may be provided by charter or by ordinance.

126           Section 26. Article II, Section 2-7(a) of said charter is hereby amended by striking the  
127      subsection in its entirety and inserting in place thereof the following subsection (a):

128           (a)     Measures - No measure shall be passed finally on the date on which it is  
129      introduced, except in the case of an emergency. Except as required by Massachusetts General  
130      Law, measures passed by the Town Council shall become effective 72 hours after final passage.  
131      No ordinance shall be amended or repealed except by another ordinance adopted in accordance  
132      with the Charter or as provided in the initiative and referendum procedures.

133           Section 27. Article II, Section 2-7(c) of said charter is hereby amended by striking the  
134      subsection in its entirety and inserting in place thereof the following subsection (c):

135           (c) Charter Objection –

136           (1)     On the first occasion that the question on adoption of a measure is put to  
137      the Town Council, if a single member objects to the taking of the vote, the vote shall be  
138      postponed until the next meeting of the Town Council whether regular or special. If two  
139      members shall object, such postponement shall be until the next regular meeting; provided,

140 however, that for a postponement of an emergency measure at least four members, in all, must  
141 object, and the postponement shall be until the next regular meeting.

142 (2) This procedure shall not be used more than once for any matter bearing a  
143 single docket number notwithstanding any amendment to the original matter.

144 (3) A charter objection shall have privilege over all motions but must be  
145 raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

146 (4) Before taking a vote on any measure the Council President or Councilor  
147 acting as the presiding officer shall ask if there is a charter objection to the measure.

148 Section 28. Article II, Section 2-8 of said charter is hereby amended by striking the  
149 section in its entirety and inserting in place thereof the following section 2-8:

150 Section 2-8. Council Staff. The Town Council may employ such staff and experts  
151 as are necessary to conduct the business of the Town Council. The Town Council shall set the  
152 salaries of such staff.

153 The Town Council shall appoint an officer of the Town who shall have the title of  
154 Council Clerk. The Council Clerk shall give notice of Town Council meetings to its members  
155 and the public, keep the journal of its proceedings and perform such other duties as are assigned  
156 by this Charter, by the Town Council or by general or special law.

157 Section 29. Article II, Section 2-9 of said charter is hereby amended by striking the  
158 section in its entirety and inserting in place thereof the following section 2-9:

159 Section 2-9. Publication Requirements

160                  Every proposed ordinance or loan order, except emergency measures as  
161 hereinbefore defined and revenue loan orders, shall be published in accordance with the  
162 requirements of Massachusetts General Laws, posted on the Town's official website, and posted  
163 in any additional manner that may be provided by ordinance.

164                  Section 30. Article II, Section 2-12 of said charter is hereby amended by striking the  
165 section in its entirety.

166                  Section 31. Article II, Section 2-13 of said charter is hereby amended by striking the  
167 section in its entirety and inserting in place thereof the following section 2-12:

168                  Section 2-12. Compensation; Expenses

169                  (a)        Salary - Each Town Councilor shall receive a stipend of \$3,000, but shall  
170 not be eligible for any other town provided benefits or pension. This provision shall not take  
171 effect until three years has elapsed from the date of adoption.

172                  (b)        Expenses - Subject to appropriation, the Town Council members shall be  
173 entitled to reimbursement of their actual and necessary expenses incurred in the performance of  
174 their duties.

175                  Section 32. Article III, Section 3-1 of said charter, and in all other sections where the  
176 words "school committees" refers to the Bridgewater-Raynham Regional School District  
177 Committee or Bristol Plymouth Regional Technical School Committee, is hereby amended by  
178 striking out the words "school committee" and inserting in place thereof "School Committee".

179                  Section 33. Article III, Section 3-1 of said charter, and in all other sections where the  
180 words "board of library trustees" refers to the Bridgewater Board of Library Trustees, is hereby

181        amended by striking out the words “board of library trustees” and inserting in place thereof  
182        “Board of Library Trustees”.

183            Section 34. Article III, Section 3-1 of said charter is hereby amended by striking out the  
184        words “provided, however, that to be eligible a person shall not simultaneously hold any other  
185        elected or appointed town office or be employed by the town or the Bridgewater-Raynham  
186        Regional School District in any capacity” and inserting in place thereof “, except as noted in  
187        Section 2-1(d)”

188            Section 35. Article III, section 3-2(b) of said charter is hereby amended by striking the  
189        subsection in its entirety and inserting in place thereof the following subsection (b):

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

193            Section 36. Article III of said charter is hereby amended by inserting Section 3.3 as  
194        follows:

195            Section 3.3. Elected Official Recall Provision

196                (a) Any holder of an elective office in the Town of Bridgewater may be recalled and  
197        removed therefrom by the qualified voters of said town as herein provided.

198                (b) One hundred or more of a district’s registered voters, or in the case of an at-large  
199        official, one hundred or more registered voters, may file with the Town Clerk an affidavit  
200        containing the name of the officer and the office held whose recall is sought and a statement of  
201        the grounds upon which the petition is based. Said Town Clerk and the Board of Registrars

202 shall, within five days, certify thereon the number of signatures which are names of registered  
203 voters of the town. The Clerk shall upon certification deliver to said voters making the affidavit  
204 copies of petition blanks demanding such recall, copies of which shall be kept available. The  
205 blanks shall be issued by the Town Clerk with said Clerk's signature and official seal attached  
206 thereto. They shall be dated, shall be addressed to the Town Council, and shall contain the  
207 names of all persons to whom they are issued, the name of the person whose recall is sought, the  
208 office held by the person named, the grounds of recall as stated in the affidavit, and shall demand  
209 the election of a successor to said office. A copy of the petition shall be entered in a record book  
210 to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the  
211 Town Clerk within twenty-one days after the certification of the affidavit, and shall have been  
212 signed by no less than at least ten percent (10%) of the registered voters of the district or the  
213 town, as the case may be, based on the last town election, who shall add to their signatures the  
214 street and number if any, of their residences. The Town Clerk shall within twenty-four hours of  
215 receipt of the petition, submit the petition to the Board of Registrars of voters in the town, and  
216 the Registrars shall within fourteen days certify thereon the number of signatures which are  
217 names of registered voters of the Town.

218 (c) If the petition shall be found and certified by the Town Clerk and the Board of  
219 Registrars to be sufficient. the Town Clerk shall submit the same with the Town Clerk's  
220 certification to the Town Council without delay, and said Council shall within seven days give  
221 written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the  
222 officer does not resign within five days thereafter, order an election to be held on a date fixed by  
223 them not less than sixty nor more than ninety days after the date of the Town Clerk's certification  
224 that a sufficient petition has been filed; provided, however, if any other town election is to occur

225       within one hundred days after certification, the Town Council shall postpone the holding of the  
226       recall election to the date of such other election. If a vacancy occurs in said office after a recall  
227       election has been ordered, the election shall nevertheless proceed as specified in the section  
228       provided.

229               (d)     An officer sought to be removed may be a candidate to succeed him or herself  
230       and, unless the officer requests otherwise in writing, the Town Clerk shall place his name on the  
231       ballot without nomination. The nomination of other candidates, the publication of the warrant for  
232       the recall election, and the conduct of the same, shall all be in accordance with the provisions of  
233       law relating to elections, unless otherwise provided in this act.

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

242               (f)     Ballots used in a recall election shall submit the following proposition in the order  
243       indicated: FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of  
244       officer) (office held). Immediately at the right of each proposition there shall be an oval in which  
245       the voter, by filling in the oval, may vote for either of said propositions. Under the proposition  
246       shall appear the word "Candidates", the direction "Vote for One", and beneath this the names of

247 candidates nominated as hereinbefore provided. In the case of machine voting or punch card  
248 balloting, or other forms of balloting provision shall be made to allow the same intent of the  
249 voter. If a majority of the votes cast upon the question of recall is in the affirmative, the  
250 candidate receiving the highest number of votes shall be declared elected. If a majority of votes  
251 on the question is in the negative, the ballots for candidates need not be counted.

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

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

258 Section 37. Article III, section 3-4 of said charter is hereby amended by striking the  
259 section in its entirety.

260 Section 38. The said charter is hereby amended by adding a new Article III-A as follows:

261 ARTICLE III-A – TOWN CLERK

262 Section 3-A. Appointment, Term of Office, Powers and Duties

263 (a) Appointment – A Town Clerk shall be appointed by the Town Council.

264 (b) Term of Office – The term of office for a Town Clerk shall be for three years  
265 beginning on the second Monday following appointment and continuing until a successor is  
266 qualified.

267                   (c) Powers and Duties – The Town Clerk shall: (1) be the keeper of vital statistics of  
268 the town; (2) be the custodian of the town seal and all records of the town; (3) administer the  
269 oath of office to all town officers; (4) issue licenses and permits as may be provided by law and  
270 (5) be responsible for the conduct of elections and all matters relating thereto. The Town Clerk  
271 shall have the powers and duties provided under any general or special law, the Charter,  
272 ordinance or other Town Council vote.

273                   Section 39. Article IV, section 4-2(1)(i) of said charter is hereby amended by striking the  
274 subsection in its entirety.

275                   Section 40. Article IV, section 4-2 of said charter is hereby amended by inserting the  
276 following language after subsection (26):

277                   With the consent of Town Council, the Town Manager may serve as the head of one or  
278 more departments, offices or agencies or may appoint one person as the head of two or more of  
279 them.

280                   Section 41. Article V, section 5-1(b) of said charter is hereby amended by striking the  
281 subsection in its entirety and inserting in place thereof the following subsection (b):

282                   (b) Executive Reorganizations - The Town Manager may from time to time prepare and  
283 submit to the Town Council a plan of organization or reorganization which establishes operating  
284 divisions for the orderly, efficient or convenient conduct of business of the Town.

285                   (1) Whenever the Town Manager prepares such plan, the Town Manager shall hold  
286 one or more public hearings on the proposal giving notice by publication in a local newspaper, if  
287 required by state law, or on the Town's official website, which notice shall describe the scope of

288 the proposal and the time and place at which the public hearing will be held, not less than seven  
289 nor more than 14 days following the date of the publication.

290 (2) Following the public hearing, the proposal, which may be amended by the Town  
291 Manager subsequent to the public hearing, shall be submitted to the Town Council.

292 (3) An organization or reorganization plan shall become effective at the expiration of  
293 the 60 days following the date of submission of the proposal to the Town Council unless the  
294 Town Council shall, by a majority vote, vote to disapprove the plan.

295 (4) The Town Council may vote only to approve or disapprove the plan and no vote  
296 to amend or alter it shall be deemed in order.

297 (5) The Town Manager may propose reorganization plans and subject only to express  
298 prohibitions of any general or special or this Charter, reorganize, consolidate or abolish in whole  
299 or in part Town agencies or establish such new Town agencies as is deemed necessary to the  
300 same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose  
301 may transfer the duties and powers and so far as is consistent with the use for which the funds  
302 were voted by the Town Council, transfer the appropriation of one Town agency to another.

303 (6) Whenever a reorganization proposal becomes effective, whether under the  
304 provisions of subsection (a) or (b), no proposal to again reorganize which deals with  
305 substantially the same subject matter shall be acted upon within 18 months following the first  
306 reorganization, except on the petition of the Town Manager.

307 Section 42. Article V, Section 5-2 of said charter is hereby amended by striking out  
308 "school department" and inserting in place thereof "School Departments".

309           Section 43. Article VI, Section 6-2 of said charter is hereby amended by striking out all  
310          language before subsection (a) and inserting in place thereof the following:

311           Not later than February 1st of each year, the Town Manager shall submit to the Town  
312          Council a preliminary budget for the ensuing fiscal year and an accompanying message

313           Within the period prescribed by any general or special law, but no later than April 1, the  
314          Town Manager shall file with the Town Council Clerk a proposed operating budget and budget  
315          message for all Town agencies and regional school districts. The budget message submitted by  
316          the Town Manager shall explain the budget in fiscal terms and in terms of work programs for all  
317          Town agencies. It shall outline the proposed fiscal policies of the Town for the ensuing fiscal  
318          year and shall describe important features of the proposed budget and indicate any major  
319          variations from the current budget, fiscal policies, expenditures and revenues together with  
320          reasons for such change. The proposed budget shall provide a complete fiscal plan of all Town  
321          funds and activities and shall be in the form the Town Manager deems desirable.

322           The Town Manager may request a time extension. The extension may be granted at the  
323          discretion of the Town Council, but must provide for a reasonable and timely review of the  
324          proposed budget.

325           Section 44. Article VI, section 6-3(a) of said charter is hereby amended by striking the  
326          subsection in its entirety and inserting in place thereof the following subsection (a):

327           (a)      Public Hearing - The Town Council shall publish in a newspaper of general  
328          circulation in the Town, if required by law, or the Town's official website, the proposed  
329          operating budget as submitted by the Town Manager. The Town Council shall identify a date,  
330          time and place not less than 14 days after the publication, when a public hearing on the proposed

331 budget will be held by the Town Council. For the purpose of this section, the summary of the  
332 proposed operating budget that is required to be published shall contain proposed appropriations,  
333 funding sources and any narrative summary deemed necessary by the Town Council.

334 Section 45. Article VI, section 6-3(b) of said charter is hereby amended by striking the  
335 words “town’s website” in the last sentence and inserting in place thereof the words “Town’s  
336 official website”.

337 Section 46. Article VI, section 6-3(c) of said charter is hereby amended by striking the  
338 subsection in its entirety.

339 Section 47. Article VI, section 6-4 of said charter is hereby amended by deleting the  
340 word “local” in the first sentence and inserting after the word “newspaper” and before the word  
341 “of” in the first sentence the words “of general circulation in the Town, if required by state law,  
342 or the Town’s official website”.

343 Section 48. Article VI, section 6-4(b) of said charter is hereby amended by inserting at  
344 the end of the first sentence after the word “appropriations” the words “as provided under  
345 M.G.L. c. 44, section 31”.

346 Section 49. Article VI, section 6-4(d) of said charter is hereby amended by striking the  
347 subsection in its entirety and hereby inserting the following subsection (d):

348 (d) Transfer of Appropriations - At any time during or before the fiscal year, 1) the  
349 finance director, with concurrence of the Town Manager, may transfer up to a maximum of an  
350 amount cited in M.G.L. c. 30B, section 5 of the unencumbered appropriation balance from one  
351 department, fund, service, strategy or organizational unit to the appropriation for other

352 departments or organizational units or a new appropriation. The Town Manager shall report the  
353 transfers to the Town Council in writing within a 14-day period. 2) The finance director may  
354 also, with concurrence of the Town Manager, transfer up to a maximum of an amount cited in  
355 M.G.L. c. 30B, section 5 among line items within a department, fund, service, strategy or  
356 organizational unit. The Town Manager shall report the transfers to the Town Council in writing  
357 within a 14-day period.

358           Section 50. Article VI, section 6-4(e) of said charter is hereby amended by striking the  
359 subsection in its entirety and hereby inserting the following subsection (e):

360           (e) Limitation; Effective Date – M.G.L. c. 44, section 7 and 8 regulate the purposes for  
361 which municipalities may incur debt, and the maximum maturity for bonds issued for each  
362 purpose. M.G.L. c. 44, section 10 specifies that the debt limit for Towns is 5% of equalized  
363 valuation. No appropriation for debt service may be reduced or transferred, except to the extent  
364 that the debt is refinanced and less debt service is required and no appropriation may be reduced  
365 below an amount required by-law to be appropriated or by more than the amount of the  
366 unencumbered balance thereof. The supplemental and emergency appropriations and reduction  
367 or transfer of appropriations authorized by this section may be made effective immediately upon  
368 adoption.

369           Section 51. Article VI, section 6-5 of said charter is hereby amended by striking the  
370 word “shall” and inserting in place thereof the word “may”.

371           Section 52. Article VI, section 6-6(a) of said charter is hereby amended by striking the  
372 subsection in its entirety and inserting in place thereof the following subsection (a):

373                   (a) Preparation - The Town Manager may, in conjunction with any committee  
374 established for such purpose, annually submit a five-year capital improvement program by a date  
375 established by ordinance.

376                   Section 53. Article VI, section 6-6(b)(4) of said charter is hereby amended by striking  
377 the words "recommended time" and inserting in place thereof the word "implementation".

378                   Section 54. Article VI, section 6-6(b) of said charter is hereby amended by striking the  
379 last sentence in its entirety and inserting in place thereof the following sentence: "The above  
380 shall be reviewed annually".

381                   Section 55. Article VI, section 6-6(c) of said charter is hereby amended by striking the  
382 subsection in its entirety and inserting in place thereof the following subsection (c):

383                   (c) Public Hearing - The Town Council shall publish on the Town's official website and,  
384 if required by state law, in a newspaper of general circulation in the Town a summary of the  
385 proposed capital improvement plan as submitted by the Town Manager. The Town Council shall  
386 identify a date, time and place not less than 14 days after the publication, when a public hearing  
387 on the proposed capital improvement plan will be held.

388                   Section 56. Article VI, section 6-8 of said charter is hereby amended by striking the  
389 section in its entirety and inserting in place thereof the following section 6-8:

390                   Section 6-8. Annual Independent Audit

391                   The Town Manager shall provide for an independent annual audit of all Town accounts  
392 and may provide for more frequent audits as it deems necessary. An independent certified public  
393 accountant or firm of such accountants shall make the audits. The audits should be performed in

394 accordance with generally-accepted auditing standards and generally-accepted governmental  
395 auditing standards.

396 The Town Council shall designate no fewer than three of its members to serve as an audit  
397 committee. The committee shall receive the report of the internal auditor and present that report  
398 to the Town Council with any recommendations from the committee.

399 The Town Manager shall designate such accountant or firm which shall be ratified by the  
400 Town Council for a period not exceeding five years. The auditor must be capable of exercising  
401 objective and impartial judgment on all issues encompassed within the audit engagement.

402 Section 57. Article VI, section 6-9 of said charter is hereby amended by striking the  
403 section in its entirety and inserting in place thereof the following section 6-9:

404 Section 6-9. Finance Committee

405 (a) There shall be a Finance Committee, the number of members and terms of office  
406 of which shall be established by ordinance. The finance committee shall report in writing its  
407 recommendations on finance related matters to the Town Council. Before preparing its  
408 recommendations, the finance committee shall hold one or more public meetings to permit  
409 discussion of finance matters before the Town Council, except those matters subject to public  
410 hearings by other multiple-member Town bodies and not containing appropriations. The finance  
411 committee shall have such additional powers and duties as may be provided by the General  
412 Laws, by this Charter or by ordinance.

413 (b) The Town Manager or his designee shall have ex-officio membership, without  
414 voting rights on the committee. The finance committee shall carry out its duties in accordance

415 with the provisions of general law, this Charter and ordinance and it shall have regular and free  
416 access and inspection rights to all books and accounts of any Town department or office.

417         Section 58. Article VII, section 7-4 of said charter is hereby amended by striking the  
418 word “insure” and inserting in place thereof the word “ensure”.

419         Section 59. Article VIII, Section 8-1(b) of said charter, and in all other sections where  
420 the words “town attorney” refers to the Bridgewater Town Attorney, is hereby amended by  
421 striking out “town attorney” and inserting in place thereof “Town Attorney”.

422         Section 60. Article VIII, Section 8-1(c) of said charter, and in all other sections where  
423 the words “board of registrars” refers to the Bridgewater board of registrars, is hereby amended  
424 by striking out “board of registrars” and inserting in place thereof “Board of Registrars”.

425         Section 61. Article VIII, Section 8-1(e) of said charter is hereby amended by inserting  
426 after the word “newspaper” the words “, if required by law,”.

427         Section 62. Article VIII, Section 8-1(e) of said charter is hereby amended by inserting  
428 after the word “town’s” the word “official” in two places in this subsection.

429         Section 63. Article IX, Section 9-4(a) of said charter is hereby amended by inserting  
430 after the word “Constitution” the words “of the Commonwealth of Massachusetts”.

431         Section 64. Article IX, Section 9-4 of said charter is hereby amended by inserting section  
432 (c) as follows:

433             (c) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and  
434 votes of the Town Council which are in force at the time this Charter is adopted, not inconsistent  
435 with the provisions of this Charter, shall continue in full force until amended or repealed. Where

436 provisions of this Charter conflict with provisions of Town ordinances, rules, regulations, orders  
437 or special acts or acceptances of laws, the Charter provisions shall govern. All provisions of  
438 Town ordinances, rules, regulations, orders and special acts not superseded by this Charter shall  
439 remain in force.

440           Section 65. Article IX, Section 9-8 of said charter is hereby amended by striking the  
441 words “board of selectmen”.

442           Section 66. Article IX, Section 9-8 of said charter is hereby amended by striking the  
443 words “town website” and inserting in place thereof the words “Town’s official website”.

444           Section 67. Article X, Sections 10-1 through 10-6, and sections 10-8 and 10-9 of said  
445 charter are hereby amended by striking these subsections in their entirety.

446           Section 68. Article X, Section 10-7 of said charter is hereby amended by striking the  
447 section in its entirety and inserting in place thereof the following section 10-1:

448           Section 10-1. Time of Taking Effect

449           This Charter shall become fully effective upon ratification by the voters as provided for  
450 by the General Laws, except as provided in this section:

451           The appointed position of Town Clerk will be created at the expiration of the elected  
452 Town Clerk’s term or upon a vacancy in the office.