

HOUSE No. 4500

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo L. D'Emilia and Marc R. Pacheco

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.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Angelo L. D'Emilia

8th Plymouth

Marc R. Pacheco

First Plymouth and Bristol

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

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

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.