

# BRIDGEWATER MASSACHUSETTS TOWN CODE

The Charter, Administrative Code, Local Ordinances, and Rules and Regulations. For official copies of any portion of this Town Code, please contact the Town Clerk's Office

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## **PART I Charter**

### **Article I. Incorporation and Authority**

#### **Section 1-1. Incorporation**

The inhabitants of the town of Bridgewater, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the “Town of Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.

#### Section 1-2. Short Title

This instrument may be cited and shall be known as the Bridgewater home rule charter.

#### Section 1-3. Division of Powers

All legislative powers of the town shall be exercised by a town council. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager.

#### Section 1-4. Powers of the Town

The intent and purpose of this charter is to secure for the voters of the town of Bridgewater, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the Commonwealth.

#### Section 1-5. Interpretation of Powers

The powers of the town under the charter shall be construed and interpreted liberally in favor of the town, and the specific mention of a particular power is not intended to limit in any way the general powers of the town as enumerated in section 1-4.

#### Section 1-6. Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

#### Section 1-7. Town Seal and Town Flag

The town seal and town flag in existence at the time this charter is adopted, unless the town council shall adopt another seal or flag, shall continue to be the town seal and town flag and shall be kept in the custody of the elected town clerk. Papers or documents issued from any office or board of the town may be attested by use of the town seal. The town flag shall be displayed within the town council chambers.

#### Section 1-8. Ethical Standards

Elected and appointed officers and employees of the town are expected to demonstrate the highest ethical standards, which shall be in compliance with all state and federal laws. Elected and appointed officers and employees are expected to recognize that they act as agents of the public, that they hold offices or positions for the benefit of the public, that the public interest is their primary concern and that they are expected to faithfully discharge the duties of their offices or positions regardless of personal considerations. Elected officers and employees shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

#### Section 1-9. Definitions

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

“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.

“Charter”, this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution.

“District”, a geographically bounded unit for election purposes, which consists of 1 or more contiguous precincts.

“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

“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”, any board, commission or committee in the town.

“Precinct”, the smallest geographically bounded unit used for election purposes; provided, however, that a “precinct” shall be bounded by the center-line of streets or other well-defined boundaries such as streams or other bodies of water, railroad tracks, power lines or other clearly visible geographic figures.

“Town”, the body politic and corporate called the town of Bridgewater.

“Town agency or agency”, a board, commission, committee, department or office of town government, whether elected, appointed or otherwise constituted.

“Voters”, registered voters of the town.

“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 employees in that they are required to take an oath of office and are appointed or elected to specified terms of office.

## **Article II Legislative Branch**

### **Section 2-1. Composition; Eligibility; Term of Office**

(a) Composition - There shall be a town council consisting of 9 members which shall exercise the legislative powers of the town. Three of the members, to be known as district councilors, shall be nominated and elected by and from the voters of the 3 districts into which the town is divided, and 6 of the members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large.

(b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall be a voter and resident of the district in which election is sought. If a district councilor or a councilor-at-large moves out of the town during the term for which they are elected, such office shall immediately be deemed vacant and filled in the manner provided in section 2-5. If a district councilor moves from the district from which the councilor was elected, or is

removed by a change in district lines and more than 14 months remain in the term for which the councilor was elected, the office shall be deemed vacant and shall be filled in the manner provided in said section 2-5; provided, however, that if less than 6 months of the term remain, the district councilor may continue to serve during the term for which they were elected so long as they remain a resident of the town.

(c) Term of Office – After completion of the transitional terms outlined in section 10-7, the term of office of district councilors and councilors-at-large shall be staggered terms of 3 years each, beginning on the next business day following election and continuing until their successors are qualified.

#### Section 2-2. General Powers and Duties

Except as otherwise provided by law or by the charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed on the town by law.

#### Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

(a) Election - After the councilors-elect have been sworn, the town council shall be called together by the elected town clerk for the purpose of conducting an election among town council members for the office of town council president and vice-president to serve at the pleasure of the town council. The president shall preside at all meetings of the town council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the town council.

(b) Term of Office - The term of the council president shall be for 1 year beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The powers, duties and responsibilities of the council president shall include, but not be limited to, the following:

- 1) The council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order.
- 2) The council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council, but shall have no veto power.
- 3) The council president shall be recognized as the official head of the town for all ceremonial purposes and the council president, or his designee, shall represent the town in its relations with other units of government.
- 4) In time of public danger or emergency the council president may, subject to the review of the action by the town council, temporarily exercise the town council's supervisory powers over the town manager, but such delegation shall not exceed 7 days unless the town council votes to extend the temporary powers not to exceed another 7 days. The town council may extend the period of delegation by successive extensions of not more than 7 days each.
- 5) The council president in conjunction with the town manager shall prepare and deliver a yearly state of the town message to the town council and citizens of the town describing the state of the town. The message will address the financial state of the town, strengths of the town and areas that need attention, as well as potential opportunities for the betterment of the

town. The state of the town message should also set the agenda and goals for the town council and town manager for the ensuing year.

6) The council president shall call no less than 2 meetings of the general public each fiscal year for the purpose of obtaining public input to the policies of the town. The meeting agenda and format shall be determined by the town council but shall be designed to obtain public input to the policies of the town. Members of the public may submit potential items for the agenda of the meetings in accordance with rules adopted by the town council. The public shall be given at least 14 days notice of the date and time of such meetings. The notices shall be published in a newspaper of general circulation within the town and posted on the town bulletin board. The town council may provide for additional venues for such postings.

#### Section 2-4. Council Vice President

The town council shall elect from among its members a council vice president who shall act as council president during the absence or disability of the council president and, if a vacancy occurs, shall become acting council president until a successor is qualified. The powers of an acting council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of the temporary absence or disability and no others.

#### Section 2-5. Filling of Vacancies

(a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the first 18 months of the term for which a councilor was elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the election. The elected town clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the then unexpired term.

If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term for the councilor-at-large was elected, the vacancy shall be filled by the person at the most recent annual town election who received the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the town council. The person shall be certified by the town clerk and shall serve for the remaining months of the term which the person was elected.

(b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled in the same manner as provided in subsection (a) of section 2-5 for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs; provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council-at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided the

candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the election. The elected town clerk shall certify such candidate to the office of district councilor to serve for the balance of the then unexpired term.

(c) Filling of Vacancies By Town Council - If a vacancy occurs in the office of councilor-at-large or district councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining members of the town council. To be eligible for election by the town council, a person shall be a registered voter of the town and, in the case of a district councilor, a resident of such district. Persons elected to fill a vacancy by the town council shall serve only until the next regular election, or if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be sworn and shall serve for the remainder of the unexpired term. Persons serving as town councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

#### Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

(a) Exercise of Powers - Except as otherwise provided by any general or special law or the charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of business. Except as otherwise provided by-law or this charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

(c) Rules of Procedure - The town council shall from time to time establish written rules for its proceedings. The rules shall be available for public inspection at the office of the elected town clerk and copies of the rules shall be available in the office of the town council during regular and special meetings of the town council. Regular meetings of the town council shall be held at a time and place fixed by ordinance but shall be at least monthly. Special meetings may be held on the call of the president of the town council, or on the call of 3 or more members, by written notice delivered to each member of the town council by the elected town clerk at least 48 hours before the time set. Except as otherwise authorized by a general or special law all sessions of the town council shall be open to the public. Every matter coming before the town council for action shall be put to a vote, the result of which shall be duly recorded. All town council votes on ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk of the council. A full, accurate, and up-to-date record of the proceedings of the town council shall be kept and shall be open to inspection by the public. All meetings of the town council shall provide for a period of public comment. Regular meetings of the town council shall provide for a period of public comment, provided however, that the town council may

promulgate rules that regulate such period of public comment as deemed appropriate.

- 1) Any council member may, from time to time, submit to the town council proposed town policies, goals and other objectives for its consideration. The town council may amend, modify or reject any proposal submitted by the council president before adopting the same in its final form. Nothing in this subsection shall preclude any member of the town council from recommending town policies, goals and other objectives to the town council.
- 2) The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced.
- 3) The town council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the town for which the town manager is responsible.
- 4) The town council shall deal with the officers and employees serving under the town manager solely through the town manager and the council president shall not give any orders or directions to any such officer or employee, either publicly or privately.
- 5) The town council shall perform such other duties consistent with the office as may be provided by charter or by ordinance.

#### Section 2-7. Measures; Emergency Measures; Charter Objection

(a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of 30 days after adoption or at any later date specified therein. Measures not subject to referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter or as provided in the initiative and referendum procedures.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the town council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by any general or special law, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An

emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question on adoption of a measure is put to the town council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the town council whether regular or special. If 2 members shall object, such postponement shall be until the next regular meeting; provided, however, that for a postponement of an emergency measure at least 4 members, in all, must object, and the postponement shall be until the next regular meeting. This procedure shall not be used more than once for any matter bearing a single docket number notwithstanding any amendment to the original matter. Before taking a vote on any measure the council president or councilor acting as the presiding officer shall ask if there is a charter objection to the measure. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

#### Section 2-8. Council Staff

The town council may employ such staff and experts as are necessary to conduct the business of the town council. The town council shall set the salaries of such staff.

Clerk of the Council - The town council shall appoint an officer of the town who shall have the title of council clerk. The council clerk shall give notice of town council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter, by the town council or by general or special law.

#### Section 2-9. Publication Requirements

Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least 1 newspaper of general circulation within the town, and in any additional manner that may be provided by ordinance, at least 10 days before its final passage; provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the town council in a municipal bulletin or printed pamphlet, and if so published in full at least 10 days before its final passage, the publication shall be deemed sufficient without the newspaper publication as herein required.

#### Section 2-10. Delegation of Powers

The town council may delegate to 1 or more town agencies, the powers vested in the town council by general or special law to grant and issue licenses and permits and may regulate the granting and issuing of licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

#### Section 2-11. Inquiries and Investigations

The town council may require any town officer or member of a board or commission to appear before it and give such information as it may require in relation to an office held by such person, its function and performance. The town council shall give at least 48 hours

written notice of the general scope of the inquiry to any person it requires to appear before it under this section. The town council may make investigation into the affairs of the town and into the conduct of any town agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. The town council shall adopt rules of procedure to conduct the investigations.

**Section 2-12. Prohibitions; Term Limits**

(a) Prohibitions - No councilor shall, while a member of the town council, hold any other town office or position. Elected charter commission membership shall not be considered to be a town office or position. No former councilor shall hold any compensated appointive town office or town employment until 1 year after the expiration of his service on the town council. This provision shall not prevent a town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the town council from returning to such office or employment following service as a member of the town council. Any councilor who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position in the town.

(b) Term Limits - No person shall be eligible to be elected as a member of the town council if, at any point during the term of office for which the person may be elected, the service of the eligible person would exceed 12 consecutive years on the town council.

**Section 2-13. Compensation; Expenses**

(a) Salary - The town council shall serve without compensation.

(b) Expenses - Subject to appropriation, the town council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

**Article III. Elected Officials**

**Section 3-1. General Provisions**

The offices to be filled by ballot of the voters of the entire town shall be town council, regional school committee, an elected town clerk, a board of library trustees and members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise. All other offices, boards, committees and agencies shall be appointed by the town manager as defined in section 4-3 and as detailed in the administrative code.

Any voter shall be eligible to hold any elective town office; provided, however, that to be eligible a person shall not simultaneously hold any other elected or appointed town office or be employed by the town or the Bridgewater-Raynham regional school district in any capacity.

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

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

#### Section 3-2. Library Trustees

(a) Composition, Election - There shall be a board of library trustees composed of 9 members, all elected by and from the voters at large.

(b) Term of Office - The terms of library trustee members shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The library trustees shall insure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.

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

#### Section 3-4. Town Clerk

(a) Composition, Election - A town clerk shall be elected by and from the voters at large.

(b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on the second Monday following election and continuing until a successor is qualified.

(c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the town; (2) be the custodian of the town seal and of all records of the town; (3) administer the oath of office to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be responsible for the conduct of elections and all matters relating thereto. The town clerk shall have the powers and duties provided under any general or special law, the charter, ordinance or other town council vote.

### **Article IV. Town Manager**

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

The town council shall appoint by a majority vote of the full town council, a town manager. The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the town, nor shall the town manager engage in other business unless such business is approved in advance by a majority vote in public session of the town council. The town manager need not be a resident of the town, but must be a United States citizen.

#### Section 4-2. Administrative Powers and Duties

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments excluding the Bridgewater Raynham Regional School District, and shall include, but shall not be limited to, the following:

- 1) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility under this charter, by ordinance or by vote of the town council;
  - a. With the consent of town council, the town manager may serve as the head of 1 or more departments, offices or agencies or may appoint 1 person as the head of 2 or more of them;
- 2) to administer either directly or through a person supervised by the town manager, in accordance with this charter, all provisions of any general or special law applicable to the town, all ordinances and all regulations established by the town council;
- 3) to coordinate all activities of town departments or appointed boards, committees or agencies;
- 4) to provide consultative services to elected boards, committees or agencies;
- 5) to attend all regular and special meetings of the town council, unless excused, and answer all questions addressed to the town manager which are related to matters under the general supervision of the town manager;
- 6) to have the right to take part in discussions of the town council, but not vote;
- 7) to keep the town council fully informed as to the needs of the town, and to recommend to the town council for adoption, such measures requiring action by them as the town manager deems necessary or expedient;
- 8) to make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;
- 9) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the town council and finance committee as may be required;
- 10) to be responsible for the rental, use, maintenance and repair of all town facilities;

- 11) to be responsible for the purchase of all supplies, materials and equipment and approve the award of all contracts;
- 12) to develop and maintain a full and complete inventory of all town-owned real and personal property;
- 13) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;
- 14) to fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and applicable compensation plan;
- 15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council.
- 16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;
- 17) to ensure that the council president is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- 18) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient;
- 19) to assist the town council to develop long-term goals for the town and strategies to implement these goals;
- 20) to investigate or inquire into the affairs of any town department, agency or office;
- 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the town manager;
- 22) to perform such other duties as necessary or as may be assigned by this charter, by ordinance or by vote of the town council;
- 23) to provide staff support services for the council president and town council members;
- 24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- 25) to promote partnerships among town council, staff, citizens and businesses in developing public policy and building a sense of community; and
- 26) to hold regular informational sessions with departments and community-based organizations.

#### Section 4-3. Powers of Appointment

- (a) Department Heads - Except as otherwise provided by this charter, the town manager shall appoint, based upon merit and fitness alone, all department heads. All appointments of department heads, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall also appoint officers, subordinates and employees for whom no other method of selection is

provided in this charter; provided, however, that the town manager shall not appoint employees of the regional school district and persons serving under officers elected directly by the voters of Bridgewater. In accordance with the procedures set forth in section 5-2, the town manager may be required to consult with or engage in a joint recruitment and selection process with multiple member bodies, before the appointment of department heads or employees who perform tasks under the jurisdiction of the multiple member bodies.

- (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town manager shall appoint all boards, committees and agencies except ad hoc committees established by a 2/3 vote of the town council to assist the town council in carrying out the town council's responsibilities. Members of all appointed boards and committees shall be residents of the town. All appointments of boards, committees and agencies, as defined within the administrative code, shall be subject to the ratification of the town council. The town manager shall form a citizen's advisory committee to help in evaluating and selecting those individuals for appointment. The number and terms of office of the committee shall be established by ordinance.

#### Section 4-4. Powers of Suspension, Removal

The town manager shall have the authority to suspend or remove department heads and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this charter. The town manager may authorize an administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

#### Section 4-5. Compensation

The town manager shall receive such compensation for services as the town council shall determine, but such compensation shall be within the limits of available appropriations.

#### Section 4-6. Vacancy in Office

A vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending appointment of the town manager or the filling of any vacancy, the town council shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed 3 months; provided, however, that a renewal, not to exceed an additional 3 months may be provided.

#### Section 4-7. Temporary Absence

In the event of a temporary absence of the town manager of not more than 21 consecutive days, the assistant town manager shall perform the duties of that office. If the assistant town manager is for any reason unable to serve, the town manager shall appoint a department head of the town to perform the duties of the office of town manager during that period, by a letter filed with the town clerk and the town council. In the event of failure of the town manager to make such a designation or if the person so designated is for any reason unable to serve or is deemed not qualified by the town council, the town council may appoint some other qualified person to perform the duties of the town

manager until the town manager returns. No member of the town council shall serve as acting town manager.

#### Section 4-8. Removal of Town Manager

The town council, by affirmative vote of a majority of the full town council, may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure: Before removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full town council. The preliminary resolution may suspend the town manager for a period not to exceed 30 days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, the town council shall provide a written statement setting forth the reasons for the removal or termination. Within 5 days after the receipt of the preliminary resolution, the town manager may request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than 20 days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution. If a public hearing has not been requested by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full town council at any time after 10 days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town council. The town council may suspend by an affirmative vote of the majority of the full town council, the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal becomes effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

#### Section 4-9. Annual Review of the Town Manager

Annually, the council president shall cause the town council to prepare and deliver to the town manager a written evaluation of the town manager's performance. The evaluation shall be conducted in accordance with any applicable general or special law.

## **Article V. Administrative Organizations**

#### Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

The organization of the town into operating agencies for the provision of services and the administration of government may, under charter powers granted in section 20 of chapter 43B of the General Laws, be accomplished through either of 2 methods provided in this section. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the town.

- (a) Ordinance - Subject only to the express prohibitions in any general or special law or the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in

whole or in part, establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies.

(b) Executive Reorganizations - The town manager may from time to time prepare and submit to the town council a plan of organization or reorganization which establishes operating divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan, the town manager shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of the publication. Following the public hearing, the proposal, which may be amended by the town manager subsequent to the public hearing, shall be submitted to the town council. An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of the proposal to the town council unless the town council shall, by a majority vote, vote to disapprove the plan. The town council may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed in order. The town manager may propose reorganization plans and subject only to express prohibitions of any general or special or this charter, reorganize, consolidate or abolish in whole or in part town agencies or establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the town council, transfer the appropriation of 1 town agency to another. Whenever a reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b), no proposal to again reorganize which deals with substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the town manager.

#### Section 5-2. Personnel Administration

The town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements:

- 1) a method of administration;
- 2) personnel policies indicating the rights, obligations and benefits of employees;
- 3) a classification plan;
- 4) a compensation plan;
- 5) a method of recruiting and selecting employees based upon merit principles;
- 6) a centralized record keeping system;
- 7) a merit based performance evaluation system;
- 8) disciplinary procedures; and
- 9) other elements that are determined necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section; provided, however, that this shall not include employees of the regional school department.

Department heads shall have the authority to appoint, suspend and remove based upon merit and fitness alone all department subordinates and employees, except as otherwise provided by-law, collective bargaining agreements, this charter or personnel rules adopted under this charter. Employees of the regional school department and persons serving under officers elected directly by the voters of the town are excluded.

#### Section 5-3. Town Attorney

(a) Appointment - There shall be a legal officer of the town appointed by the town manager subject to confirmation by the town council.

(b) Role - The legal officer shall serve as chief legal adviser to the town council, the town manager and all town departments, offices and agencies, shall represent the town in all legal proceedings and shall perform other duties prescribed by any general or special law, by this charter or by ordinance.

## **Article VI. Financial Management**

#### Section 6-1. Annual Budget Policy

The council president shall call a joint meeting of the town council, the regional school committee chairman, or his designee, the finance committee, the town manager and any other committee established for the budget process, before the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

The fiscal year of the town shall begin annually on the first day of July and end on the last day of June.

#### Section 6-2. Submission of Budget; Budget Message

Within the period prescribed by any general or special law and the regional school district agreement, the town manager shall submit to the town council a proposed operating budget for all town agencies. The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year and shall describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

The regional school district proposed budget, as adopted by the school committee for the ensuing fiscal year, with an accompanying budget message and supporting documents will be presented to the town council by the town manager.

On a date as determined from time to time by ordinance, but not later than February 1st of each year, the town manager shall submit to the town council a preliminary budget for the ensuing fiscal year and an accompanying message. The final budget should be submitted by the first town council meeting in April, unless the town manager shall request an extension of time. The extension may be granted at the discretion of the town council, but must provide for a reasonable and timely review of the proposed budget.

- (a) Budget - The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form as the town manager deems desirable or the town council may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall be realistic and based on a forecast of those scenarios most likely to occur in the coming year. The budget shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
- 1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
  - 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
  - 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.
- (b) Budget Message - The town manager's message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues and include such other material as the town manager deems desirable.

### Section 6-3. Action of the Budget

- (a) Public Hearing - The town council shall publish in a newspaper of general circulation in the town, a summary of the proposed operating budget as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed budget are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed budget will be held by the town council. For the purpose

of this section, the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the town council. The proposed budget will be published on the town's website not less than 14 days before the date of the public hearing.

- (b) Adoption of the Budget – The town council shall adopt the budget, with or without amendments, within 45 days following the date the budget is filed with the clerk of the town council. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by-law or for debt service. The town council shall not increase any line item without a corresponding decrease in an identified line item and the total proposed budget may not be increased from what was proposed unless otherwise authorized by any general or special law. If the town council fails to take action with respect to any item in the budget within 45 days after receipt of the budget, the amount shall, without any action by the town council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget will be published on the town's website not less than 14 days after adoption.
- (c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the public. The mid-year assessment will be published on the town's website not less than 14 days after review with the public.

#### Section 6-4. Supplementary Budgets and Appropriations

Whenever the town manager submits to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the town council shall not act upon the request until it has given notice by publication in a local newspaper of the request and held a public hearing concerning the request. The publication and the public hearing shall be in conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual operating budget.

- (a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, town council by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- (b) Emergency Appropriations - To address a public emergency affecting life, health, property or the public peace, the town council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with Article II. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet the appropriations, the town council may by an emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the town manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been

authorized, the manager shall report to the town council without delay, indicating the estimated amount of the deficit, any remedial action taken by the town manager and recommendations as to any other steps to be taken. The town council shall then take the further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more appropriations.

- (d) Transfer of Appropriations - At any time during or before the fiscal year, the town manager, with concurrence from the finance committee and the town council, may transfer up to a maximum of \$25,000 of the unencumbered appropriation balance from 1 department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational units or a new appropriation and shall report the transfers to the town council in writing within a 14-day period. The town manager may also, with concurrence from the finance committee and town council, transfer funds among line items within a department, fund, service, strategy or organizational unit and shall report the transfers to the town council in writing within a 14-day period.
- (e) Limitation; Effective Date - No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required and no appropriation may be reduced below an amount required by-law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### Section 6-5. Administration and Fiduciary Oversight of the Budget

The town council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

#### Section 6-6. Capital Improvements Program

- (a) Preparation - The town manager shall, in conjunction with any committee established for such purpose, annually submit a 5-year capital improvement program to the town council at least 30 days before the date for submission of the operating budget, unless some other time is provided by ordinance.
- (b) Contents - The capital improvement program shall include:
  - 1) A clear general summary of its contents;
  - 2) Identification of the long-term goals of the community;
  - 3) A list of all capital improvements and other capital expenditures proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
  - 4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
  - 5) Method of financing upon which each capital expenditure is to be reliant;
  - 6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
  - 7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and

- 8) Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (c) Public Hearing - The town council shall publish in a newspaper of general circulation in the town a summary of the proposed capital improvement plan as submitted by the town manager by a notice stating: (1) the times and places where copies of the entire proposed capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after the publication, when a public hearing on the proposed capital improvement plan will be held by the town council. The proposed capital improvement plan will be published on the town's website not less than 14 days before the date of the public hearing.
- (d) Adoption of the Capital Improvement Program - Town council shall adopt the capital improvement plan, with or without amendments, , provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify and approve the method of financing proposed to accomplish the increase. The proposed capital improvement plan will be published on the town's website upon adoption.

#### Section 6-7. Long Term Financial Forecast

- (a) The town manager shall annually prepare a 5-year financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the town. The forecast shall be submitted to the town council and finance committee and shall be available to the public for inspection. The long-term financial forecast shall be published on the town's website and when updates occur, they shall be posted in a timely manner.

#### Section 6-8. Annual Independent Audit

The town council shall provide for an independent annual audit of all town accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make the audits. The audits should be performed in accordance with generally-accepted auditing standards and generally-accepted governmental auditing standards.

The town council shall designate no fewer than 3 of its members to serve as an audit committee. The committee shall:

- 1) Lead the process of selecting an independent auditor;
- 2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and
- 3) Receive the report of the internal auditor and present that report to the town council with any recommendations from the committee.

The town council shall, using competitive bidding, designate such accountant or firm annually or for a period not exceeding 5 years, but the designation for a particular fiscal year shall be made not later than 30 days after the beginning of the fiscal year. The

standard for independence is that the auditor must be capable of exercising objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide other services to the town during the time it is retained to provide independent audits to the town. The town council may waive this requirement by a majority vote at a public hearing. If the commonwealth makes such an audit, the council may accept it as satisfying the requirements of this section.

#### Section 6-9. Financial Committee

- (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-year staggered term, the members of which shall be appointed as follows: 3 members by the town manager, 3 members by the town council and 3 members by the elected town clerk. The finance committee shall report its recommendations on finance related matters before the town council, in writing, at least 10 days before a scheduled town council meeting. Before preparing its recommendations, the finance committee shall hold 1 or more public meetings to permit discussion of all finance matters before the town council, except those matters subject to public hearings by other multiple-member town bodies and not containing appropriations. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this charter or by by-law.
- (b) The finance committee, town accountant and town treasurer-collector shall support the overall budget process. The town accountant and town treasurer-collector shall have ex-officio membership, without voting rights on the committee. The finance committee shall carry out its duties in accordance with the provisions of general law, this charter and by-law and it shall have regular and free access and inspection rights to all books and accounts of any town department or office. The committee shall carefully examine all budget and appropriations proposals and shall issue its review thereon before consideration, debate and vote by the town council.

#### Section 6-10. Financial Management Standards

The town council may by ordinance establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

#### Section 6-11. Public Records

Copies of the budget, capital program, independent audits and appropriation and revenue ordinances shall be public records and shall be published on the town's website.

## **Article VII. Elections and Related Matters**

#### Section 7-1. Town Elections

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

#### Section 7-2. Non-Partisan Elections

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other designation whatsoever.

### Section 7-3. Signature Requirements; Information to Voters; Ballot Position

- (a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at an election shall be: (i) for an office that is to be filled by the voters of the whole town, not less than 50; and (ii) for an office that is to be filled by the voters of a district, not less than 25 from the district.
- (b) Information to Voters - If the candidate in a regular town election is an incumbent elected by the voters to the office to which the candidate seeks election, against the candidate's name shall appear the phrase "candidate for re-election".
- (c) Ballot Position - The order in which names of candidates appear on the ballot for each office in a regular town election shall be determined by a drawing by lot conducted by the elected town clerk. At least 35 days before the date of the election, the town clerk shall post in a conspicuous place in the town hall the names and residences of the candidates for election who have duly qualified as candidates for election. The order of the names as to appear on the ballot shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each.

### Section 7-4. Precincts and Districts

The territory of the town shall be divided into 9 Precincts as specifically illustrated on the precinct map, which shall be appended to this charter. The Town shall also be divided into 3 districts. Each district shall be comprised of 3 precincts as set forth in this section and in accordance with the General Laws. The districts shall be established so as to consist of as nearly an equal number of inhabitants as is possible based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. The town council shall, from time to time, but not less than once every 10 years, review the districts to ensure their uniformity in number of inhabitants. The composition of the 3 districts shall consist of:

- District 1: Precincts 1, 2 and 7.
- District 2: Precincts 5, 6 and 8.
- District 3: Precincts 3, 4 and 9.

### Section 7-5. Application of State Laws

Except as expressly provided in the charter and authorized by any general or special law, all town elections shall be governed by federal, state and local laws relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

## **Article VIII. Citizen Participation Mechanisms**

### Section 8-1. Citizen Initiative Measures

- (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the elected town clerk. The petition shall be addressed to the town council, shall contain a request for the passage of a particular measure which

shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential addresses stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The person whose signature appears first on the affidavit accompanying such petition petitioner shall be designated as clerk.

- (b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt of each such proposed petition, deliver a copy of the petition to the town attorney. The town attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected town clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the town council. If the opinion of the town attorney is that the measure is not in proper form, the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed by the elected town clerk to the clerk of the petitioners' committee.
- (c) Submission to elected Town Clerk - If the opinion of the town attorney is that the petition is in proper form, the elected town clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town attorney, together with the names and addresses of the first 10 voters who signed the originating petition. Within 10 days following the date the blank forms are issued by the elected town clerk the petitions shall be returned and filed with the elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed and what percentage that number is of the total number of voters as of the date of the most recent town election and shall return the petition along with a certificate showing the results of the examination of the registrars of voters to the elected town clerk. A copy of the certificate of the board of registrars of voters shall also be mailed to the person designated as clerk of the petitioners' committee.
- (d) Action on Petitions - Within 30 days following the date a petition has been returned to the elected town clerk and after publication in accordance with this section, the town council may pass the measure without alteration, subject to the referendum vote provided by this charter or, the town council shall call a special election to be held on a date fixed by it not less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if a town election is otherwise to occur within 120 days after the date of the certificate, the town council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at the approaching election. The ballots used when voting upon a proposed measure under this section

shall state the nature of the measure in terms sufficient to show the substance thereof as set forth in subsection (f).

- (e) Publication - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper and on the town's website not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the elected town clerk and on the town's website.
- (f) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect? (Here insert a fair, concise summary prepared by the town attorney.)

YES    NO

- (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

#### Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

If within 10 days after the final passage of a measure, a petition signed by voters equal in number to at least 5 per cent of the total number of voters and addressed to the town council, protesting against the measure or any part thereof taking effect, is filed with the elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the town council, as the case may be, shall immediately reconsider the measure or part thereof and if such measure or part thereof is not entirely rescinded, the town council shall submit the same, to a vote of the voters either at the next regular town election or at a special election which may, in its discretion, be called for the purpose and the measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at the election vote in favor thereof.

#### Section 8-3. Required Voter Participation

For a measure to be effective under the initiative procedure and for any measure to be declared null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

#### Section 8-4. Measures Not Subject to Initiative and Referendum

Measures which include the following subject matter shall not be subject to initiative and referendum procedures:

- 1) Revenue loan orders;
- 2) Appropriations for the payment of debt or debt service;
- 3) Internal operational procedures of the town council;
- 4) Emergency measures;

- 5) The town budget as a whole or the school committee budget as a whole;
- 6) Appropriation of funds to implement a collective bargaining agreement;
- 7) Procedures relating to election, appointment, removal, discharge or other personnel action; and
- 8) Proceedings providing for the submission or referral of a matter to the voters at an election.

#### Section 8-5. Submission of Proposed Measure to Voters

The town council may, of its own motion, submit any proposed measure or a proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a general or special town election. The town council shall also allow for the submissions upon request of the regional school committee if a measure originates with the committee and pertains to the affairs under its administration. Such action of the town council shall have the same force and effect as are provided herein for submission of the measures on petition by the voters.

#### Section 8-6. Measures with Conflicting Provisions

If 2 or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

#### Section 8-7. Free Petition

- (a) Individual Petitions, Action Discretionary - The town council shall receive all petitions which are addressed to them and signed by a voter, as certified by the town board of registrars of voters, or its successor, and may, at their discretion, take such action with regard to the petitions as they deem necessary and appropriate.
- (b) Group Petitions; Action Required - The town council shall hold a public hearing and act by taking a vote on the merits of every petition which is addressed to it and is signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The hearing shall be held by the town council or by a committee or subcommittee thereof and the action by the town council shall be taken not later than 2 months after the petition is filed with the elected town clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The elected town clerk shall mail notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7 days before the hearing. Notice by publication at least 7 days before such hearings shall also be made and shall be at the public expense. No hearing shall be heard upon any one subject more than once in any given 12 month period. All papers with signatures shall be filed in the office of elected town clerk as one instrument on one date and time.

## **Article IX. General Provisions**

#### Section 9-1. Conflicts of Interest

- (a) Conflicts of Interest - The use of public office for private gain is prohibited. The town council shall implement this prohibition by ordinance, the terms of which shall

include, but not be limited to: (1) acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; (2) the acceptance of gifts and other things of value; (3) acting in a private capacity on matters dealt with as a public official; (4) the use of confidential information; and (5) appearances by town officials before other town agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

#### Section 9-2- Prohibitions

(a) Activities Prohibited – The following activities are prohibited:

- 1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to a town position or appointive town administrative office because of race, gender, age, sexual orientation, disability, religion, country of origin or political affiliation;
- 2) No person shall willfully make a false statement, certificate, mark, rating or report in regard to a test, certification or appointment under the provisions of this charter or the rules and regulations made there under or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions, rules and regulations;
- 3) No person who seeks appointment or promotion with respect to a town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to a person for or in connection with the applicant or employee's, appointment, proposed appointment, promotion or proposed promotion.
- 4) During working hours, no town employee shall knowingly or willfully participate in any aspect of a political campaign on behalf of, or opposition to, a candidate for town office. This section shall not be construed to limit a person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation in political campaigns at any other level of government.

(b) Penalties - A person found to be in of a violation of this section shall be ineligible for a period 5 years following such conviction to hold a town office or position and, if an officer or employee of the town, shall immediately forfeit the employee's office or position. The town council shall establish by ordinance such further penalties as it may deem appropriate.

#### Section 9-3. Campaign Finance

(a) Disclosure - The town council shall enact ordinances to protect the ability of town residents to be informed of the financing used in support of, or against, campaigns for locally-elected office. The terms of the ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate town office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed \$200 or more; expenditures made; and obligations entered into by the candidate or candidate

committee. In so far as is permissible under general or special law, the regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure pursuant to section 26 of chapter 55.

- (b) Contribution and Spending Limitations - In order to combat the potential for, and appearance of, corruption and to preserve the ability of all qualified citizens to run for public office, the town shall, in so far as is permitted by general or special law and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally-elected office. Ordinances under this section may include, but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

#### Section 9-4. Charter Revision or Amendment

- (a) In General - The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.
- (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council shall provide for a review and propose revisions to the town charter. The review shall be conducted by a special committee to consist of 7 residents of the town appointed by the council president with the approval of the town council. The committee shall file a report within the year recommending any changes in the charter which it may deem to be necessary or desirable, unless an extension is granted by vote of the town council.

#### Section 9-5. Severability

The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

#### Section 9-6. Rules of Interpretation

The following rules shall apply when interpreting the charter:

- (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail;
- (b) Number and Gender - Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender;
- (c) References to General Laws - All references to the general or special laws contained in the charter refer to the general laws of the commonwealth and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the charter; and

- (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than 7 days, every day shall be counted.

#### Section 9-7. Removal of Member of Multiple Member Appointed Bodies

An official appointed by the town manager to a multiple-member body, may be removed from office by the town manager if the official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chairman of the multiple member body, unless the town manager shall determine otherwise. The appointed official shall be automatically removed from office if the official is convicted of a felony or if the official is absent from the duties for the period of 6 months notwithstanding the permission from the council president to be absent.

A removal shall be accomplished in accordance with the following procedure:

- 1) A written notice of the intent to remove and a statement of the reasons therefore shall be delivered by registered mail to the last known address of the appointed official sought to be removed.
- 2) Within 14 days of delivery of the notice the appointed official may request a public hearing before the appointing authority;
- 3) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
- 4) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing;
- 5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a majority vote, remove the appointed official for good cause;
- 6) A notice of a decision to remove the appointed official and the reasons therefore shall be delivered by registered mail to the last known address of the appointed official;
- 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing before the town council;
- 8) If the appointed official fails to request a public hearing, then the appointed official shall be discharged forthwith;
- 9) The appointed official may be represented by private counsel at the hearing and shall be entitled to present evidence, to call witnesses and to examine any witness appearing at the hearing; and
- 10) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

Nothing in this section shall be construed as granting a right to a hearing when an appointed official who has been appointed to a fixed term is not reappointed when the appointed official's original term expires.

#### Section 9-8. Posting of Public Documents

The board of selectmen and town manager shall ensure that all pertinent, public town documents be posted to the town website. Examples of these documents include, but are

not limited to, the following: administrative code, audit results, budget, financial management policies, ordinances and personnel policies and procedures.

## **Article X. Transitional Provisions**

### **Section 10-1. Continuation of Existing Laws**

All by-laws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

### **Section 10-2. Existing Officials and Employees**

A person holding a town office or employment under the town, shall retain the office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the duties by another person or agency.

### **Section 10-3. Continuation of Government**

All town offices, boards, commissions or agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.

### **Section 10-4. Transfer of Records and Property**

All records, property and equipment whatsoever of an office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

### **Section 10-5. Continuation of Personnel**

A person holding a town office or a position in the administrative service of the town, or a person holding full-time employment under the town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so.

The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the town shall forfeit the person's pay grade or time in service of the town.

### **Section 10-6. Effect on Obligations, Taxes, Etc.**

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of this charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected and all writs, prosecutions, actions and cause of action,

except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

#### Section 10-7. Time of Precinct and District Charter Amendments Taking Effect

- (a) The election of the newly constituted town council shall occur within 180 days of the effective date of this act.
- (b) The town council elected pursuant to subsection (a) shall take office immediately upon election and certification, subject to the following transitional provisions:
  - (i) The term of office of a district councilor serving prior to the election in subsection (a) shall immediately expire and the term of office of each district councilor elected pursuant to subsection (a) shall commence upon certification of the election;
  - (ii) The term of office of a councilor-at-large serving prior to the election in subsection (a) shall immediately expire and the term of office of each councilor-at-large elected pursuant to subsection (a) shall commence upon certification of the election; provided, however, that any councilor-at-large serving prior to the election in subsection (a) that has not fulfilled their full term of office shall be entitled to serve the remainder of the term for which they were elected to serve;
  - (iii) The term of office of the district councilor elected pursuant to subsection (a) to serve district 2 shall expire upon the election and certification of a successor at the April 2023 election annual town election;
  - (iv) The term of office of the district councilor elected pursuant to subsection (a) to serve district 1 shall expire upon the election and certification of a successor at the April 2024 election annual town election;
  - (v) The term of office of the district councilor elected pursuant to subsection (a) to serve district 3 shall expire upon election and certification of a successor at the April 2025 election annual town election;
- (vi) The term of office of a councilor-at-large elected pursuant to subsection (a) shall be as follows, as each such term is determined by the ballot bearing the council-at-large's name:
  - (A) 2 councilors-at-large shall serve upon election pursuant to subsection (a) until the April 2025 annual town election;
  - (B) 1 councilor-at-large shall serve upon election pursuant to subsection (a) until the April 2024 annual town election;
  - (C) 2 councilors-at-large shall serve upon election pursuant to subsection (a) until the April 2023 annual town election.

#### Section 10-8. Transition from Municipal Administrator to Town Manager

Upon the effective date of this charter, the person serving in the position of municipal administrator shall be deemed the appointed town manager as described in this charter in Article 4 to serve for the remaining term of the person's contract with the town.

#### Section 10-9. Town Council / Town Manager Transition Duties

- (a) As one of its first priorities during the transition period, the town manager working with the town council shall begin development of the administrative code structure, which shall describe the details of the departmental organization and associated operating rules and regulations. A key input source to the creation of

the administrative code shall be the final report of the town government study committee, published in May 2009. This report shall guide the functional re-alignment of all town offices, agencies, boards, and committees, as well as any changes to elected or appointed positions, boards or committees.

- (b) The town council shall also begin a review of all town by-laws, to analyze and amend as necessary, as a result of charter implementation.

## **PART II. Administrative Code**

### **Chapter 1. Boards, Committees and Commissions**

#### **Article I. Preamble**

##### *Section 1. Purpose; Description of Administrative Code Organization*

- A. The Administrative Code of the Town of Bridgewater has the broad purpose of providing for the internal organization and administration of the Bridgewater municipal government. The intention and purpose of this code is to provide for a legal, practical, and efficient plan for organization and administrative procedures which allows for and encourages the effective delivery of municipal services to the residents of Bridgewater.
- B. 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.
  - (1) Elective organization: This describes elective officers of the Town, their manner and time of election, term of office, authorities, responsibilities and interrelationship with the other sections of the organization. It is based upon the provisions of the Bridgewater Charter.
  - (2) Multiple-member bodies: This describes all multiple-member appointed bodies, their manner and time of appointment, terms of appointment, and authorities, responsibilities and interrelationships with the other sections of the organization.
  - (3) Administrative organization: This describes all of the administrative agencies of the Town under the jurisdiction of the Town Manager, the mission and functions of each said agency, the authorities, responsibilities and interrelationships among and between the administrative agencies, the multiple-member bodies, and the elective organization.
  - (4) Administrative procedures: This describes all legislative, administrative, and adjudicatory procedures of the Town. This part establishes procedures by which municipal legislation is developed, introduced, and approved before the Town Council and by which rules and regulations are adopted by Town administrative agencies. It specifies the manner in which all the entities of the Town function administratively, through the promulgation of policies and procedures, including delineation of the method and manner in which adjudicatory proceedings are to be conducted by the various Town agencies and officials responsible for deciding individual cases.

## **Article II. Elective Bodies**

### **Section 1. Offices and Standards**

- A. Generally. In addition to the Bridgewater Town Council, the offices to be filled by the voters shall be a Regional School Committee, a Regional Vocation School committee member, a Town Clerk, a Board of Library Trustees, and such other regional authorities, districts, or committees as may be established by law or inter-local agreement.
- B. Eligibility for office. Any registered voter of the Town shall be eligible to run and hold any elective Town office, provided that no person shall simultaneously hold more than one elective office. Members of the Finance Committee shall not hold any elective or other appointed office.
- C. Town elections. The regular Town election is held annually on the Saturday proceeding the last Monday in April.
- D. Term of office. The term of office of all elective Town officers shall be three years beginning on the second Monday following the election and continuing until their successors are qualified, except that the term of office for councilors shall begin, once duly sworn on the next business day following the election. Terms of office of Town Councilors shall be so arranged that the terms of three of the Councilors shall expire at each annual Town election.
- E. Annual reports. All elective offices of the Town of Bridgewater shall prepare annual reports of their activities and submit same to the Town Clerk for inclusion in the Annual Report of the Town, on or before the fourth Friday in January. The annual report shall describe calendar-year activities for the year ending each December 31. Where required by state or federal regulations, certain elective offices shall be required to submit copies of their annual reports to appropriate state and/or federal agencies.

### **Section 2. Bridgewater Town Council**

- A. Composition and authority. There shall be 9 members of the Bridgewater Town Council, one Councilor elected from each district and the remaining elected at-large. The Bridgewater Town Council shall exercise all of the legislative powers of the Town.
- B. Eligibility. Only voters of the Town of Bridgewater, who at all times during their term of office shall be and remain residents of the Town shall be eligible to hold the office of Councilor. A member of the Town Council who moves from one precinct to another during the term for which the Councilor was elected, shall cease to be a member of the Town Council; provided, however, that a Councilor with six months or less remaining on the term for which the Councilor was elected, notwithstanding removal from one precinct to another, shall continue to serve and to perform all official duties during the term of office.
- C. Council organization. After the Councilors-elect have been sworn, the Town Council shall be called together by the Town Clerk for the purpose of conducting an election for the office of Town Council President from among the Council members . The Council shall thereafter elect a Vice President. Both shall serve for one year. The President presides at all meetings of the Town Council, and performs such other functions as may be assigned by the Bridgewater Town Charter, by ordinance or by vote of the Town Council. The Vice President presides at meetings of the Town Council during the absence or disability of the President.
- D. General powers and duties. Except as otherwise provided by law or by the Bridgewater Town Charter, specifically Section 1-4 (Powers of the Town), Section 1-5 (Interpretation of Powers), and Section 2-2 (General Powers and Duties), all powers of the Town of

Bridgewater shall be vested in the Town Council which shall provide for their exercise and for the performance of all duties and obligation imposed on the Town by law.

E. Filling of Town Council vacancies.

- (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the first 18 months of the term for which a councilor was elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the election. The Town Clerk shall certify such candidate to the office of councilor-at-large to serve for the balance of the then unexpired term. If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term for the councilor-at-large was elected, the vacancy shall be filled by the person who, at the most recent annual town election, received the highest number of votes for the office of councilor-at-large and who is not then serving as a member of the Town Council. The person shall be certified by the Town Clerk and shall serve for the remaining months of the term which the person was elected.
- (b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled in the same manner as provided in Section 2(E)(a) for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor from the district in which the vacancy occurs; provided, however, that if there is no candidate on the list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council-at-large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided the candidate remains a resident of the district, is willing to serve as a district councilor and received votes in the district at least equal to 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the election. The Town Clerk shall certify such candidate to the office of district councilor to serve for the balance of the then unexpired term.
- (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of councilor-at large or district councilor and there is no available candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2(E), the vacancy shall be filled by the remaining members of the Town Council. To be eligible for election by the Town Council, a person shall be a registered voter of the town and, in the case of a district councilor, a resident of such district. Persons elected to fill a vacancy by the Town Council shall serve only until the next regular election, or if so decided, a special election, at which time the vacancy shall be filled by the voters and the person chosen to fill the vacancy, shall be sworn and shall serve for the remainder of the unexpired term. Persons serving as Town Councilors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.
- (d) Whenever a vacancy on the Town Council occurs requiring it be filled pursuant to Section 2. E. paragraph (c), the Council shall use the following procedure to fill such vacancy:

- i. The Council shall publically make known the position is vacant and ask for volunteers to fill it through as many outlets as seem feasible to them at the time, including, but not limited to:
      - 1. Announcement at town council meetings
      - 2. Posting on Town bulletin boards
      - 3. Communication through the town website, or any other appropriate electronic media
      - 4. Information broadcast over public access cable
    - ii. The Council shall set a date to fill the vacancy at least 21 days after the initial vacancy is announced. Applications to fill the vacancy shall close no later than one week before the Council meets to fill the vacancy.
    - iii. When the Council meets to fill the vacancy, the agenda shall allow for a reasonable period of commentary from the public about the candidate(s) prior to a vote being taken to appoint someone to the vacancy.
    - iv. If no one shall have applied to fill the vacancy in the requisite time, the Council will follow the same process in steps i-iii above until a qualified candidate is selected to fill the vacancy.
- F. Exercise of powers. Except as otherwise provided by the laws of the Commonwealth or the Bridgewater Town Charter, the legislative powers of the Town Council may be exercised in a manner determined by the Town Council.
- G. Interrelationships. The Bridgewater Town Council interacts with all elective officers of the Town, all multiple-member appointive bodies, and the Town Manager. A description of said interactions appears as part of the Administrative Code under each appropriate part and section that describe the officers and agencies of the Town.

### *Section 3. Library Trustees*

- A. Term of office. There shall be a Board of Library Trustees consisting of nine members who shall be elected at large for a term of three years.
- B. Eligibility. Only voters of the Town of Bridgewater, who at all times during their term of office shall be and remain residents of the Town shall be eligible to hold the office of Trustee.
- C. Authorities and responsibilities. The Library Trustees shall ensure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning. The Board of Library Trustees also acts as an advisory committee of the Town.
- D. Filling of Vacancies. If a vacancy occurs in the membership of the Library Trustees, whether by failure to elect or otherwise, the Library Trustees have 30 days from the date the vacancy is declared to exist by the Town Clerk under Ch. 41, section 109 of the General Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the Town Council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the appointment will defer to the Town Council. The appointee will serve for the balance of the unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library Trustees or Town Council shall give consideration to whichever of the defeated candidates for the seat in which the vacancy

is declared to exist received the highest number of votes at the last regular town election immediately preceding the date the vacancy is declared to exist.

E. Interrelationships

- (1) Town Council: The Board meets annually with the Council Committee on Community and Economic Development for the purpose of discussing those matters within the purview of the Board.
- (2) Town Manager: The Board meets as necessary with the Town Manager for the purposes of discussing those matters within the purview of the Board and the Town Manager, and further, to make Board comments in the annual departmental budget.
- (3) Other officials: The Board interacts regularly with the Massachusetts Board of Library Commissioners to maintain certification, and other multiple member bodies to discuss matters within the purview of the Board.

*Section 4. Town Clerk*

- A. Term of Office. There shall be a Town Clerk who shall be elected at large for a term of three years.
- B. Eligibility. Only a voter of the Town of Bridgewater, who at all times during his or her term of office shall be and remain a resident of the Town, shall be eligible to hold the office of Town Clerk.
- C. Authority and Responsibility. The Town Clerk is the keeper of vital statistics of the Town, custodian of the Town Seal and all records of the Town, administers the oath of office to all Town officers, issues licenses and permits as may be provided by law and is responsible for the conduct of elections and all matters relating thereto. The Town Clerk has all the powers and duties provided that office by the laws of the Commonwealth, the Bridgewater Town Charter, ordinance, and other Town Council vote.
- D. Filling of Vacancy. If a vacancy occurs in the office of Town Clerk either by failure to elect or otherwise, the Town Council shall, within 30 days following the date such vacancy is declared to exist, act to fill the vacancy. The Town Council shall choose from among the voters a person to serve for the balance of the unexpired term. Any person so chosen shall be sworn and commence to serve forthwith. In the absence of a Clerk, the Assistant Clerk shall perform the duties of the Clerk according to MGL c.41, sec. 19.
- E. Interrelationships
  - (1) Town Council: The Town Clerk meets annually with the Town Council in a manner convenient to both elective officers, for the purpose of discussing those matters within the purview of the Town Clerk.
  - (2) Other Bodies and Departments: The Town Clerk interacts on a regular basis with all of the administrative agencies of the Town, as well as all of the multiple member bodies and all other elective organizations, in particular as these pertain to administration of oath of office, and keeper of the Town records. Additionally, the Town Clerk's department, as a full-time operation, participates in the Town's administration through its Administrative Branch.

**Section 5. *Bridgewater-Raynham School District Committee***

- A. Term of office. There is a Bridgewater-Raynham School District Committee created by the Regional District Agreement consisting of Bridgewater and Raynham members who shall be elected at large for a term of three years according to the Regional Agreement.
- B. Eligibility. Only voters of the Town of Bridgewater, who at all times during their term of office shall be and remain residents of the Town of Bridgewater shall be eligible to hold the office of Committee member as defined in the Regional Agreement.
- C. Authorities and responsibilities. The Bridgewater-Raynham School District Committee has no independent authority within the Town's municipal operations, but the Committee shall fulfill the duties and obligations defined in the Regional District Agreement. The Bridgewater-Raynham School District Committee acts as an advisory and ministerial committee of the Town.
- D. Filling of Vacancies. If a vacancy occurs in the Bridgewater membership of the School District Committee either by failure to elect or otherwise, the President of the Town Council shall, within 30 days following the date such vacancy is declared to exist, call a joint meeting of the Town Council and the remaining Bridgewater membership of the School District Committee to act to fill the vacancy. At any such joint meeting a majority of those present and voting shall choose, from among the voters, a person to serve for the balance of the unexpired term. (*see* Amended Agreement Between Towns of Bridgewater, Raynham and Bridgewater-Raynham District).
- E. Interrelationships
  - (1) Town Council: The District Committee may meet with the Town Council on educational or budgetary issues and to discuss those matters within the purview of the Committee.
  - (2) Town Manager: The Committee meets as necessary with the Manager for the purposes of discussing those matters within the purview of the Committee and the Town Manager, and further, to participate in the annual budget process.

**Section 6. *Bristol-Plymouth Regional Vocational Technical School District***

- A. Term of office. There is a Bristol-Plymouth Regional Vocational Technical School District Committee created by the Regional District Agreement consisting of one Bridgewater member who shall be elected at large in statewide biannual elections for a term of two years according to the Regional Agreement.
- B. Eligibility. Only voters of the Town of Bridgewater, who at all times during their term of office shall be and remain residents of the Town of Bridgewater shall be eligible to hold the office of Committee member representing Bridgewater.
- C. Authorities and responsibilities. The Bristol-Plymouth Regional Vocational Technical School District Committee has no independent authority within the Town's municipal operations, but the Committee shall fulfill the duties and obligations defined in the Vocational Regional District Agreement. The Bristol-Plymouth Regional Vocational Technical School District Committee acts as an advisory and ministerial committee on behalf of the Town.
- D. Filling of Vacancies. If a vacancy occurs in the Bridgewater membership of the Vocational Technical School District Committee either by failure to elect or otherwise, the President of the Town Council shall, within 30 days following the date such vacancy is declared to exist, call a joint meeting of the Town Council and the remaining Bridgewater

membership of the School District Committee to act to fill the vacancy. At any such joint meeting a majority of those present and voting shall choose, from among the voters, a person to serve for the balance of the unexpired term. (*see Agreement with Respect to the Establishment of a Vocational Regional School District, dated May 17, 1967*)

E. Interrelationships

- (1) Town Council: The District Committee, or its representative, may meet with the Town Council on educational or budgetary issues and to discuss those matters within the purview of the Committee.
- (2) Town Manager: The District Committee, or its designee, meets as necessary with the Manager for the purposes of discussing those matters within the purview of the Committee and the Town Manager, and further, to participate in the annual budget process.

### **Article III. Multiple Member Appointive Bodies**

#### ***Section 1. Offices and Standards***

A. Generally. This Article describes all standing multiple member body appointments made by the Town Manager subject to ratification by the Town Council, and further delineates manner and time of appointment and terms of appointment, and authorities, responsibilities and interrelationships with the other multiple member bodies and departments of the Town. Town of Bridgewater representatives to regional governmental multiple member bodies shall, unless the organic law establishing such a multiple member body provides otherwise, be appointed by the Town Manager. The Town Manager shall form a Citizen's Advisory Committee to assist in evaluating and selecting individuals for appointment. The number and terms of office of the Committee shall be established by ordinance. The Committee shall be advisory to the Town Manager.

B. Multiple member Bodies and Ad Hoc Committees.

- (1) This article of the Administrative Code lists and describes all multiple member appointive bodies of the Town, including boards, committees, and commissions. The Bridgewater Town Council may establish additional multiple member appointive bodies of the Town, based upon passage, by a majority vote of its members, of an ordinance creating said body. Organic ordinances establishing such bodies shall specify the following: membership, term of office, authorities and responsibilities, and interrelationships with the Town Council, the Town Manager and other bodies within the Town.
- (2) The Bridgewater Town Council may from time to time, based upon passage by a majority vote of its membership, establish ad hoc committees to assist the Town Council in carrying out the Council's responsibilities. Ad hoc committees shall be limited to a particular subject area and serve only in that capacity for a specified period of time. Appointments to these ad hoc committees shall be made by the Town Manager subject to ratification by Town Council.
- (3) Multiple member bodies and Town Council ad hoc committees are required to follow the Massachusetts Open Meeting Law. Agendas and minutes for all meetings must be posted in accordance with the law. Multiple member bodies and Town Council ad hoc committees are subject to the state ethics law and must submit certification of completion of state ethics examination and a form indicating receipt of the Conflict of Interest Law summary from the Town Clerk within 30 days after being sworn in.

- (4) The Town Manager may from time to time establish ad hoc committees to assist the Town Manager in carrying out the Manager's duties. Town Manager ad hoc committees shall be limited to a particular subject area and serve only in that capacity for a specified period of time. Appointments to these ad hoc committees shall be made by the Town Manager. Town Manager ad hoc committees which are acting in an advisory capacity to only one person are not subject to the Open Meeting Law and are not required to post minutes or agendas, but are required to submit ethics examination certificates and the Conflict of Interest Law summary receipt.
- C. Term of Office. The terms of office of multiple-member appointive organizations shall be arranged so that as nearly an equal amount of seats possible shall expire each year. A vacancy shall be filled by the Town Manager for the remainder of the term, except when vacancies occur involving a majority of the members of a multiple-member appointive body which conducts adjudicatory hearings, then the Town Manger may make interim appointments not subject to Council ratification for a period not to exceed six months while permanent members are sought to fill the remainder of the term. Unless otherwise noted, appointments to multiple member appointive bodies shall be for a period of three years. Unless otherwise noted, appointments are effective the first of July, and expire the 30th of June. Members may be removed for cause, subject to an investigation and hearing by the Town Manager.
- D. Annual Reports. All multiple-member appointive bodies of the Town of Bridgewater shall prepare and submit annual reports of their activities to the Town Clerk for inclusion in the Annual Report of the Town, on or before the fourth Friday in January. The annual report shall describe calendar-year activities for the year ending each December 31. Where required by state and/or federal regulations, certain multiple member appointive bodies shall be required to submit copies of their annual reports to appropriate state and/or federal agencies.
- E. Multiple-Member Bodies Internal Organization. Each multiple-member body shall, at a minimum, annually elect from its membership a chair, vice chair and clerk. Bodies may further elect a treasurer, and such other officer or officers as are deemed necessary or as is required by statute. The annual election shall occur in July of each year, or as otherwise required due to a vacancy. The Town Manager shall be notified of the officers of the body upon their election. The chair shall preside over all meetings of the body, and shall be the official representative of the body in all proceedings before the Town Council and other officials of the Town. The vice chair shall perform the chair's functions, in the absence of the chair. The clerk shall be responsible for the certification of the body's meeting minutes, observance of the public records law, maintenance of other records of the body, and filing minutes with the Town Clerk. Unless otherwise stipulated by state law or ordinance, a majority of sitting members shall constitute a quorum. Members shall make every effort to attend all meetings and perform such duties as are assigned. Any member unable to attend a meeting shall notify an officer of the body.
- F. An official appointed by the Town Manager to a multiple-member body, may be removed from office by the Town Manager if the official fails to attend regularly scheduled meetings for a period of 3 consecutive months without express leave from the chair of the multiple member body, unless the Town Manager shall determine otherwise. The appointed official shall be automatically removed from office if the official is convicted of a felony or if the official is absent from the duties for the period of 6 months notwithstanding the permission from the town council president to be absent. Time and Place of Meetings. The clerk of each body shall be responsible for notifying the Town Clerk

and the Town Manager on or before the first of January of the regularly scheduled meeting times and dates for the ensuing calendar year. The notification shall also include a location for each regular meeting. This shall not prevent bodies from calling special meetings in addition to those regularly scheduled, provided that, in all instances, standards of the Open Meeting Law are followed. The Town Clerk shall ensure posting of all meeting schedules and agendas, consistent with the Open Meeting Law.

- G. Authority to Establish Subcommittees. Each multiple-member appointive bodies may, by a majority vote of its membership, establish subcommittees of the body for the purpose of addressing a particular issue or issues. A report of their activities shall regularly be made to the full body. Each subcommittee so established shall observe laws relevant to the keeping of public records, the Open Meeting Law, and any other laws as prescribed by the Bridgewater Town Charter, by ordinance.
- H. Authority of multiple member appointive bodies.
  - (1) Multiple member appointive bodies may be:
    - (a) Advisory: wherein the body has no legal authority to promulgate rules or regulations, decide individual cases or enact policy;
    - (b) Regulatory: wherein the body has legal authority to promulgate rules and regulations, decide individual cases and enact policy;
    - (c) Ministerial: wherein the body has legal authority to take actions which are essentially administrative in nature; or
    - (d) Combinations of advisory, regulatory, and ministerial.
  - (2) Multiple member appointive bodies shall be defined in the manner noted.
- I. Eligibility for service. Unless otherwise defined within this Administrative Code, any registered voter of the Town of Bridgewater, except those who are: (1) an elected official; (2) whose written contract with the Town bars them from holding any other elected or appointed position with the town; or (3) who would be ineligible to serve under Massachusetts General Laws c. 268A and/or the Town of Bridgewater Town Charter, are eligible for appointment to Multiple Member Appointive Bodies. An eligible candidate for a Multiple Member Appointive Body as stated in sentence one herein, shall not serve on more than one Multiple Member Appointive Body at a time unless that candidate has been: (1) recommended by the Town Manager to the Town Council to do so; and (2) is then ratified by the Town Council. Membership on a multiple member appointive body shall terminate forthwith upon the members ceasing to be a resident of the Town or otherwise ceasing to be a registered voter. Unless otherwise noted, members shall serve without compensation.
- J. General Authority and Responsibilities. All multiple member appointive bodies and ad hoc committees created by the Town Council shall:
  - (1) Conduct meetings in conformance with the Open Meeting Law, MGL Chapter 30A sections 18-25;
  - (2) Conduct meetings following Roberts Rules of Order, or an alternative written procedure;
  - (3) Ensure proper written minutes are taken;
  - (4) Provide all meeting minutes and meeting materials to the Town Clerk ;
  - (5) Submit an annual report to the Town Clerk for inclusion in the Annual Report of the Town, on or before the fourth Friday in January. Notify the Town Manager of vacancies.

Multiple member appointive body members and ad hoc committee members shall:

- (1) Complete the Commonwealth's required on-line ethics test every two years;
- (2) Complete and file with the Town Clerk a Statement of Financial Interest if required by ordinance.
- (3) Complete and file with the Town Clerk a receipt of the Conflict of Interest Law summary provided by the Town Clerk at the time of appointment.
- (4) Not direct or assign duties to Town employees.
- (5) Not make written or oral representations for the body unless authorized by body vote or consensus.

### ***Section 2. Affordable Housing Trust***

- A. Establishment and Term of Office. There shall be an Affordable Housing Trust consisting of five member trustees. Pursuant to MGL c.44, section 55C, the Town Manager, as chief executive officer, or his designee, shall be an ex officio Trustee. The remaining Trustees shall be appointed by the Town Manager for staggered two year terms.
- B. Authorities and responsibilities. The Trust shall provide for the creation and preservation of affordable housing for the benefit of low and moderate income households. The Trust has the authority to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description, and to use such property in such a manner as the trustees shall deem most appropriate to carry out its purpose of creating and preserving affordable housing for the residents of the Town. The Affordable Housing Trust is and advisory, regulatory, and ministerial committee of the Town
- C. Interrelationships.
  - (1) Town Council: The Affordable Housing Trust interacts with the Town Council for the purpose of advising the Council on Affordable Housing Trust activities and affordable housing issues generally.
  - (2) Town Manager: The Town Manager is a trustee of the Affordable Housing Trust, and meets regularly with the trustees to conduct Trust business.
  - (3) Other Bodies: The Committee meets as necessary with any multiple member body of the Town, to effectuate accomplishment of its mission, particularly the Community Preservation Committee.

Reference: Bridgewater Affordable Housing Trust, Part III, Chapter 4, Article III of the Code.

### ***Section 3. Agricultural Commission***

- A. Establishment and Term of Office. There shall be an Agricultural Commission consisting of three members.
- B. Authorities and responsibilities. The Agricultural Commission shall develop a work plan to guide its activities which include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Bridgewater; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and negotiators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community. The Agricultural Commission is an advisory and ministerial committee of the Town.
- C. Interrelationships.

- (1) Town Council: The Agricultural Commission interacts with the Town Council for the purpose of advising the Council on agricultural issues.
- (2) Town Manager: The Agricultural Commission meets regularly with the Town Manager, and otherwise provides advice on agricultural issues. The Town Manager provides staff support, when requested, to advance the Commission's mission.
- (3) Other Bodies: The Committee meets as necessary with any multiple member body of the Town, to effectuate accomplishment of its mission.

***Section 4. Board of Assessors***

- A. Establishment and Term of office. There shall be a Board of Assessors consisting of three members.
- B. Authorities and responsibilities. The Board of Assessors annually makes a fair cash valuation of all of the property, both real and personal, subject to taxation within the Town. It annually determines the annual tax rate necessary to meet all sums voted by the Town. It hears and decides all questions relating to the abatement and exemption of taxes levied by it. They have all of the other powers, duties and responsibilities which are given to Boards of Assessors by general laws. Subject to yearly appropriation by the Town Council, members may receive a stipend to offset the personal expense associated with required education. The Board of Assessors is an advisory and regulatory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Board of Assessors interacts with the Town Council for the purpose of annually providing the Council with the necessary classification rate information for the holding of classification hearings, to include exemption recommendations, as well as to advise the Town Council on legislative and policy matters concerning valuation, classification, abatements, and otherwise. The Board of Assessors interacts with the Town Council to advise on the aforementioned issues, and for purposes of classification hearings.
  - (2) Town Manager: The Board of Assessors interacts with the Town Manager primarily through the Finance Department of the Administrative Branch, which performs the necessary administrative functions necessary to implement the Board's determinations. The Town Manager otherwise provides support as requested or required by law.

Reference: MGL c. 59

***Section 5. Cable Advisory Committee***

- A. Establishment and Term of office. There shall be a Cable Advisory Committee consisting of three members.
- B. Authorities and responsibilities.
  - (1) The Cable Advisory Committee advises the Town Manager on matters relating to the licensing and supervision of a contract for cable television services in the Town consistent with MGL Chapter 166A. Consistent with the cable television contract, the Town Manager may authorize the Committee to act as the Issuing Authority only for the purposes of receiving subscriber complaints.

- (2) The Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The Committee meets not less than once each quarter for the purpose of reviewing cable contract compliance, and advising on other licensing matters. The Cable Television Advisory Committee is an advisory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Cable Advisory Committee interacts with the Town Council for the purpose of advising the Town Council on matters relating to issues and legislation concerning cable television matters.
  - (2) Town Manager: The Cable Advisory Committee meets regularly with the Town Manager, and otherwise provides advice and recommendations to the Manager in the matter of licensing for the cable contract. The Manager provides staff support to the Committee, when requested, to effectuate efficient management of the cable license.

Reference: MGL c. 166A

#### *Section 6. Citizen Advisory Committee*

- A. Establishment and term of office. There shall be a Citizen Advisory Committee of five members appointed by the Town Manager for three year terms. The appointments will not require Council ratification.
- B. Authorities and Responsibilities.
  - (1) The Citizen Advisory Committee advises the Town Manager on the selection of appointees to Town multiple member bodies. The Citizen Advisory Committee is an advisory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: There is no significant interrelationship between the Council and the Citizen Advisory Committee.
  - (2) Town Manager: The Citizen Advisory Committee meets regularly with the Town Manager, and otherwise provides advice and recommendations to the Manager in the matter of multiple member body appointments.

Reference: Town Charter section 4-3(b)

#### *Section 7. Community Preservation Committee*

- A. Establishment and term of office. There shall be a Community Preservation Committee consisting of nine members. The Town Manager shall, based upon recommendation from the respective committees, appoint the following: one member of the Conservation Commission; one member of the Bridgewater Historic District Commission; one member of the Historical Commission; one member of the Planning Board; one member of the Affordable Housing Trust; one member of the Housing Authority; one member of the Open Space Committee; and one member of the Parks and Recreation Commission. These appointees will not require ratification from the Town Council. The Town Manager shall appoint one at-large member, whose appointment shall be ratified by the Town Council. Members will serve for three year staggered terms.
- B. Authorities and responsibilities.

- (1) Acquisition and preservation.
  - (a) The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is reacquired or created as provided in MGL c.44B. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Annually, the Committee, with the assistance of the Finance Director, shall make budget recommendations to the Town Manager for inclusion in the annual Town budget.
  - (b) The Community Preservation Committee may include in its recommendation to the Town Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund. The Committee may recommend to the Town Council that funds be borrowed and repaid with Community Preservation funds to accomplish Community Preservation objectives.
  - (c) In considering its recommendations, the Community Preservation Committee shall use as a guideline local and regional open space plans, housing plans, and the Master Plan. The Committee may develop its own guidelines concerning Community Preservation expenditures with the active participation of other Town multiple member bodies as well as public participation. The Community Preservation Committee is a ministerial committee of the Town.
- (2) Needs study. Annually, the Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing Town multiple member bodies, including the Conservation Commission, the Historical Commission, the Open Space Committee, the Planning Board, Parks and Recreation, and the Housing Authority, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and on the Town's web site two weeks prior to the scheduled public informational hearing.
- (3) Monitor. The Community Preservation Committee shall monitor progress of CPA funded projects.
- (4) Management. Real property interests acquired with community preservation funds shall be owned and managed by the Town unless otherwise specified by vote of the Town Council.

#### C. Interrelationships.

- (1) Town Council: The Committee shall meet at least annually with the Town Council to discuss issues pertaining to acquisition and preservation pursuant to the Community Preservation Act.

- (2) Town Manager: The Committee meets as necessary with the Town Manager and all municipal departments and other administrative staff to effectuate accomplishment of its mission.
- (3) Other Bodies: The Committee meets as necessary with any Board, Commission or Committee of the Town, particularly the Affordable Housing Trust and the Financial Committee, to effectuate accomplishment of its mission.

Reference: MGL c. 44B

***Section 8. Conant Trust Fund Committee***

- A. Term of office. There shall be a Conant Trusts Fund Committee consisting of five members. Members will serve five year staggered terms. Members should have a background in finance, health and human services, law, or experience in the administration of trusts and estates.
- B. Authorities and responsibilities:  
The Conant Trusts Fund Committee was formed for the purpose of administering funds held under an Indentures of Trust, dated June 4, 1925 as amended, between William H. Conant with Boston Safe Deposit and Trust Company, and a certain trust established under the will of William A. Conant dated December 31, 1937. The Committee has broad general powers to use the income and principal received by the trust at its discretion, and in keeping with the provisions of the trust. The Committee may receive gifts of property, both real and personal, in the name of the Town of Bridgewater, such gifts to be managed and controlled by the committee as outlined in the Indentures of Trust. The Conant Trusts Fund Committee is an advisory, regulatory, and ministerial committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Committee reports its activities to the Council through the Town Manager.
  - (2) Town Manager: The Trusts Fund Committee interacts with the Town Manager as needed. The Committee may make recommendations to the Town Manager regarding the establishment and maintenance of health programs and distribution of grants within the community.
  - (3) Other Bodies and Departments. The Conant Trust Funds Committee may interact with the Finance Department, public safety departments, Health Department, Emergency Management and the regional school district for the purpose of offering grants and scholarships.

Reference: Special Town Meeting Warrant, Article 27, November 13, 1979  
Indentures of Trust, dated June 4, 1925

***Section 9. Conservation Commission***

- A. Term of office. There shall be a Conservation Commission consisting of five members appointed for three year staggered terms.
- B. Authorities and responsibilities.
  - (1) The purpose of the Conservation Commission is to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources; through planning, acquisition, land

management, regulation, scientific research and public education. The Conservation Commission is an advisory and regulatory committee of the Town.

- (2) The Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the Town, subject to approval of the Town Manager. The Commission may receive monetary gifts for development of a Conservation Fund, and expend the same, subject to the General Laws and the approval of the Town Manager.
- (3) The Conservation Commission is responsible for the implementation of the provisions of MGL Chapter 131, § 40, The Wetlands Protection Act, in protecting floodplains, riverbanks, and other wetlands within the Town of Bridgewater.
- (4) The Commission may adopt policies and promulgate land management plans for properties of the Town reserved for conservation purposes.

C. Interrelationships.

- (1) Town Manager: The Conservation Commission interacts with the Town Manager in all matters relating to the receipt of gifts, bequests or devises of personal property or interests in real property in the name of the Town. Administrative support to the Commission is primarily through the Community Development Department of the Administrative Branch which coordinates the activities of other administrative departments to ensure effectiveness of the Commission's deliberations.
- (2) Town Council: The Conservation Commission interacts with the Town Council for the purposes of developing policies and legislation for the Town designed to protect, promote, and enhance the quantity and quality of the natural resources within the Town.
- (3) Other Bodies: The Conservation Commission interacts with the Planning Board, Zoning Board of Appeals, the Open Space Committee, the Community Preservation Committee, and the Historical Commission, to effectuate accomplishment of the Commission's mission.

REF: MGL c. 131, sec 40 and 310 CMR 10.

***Section 10. Cultural Council***

- A. Term of office. There shall be a Cultural Council, to consist of a minimum of five and not more than twenty-two members. Members shall not be appointed to more than two consecutive terms in accordance with MGL C. 10, § 58. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences. Local cultural councils shall annually elect a chairman, secretary and treasurer.
- B. Authorities and responsibilities. The Cultural Council decides the distribution of arts lottery funds or other funds that may be available to it and may also conduct other activities to promote and encourage the arts, humanities, or interpretive sciences. The Cultural Council operates pursuant to the provisions of MGL c. 10, § 58, as amended. The Cultural Council is an advisory and ministerial committee of the Town.
- C. Interrelationships.
  - (1) Town Manager: The Cultural Council interacts with the Town Manager for the purpose of receiving administrative support, financial assistance, and utilization of

property for the purpose of sponsoring art exhibits, displays and related administrative activities.

- (2) Town Council: The Cultural Council interacts with the Town Council through the Town Manager for the purpose of discussing policies and legislation designed to promote and encourage the arts with the Town.
- (3) Other Bodies and State Agencies: The Cultural Council interacts with the Massachusetts Cultural Council.

Reference MGL Chapter 10, Section 58

### ***Section 11. Disability Commission***

- A. Establishment and Term of Office. There shall be a Disabilities Commission consisting of five members.
- B. Authorities and Responsibilities. Such commission shall (1) research local problems of people with disabilities; (2) advise municipal officials and employees in complying with state and federal laws and regulations that affect people with disabilities; (3) plan programs in coordination with state programs designed to help people with disabilities; (4) review and make recommendations concerning policies, procedures, services, activities and facilities as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability. The Disability Commission is an advisory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Disability Commission interacts with the Town Council through the Town Manager in the development of policies and legislation of concern to the disabled community.
  - (2) Town Manager: The Disability Commission interacts with the Town Manager to communicate recommendations on Town procedures. The Commission interacts with the Community Development Department, for the purpose of providing professional assistance to the Commission.
  - (3) Other Bodies: As occasioned, the Disability Commission interacts with a broad spectrum of multi-member appointed and elected bodies including the Planning Board, Bridgewater Historic District Commission, the Housing Authority, and the Water and Sewer Board to carry out the Commission's responsibilities. The Commission also interacts with the state's Office on Disabilities.

### ***Section 11A. Diversity, Equity, Inclusion and Belonging (DEI&B) Committee***

A. Establishment and Term of Office. There shall be a Diversity, Equity, Inclusion, and Belonging (DEI&B) Committee consisting of at least five members and no more than nine members. The Town Manager, in appointing members shall consider the following criteria: Traditionally underrepresented residents, including race, religion, sexual orientation and identity; residents with specific training on foundational principles of Diversity, Equity, Inclusion, and Belonging; critical thinking skills; different occupational, educational, business and community experience should also be represented.

B. Authorities and Responsibilities. Such committee may (1) review all town policies and procedures to ensure a demonstrated commitment to the centering principles of diversity, equity, inclusion, and belonging; (2) advise municipal officials and employees in complying with state and federal laws and regulations that involve DEI&B issues; (3) lead community education campaigns to engage the community about local issues related to DEI&B; (4) facilitate collaboration between the residents and town officials to create a culture that welcomes and celebrates all identities. The Diversity, Equity, Inclusion, and Belonging Committee is an advisory committee of the Town.

C. Interrelationships.

(1) Town Council: The Diversity, Equity, Inclusion, and Belonging Committee interacts with the Town Council through the Town Manager in the development of policies and legislation.

(2) Town Manager: The Diversity, Equity, Inclusion, and Belonging Committee interacts with the Town Manager to communicate recommendations on Town procedures and policies. The Committee interacts with the Human Resources Department, for the purpose of providing professional assistance to the Committee.

(3) Other Bodies: As occasioned, the Diversity, Equity, Inclusion, and Belonging Committee interacts with a broad spectrum of multi-member appointed and elected bodies including the Elder Affairs Committee, Citizen Advisory Committee, Disabilities Commission, Library Trustees, Housing Authority, and Planning Board to carry out the Commission's responsibilities.

### ***Section 12. Elder Affairs Commission***

- A. Term of Office. There shall be an Elder Affairs Commission consisting of nine regular members and two associate members appointed for three year staggered terms. The associate members may serve on committees, but have no voting privileges if a regular member is absent.
- B. Authorities and responsibilities. The purpose of the Elder Affairs Commission is to advocate on behalf of older adults residing in the Town of Bridgewater. The Elder Affairs Commission is dedicated to ensuring that the older adult population lives and ages well in their community of choice. The Elder Affairs Commission helps identify goals and objectives and supports staff in implementing and promoting the Elder Affairs Commission's mission.  
The Elder Affairs Commission assists in the collection of facts and statistics affecting the health and welfare of older adults; encourages the development of programs for older adults; identifies the pertinent needs of the community's older adult population; educates and to enlist the support of the community on the needs of older adults; performs such other duties as may be prescribed by law, or as directed by the Town Manager.
- C. Interrelationships.

- (1) Director of Elder Affairs: The Elder Affairs Commission interacts primarily with the Director of Elder Affairs. The Elder Affairs Commission provides advisory information to the Director of Elder Affairs concerning program and services for older adults. The Director of Elder Affairs provides information to the Elder Affairs Commission about Department can community needs.
- (2) Town Manager: The Elder Affairs Commission interacts with the Town Manager and the administrative organization primarily through the Director of Elder Affairs. The Director of Elder Affairs regularly apprises the Town Manager of current activities and concerns of the Elder Affairs Commission and the elderly population. The Director of Elder Affairs works with the Town Manager to develop policies and legislation concerning the issues and needs facing the town's elderly. The Director of Elder Affairs regularly apprises the Town Manager about the status of the Senior Center as well as short and long term capital needs. The Director of Elder Affairs works with the Town Manager to develop policies and legislation concerning the Department and the Senior Center building.
- (3) Town Council: The Town Manager keeps the Town Council apprised of the needs and concerns of the older adult population. The Town Manager introduces policies or legislation to the Town Council for action when appropriate.

Reference: MGL c. 40, Section 8B

### *Section 13. Energy Committee*

- A. Term of office. There shall be an Energy Committee consisting of three members.
- B. Authorities and responsibilities. The Energy Committee is charged with advising town officials on energy conservation efforts throughout the Town's physical plant, including but not limited to all municipal and school buildings, street lights, vehicles, and equipment. The Committee may recommend methods to monitor and manage energy costs.  
The Committee shall:
  - (1) Advise concerning applications for grants from federal and state sources, including the Massachusetts Green Communities Program.
  - (2) Recommend changes to Town ordinances to promote energy conservation and renewable energy use.

The Energy Committee is an advisory committee to the Town.
- C. Interrelationships. The Energy Committee works in cooperation with other multiple member appointive bodies to carrying out its mission and responsibilities. The Committee will also seek the cooperation and assistance of relevant governmental agencies, nonprofit organizations, businesses and the general public.
  - (1) Town Council: The Committee shall meet at least annually with the Town Council to apprise the Committee of issues pertaining to energy conservation and renewable energy.
  - (2) Town Manager: The Committee meets, as necessary, with the Town Manager and all municipal departments and other administrative staff to effectuate accomplishment of its mission.
  - (3) Other Bodies: The Committee meets as necessary with any multiple member body of the Town, to effectuate accomplishment of its mission.

#### ***Section 14. Financial Committee***

- A. Term of office. There shall be a Financial Committee, consisting of nine members. Three members shall be appointed by each of the Town Manager, the Town Council, and the Town Clerk.
- B. Authorities and responsibilities.
  - (1) As defined in the Town Charter, the Financial Committee provides financial advice to the Town Manager and the Town Council on the yearly operating budget for all Town agencies, which includes the Regional School budget as adopted by the School Committee.
  - (2) The Financial Committee provides financial advice to the Town Council and to the Town Manager on matters of long-range financial planning.
  - (3) The Financial Committee is responsible for advising the Town Manager on the annual preparation of the Town's capital improvement plan. It prepares a report to the Town Council on said annual capital improvement program and participates in public hearings called for review of this program.
  - (4) After at least one public meeting, the Financial Committee shall report its recommendations to the Town Council on all finance related matters. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by Town Charter, or by ordinance. The Financial Committee is an advisory and ministerial committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Financial Committee interacts with the Town Council on all financial matters.
  - (2) Town Manager: The Financial Committee interacts with the Manager for the purpose of providing advice and exchanging information in matters of operational budgeting, capital budgeting, and long-term financial forecasting.

#### ***Section 15. Board of Health***

- A. Term of office. There shall be a Board of Health consisting of three regular members, one of whom shall be a physician or health care professional.
- B. Authorities and responsibilities. The Board of Health seeks to preserve and maintain the Town's public health standards and protect its environmental resources by educational means and by strict enforcement of various regulations, ordinances, State Health Codes, General Laws, in particular MGL Chapter 111, and federal law. The Board carries out duties and responsibilities assigned by either state or local legislation, as these primarily concern public health standards and protection of environmental resources. As permitted by law, the Board establishes policies and programs for implementation by the Health Department. The Board of Health is an advisory and regulatory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Board of Health interacts with the Town Council concerning issues related to the public health of the Town and to discuss policies and legislation in regard to public health.
  - (2) Town Manager: The Board of Health interacts with the Town Manager for the purpose of ensuring that administrative staff in the Health Department carries out

the implementation of the Board's rules, regulations, and decisions. The Manager meets periodically with the Board so as to ensure that administrative staff support is effective.

- (3) Other Bodies: As necessary, the Board interacts with other multiple member bodies within the Town on issues of concern to the public health, including the Planning Board, Conservation Commission, the Bridgewater Housing Authority, the Economic Development Committee, and the Water and Sewer Board.

Reference: MGL c. 111

### *Section 16. Historic District Commission*

- A. Term of office. There shall be a Bridgewater Historic District Committee consisting of five members. At least one of the members shall be an architect, a builder with at least five years of demonstrated historic renovation experience, or a professional educator or attorney specializing in historic preservation, who need not be a resident of the district, although preference may be given to those living or working within the District. At least one member shall be a resident of or property owner in the District. Members shall be appointed for three-year terms.
- B. Authorities and responsibilities.
  - (1) The Historic District Committee seeks to promote the educational, cultural, economic, aesthetic and literary significance through the preservation and protection of buildings, settings and places within the boundaries of the district and through the development and maintenance of appropriate settings and the exterior appearance of such buildings and places, so as to preserve and maintain the district as a contemporary landmark compatible with the historic, cultural, literary and aesthetic tradition of Bridgewater, as it existed in the early days of the Town. The Committee is an advisory and regulatory committee of the Town.
  - (2) The Committee determines the appropriateness of exterior architectural features of buildings and structures to be erected within the district; passes upon the demolition or removal of any building or structure or any part thereof; determines the appropriateness of the erection or display of occupational, commercial or other -signs and billboards within the district wherever a certificate of appropriateness is required. The Committee promulgates rules and regulations governing the issuance of certificates of appropriateness which shall be approved by the Town Council.
- C. Interrelationships.
  - (1) Town Council: The Historic District Committee interacts with the Town Council to ensure Town policy and legislation enhances the preservation of the district.
  - (2) Town Manager: The Historic District Committee interacts with the Town Manager primarily to receive administrative and financial assistance in pursuit of the Committee's activities. The Committee receives such assistance through the Community and Economic Development Department of the Administrative Branch. The Committee further receives enforcement assistance through the Building Office of the Community Development Department, and other Town agencies as appropriate.
  - (3) Other Bodies: The Historic District Committee interacts with the Zoning Board of Appeals, Planning Board, Conservation Commission, the Board of Health, the

Community Preservation Committee, and the Historical Commission as needed to effectuate accomplishment of the Board's responsibilities.

Reference: MGL c. 40C

*Section 17. Historical Commission*

- A. Term of office. There shall be a Historical Commission consisting of five regular members and two alternate members. The alternate members may serve on committees, and shall be voting members in the absence of a regular member.
- B. Authorities and responsibilities.
  - (1) The purpose of the Historical Commission is to preserve, protect, and develop the historical and archaeological assets of the Town. The Commission may conduct research for places of historic and archaeological value, and shall cooperate with the State Archaeologist in conducting such research. It seeks to coordinate the activities of unofficial bodies organized for similar purposes and may, subject to appropriation and approval by the Town Manager, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.
  - (2) The Historical Commission, for the purpose of protecting and preserving such places may make such recommendations as it deems necessary to the Town Council, and, subject to the approval of the Town Council, to the Massachusetts Historical Commission, that any such place be certified as an historical or archaeological landmark.
  - (3) The Historical Commission may hold hearings, may recommend to the Town Manager execution of contracts with individuals, organizations and institutions or services furthering the objectives of its program, may recommend to the Town Manager execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may, with the approval of the Town Council, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs. The Commission may recommend to the Town Manager acquisition of property by gift, purchase, grant, bequest, devise, lease or otherwise a fee or lesser interest in real or personal property of significant historical value and, upon approval by the Town Manager, may be directed to manage the same, may make and execute any agreement and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section.
  - (4) The Historical Commission surveys and compiles a listing of all historical sites and buildings within the Town, public and private; determines the functions and structures of all historical organizations within the Town; and holds correlative seminars with historical organizations. It further determines the requirements for repair, reconstruction, and protection of historical landmarks and assists and cooperates with public commissions in the conduct of public historical events.
  - (5) The Historical Commission is an advisory and ministerial committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Historical Commission interacts with the Town Council to advise the Council on policies and legislation concerning the preservation, protection and development of historical or archaeological assets in the Town.

- (2) Town Manager: The Historical Commission interacts with the Manager primarily for the purposes outlined to effectuate publication of its activities and/or acquisition of interests in historical properties within the Town. The Commission receives such assistance through the Library Department of the Administrative Branch.
- (3) Other Bodies: The Historical Commission shall, with respect to matters or actions affecting the historical or archaeological assets of the Town, coordinate with state boards and agencies, including, but not limited to, the Massachusetts Historical Commission, the State Archaeologist and interact with Town multiple member bodies existing now or in the future, as necessary to better coordinate the activities of these bodies in instances where properties of either a historical or archaeological value are under consideration by these bodies.

Reference: MGL Chapter 40, section 8D

### *Section 18. Housing Authority*

- A. Term of Office. There shall be a Housing Authority composed of five members, four of whom shall be appointed by the Town Manager and one member who shall be appointed by the Secretary of the Department of Housing and Community Development of the Commonwealth. One member shall be a resident of the Housing Authority's property, and one member may be the Director of Elder Affairs. Member shall serve for five year terms.
- B. Powers and duties. The Housing Authority provides public housing services to low and moderate income residents of the Town. The Authority operates pursuant to MGL c. 121B. The Authority secures state and federal resources for housing assistance and operates programs in conjunction with state and federal requirements. The Housing Authority is an advisory and regulatory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Authority interacts with the Town Council in the development and planning of affordable housing efforts. The Housing Authority meets with the Council in a manner convenient to the Council and the Authority, for the purpose of discussing those matters within the purview of the Housing Authority.
  - (2) Town Manager: The Housing Authority interacts with the Town Manager to further effectuate the mission and purpose of the Housing Authority.
  - (3) Other Bodies: The Housing Authority, when acting as a developer for affordable housing, interrelates with all local multiple member bodies that have jurisdiction in the Chapter 40B, comprehensive permitting process. In normal property management activities, the Authority interacts regularly with the Health Department, the Public Works Department, the Town Clerk, the Planning Board, the Finance Department, the Elder Affairs Commission, and the Community Preservation Committee.

Reference: MGL c. 121B

### *Section 19. Housing Partnership Committee - removed 03.04.2025*

### *Section 20. Master Plan Committee – removed 03.04.2025*

### *Section 21. Open Space Committee*

- A. Term of Office. There shall be an Open Space Committee consisting of five members appointed for three year terms.

- B. Authorities and responsibilities. The Open Space Committee advises and otherwise assists the Town Manager on the preservation of open space, and updating the Open Space Plan. The Committee evaluates opportunities for the acquisition and protection of open space parcels against a number of criteria, including whether the Town's acquisition of the parcel would (i) help preserve Bridgewater's character, (ii) protect Bridgewater's water resources, (iii) abut or conjoin existing conservation lands, (iv) provide public access for walking, biking or other passive recreation, (v) preserve or enhance distinctive streetscapes, views or vistas, or (vi) preserve important wildlife and/or vegetation habitat. To this end, the Committee works with Town residents, local officials, state and federal agencies, and private nonprofit land conservation organizations to further these open space objectives. The Committee advises the Town Manager on the development and content of the Open Space Plan. The Open Space Committee is an advisory committee in the Town.
- C. Interrelationships.
- (1) Town Council: The Open Space Committee interacts with the Town Council to establish policies and propose legislation concerning open space preservation and acquisition within the Town.
  - (2) Town Manager: The Open Space Committee interacts with the Town Manager through the Town's Community and Economic Development Director to ensure that the open space components of the Open Space and Recreation Plan are up-to-date, and to coordinate the preservation of targeted open space through deed restriction, gift and purchase options.
  - (3) Other Bodies: The Open Space Committee interacts with the Conservation Commission, the Parks and Recreation Commission, Water & Sewer Commission, Community Preservation Committee, Historical Commission and other multiple member bodies as necessary.

## *Section 22. Parks and Recreation Commission*

- A. Term of office. There shall be a Parks and Recreation Commission consisting of five members appointed for three year terms.
- B. Authorities and responsibilities. The Parks and Recreation Commission advises and otherwise assists the Town Manager in the establishment of rules and regulations concerning the use and maintenance of all athletic fields, playgrounds, parks, recreational areas, and golf course. The Commission further advises and otherwise assists the Town Manager in establishing rules and regulations for development, servicing, and delivery of recreational activities, both active and passive, in the Town. The Commission oversees the Olde Scotland Links Golf Course and develops policy recommendations concerning the golf operation. The Commission may create a Golf Advisory Committee of no more than five members who shall be appointed by the Town Manager upon recommendation of the Commission. The Golf Advisory Committee shall provide advice to the Parks and Recreation Commission on the development of golf course policies. The Parks and Recreation Commission develops and recommends rules and procedures for the operation of the Town fisheries. The Commission oversees the Fisheries Committee which shall be made up of no more than three members, subject to the approval of the Town Manager. The Fisheries Committee shall provide advice to the Parks and Recreation Commission on the development of fisheries policies and regional fisheries issues, and may act in coordination with similar committees in neighboring towns. The Commission advises the

Town Manager on the development and content of the Town's Recreation Plans. The Parks and Recreation Commission is an advisory committee of the Town.

C. Interrelationships.

- (1) Town Council: The Parks and Recreation Commission interacts with the Town Council to establish policies and propose legislation concerning recreational programming within the Town.
- (2) Town Manager: The Parks and Recreation Commission interacts with the Town Manager through the Superintendent of Parks and Recreation to ensure that rules and regulations concerning playgrounds, the municipal golf course, athletic fields, and parks, and the development and delivery of recreational activities are effective.
- (3) Other Bodies: The Parks and Recreation Commission interact with the Conservation Commission, the Open Space Committee, Golf Committee, Water & Sewer Commission, Regional School Districts, Community Preservation Committee, Historical Commission and other multiple member bodies as necessary.

**Section 23. Planning Board**

A. Term of office. There shall be a Planning Board consisting of five members and two alternate members. The Town Manager shall appoint Planning Board members for terms of five (5) years such that one member's term shall expire each year.

B. Authorities and responsibilities. The Planning Board makes recommendations to the Town Council with regard to any changes in the Zoning Ordinance of the Town. The Board is responsible for the regulation of subdivisions within the Town pursuant to MGL Chapter 41, §§ 81A through 81GG. It renders advice concerning land use planning to the Town Council. The Planning Board is responsible for the review and updates to the Town's Master Plan, and may appoint either a sub-committee of the Board or an independent committee to provide expertise and recommendations concerning the Master Plan and its components. The Planning Board is an advisory, regulatory, and ministerial, committee of the Town.

C. Interrelationships.

- (1) Town Council: The Planning Board interacts with the Town Council concerning items related to zoning, subdivisions, and land use planning.
- (2) Town Manager: The Planning Board interacts with the Town Manager by receiving administrative support, primarily through the Community Development Department of the Administrative Branch and the Town Attorney's office.
- (3) Other Bodies: The Planning Board interacts with the Zoning Board of Appeals, Conservation Commission, Bridgewater Historic District Committee, Historical Commission, Housing Authority, and Water and Sewer Board to effectuate accomplishment of the Board's responsibilities.

Reference: MGL c. 41

**Section 24. Board of Registrars of Voters**

A. Term of office. There shall be a Board of Registrars of Voters consisting of the Town Clerk and three other persons. Members of the Board shall be appointed so that they represent the two leading political parties, and in no case shall an appointment be made as to cause the Board to have more than two members, including the Town Clerk, of the

same political party. Every such appointment shall be made from a list to be submitted by the Town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the Town, selected by a majority vote at a duly called meeting of such committee. Members shall be appointed in February of each year for a term of three years such that one member is appointed each year.

- B. Authorities and responsibilities. The Board of Registrars hold voter registration sessions, certify the signatures on nomination papers and petitions, hold hearings and decide disputes over signatures on nomination papers, prepare an annual list of persons, and all other duties as cited in MGL Chapter 51. The Board of Registrars is a regulatory and ministerial committee of the Town.
- C. Interrelationships.
  - (1) Town Council: Interaction with the Town Council is minimal; the Board of Registrars concerns itself primarily with elective matters. The Town Council's Rules and Procedures Committee meets with the Board at its convenience to ensure the Town's conformity with statutory matters concerning elective issues.
  - (2) Town Manager: Interaction with the Manager is primarily in the form of providing staff assistance through the employment of poll workers, ballot counters, supervision and facilities for the conduct of electoral matters.

Reference: MGL c. 51

#### ***Section 25. Senior Associates Volunteer Committee (SAVE)***

- A. Term of office. There shall be a Senior Associates Volunteer Experience Committee (SAVE) consisting of five members. Members shall include the Principal Assessor, the Collector-Treasurer, the Elder Affairs Director, and two residents who shall be appointed for three year terms. Resident members shall be ineligible to participate in the program.
- B. Authorities and responsibilities. The Committee shall review applications to the SAVE program and select participants to be recommended to the Town Manager for the SAVE program. It shall contract with qualified senior citizens to provide the Town the benefit of their knowledge and experience in return for a tax credit, thereby enhance municipal service and increasing senior citizen participation in municipal government. The SAVE Committee is advisory to the Town.
- C. Interrelationships.
  - (1) Town Council: The SAVE Committee interacts with the Town Council through the Town Manager.
  - (2) Town Manager: The SAVE Committee interacts with the Town Manager through the Principal Assessor to ensure that rules and regulations concerning the SAVE program are in accordance with State Law and Town ordinances.
  - (3) Other Bodies and Town Departments: The SAVE Committee interacts with other departments to determine specific areas of need within town departments and to place volunteers in these positions.

Reference: MGL c. 59, Section 5

### *Section 26. Transportation Committee*

- A. Term of office. There shall be a Transportation Committee consisting of five members, including the Department of Public Works Director, the Police Chief or his designee, the Fire Chief or his designee, the Director of Community Planning and Economic Development, and one resident of the Town who shall serve for a three year term.
- B. Authorities and responsibilities. The Transportation Committee shall make recommendations to the Town Manager on all traffic, pedestrian, and related safety improvements, as well as transportation issues relating to the Brockton Area Transit Authority, the MBTA, taxis, and private buses licensed to use public ways in Bridgewater. The Transportation Committee is an advisory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Transportation Committee interacts with the Town Council for the purpose of advising the Town Council on matters related to road layout and road acceptance policies within the Town, the licensing of roads for use by common carrier, and all legislation pertaining to transportation issues.
  - (2) Town Manager: The Transportation Committee interacts with the Town Manager for the purpose of qualifying roads being considered by the Town Manager for layout and acceptance, recommending roadway and sidewalk changes, reviewing and recommending changes to parking regulations, and advising on all transportation issues. It receives administrative support from the Department of Public Works, Community and Economic Development Department and other staff as necessary to accomplish its purposes.
  - (3) Other Bodies: The Transportation Committee interacts with the Planning Board, and other multiple member bodies as necessary to accomplish its purposes.

### *Section 26A. Tree Committee*

A. Establishment and Term of Office. There shall be a Tree Committee consisting of seven members: five voting members and two non-voting members. The Town Manager shall, based upon recommendation from the respective committees, appoint the following voting members: one member of the Planning Board; one member of the Open Space Committee; and one member of the Bridgewater Improvement Association. The Town Manager shall appoint two voting members-at-large, at least one of which shall be a certified arborist, landscape architect, or an individual with comparable experience and training. The seat held by the certified arborist, landscape architect, or an individual with comparable experience and training may be filled by a non-resident if no qualified resident is available and willing to fill the seat. The Bridgewater Tree Warden and the Bridgewater Roadways Superintendent, or his designee, shall serve as non-voting members.

B. Authorities and Responsibilities. The Committee shall advise town officials, multiple member appointive bodies, and the general public to promote activities that encourage the planting, care, and management of all existing and new public trees. The Committee shall advise town officials and the Town Council, as the appropriating authority, on the use of monies collected through any tree cutting mitigation funds the Town may receive.

C. Interrelationships.

- (1) Town Manager: The Tree Committee interacts with the Town Manager to communicate recommendations on Town procedures and policies.
- (2) Town Council: The Committee reports its activities to the Council through the Town Manager.
- (3) Other Bodies: As necessary, the Committee interacts with other multiple member bodies within the Town on issues of mutual concern, including the Agricultural Commission, Community Preservation Committee, Energy Committee, Conservation Commission, Parks and Recreation Commission, Planning Board, Transportation Committee, and Zoning Board of Appeals.

**Section 27. *Water and Sewer Board***

- A. Term of office. There shall be a Water and Sewer Board consisting of three members who have engineering or public health experience. The members shall serve for staggered three year terms.
- B. Authorities and responsibilities. The Water and Sewer Board is responsible for recommending improvements to the municipal water pollution control facilities and water treatment and distribution facilities in the Town, and serves as an advisory board to the Public Works Director for establishment of rules and regulations governing the operation of all Town water pollution control facilities and water treatment and distribution facilities. The Water and Sewer Board recommends user rates to the Town Manager subject to Town Council ratification. The Water and Sewer Board is an advisory committee of the Town.
- C. Interrelationships.
  - (1) Town Council: The Water and Sewer Board interacts with the Town Council concerning policies and legislation governing operation of water pollution control and collection facilities and the water treatment and distribution facilities.
  - (2) Town Manager: The Water and Sewer Board interacts with the Town Manager concerning implementation of the rules and regulations referenced, as well as ensuring that adequate administrative personnel are available to ensure the effective operation of such facilities.
  - (3) Other Bodies: The Water and Sewer Board interacts with other multiple member appointive bodies as necessary to accomplish its purposes.

**Section 28. *Veterans' Council***

- A. Term of office. There shall be a Veteran's Council consisting of no less than five, and no greater than fifteen members who shall serve for three year staggered terms.
- B. Authorities and responsibilities. The purpose of the Veterans Council is to advocate for meeting the needs of the veterans residing in the Town of Bridgewater and to provide support for the Director of Veteran's Services. The Veteran's Council promotes the recognition and observance of all patriotic holidays to include, but not limited to: Memorial Day, Flag Day, the Fourth of July, and Veterans' Day. The Veteran's Council fosters an understanding and appreciation within the Town of the achievements, contributions, and sacrifices Veterans have made to Bridgewater, the Commonwealth of

Massachusetts and the nation. The Veterans Council is an advisory committee to the Town.

C. Interrelationships.

- (1) Director of Veterans Services: The Veterans Council interacts primarily with the Director of Veterans Services. The Veterans Council provides advisory information to the Director of Veterans Services concerning program and supportive service delivery as well as financial management issues. The Director of Veterans Services serves as a liaison between Bridgewater Veterans Council and all other multiple member bodies.
- (2) Town Manager: The Veterans Council interacts with the Town Manager primarily through the Director of Veteran's Services. The Director of Veteran's Services regularly apprises the Town Manager of current activities and concerns of the Bridgewater Veterans. The Director of Veterans Services works with the Town Manager to develop policies and legislation concerning the issues and needs facing the town's Veterans.
- (3) Town Council: The Town Manager keeps the Town Council apprised of the activities of the Veterans Council. The Town Manager introduces policies or legislation to the Town Council for action.

Reference: MGL c. 115

***Section 29. Zoning Board of Appeals***

- A. Term of office. There shall be a Zoning Board of Appeals consisting of three members and two associate members. Members and associate members shall serve for three year terms.
- B. Authorities and responsibilities. The Zoning Board of Appeals hears and decides individual cases brought by persons seeking land use relief; all as provided for in MGL c. 40A, §§ 7 through 17, and the Zoning Ordinance of the Town. The Board decides on comprehensive permits pursuant to the provisions of MGL c. 40B, §§ 20 through 23. The Zoning Board of Appeals is an advisory, regulatory, and ministerial committee of the Town.
- C. Interrelationships
  - (4) Town Council: The Zoning Board of Appeals interacts with the Town Council through the Town Manager in the development of policies and legislation concerning comprehensive zoning and other land use issues within the Town.
  - (5) Town Manager: The Zoning Board of Appeals interacts with the Town Manager and the administrative organization primarily through the Community Development Department, the latter which serves to interact with all other administrative agencies within the Town for the purpose of providing professional assistance to the Board in the areas of land use planning, site plan review, zoning, engineering and the law.
  - (6) Other Bodies: As occasioned, the Zoning Board of Appeals interacts with the Planning Board, Conservation Commission, Historic Commission, Bridgewater Historic District Commission, the Housing Authority, and Water and Sewer Board to effectuate accomplishment of the Board's responsibilities.

Reference: MGL c. 40A and 40B

## Chapter 2. Operational Entities

### Article I. Municipal Organization

#### Section 1. Offices and Standards

- A. General. The municipal departments of the Town under the jurisdiction of the Town Manager are described in this Administrative Code Chapter 2, Article I. The description of municipal departments delineates the mission and functions of each said agency, their authorities and responsibilities and the interrelationships amongst and between the departments, the multiple-member bodies, and the elective organization.
- B. Executive, Administrative and Operational Branches.  
The municipal operational organization of the Town consists of the Executive Branch and two service branches, Administrative and Operational.
- (1) The Executive encompasses the office of the Town Manager, Legal Department, Informational Technology, Human Resources, and Hearing Officer.
  - (2) The Administrative Branch encompasses: Community and Economic Development Department, Finance Department, and the Town Clerk.
    - i. Community and Economic Development consists of the following functions: Planning, Economic Development, Building, Conservation, Health, Housing, and Zoning Enforcement.
    - ii. Financial Services consists of the following functions: Accounting, Assessing, Procurement, Revenue Collections and Treasury.
  - (3) The Operational Branch encompasses: Department of Public Works, Parks and Recreation Department, Elder Affairs Department, Veterans' Department, Library Department, Police Department, and Fire Department.
    - i. The Department of Public Works consists of the following functions: Roadways, Solid Waste, Structures and Grounds, Water Pollution Control, and Water Supply.
    - ii. The Parks and Recreation Department consists of the following functions: Cemeteries, Golf, Parks, and Recreation.
    - iii. Elder Affairs consists of the following functions: Council on Aging.
    - iv. Veterans' Department consists of the following functions: Veterans' Services.
    - v. Library Department consists of the following functions: Library Services and Town Records Cataloguing.
    - vi. The Police Department consists of the following functions: Policing, Animal Control, and Parking.
    - vii. The Fire Department consists of following functions: Fire Services, Emergency Medical Services, and Emergency Management.
- C. Coordination of administrative and operational activities.
- (1) The Town Manager and managers of principal organizational components as determined by the Town Manager coordinate administrative and operational activities by meeting at least monthly to discuss departmental activities and create and maintain efficiencies on the delivery of municipal services. These managers shall develop action programs, evaluate program progress and completion, review management, financial, personnel, and legal issues. Significant attention shall be made towards coordination of work programs for quarterly periods, so as to ensure minimal work disruption and efficient service delivery.

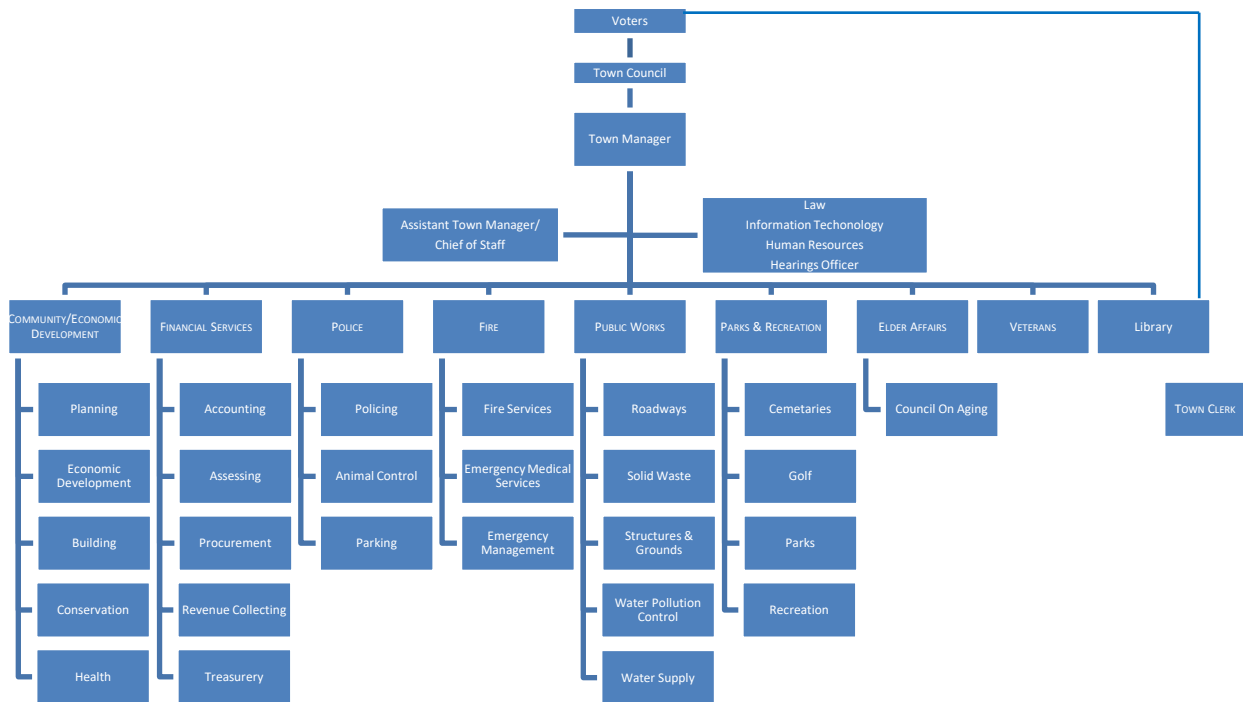
- (2) Department managers and the assistant Town Manager shall be accountable to the Town Manager for the achievement of department and branch activities. The Town Manager or Assistant Town Manager shall meet at least biweekly with the department manager for the purposes outlined. The department manager shall have the authority to commit departmental staff to work programs, shall conduct the departmental work group meetings, and conduct yearly staff evaluations.
  - (3) The delivery of services to the public and intra-town departments requires coordination and cooperation amongst the various departments and programs within the Town. At the administrative and operational branch level, managers shall seek to identify those areas of concern where it is believed that the various departments and divisions can assist each other in accomplishment of their mission.
- D. Multiple-member body coordination.
- (1) Generally, departments provide administrative support to multiple-member bodies as outlined in this Article. It is an administrative obligation for the departmental liaison to a multiple member body to regularly and accurately represent to the Town Manager or Assistant Town Manager the multiple-member body activities, policies and decisions, so as to ensure efficient implementation of the body's activities.
  - (2) It is further an administrative obligation to assist multiple member bodies in pursuit of their missions and responsibilities. Administrative personnel shall ensure that bodies receive objective, timely, professional and accurate information upon request, to better assist multiple member bodies with their activities.
  - (3) The Town Manager shall seek to ensure proper staff support to multiple-member bodies. The Town Manager shall discuss with the chair of any body, the level and quality of administrative support provided, upon the multiple member body chairman's request. Body chairs are encouraged to communicate with the Town Manager as necessary in this and other matters.
- E. Elective organization coordination.
- (1) The municipal organization provides professional support to elective organizations of the Town primarily through the Town Manager.
  - (2) Coordination of reporting to the Town Council occurs through the Town Manager. All departments under the jurisdiction of the Town Manager shall ensure that the Town Council receives objective, timely, professional and accurate information upon request, to better assist the Town Council in its legislative and policy decision making process.
  - (3) To ensure that the coordination of reporting to the Town Council is effective, the Town Manager shall assume responsibility for the information transmittal. The procedure for transmittal of informational reports from a department to the Town Council is to route through the Town Manager. Requests for reports or other services from the Town Council to a department must be routed through the Town Manager. Information not transmitted by this process shall lessen the accountability of the Town Manager in that regard. In the case of the Board of Library Trustees, the Library Director shall assume responsibility for information transmittal.
  - (4) Nothing in this section, however, shall be construed so as to deny to members of the Town Council direct access to information that is readily available and

provided by departments to citizens in the pursuit of their civic responsibilities or private business, nor shall staff members be discouraged from providing said information through formal or informal discourse.

- F. Monthly reporting. In order to ensure that accurate and timely information concerning the administrative operations of the various Town agencies is transmitted effectively, departments and divisions are required to submit to the Town Manager, monthly reports which detail in summary form, the various activities of their department for the preceding monthly period. Reports will focus upon program and service delivery, financial expenditures, achievement of performance standards, personnel actions, and related information.
- G. Annual reports. All departments of the Town of Bridgewater shall prepare annual reports of their activities and submit same to the Town Manager for inclusion in the Annual Report of the Town, on or before the fourth Friday in January. The annual report shall describe calendar-year activities for the year ending each December 31. Where required by state and/or federal regulations, certain agencies shall be required to submit copies of their annual reports to appropriate state and/or federal agencies.

**Section 2. Organization of Administration**

The administration of the Town affairs shall be organized as set forth below.



**Section 3. Town Manager**

- A. Mission. As defined in the Town Charter, the administration of all Town fiscal, business, and municipal affairs shall be vested in the Executive Branch headed by the Town Manager. The Town Manager is the chief executive officer of the Town and is

responsible to the Town Council for the proper operation of Town affairs for which the Town Manager is given responsibility under the Bridgewater Town Charter, the Administrative Code, ordinance, general laws, or vote of Town Council.

B. Authorities and responsibilities.

- (1) As described in the Town Charter, the Town Manager appoints all department heads, officers, constables, and employees, except persons serving directly under the Town Council. Certain appointments made by the Town Manager are subject to the ratification of the Town Council, as set forth in the Town Charter and other chapters of the Code of the Town of Bridgewater. The Town Manager consults with multiple-member bodies as appropriate, and as determined in the Bridgewater Town Charter, concerning the appointments of certain department managers. The Town Manager may appoint an Assistant Town Manager or a Chief of Staff to assist in the administration of the Town Manager's duties.
- (2) The powers, duties and responsibilities of the Town Manager are defined in the Charter, and shall include, but are not intended to be limited to, the following:
  - (a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the Town Manager and their respective departments and of all functions for which the Town Manager is given responsibility under this charter, by ordinance or by vote of the Town Council. With the vote of the Town Council, the Town Manager may serve as the head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them;
  - (b) to administer either directly or through a person supervised by the Town Manager, in accordance with this charter, all provisions of any general or special law applicable to the town, all ordinances and all regulations established by the town council;
  - (c) to coordinate all activities of town departments or multiple member bodies;
  - (d) to provide consultative services to elected bodies;
  - (e) to attend all regular and special meetings of the town council, unless excused, and answer all questions addressed to the Town Manager which are related to matters under the general supervision of the Town Manager;
  - (f) to have the right to take part in discussions of the town council, but not vote;
  - (g) to keep the town council fully informed as to the needs of the town, and to recommend to the town council for adoption, such measures requiring action by them as the Town Manager deems necessary or expedient;
  - (h) to make recommendations to the town council concerning the affairs of the town and facilitate the work of the town council in developing policy;
  - (i) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the town council and finance committee as may be required;
  - (j) to be responsible for the rental, use, maintenance and repair of all town facilities;
  - (k) to be responsible for the purchase of all supplies, materials and equipment and approve the award of all contracts;
  - (l) to develop and maintain a full and complete inventory of all town-owned real and personal property;

- (m) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;
- (n) to fix the compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and applicable compensation plan;
- (o) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The Town Manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council;
- (p) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in the Town Charter;
- (q) to ensure that the town council president is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- (r) to keep the town council fully informed as to the financial condition of the town and to make recommendations to the town council as the Town Manager determines necessary or expedient, including recommendations based upon the annual Town audit;
- (s) to assist the town council to develop long-term goals for the town and strategies to implement these goals;
- (t) to investigate or inquire into the affairs of any town department, agency or office;
- (u) to delegate, authorize or direct a subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town Manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the Town Manager;
- (v) to perform such other duties as necessary or as may be assigned by this charter, by ordinance or by vote of the Town Council;
- (w) to provide staff support services for the town council president and town council members;
- (x) to serve as the town's liaison to any local, regional, state, or federal entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- (y) to promote partnerships among town council, staff, citizens and businesses in developing public policy and building a sense of community; and
- (z) to hold regular informational sessions with departments and community-based organizations.

C. Interrelationships. The Town Manager interacts with the Town Council on all matters noted above and, as the chief executive officer of the Town, interacts as necessary with all other multiple member bodies and officers of the Town. Descriptions specific to interaction appear in either the elective, multiple-member appointive or administrative organization parts of the Administrative Code.

D. Department heads.

- (1) The term “department head” as used in this section shall mean the following positions:
  - (a) Building and Zoning Official
  - (b) Chief Assessor
  - (c) Collector
  - (d) Community and Economic Development Director
  - (e) Conservation Agent
  - (f) Elder Affairs Director
  - (g) Finance Director
  - (h) Fire Chief.
  - (i) Hearings Officer
  - (j) Health Agent
  - (k) Human Resources Director
  - (l) Information Technology Director
  - (m) Library Director
  - (n) Parks and Recreation Director.
  - (o) Police Chief.
  - (p) Public Works Director
  - (q) Roadways Superintendent
  - (r) Town Accountant
  - (s) Town Attorney
  - (t) Treasurer
  - (u) Water Pollution Control and Water Supply Director
  - (v) Veterans’ Director
- (2) Appointments of department heads made by the Town Manager shall become effective upon ratification by the Council after submission of such appointments in accordance with rules made by the Council from time to time governing the approval of such appointments. The appointments of all other officers and employees shall be deemed, for the purposes of Section 4-3 of the Charter, to have been approved when made by the Manager.

***Section 4. Legal Office***

The Legal Department represents the Town in all legal matters and provides advice on the effective governance of the Town. The Legal Department is part of the Executive branch.

- A. Mission. The objective of the Office of the Town Attorney is to provide and/or supervise the provision of all legal services necessary to the proper conduct of the affairs of the Town.
- B. Authorities and responsibilities. The responsibilities of the Town Attorney are varied, and include the following:
  - (1) Attend all Town Council meetings and, at the request of the President thereof, advise the Council on questions of law relating to the subject matter of any matter before the Council and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the Council.
  - (2) Under the direction of the Town Manager, provide advice or opinion to all elective or appointive Town officers, multiple-member bodies, or departments as to any

function of their respective offices or on any specific question of law in relation thereto.

- (3) Appear and act as Attorney for the Town, or for any Town officer in his official capacity, in any suit, action, complaint or court proceedings in which the Town, or such Town officer in his official capacity, is a party plaintiff or a party defendant, subject to the Town Manager's advice and consent.
- (4) Appear and act for the Town, its officers, and multiple member bodies before state and county boards and officials, executive departments and committees of the legislature, in all proceedings involving the rights, duties or interests of the Town, subject to the Town Manager's request.
- (5) Appear for and defend any Town officer against whom in person any suit or proceedings in court has been brought, founded on his official action performed in good faith relative to a matter in which the Town in its corporate capacity has a duty to perform, a right to defend, or an interest to protect, provided that the Town Manager, at the request of such officer, directs the Town Attorney in writing so to do.
- (6) Give his advice and consent to the Town Manager with respect to the question of whether or not to compromise and settle claims or suits against the Town.
- (7) Title examination for all real estate and other property to be acquired by the Town, approval of deeds and other instruments in writing under which the Town takes title to the same.
- (8) Draft all deeds, leases, conveyances and releases to be executed in behalf of the Town and all contracts, bonds, obligations or other agreements in writing whereby the Town assumes any pecuniary, contractual or other liability, to be executed by any Town official, multiple member body, or department by virtue of any special or general authorization.
- (9) Draft formal orders, notices, votes, adjudications or decrees for the layout, relocation, alteration or discontinuance of Town ways and for the taking of lands or interests in lands, on behalf of the Town, by purchase or eminent domain, for any municipal purpose.

C. Interrelationships.

- (1) Town Council. The Town Attorney interacts with the Town Council by attending all Town Council meetings and advising the Council on questions of law relating to the subject matter before the Council and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the Council.
- (2) Town Manager. The Town Attorney shall interact with the Manager to satisfy the responsibilities set forth, and shall serve to advise the Manager on matters of law and specific functions of the organization.
- (3) Other departments. Interaction shall be consistent with the responsibilities set forth herein.

*Section 5. Human Resources*

Human Resources is responsible for the proper administration of the Town's Human Resources Policy and adherence to all state and federal employment laws. Human Resources is part of the Executive branch.

- A. Mission. Human Resources is committed to providing information and services that effectively and economically support the execution and integration of personnel management policies and decisions; to supporting a municipal work environment which optimizes organizational effectiveness; and to maintaining operating standards consistent with recognized human resources management and executive policy.
- B. Authorities and responsibilities. Human Resources performs the following duties and responsibilities:
  - (1) Ensure fair treatment of applicants and employees in all aspects of human resources.
  - (2) Assist, advise, and train management personnel in matters of job selection and termination, classification, disciplinary action and management training.
  - (3) Assist the Town Manager in the collective bargaining process and the grievance procedures.
  - (4) Maintain an automated human resources management system.
  - (5) Implement and maintain affirmative action employment program for Town, reporting results regularly to the state.
  - (6) Manage the worker's compensation and unemployment insurance programs.
  - (7) Maintain the job classification system, establishing position descriptions, rates of pay, hours of work.
  - (8) Manage the Town's job selection and recruitment process, approving postings, interviewing candidates, recommending candidate selection to the department or Assistant Town Manager, and Town Manager.
  - (9) Manage employee assistance programs.
- C. Interrelationships.
  - (1) Town Manager. Human Resources is the primary entity responsible for management of the Town's human resources. As such, all human resources policies, directives, rules and regulations promulgated by the Town Manager shall be implemented and enforced by Human Resources for all municipal components.
  - (2) Other departments. In any matter concerning management of the Town's human resources, Human Resources will be required to interact with municipal departments for the purpose of observing and enforcing the Town's human resources management system.
  - (3) Multiple-member bodies. Human Resources interacts with all multiple member bodies as needed or required by the Bridgewater Town Charter or the Administrative Code.

***Section 6. Informational Technologies.***

Information Technologies implements and manages the Town's electronic and digital infrastructure, including all networks, computers, phone systems, web sites and electronic mail communications. Information Technologies is a part of the Executive branch.

- A. Mission. The objective of Information Technology is to coordinate the Town's electronic presence, including web sites and social media, and to provide assistance and professional services to all Town departments, including the Town Council, utilizing systems for which they are responsible. Significant attention is given to coordination, integration, standardization and centralization of the Town's information resources.
- B. Authorities and responsibilities. Information Technology is responsible for several major functional areas: systems development and planning, systems modification and

enhancement, operations, central services and management and administration of the hardware and software for the geographic information system (GIS), computer hardware acquisition and maintenance support, software acquisition, development and enhancement, management of the Town's Web site, computer supplies management, binding, printing, plotting and scanning services, desktop publishing, developing and conducting in-house computer training, and most significantly, processing of all municipal software programs on the host computer system or through web-based or cloud technology, and central depository for all electronic information and associated systems which are maintained and/or utilized by the Town.

C. Interrelationships.

- (1) Town Manager. Regular interaction through the Town Manager's office, for the purpose of ensuring adherence to information systems procedures and practices by all municipal departments, development and maintenance of information systems planning, and procurement, and compliance by all departments to the information systems policies and procedures for management of information systems.
- (2) Other departments. Ongoing interaction with all departments to ensure accomplishment of the Department's goals and objectives is commonplace. Special projects, development of software and/or hardware enhancements as needed and as are consistent with management policy on same. Regular and recurring interaction with all users of information systems technology by technical support staff and programming and development staff is commonplace, so as to ensure the effective and efficient integration of information systems within the Town.
- (3) Multiple member bodies. Almost no interaction with multiple member bodies with the exception of the Town Council and its committees.

*Section 7. Hearings Officer*

The Hearings Officer conducts hearings required by state law or Town Charter. The Hearings Officer is part of the Executive branch.

- A. Mission. The mission of the Hearing Officer is to provide judicious, expert, fair, impartial and prompt determinations consistent with applicable provisions of statutory, case and regulatory law upon questions and causes specifically placed under the Hearing Officer's jurisdiction by the state law, the Town Charter, this Code, and the Town Manager, including parking ticket appeals, ordinance infractions, and dog hearing.
- B. Authorities and responsibilities. The Hearings Officer hears evidence and issues written decisions with respect to a wide range of issues. The Hearing Officer hears complaints under Chapter 140, section 157 concerning dangerous or vicious dogs, parking ticket appeals, and any other appeals that require a municipal hearings officer. The Hearings Officer shall transmit a written decision to the appropriate multiple member body or department head.
- C. Interrelationships.
  - (1) Town Manager. The Hearings Officer interacts directly with the Town Manager's office on administrative, budgetary and broad, general policy issues. The Hearings Officer shall be independent of the Town Manager with respect to decisions in specific cases.

- (2) Other departments. The Hearings Officer interacts with the Police Department regarding Animal Control issues and Parking Tickets, and other departments depending upon the subject matter before her. The Hearings Officer shall make recommendations through the Town Manager to the Town Council with respect to legislation beneficial to the administration of matters with the Hearing Officer's jurisdiction.
- (3) Other interactions. The Hearing Officer interacts with appropriate community agencies, groups and private enterprise as well as state agencies to seek effective achievement of goals and objectives.

***Section 8. Community and Economic Development Department***

The Community and Economic Development Department consists of six sub departments: Planning, Community Development, Economic Development, Building, Conservation, and Health.

- A. Mission. The mission of the Community Development Department is to provide leadership and expertise in designating and protecting land use, promoting the economic vitality of the community through the licensing and permitting process, creating and supporting community and affordable housing efforts, and safeguarding the health of Town residents through the administration of the various building and land use regulations. In addition, the department aims to enhance and enrich the quality of life for the Town's residents through the support and coordination of the development of a comprehensive master plan through the Planning Board.
- B. Authorities and responsibilities. The Community and Economic Development Department provides administrative and technical support to the Historic District Commission, Planning Board, the Zoning Board of Appeals, the Housing Partnership Committee, the Open Space Committee, the Board of Health and the Conservation Commission. The Department generally oversees regulatory review and permitting, community and economic development and planning, traffic and pedestrian management planning.
- C. Community and Economic Development Director, Building and Zoning Official, Health Agent, and Conservation Agent appointment. The Town Manager appoints a Community and Economic Development Director, Building and Zoning Official, Health Agent, and Conservation Agent. To the extent allowed by Massachusetts law, the same person may serve in more than one role.
- D. Authorities and Responsibilities
  - (1) Community and Economic Development Director: The Community and Economic Development Director is responsible for providing administrative direction and control of the Community and Economic Development Department, which consists of the Planning, Community Development, Economic Development, Building, Conservation, and Health departments.
  - (2) Building and Zoning Official: The Building and Zoning Official conducts inspections, issues such permits and is responsible for enforcing such regulations and ordinances as may be required by the Town or under the state Building, Wiring, Plumbing and Gas Codes. The Building and Zoning Official is responsible for enforcing all the provisions of the zoning ordinance, and further enforces all the provisions of the Bridgewater Historic District rules and other overlay or special districts. The Official operates pursuant to MGL c. 143, 142,

CMR 248, 521, and 780; and NFPA 54 and 58; the Town Zoning Ordinance and Town General Ordinances. The Official maintains recordkeeping, assists the public, and takes enforcement actions.

- (3) Health Agent: The Health Agent is responsible for enforcing the state sanitary code (105 CMR 410), locally adopted regulations pursuant to MGL c. 111 (Part IV of the Code), and the Town General Ordinances. The Agent maintains recordkeeping, assists the public, and takes enforcement actions.
- (4) Conservation Agent: The Conservation Agent administers and implements the state Wetland Protection Act (MGL c. 131, § 40) and the Town Wetland Protection Ordinance (Part III, Chapter 320, Article I), which includes review of permit applications and issuance of permits subsequent to Conservation Commission decisions. The Agent maintains recordkeeping, assists the public, and takes enforcement actions.

E. Organizational components:

- (1) Planning function. The Department performs long-term professional planning for the Town, including the drafting of amendments to the zoning and general ordinances, the coordination of intergovernmental activities relating to planning issues, performing grant administration, and the undertaking of the revisions to the Town's local comprehensive plan. In carrying out these duties it:
  - a. Provides the Town with relevant data concerning its physical, social, economic and environmental future;
  - b. Advises and assists all Town departments and agencies in the administration of their respective municipal functions and responsibilities as they relate to Town planning;
  - c. Initiates and conducts studies of the resources and needs of the Town and its relationship with other towns and its environs;
  - d. Prepares plans and recommendations with regard to land use, population patterns and projections, siting of public works projects, economic development, and related matters;
  - e. In conjunction with the other departments, analyzes proposals for housing, transportation, employment, public utility developments, recreation, parking and traffic circulation and related matters to assist the Town Manager and other Town agencies in the making of any recommendations, or rendering of any approvals, which they may be required to make concerning such matters;
  - f. Distributes reports or plans in connection with planning and development issues, problems, policies and strategies;
  - g. Coordinates with the Regional Planning Agency and other planning agencies of neighboring communities and other agencies and groups;
  - h. Represents the Town to the Regional Planning Agency;
  - i. Drafts, maintains, and updates the Comprehensive Master Plan of the Town, including data and analyses, maps, surveys, and plans affecting the components of the Plan; goals, objectives, policies and strategies that implement the Plan; and coordination of functions and activities consistent with the Plan;
  - j. Provides a wide array of data and analysis as part of the planning process. This database is coordinated with other Town departments to ensure that

projects, functions and activities are consistent with the goals, policies, and strategies of the Master Plan, and;

k. Reviews state MEPA filings.

- (2) Economic Development function. The Economic Development function develops the Town's economic development plan and provides professional staff support to implement the Town's plan. Specific activities include promoting Bridgewater's revitalization, collaboration with the Bridgewater Business Association, the South Shore and Cranberry Country Chambers of Commerce, planning and study initiatives for the downtown area and the Town's industrial and commercially zoned areas. The function develops strategies to retain and attract businesses pursuant to the economic development plan using a variety of tools including tax increment financing, district increment financing, zoning amendment proposals, and outreach.
- (3) Housing function. The Housing function develops strategies and programs to promote, support, and increase the Town's housing stock in conformance with the Town's Master Plan. The function develops the Town's comprehensive housing policy in conformance with MGL c.40B. Through its personnel, it develops and updates the Town's affordable housing inventory and submits it to the state's Department of Housing and Community Development.
- (4) Licensing and Permitting function. The Licensing and Permitting function processes a wide variety of annual business and alcohol license, and permit applications in preparation for Council vote. The function interacts with new business owners and existing businesses interested in relocating to the Town of Bridgewater in order to arrange for appropriate licensure as well as to be the main point of contact for all Community and Economic Development Department related issues.
- (5) Building function. Building Services conducts inspections, issues such permits and enforces such regulations and ordinances as may be required by the Town or under the state Building, Wiring, Plumbing and Gas Codes. Through its personnel, it enforces all the provisions of the zoning ordinance, and further enforces all the provisions of the Bridgewater Historic District rules and other overlay or special districts. It operates pursuant to MGL c. 143, 142, CMR 248, 521, and 780; and NFPA 54 and 58; the Town Zoning Ordinance and Town General Ordinances. The Building function provides administrative support to the Zoning Board of Appeals.
- (6) Health function. Health seeks to preserve and maintain the Town's public health standards and protect its environmental resources by educational means and by enforcement of various health regulations, ordinances, state codes and general and federal laws through the efficient and effective efforts of the department. The Health function provides administrative support to the Board of Health. It has further responsibilities in respect to the following:
  - communicable diseases; groundwater protection for benefit of drinking water supply; protection of wetlands, surface waters, and shellfish resources from contamination; immunization and vaccination of residents; investigation of all health-related complaints; action and reporting concerning premature-born infants; enforcement of fuel and chemical storage systems regulations; inspect establishments possessing hazardous

and/or toxic waste; inspect all food establishments, swimming pools, seasonal rental units, motels, campgrounds, saunas, well installation, well destruction, septic system installations, horse stables; observe test holes and percolation tests; process death certificates; issue all licenses and permits in relation to food establishments, bed-and-breakfast, retail food, continental breakfast, frozen dessert, food unit, milk pasteurization, motel, camp, sauna, vapor baths, swimming pools, burial, stable, disposal works construction, disposal works installer, well construction, funeral director, masseuse, garbage hauler, septage hauler.

- (7) Conservation function. Conservation seeks to protect wetland and watershed resources through its review and permitting of building projects, and to set management direction for municipal properties held for conservation purposes. Conservation serves the Conservation Commission through the implementation of three primary objectives: regulatory, land management and land acquisition. In respect to regulatory matters, it administers and implements the State Wetland Protection Act (MGL c. 131, § 40) and the Town Wetland Protection Ordinance (Part III, Chapter 320, Article I of the Code), which includes review of permit applications and issuance of permits subsequent to Conservation Commission decisions, recordkeeping, public assistance and enforcement. In respect to land management, the Conservation Commission develops land management plans for conservation lands within the Town consistent with the Master Plan, Land Management Plan, Open Space Plan, and policies established by the Commission. In respect to land acquisition, Conservation evaluates land proposed for donation for conservation purposes, evaluates potential fee simple acquisitions consistent with the Open Space Plan, evaluates tax title and owners unknown parcels for potential conservation purposes, and implements Town policy dealing with conservation restrictions. The Conservation function provides administrative support to the Conservation Commission and the Open Space Committee.

F. Interrelationships.

- (1) Town Manager. Community and Economic Development Director interacts directly with the Town Manager, who provides direction and supervision. Interaction primarily for program development and approval, budget, expenditures, and to further provide the Town Manager information concerning community, planning, economic development, building, health and conservation issues and problems.
- (2) Other departments. In addition to the interdisciplinary approach and interrelationships which exist between departments, interrelationships commonly exist with Public Works and Legal Departments. Interaction is continuous and frequent with all departments of the Town, as well as federal, state, or regional agencies in order for the department to seek effective accomplishment of its responsibilities.
- (3) Multiple-member bodies. Interaction with and support for the Planning Board, Zoning Board of Appeals, Historical Commission, Historic District Committee, Affordable Housing Trust, Community Preservation Committee, Disabilities Commission, Open Space Committee, Board of Health, Transportation Committee, and Conservation Commission. Interaction with Planning Board

primarily to provide administrative, clerical, and technical support relative to promulgation of rules and regulations or ordinances, as well as master plans. Interaction with the Zoning Board of Appeals primarily to provide administrative, clerical, and technical support for decision making, special permit and variance request reviews. Interaction with the Historical Commission primarily to provide administrative, clerical, and technical support. Interaction with the Historic District Committee and the Affordable Housing Trust to provide administrative, clerical, and technical support, and for promulgation of rules and regulations and determinations of suitability. Interaction with the Transportation Committee, Open Space Committee, and the Community Preservation Committee primarily to provide administrative, clerical and technical support. Interaction with Conservation Commission for provision of administrative, clerical, and technical support. Interaction with the Board of Health for provision of administrative, clerical, and technical support. Interaction with Parks and Recreation Commission for the purpose of implementation of land management plans for conservation properties.

- (4) Outside agencies. Significant interrelationships exist between the Regional Planning Agency concerning regional policy planning, developments of regional impact, areas of critical planning concern, and other regional issues. Extensive interaction occurs with numerous state agencies and departments concerning land use and regulatory issues.

### ***Section 9. Finance Department***

The Finance Department consists of four sub-departments: Accounting, Tax Collection, Treasurer, and Assessor. The Department is under the management of the Finance Director. The Finance Department is part of the Administrative Branch.

- A. Mission. The Department's mission is to provide financial and internal support to all municipal departments, providing the general public with departmental information, providing the Town Council and Town Manager oversight review, improving accessibility to local government and its services, and assuring adherence to municipal procurement laws and policies.
- B. Authorities and Responsibilities. The Department operates pursuant to various state, federal and municipal laws: MGL c. 30, c. 30B, c. 39M, c. 149, c. 39, c. 40, c. 41, c. 43C, c. 44, c. 44B, c. 59.
- C. Finance Department Director, Accountant, Collector/Treasurer, and Director of Assessing appointment. The Town Manager appoints a Town Accountant, Collector, Treasurer, and Director of Assessing, one of which may serve as the Finance Director. To the extent allowed by Massachusetts law, the same person may serve in more than one role. The Town Manager may appoint a separate Finance Director pursuant to MGL c. 43C, § 11. The Town Accountant operates pursuant to MGL c. 41, § 55, for the purpose of maintaining financial records, supervising and controlling all expenditures of Town funds, and all related work as required by law. The Town Collector-Treasurer is responsible for receipt of, and disbursement of, all monies of the Town. The Town Collector-Treasurer has all of the other powers and duties which are given to Town Collector-Treasurers by MGL c. 41, §§ 35 through 43A.
- D. Authorities and Responsibilities.

- (1) Finance Director: The Finance Director is responsible for providing administrative direction and control of the Finance Department, which consists of the Accounting, Assessing, Treasurer and Tax Collecting. The Director of Finance participates as a member of the Town's negotiating team for the purposes of collective bargaining, is responsible for the annual and capital budget preparation, and oversees the adherence to procurement laws.
- (2) Town Accountant: The Town Accountant is responsible for maintenance of all Town contracts and insurance policies, trust funds, and monthly financial reporting of revenues and expenditures. The Town Accountant examines the books and accounts of all Town officers, officers and committees entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from its treasury. The Town Accountant verifies the cash balance of each of such officers and committees by actual count of the cash and inserts in his annual report his certificate under oath of the facts so found. Additionally, he causes audits to be made annually of the accounts of the trustees of any property, the principal or income of which, in whole or in part, was bequeathed or given in trust for public uses for the benefit of the Town, or for the benefit of the inhabitants of the Town, and examines and estimates the funds, securities and evidences of property held by such trustees.  
The Town Manager and other officers authorized to spend money shall approve and transmit to the Town Accountant as often as practicable but not less than once a month all bills, drafts, orders and payrolls chargeable to the respective appropriations of which they have the expenditure. The Town Accountant shall examine all such bills, drafts, orders and payrolls, and, if found correct, draws a warrant upon the treasury for the payment of the same, and the Treasurer pays no money from the treasury except upon such warrant approved by the Town Manager. The Town Accountant may disallow and refuse to approve for payment any claim as fraudulent, unlawful or excessive, and in such case shall file with the Town Treasurer a written statement of the reasons for such refusal.  
The Town Accountant reviews compliance with Massachusetts procurement laws and Town policies concerning the procurement of goods and services.  
The Town Accountant maintains a complete set of books and the accounts are kept, so far as practicable, in conformity with the classifications and forms prescribed law.  
The Town Accountant participates actively in the development and review of all municipal budgets.
- (3) Collector-Treasurer. The Collector-Treasurer receives and takes charge of all money and securities belonging to the Town. In accordance with the orders of the Town or its authorized officers, the Treasury pays out and accounts for all disbursements in behalf of the Town. The Collector-Treasurer is responsible for annually rendering a true account of all receipts and disbursements.  
The Collector-Treasurer establishes and maintains an efficient cash management system, which includes monthly, quarterly projections of cash flow and disbursements. The Collector-Treasurer maintains professional investment policies and practices, and, with the approval of the Town Manager, is authorized to borrow monies for those projects authorized for funding by the Town Council. He is responsible for maintenance and operation of the Town's payroll system as well as the

benefits management system, both coordinated with the Human Resources Department. The Collector-Treasurer pursues, with the assistance of the Town Attorney, all tax title processing. The Collector-Treasurer coordinates cash reconciliation with the Town Accountant.

The Collector-Treasurer collects all taxes, accounts and other sums payable to the town not otherwise specifically provided for, together with interest, costs and charges thereon.

- (4) Principal Assessor. The Principal Assessor is responsible for administering Massachusetts Property Tax Laws effectively and equitably and for producing accurate and fair assessments of all property, both real estate and business personal property for approval by the Board of Assessors. The office also administers all real estate tax exemptions and abatements and excise tax abatements. The Principal Assessor is also responsible for submitting annually a Tax Rate Recapitulation Sheet to DOR's Bureau of Accounts, and is responsible for providing estimated "new growth" calculations as part of the yearly budget process. The Tax Recapitulation is submitted to the Department of Revenue as evidence that the Town has a balanced budget within the limits of Proposition 2 1/2.

E. Organizational components.

- (1) Accounting function. This component includes oversight for all financial transactions of the Town including Enterprise Fund operations Charitable Fund disbursements. This component maintains a comprehensive general ledger chart of accounts tracking all financial activity of the Town and provides expertise in the areas of accounts payable; sound accounting principles and techniques for all departments; and various internal and external financial reporting including the annual independent financial audit process and preparation of the Town's Comprehensive Annual Financial Report. The function interacts with all departments and many outside organizations. It provides departments with monthly budget reports, encumbrance status reports and processes all invoices for the Town. It conducts routine financial reconciliations with other Town functions, such as the Collections and Treasury. This function is responsible for providing all documentation for the annual audit process, assisting in the preparation of setting the tax rate, providing information for certification of free cash and surplus funds, preparing various state and federal financial reports, training on the Town financial management system for all departments and other financial information as the need arises.
- (2) Budget function. This component includes assistance in the annual development of the capital and operating budgets for the Town and the capital budget for the Town's schools according to the Regional School Agreement. This function monitors the budget and produces annual financial reports there upon. This function also prepares an annual cost of service analysis, a five-year forecast in accordance with Article VI of the Town Charter, performs cost/benefit analysis, conducts training on the Town's financial management system for all departments and other special projects as the need arises.
- (3) Treasury function. The functions of the Treasury include investment policies, cash management, debt management and collection of real estate liens. All activities are conducted with the objective of safeguarding principal, maintaining liquidity to meet the Town's operating needs while optimizing the yield to the fullest extent possible

and minimizing risk. This function is also responsible for producing the Town payroll, wage reporting, paying over authorized deductions to appropriate vendors, and making timely payroll tax deposits. The Treasury also oversees the issuance and disbursement of all vendor checks and the issuance and servicing of the Town's bonds.

- (4) Collector function. The function of the Collector includes the collection of all accounts due and payable to the Town. Town officials and Town agencies, from time to time, shall commit to the Collector for collection all accounts due and payable to the Town, listed against the parties obligated to assume and pay the same. The Collector shall pay over to the Treasurer all collections received with any sums received in interest. (Dutton / Rivers)
- (5) Procurement function. The procurement function offers expertise to all Town departments in the procurement of goods and services to the departments of the Town to allow for the efficient expenditure of Town funds in accordance with MGL c. 30B, c. 30 § 39M, and c. 149. The Chief Procurement Officer (CPO) provides direction in the process of acquiring goods and services, suggestions for alternative products, using state contracts to avoid the duplicative bid process, assistance with surplus property disposal, and assistance in managing the interaction of vendors with the Town. The procurement program also manages the Town insurance policies and provides assistance with the Town's risk management activities in conjunction with other Town divisions.
- (6) Assessing function. Assessing appraises each account or parcel of taxable property within the Town at its market value, so as to ensure an equitable distribution of the total tax burden within the Town. As the organizational component responsible for providing administrative support to the Board of Assessors, Assessing is responsible for appraisal of all property, both real and personal. It is responsible for carrying out its responsibilities under the Massachusetts General Laws, in particular Chapter 40, § 56, as it concerns the percentages of local tax levy for property; Chapter 41, §§ 24, 25, 25A, 26, 27, 28, 29, 30, 30A and 30B, as they concern the relating powers and duties of the Board, the appointment of Assistant Assessors, and the oath of office; Chapter 58 relating to the general provisions of taxation; Chapter 59, relating to the assessment of local taxation; Chapter 60A, relating to excise tax on registered motor vehicles; Chapter 60B, relating to excise tax on boats, ships and vessels; Chapter 61, relating to classification and taxation of forest land and forest products; Chapter 61A, relating to assessment and taxation of agricultural and horticultural land; Chapter 61B, relating to classification and taxation of recreational land; and Chapter 80, relating to the assessment of betterments.

F. Interrelationships.

- (1) Town Manager. The Finance Director is responsible for management of the Town's financial resources. As such, all matters of a financial nature within the Town shall receive Finance Director and Town Manager approval. The Finance Director advises the Town Manager on all matters financial, so as to ensure the proper and efficient financial management of the Town. The Town Accountant, prior to approval from the Finance Director and the Town Manager, approves all warrants and other expenditures of Town funds and advises the Town Manager on the Town's financial policies. The Collector-Treasurer interacts with the Town Manager for the purposes herein stated, and further to ensure that the monies of the Town are

properly managed through sound investment and disbursement practices. The Collector-Treasurer actively works with the Town Accountant and Town Manager in cash flow projections and long-term planning of expenditures and borrowing.

- (2) Other departments. All organizational components, officers, multiple member bodies authorized to collect revenues, or expend same, interact with Finance for the purposes stated herein. As indicated, interrelationships shall occur throughout the Town, where matters of payroll, benefits management or other treasury or budgetary planning activities take place. As an integral part of the Administrative Branch, financial planning matters within the Finance Department are primary.
- (3) Multiple-member bodies. Finance Department interacts with the Board of Assessors, the Financial Committee, and the Town Council through its Budget and Finance Committee and other Boards and Commissions as requested.

### *Section 10. Public Works Department*

The Department of Public Works consists of five sub-departments: Roadways, Solid Waste, Structures and Grounds, Water Pollution Control, and Water Supply. The Department is under the management control of the Director of Public Works. The Department of Public Works is part of the Operational branch.

- A. Mission. The Department's mission is to protect, preserve and improve the Town's infrastructure and related assets in a manner which meets and enhances the current and future social and economic needs of the community, contribute to a healthy, safe and quality environment for the Town's citizens and its visitors, to provide water service to the Town of Bridgewater, and a cost-effective and environmentally sound means of disposing of solid waste and wastewater.
- B. Authorities and Responsibilities. The Department operates pursuant to various state, federal and municipal laws including but not limited to: MGL c. 21, §§ 26 through 53, c. 83, and CMR 314 pertaining to sewage treatment and disposal, and storm water runoff; 310 CMR, Section 19, governing solid waste disposal; c. 85 and 90 governing highway and bridge traffic control, financing and repair; c. 114 concerning management and financing of cemeteries; c. 7, c. 149, § 44, c. 30B which regulates procurements; c. 131, § 40 and 310 CMR, Section 10, governing wetlands protection.
- C. DPW Director, Roadway Superintendent, Solid Waste Director, Structures and Grounds Superintendant, Water Pollution Control Director, and Water Supply Director appointment. The Town Manager appoints a Roadway Superintendent, Solid Waste Director, Structures and Grounds Superintendant, Water Pollution Control Director, and Water Supply Director one of which may serve as the DPW Director. To the extent allowed by Massachusetts law, the same person may serve in more than one role. The Town Manager may appoint a separate DPW Director.
- D. Authorities and Responsibilities.
  - (1) DPW Director: The Director provides centralized administration and management to the six sub-departments and other Town departments. The Director formulates policy; provides procedural guidance; oversees operations procedures, procurement, department personnel, capital planning, and budgetary management; establishes and maintains community relations; and maintains continuous communication with the Town Manager.

- (2) Roadway Sub-Department: Protect, maintain and improve the Town's roadway system, parking facilities, sidewalks, and town-owned storm water drainage facilities in a manner which promotes maximum infrastructure life span, oversee storm water testing and management, improves traffic flow and enhances both pedestrian and vehicle safety; plant, maintain, and, where necessary, remove Town shade trees; develop a tree planting and replacement program; provide snow removal services, and to provide a level of routine and emergency repairs to Town vehicles and equipment.
- (3) Solid Waste Sub-Department: manages residential solid waste and certain hazardous waste collection programs; manages the recycling, solid waste, and hazardous waste collection center; promotes recycling programs; markets recyclable materials; coordinates with the SEMASS waste-to-energy plant (or other vendor) for transfer and disposal of solid waste; and coordinates a leaf and brush disposal program for residents.
- (4) Structures and Grounds Sub-Department: protects and maintains the Town's municipal buildings and community facilities and resources; manage construction, renovation, and maintenance of facilities with a high priority on energy-efficiency and conservation; and provides support to the Parks and Recreation Department for the grounds keeping of cemeteries and parks.
- (5) Water Pollution Control Sub-Department: manages the wastewater collection and disposal system, including operation and maintenance of a wastewater treatment plant and septage processing facility, wastewater pumping stations, and gravity and force sewage collection mains; operation of an industrial pretreatment program and a laboratory for the testing of septage and sewage, and the effluent; maintenance of an accounts receivable and billing system for sewer use.

### ***Section 10-D-(5) Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.***

#### **§ 5-1 Purpose**

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

#### **§5-2 Applicability.**

This Chapter shall apply to all property located in the Town which is, or shall in the future be, serviced by an on-site wastewater treatment system (OWTS) pursuant to Title 5 or connected to a private or public wastewater treatment system. The present and future wastewater flows

to any such OWTS or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Bridgewater Comprehensive Wastewater Management Plan (CWMP) May 2020.

### **§5-3 Mandatory Sewer Connection; Elimination of Septic Systems in Sewer Service Areas**

- A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Bridgewater Town Council.
- B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Health Department regulations.

### **§ 5-4 Determination of Wastewater Flow.**

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public wastewater treatment systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Bridgewater, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Bridgewater. Any structure, legally in existence as of May 2020, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of May 2020, are presumed to be accurate.

The flow allocations for present and future sewer service areas for treatment at the Morris Avenue Wastewater Treatment Plant are as listed in *Appendix S-Wastewater Flow Summary* in Bridgewater's Comprehensive Wastewater Management Plan date May 2020.

(1) Existing Permitted Flow: 1.000 MGD, which is the sum of:

- Areas sewered prior to the Town's 2020 Comprehensive Wastewater Management Plan: 0.851 MGD unspecified flow, and
- 0.150 MGD from Bridgewater State University

(2) Existing Sewer future flow from Infill 0.091MGD

(3) Future Flow from Needs Areas 0.074 MGD

(4) Future Flow from Development/Re-development 0.281 MGD

These flow allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice

of project change to a comprehensive wastewater management plan, and (3) approval from MA Department of Environmental Protection.

### **§ 5-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.**

#### **A. Single-family residences.**

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.1. and 2. above shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

#### **B. Multifamily residences.**

1. Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

#### **C. Nonresidential development.**

1. Existing development.
  - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
  - (b) Modifications or changes of use that increase flow more than that

allowed by right in Subsection C.1.(a) require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

2. New development.

- (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
- (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

**§ 5-6 Variances.**

A. The Health Department (for on-site disposal systems) or Sewer Department (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.

- 1. Sufficient capacity exists in the treatment facility, as determined by the Health Agent or Water Pollution Control Department, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.
- 2. With respect to an on-site Title 5 disposal system, should the Health Department determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on the parcel.

B. The Health Department may, at its sole and absolute discretion, issue a variance that, in its judgement, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 5-6A.2 above.

### **§ 5-7 Rebuilding a Structure Due to Casualty Loss.**

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

### **§ 5-8 Transferability of Flow Capacity.**

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Health Department or Water Pollution Control Department regulation.

### **§ 5-9 Severability.**

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

### **§ 5-10 Violations and Penalties; Enforcement.**

- A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

- (6) Water Supply Sub-Department: provides commercial and residential properties in the Town of Bridgewater with a safe, efficient and effective means of obtaining drinking water; operates and maintains water treatment facility, pump stations, and distribution system; maintains accounts receivable and billing system for water use.
- E. Interrelationships.

- (1) Town Manager. In respect to the vast majority of activities, significant interaction is necessary.
- (2) Other departments. As the Department services most departments, interaction is recurring, dependent upon the specific activity to be undertaken. The Department provides support to the Parks and Recreation Department and its volunteers.
- (3) Multiple-member bodies. The Department provides technical and administrative support to the Water and Sewer Board and the Transportation Committee.

### *Section 11. Elder Affairs Department*

The Elder Affairs Department provides an array of social service and leisure time activities to the citizens of Bridgewater, primarily elders, but that appeal to a wide range of ages and interests. The Department works closely with the Town's other social service departments to provide seamless services to the Town's citizens. The Elder Affairs Department is part of the Operational branch.

- A. Mission. The mission of the Elder Affairs Department is to provide the residents of Bridgewater a myriad of social, educational, cultural and recreational opportunities embracing diversity and accessibility for all. Elder Affairs assesses the needs of those citizens age 60 and over living in Town. It designs and creates programs to meet those needs, advocates and educates the community on those issues affecting the elderly, and enlists the support and the funding for the programs from federal, state, Town, and other public and private organizations.
- B. General Authorities and Responsibilities. The Department operates pursuant to various state, federal and municipal laws dealing with Councils on Aging, specifically including but not limited to: MGL c. 40, §8B. Elder Affairs provides a wide and diverse array of programs designed to meet the needs of elders that includes, but is not limited to, the following: outreach, medical education and assistance, social day care, social, recreational and educational programming, counseling, information and referral, newsletters, financial, nutrition, and transportation. Services are developed and provided through staff, volunteers and cooperative efforts with community groups and agencies. It also serves as a resource to other departments and community groups concerning issues having an impact on elders, as well as regularly assessing needs and developing financial resources.
- C. Elder Affairs Director appointment. The Town Manager appoints the Elder Affairs Director.
- D. Authorities and Responsibilities:
  - (1) Elder Affairs Director. The Director provides centralized administration and management to the Elder Affairs Department. The Director formulates policy; provides procedural guidance; oversees operations procedures, procurement, department personnel, capital planning, and budgetary management; establishes and maintains community relations; and maintains continuous communication with the Town Manager.
- E. Interrelationships.
  - (1) Town Manager. Elder Affairs interacts with the Manager primarily for program approval, budget expenditures, and the development and approval of rules and procedures.
  - (2) Other departments. Elder Affairs interacts with the Public Works Department relative to facilities maintenance and improvement. It interacts with the Health Department for cooperation in providing appropriate health services. Ongoing interaction with all

- other departments and organizational components to ensure accomplishment of its goals and objectives is commonplace.
- (3) Multiple-member bodies. Elder Affairs provides administrative support to the Elder Affairs Commission and receives advisory information regarding program service delivery.
- (4) Other interactions. Elder Affairs interacts with appropriate community agencies and groups as well as state agencies to seek effective accomplishment of the departmental programming.

## *Section 12. Library Department*

The Library Department ensures that members of the Bridgewater community have the right and means to free and open access to information and ideas. The Library Department protects intellectual freedom, promotes literacy and encourages life-long learning.

- A. Mission. The Bridgewater Public Library is committed to providing the community with free and impartial access to sources of knowledge, information and entertainment. These include reference services; books and other printed materials, media, databases, as well as a diverse spectrum of programs, exhibits, and activities that serve the need for lifelong learning, cultural enrichment and intellectual stimulation. The library provides access to and assistance in using emerging technologies that serve as a gateway to information resources within and beyond our wall. The Library supports the collection and cataloguing of non-vital Town records.
- B. Authorities and Responsibilities. The Bridgewater Public Library operates pursuant to MGL c. 78 and the Article III of the Town Charter and is charged with ensuring that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning. The library strives to maintain Massachusetts Board of Library Commissioners certification, a positive recognition of quality community programs, collections, and community commitment to free and open access to information and ideas.
- C. Library Director appointment. The Library Director is recommended for appointment by the Board of Library Trustees and appointed by the Town Manager.
- D. Authority and Responsibilities.
  - (1) Library Director. The Director provides centralized administration and management to the Library Department. The Director formulates policy; provides procedural guidance; oversees operations procedures, procurement, department personnel, capital planning, and budgetary management; establishes and maintains community relations; and maintains continuous communication with the Town Manager.
- E. Interrelationships.
  - (1) Town Manager. Bridgewater Public Library interacts with the Manager primarily for budgeting expenditures and the development and approval of rules and procedures.
  - (2) Other departments. Bridgewater Public Library interacts with the Public Works Department relative to facilities maintenance and improvement. It interacts with the other departments on a regular basis as a source of information and research materials

- for Town staff. Ongoing interaction with all other departments and organizational components to ensure accomplishment of its goals and objectives is commonplace.
- (3) Multiple-member bodies. Bridgewater Public Library provides administrative support to the Historical Commission and the Board of Library Trustees, and receives advisory information regarding program service delivery.
  - (4) Other interactions. Bridgewater Public Library interacts with appropriate community agencies and groups as well as state agencies to seek effective accomplishment of the departmental programming.

### *Section 13. Veterans' Department*

The Veterans Department provides assistance and counseling to the Town's veteran community. Massachusetts is the only state to dedicate a program of services to its resident, eligible, veteran population. In accordance with Massachusetts General Law, MGL Chapter 115, each city and town in the Commonwealth is represented by a resident Veterans Service Officer also known as a Veterans' Agent.

- A. Mission. Veterans' Services provides assistance in obtaining benefits from federal, state, and local programs for veterans and their dependents, as well as aiding them financially for ordinary living expenses and medical needs.
- B. Authorities and responsibilities. Veterans' Services operates within the Town of Bridgewater pursuant to MGL c. 115. It provides aid and assistance to veterans and/or their dependents, secures appropriate benefits for this service group, and provides outreach, counseling, medical and other support services.
- C. Director of Veterans' Affairs appointment. The Town Manager appoints the Director of Veterans' Affairs Director.
- D. Authorities and Responsibilities:
  - (1) Director of Veterans Affairs. The Director provides centralized administration and management to the Veterans' Department. The Director formulates policy; provides procedural guidance; oversees operations procedures, procurement, department personnel, capital planning, and budgetary management; establishes and maintains community relations; and maintains continuous communication with the Town Manager.
- E. Interrelationships.
  - (1) Town Manager. Veterans' Services interacts with the Town Manager, as the Manager is a member of the District Board. The Manager approves programs, budgets, and coordinates the District employee benefits through its financial offices.
  - (2) Other departments. It interacts with the Finance Director and the Town Treasurer to provide the financial needs of the veteran in an acceptable manner under law and in a timely fashion and with Assessing to assist veterans with real estate tax abatements.
  - (3) Multiple member bodies: Veterans Department provides support to the Veterans' Council.
  - (4) Other interactions: Veterans' Department interacts with community groups and both the federal Veterans' Administration and the Massachusetts' Offices of Veterans Affairs.

#### *Section 14. Parks and Recreation*

The Parks and Recreation Department consists of five sub-departments: Recreation Management, Parks Management, Golf Course Management, Fisheries Management, and Cemetery Management. The Department provides an array of passive and active recreation, social and leisure time services to the citizens of Bridgewater. The Department is under the management control of the Director of Parks and Recreation. The Parks and Recreation Department is part of the Operational branch.

- A. **Mission.** The Department's mission is to manage, protect, and enhance passive and active recreational opportunities and assets in a manner which meets and enhances the current and future social and recreational needs of the community, contribute to a healthy and safe recreational environment for the Town's residents and visitors, and maintain the Town's cemeteries as destinations for peaceful reflection.
- B. **Authorities and Responsibilities.** The Department operates pursuant to various state, federal and municipal laws including, but not limited to: MGL c. 131 pertaining to hunting and fishing; MGL c. 45 pertaining to parks and playgrounds; MGL c. 44B pertaining to open space preservation funds and real property restrictions; MGL c. 31 pertaining to inland fisheries and other natural resources; MGL c. 114 pertaining to management and financing of cemeteries; and 321 CMR pertaining to fisheries.
- C. **Director of Parks and Recreation Appointment.** The Town Manager appoints the Director of Parks and Recreation.
- D. **Authorities and Responsibilities.** The Director of Parks and Recreation provides centralized administration and management to the Parks and Recreation Department.
  - (1) Recreation Management is responsible for the development and delivery of a variety of educational, social, and recreational services to the residents of Bridgewater. It serves to provide recreational facilities and playing fields to independent not-for-profit leagues, and is responsible for assessing the needs of the community in the development of renovated and new Town owned facilities. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to diversify the effectiveness of programming. It services the community's entire population.
  - (2) Parks Management is responsible for providing oversight over the Town's almost 700 acres of natural parkland spread over six parks, and the Taunton and Town Rivers and their public watershed areas. It is also responsible for the coordination and supporting special events occurring in the various town owned properties. Parks also initiates and completes management plans for the Town's park properties, including the Common and surrounding park areas, and publicly accessible properties owned through the Conservation Commission. The Department delivers a variety of park maintenance services, and environmental educational services to the residents of Bridgewater. To accomplish its mission, a variety of volunteer working committees may be formed to accomplish specific tasks related to one or more of the various properties. The major responsibility is to provide services in a manner that eliminates duplication of services, maximizes existing personnel resources, and utilizes a variety of volunteer programs to create an attractive, sustainable parks system. It services the community's entire population.
  - (3) Golf Course Management is responsible for the development and delivery of a variety of educational, social, and recreational programs for the residents of Bridgewater. The

major responsibility is to provide services in a manner that eliminates duplication of services and maximizes existing personnel resources. It services the community's golfing population, and is run as an enterprise account. The users of the service pay for the operational needs and any related debt service. Golf Course Management is dedicated to operating and maintaining an attractive, affordable, and self-supporting public golf facility. The golf component is self-supporting through an enterprise account. It is responsible for all aspects of operating the golf course.

- (4) Fisheries Management is responsible for supporting the preservation of fisheries within and abutting the Town of Bridgewater. It coordinates Town and not-for-profit volunteer working committees' efforts to repair, replace and permit various fish ladders and stream and pond restocking efforts. The major responsibility is to provide support in a manner that eliminates duplication of services and maximizes existing personnel resources.
- (5) Cemetery Management is responsible for preserving and supporting the cemeteries under the Town's control, including showing and selling burial lots, coordinating grounds keeping with the DPW, readying grounds for Memorial Day and Veterans Day events, arranging interments, preserving and protecting grave markers, and assisting the general public and visitors. Cemetery Management works with funeral directors, families, relatives, and the Town's Veteran's Agent, in coordination of burials, sales of lots, foundation and monument installations and genealogical research.

E. Interrelationships.

- (1) Town Manager. The Department interacts with the Town Manager for the purpose of program approval, rate setting, budgeting, expenditure, grant assistance, as well as scheduling of facility use and coordination.
- (2) Other departments. The Department interacts with the Department of Public Works on a regular basis to prepare, maintain, and improve facilities and grounds. Work order requests are utilized. The Parks and Recreation Director and Public Works Director meet to review facilities management issues. Police Department interaction takes place in scheduling of recreation programs, special details, patrols and coordination of recreational services with public safety concerns. The Director of Park and Recreation meets periodically with the Chief of Police and the Fire Chief to review public safety and coordination issues. The Department interacts with the Conservation Department to coordinate management plans for Conservation owned properties, and with other departments in relation to land use for passive and active recreation. The Department interacts with the School Department concerning utilization of school gyms, fields, and coordination of special activities with the Regional School District; and scheduling activities for the athletic fields.
- (3) Multiple-member bodies. Parks and Recreation provides support to the Parks and Recreation Commission, the Golf Committee, and the Fisheries Committee by implementing the policies of these committees through the promulgation of rules and regulations that are subject to approval by the Town Manager. Parks and Recreation coordinates the efforts of the Veterans Council to provide suitable decoration of Cemetery properties on Memorial Day and Veterans Day.

### ***Section 15. Police***

The Police Department provides police services to all people within the Town with respect, fairness and compassion. The Department is under the administrative and operational control of the Chief of Police. The Police Department is part of the Operational branch.

- A. Mission. The Department's mission is to work in partnership with the community to enhance the quality of life, guarantee Constitutional Rights, enforce the law, preserve the peace, reduce fear, and provide a safe environment, while maintaining the highest standards of honesty and integrity to ensure the public's confidence. The Department seeks to enhance the Town's quality of life by investigating problems and incidents, seeking solutions and fostering a sense of security in individuals and the Town. The Department is dedicated to providing a quality work environment and the development of its members through effective training and leadership. The Department also seeks to maximize survival of persons and preservation of property in the Town in the event of a natural or man-made disaster by effective pre-planning and by making use of all manpower, equipment, available shelter protection and other resources during an actual emergency.
- B. Authorities and responsibilities.
  - (1) The Department acts pursuant to the authorities vested to Police Departments under MGL c. 41, §§ 97A and 98, as well as c. 31, as it concerns civil service. The Department is a full-service Department which is responsible for all law enforcement within the jurisdiction of the Town of Bridgewater. It conducts public relations with the media and public, and operates the following departmental activities: patrol, detective, records, identification, prosecution, animal control, auxiliary police, parking enforcement, and ancillary services. It establishes procedures for recruitment, selection and training of all personnel to effectively maintain the public peace, safety and order through a variety of functions and activities.
- C. Interrelationships.
  - (1) Town Manager. The Department has extensive interaction with the Town Manager.
  - (2) Other departments. Interaction with most municipal departments and Bridgewater schools, including the Bridgewater-Raynham Regional High School, for a variety of reasons. Particular interaction exists with Public Works, Information Technology, Legal, and the Regional School District. Other agency involvement includes most federal, state and regional law enforcement organizations.

### ***Section 16. Fire and EMS***

The Fire Department provides fire safety and emergency medical services to the residents of Bridgewater. The Department also functions as the Emergency Preparedness Department, consistent with the Acts of 1950, Chapter 639, § 13, as amended. The Department is responsible for coordinating and preplanning all disaster emergency functions and services within the Town amongst all municipal and non-municipal agencies and departments on behalf of the Town Manager. The Department, in fulfilling this role, provides assistance to the Town Manager in a declared disaster emergency, and in further accordance with the Town's Emergency Operations

Plan. The Fire Chief serves as the Director in this regard. The Fire Department is part of the Operational branch.

- A. **Mission.** The mission of the Fire Department is to protect the community from the loss of life, fires, medical emergencies, hazardous incidents, and other disasters; to save lives by providing advanced life support medical services; to prevent fires through prevention, suppression, and education; to plan and prepare for natural and man-made disasters; and to provide a work environment that values cultural diversity and is free of harassment and discrimination. We will actively participate in our community, serve as role models, and strive to use all of the necessary resources available and at our command to provide a service deemed excellent by our citizens.
- B. **Authority and Responsibilities.** The Department acts pursuant to the authorities vested to Fire Departments through MGL c. 148. The Department is a full-service Department which is responsible for all fires, natural and man-made emergencies, and emergency medical responses within the jurisdiction of the Town of Bridgewater. It conducts public relations with the media and public, and operates the following departmental activities: fire, emergency medical, emergency preparedness and operations, and ancillary services. It establishes procedures for recruitment, selection and training of all personnel.
- C. **Interrelationships.**
  - (1) **Town Manager.** The Department has extensive interaction with the Town Manager.
  - (2) **Other Departments.** Interaction with most municipal departments and Bridgewater schools, including the Bridgewater-Raynham Regional High School, for a variety of reasons. Particular interaction exists with Public Works, Information Technology, the Regional School District, Bridgewater State University, and the MA Department of Corrections. Other agency involvement includes many federal, state and regional emergency management organizations.

## **Article II. Town Council Rules and Procedures**

### ***Section 1. Preamble***

The Bridgewater Town Council, as the elected representatives of the people of Bridgewater, commit to the highest levels of openness and transparency in their meetings and deliberations, consistent with the prudent transacting of the business of the town. These rules and procedures are intended to codify and clearly express the means and methods of communicating at meetings. Public input and engagement is a high priority for the Council and is recognized with its prominent role in Council Meetings. The rules and orders contained herein shall be observed at every meeting of the Town Council.

### ***Section 2. Parliamentary Procedure***

The Council shall be governed by Robert's Rules of Order Newly Revised, in all questions of parliamentary practice not provided for by special rules or orders.

### ***Section 3. Council Meetings***

Regular meetings of the Council shall be held in the Council Chambers (Academy Building or another suitable location as needed and as determined by a majority group of the Council or by

the Council President) Regular meetings will be held twice monthly on Tuesdays; dates to be as voted annually by the Council, commencing at 7:30 PM. During the months of July and August, the Council shall meet monthly on the first Tuesday following the first Monday. Generally, Council meetings should not exceed three hours, therefore, no agenda item shall be brought forward after three hours unless approved by a majority of then-present Councilors. The seats of the members of the council shall be numbered and determined by lot, and no member shall change his seat except by permission of the President.

#### ***Section 4. Quorum***

A quorum of the Town Council shall consist of a majority of its members. If at any time a meeting is called to order, or, if during a meeting a roll call shows less than a quorum present, the President shall declare a recess of not more than fifteen minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any member may call for a roll call on the question of the presence of a quorum.

#### ***Section 5. Public Posting***

In accordance with the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, public notices of all Council meetings, except in emergencies, must be posted with the Town Clerk a minimum of 48 hours before any meeting and posted on the Town's website.

#### ***Section 6. Minutes***

A written record of each council meeting and council committee meeting is required by law and becomes part of the public record. Town Council meeting minutes shall be created, maintained and posted in accordance with Massachusetts Open Meeting Law.

Should meetings be recorded, the recording shall be made available in accordance with Massachusetts Open Meeting Law. In accordance with section 2-8 of the Bridgewater Home Rule Charter, notices and minutes of meetings shall be maintained by the Council Clerk.

(Revised 4/11 per Order #2011-014)

#### ***Section 7. The President – Powers and Duties***

The President, or Vice President in the absence of the President, shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the President, the Vice President shall assume the role of President pro tem. The Clerk will designate a presiding President by seniority in the event both the President and Vice President are absent. The President shall exercise all powers and duties as outlined in section 2-3 of the Bridgewater Home Rule Charter.

#### ***Section 8. Preservation of Decorum and Order and Appeals from Decision of the President***

The President shall preserve decorum and order, may speak to points of order in preference to other members, shall decide all questions of order, subject to an appeal to the Council, regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided. The question shall be put as follows: "Shall the decision of the President stand as the judgment of the Council?" The vote shall be by roll call.

***Section 9. Viva Voce and Raised Hands***

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The President shall call the roll i from left to right. Ensuing votes shall be in reverse order. The results of viva voce votes shall be declared by the President without reference to the Clerk. Where a raised hand vote is taken, the President shall count and announce the result. Where the result of a viva voce vote is in doubt, the President may, and on demand of any member, shall call for a division of the Council, which shall be taken by a show of hands, or by a roll call if requested by any Councilor. It shall not be in order for members to explain their votes during the call of the roll.

Every member present when a question is put shall vote, unless the Council for special reasons excuses him. Application to be so excused on any question shall be made before the Town Council has decided a question, and such application shall be accompanied by a brief statement of the reasons and shall be decided without debate.

***Section 10. Through President***

All remarks and questions shall be addressed to the Council as a whole through the President and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the President.

***Section 11. Recess***

The President may at any time, during debate or otherwise, declare a recess for not more than ten minutes, and such action shall not be subject to appeal, nor shall any motions apply thereto.

***Section 12. Addressing the President***

Every member speaking to a question or making a motion shall address the President as "Mr./Madame President," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper is being read. If a member is speaking or otherwise transgresses the rules of the Council, any other member may call the offending member to order by addressing the President.

***Section 13. President May Speak***

The President may speak in favor of, or in opposition to, any motion and will be bound by the same rules as those which are applied to other speakers; i.e., speaking once for no more than three minutes, as referenced in section 33, and not to speak again until all others who wish to speak have spoken once.

#### ***Section 14. Citizen Comments***

The Bridgewater Town Council encourages citizens to attend its meetings and welcomes their views on issues of import. A Citizen Open Forum will be placed on each Council agenda, and a citizen comment period will be included at the end of each agenda. Anyone may comment at this time for up to three minutes. Comments and/or inquires should be made in a respectful manner and not cast aspersions on individual council members or the council as a whole. To strictly comply with the Open Meeting Law, inquires shall be responded to when deemed necessary, at a future meeting of the Town Council where the inquiry response has been added to the agenda under Town Manager's Report or Announcements from the President.

Non-residents may speak only with the approval of a vote of the Council.

A non-resident of the Town desirous of an opportunity to address the Town Council during a "Citizen Open Forum" or "Citizen Comments" period of a meeting of the Town Council shall be permitted to do so, subject to compliance with the following provisions:

1. Not less than six (6) hours prior to the designated time of commencement of the meeting of the Town Council at which the non-resident wishes to speak, a written request to address the Town Council must be received by the Town Council Clerk from such non-resident via email (addressed to [towncouncilclerk@bridgewaterma.org](mailto:towncouncilclerk@bridgewaterma.org) , which shall include:
  - a) The name and street address of said non-resident.
  - b) The name and street address of a resident of the Town who shall be deemed to have invited the non-resident to address the Town Council.
  - c) A brief description of the subject matter upon which the non-resident shall speak.
  - d) If applicable, a non-resident may include a brief statement of the educational, occupational or other training, experience or qualification upon which basis the non-resident professes information, knowledge or expertise, if any, to opine on the subject matter.
2. Within six (6) hours prior to the designated time of commencement of the specific meeting of the Town Council at which the non-resident wishes to speak, but in no case less than two (2) hours prior to such designated time, the Town Council Clerk shall electronically forward to each member of the Town Council a copy of the written request received from such non-resident.
3. During the "Citizen Open Forum" or "Citizen Comments" periods of the meeting, the Town Council assembled shall consider a motion, duly made and seconded, to permit said non-resident to address the Council. An affirmative vote by a majority of the Council members present and voting shall be required to permit the non-resident to address the Council.

#### **Business Owners and Real Property Owners**

Notwithstanding the foregoing, the owner of record of a business, real property or leasehold interest in real property located within the Town who is a non-resident of the Town shall be permitted to address the Town Council

All other provisions of this Section 14 shall be applicable to non-residents

#### ***Section 15. Point of Order***

Any Councilor on being called to a point of order shall cease debate until the point of order is decided, unless allowed by the President to explain.

### ***Section 16. Election of Officers***

A majority of all members elected to the Council (5) shall be required to elect a President and Vice President. The Clerk of the Council shall be appointed in accordance with the Charter.

### ***Section 17. Vote Requirements***

All votes on ordinances shall be by roll call.

All action taken by the Town Council requiring a vote will be by a simple majority (majority of Councilors present and voting) unless otherwise provided for in the Massachusetts General Laws, Home Rule Charter, Ordinances, or by Rules set forth in the Procedures Manual of the Bridgewater Town Council.

Resolutions require a simple majority.

In case of a tie in votes on any proposal, the proposal shall be considered lost.

The passage of an ordinance requires a majority vote of the full Council (5), in accordance with section 2-6 (b) of the Bridgewater Home Rule Charter. Vote is by roll call.

Any adoption of an ordinance related to zoning requires a two-thirds vote of the full Council (6), unless otherwise provided for in MGL Ch. 40A, Sec. 5. Vote is by roll call.

An Emergency ordinance requires a two-thirds vote of the full Council (6). Vote is by roll call. Three votes are needed: One on the emergency [2/3 vote of the full Council (6)], one to suspend the rules (Section 18) to allow only one reading and one on the ordinance [2/3 vote of the full Council (6)].

To take money from the Stabilization Fund for any municipal expenditure requires a two-thirds vote of the Council membership (6) [MGL Ch. 40, Sec. 5b].

Unpaid and prior year's bills require 2/3 vote (Councilors present and voting)

Expenditures from the Capital Fund require a 9/10ths vote of those present.

Any Rule, Regulation, or other local legislation which provides for the imposition of any fine or penalty shall be provided for by the adoption of an ordinance. The Council shall vote annually on an ordinance setting all fees for the ensuing calendar year. Said ordinance shall be publicized in accordance with the requirements set forth in section 2-9 of the Bridgewater Home Rule Charter. In order to expedite the Council's deliberations when considering lengthy proposed ordinances, when the reading of said proposed ordinances has been waived, and yet not to deprive the public of the nub of the matter at hand, a brief summary of the substance of the proposed Ordinance will be attached to it for reading by the Clerk of the Council.

The President may require that a vote be taken on any item before the Council if failure to do so would make the item illegal to adopt because of the expiration of a federal or state mandated time limit or similar circumstance.

### ***Section 18. Readings***

Every ordinance, order or resolution shall have two separate readings and shall be voted only after two separate readings; the second of said readings and votes will not be less than fourteen days after the first, except in cases in which a shorter period is authorized by law. If any member of the Council objects to a reading, section 2-7c of the Charter shall apply.

### ***Section 19. Resubmission***

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for

resubmission, except as otherwise provided in the Bridgewater Home Rule Charter and unless approved by a majority of the full Council.

A zoning ordinance which is voted down may not be reconsidered within two years unless the Planning Board makes a recommendation to do so, [MGL Ch. 40A, Sec. 5].

### *Section 20. Sponsor Absence*

In the event that the sponsoring member of any order, resolution, or other matter is not present when the Clerk reads said matter, the President shall instruct the Clerk to withdraw said matter from consideration at that meeting.

### *Section 21. Motions*

The order of precedence of motions shall be as follows:

- (1) Motion to Adjourn
- (2) Motion to recess
- (3) Raise a question of privilege
- (4) Lay on the table
- (5) Suspend the rules (two-thirds vote)
- (6) Previous question (two-thirds vote)
- (7) Limit or extend limits of debate (two-thirds vote)
- (8) Postpone to a certain time
- (9) Commit or refer
- (10) Amend
- (11) Postpone indefinitely
- (12) Main Motion

The highest in rank being at the head of the list and the lowest in rank at the last of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.

The following motions shall be non-debatable:

- (1) To adjourn
- (2) To recess (when privileged)
- (3) To raise a question of privilege
- (4) To lay on the table
- (5) To suspend the rules
- (6) Previous question (two-thirds vote)
- (7) To limit or to extend limits of debate (two-thirds vote)

The following motions only can be amended:

- (1) To recess
- (2) To postpone to a certain time
- (3) To commit or refer
- (4) To amend
- (5) Main motion

A motion to adjourn shall be in order at any time except upon immediate repetition.

***Section 22. Written Proposals***

All proposed Ordinances, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor, and shall be submitted to the Clerk of the Council. Each proposed ordinance shall include a statement of authority for the Council to act with the appropriate section of the Bridgewater Home Rule Charter or Massachusetts General Laws clearly cited.

***Section 23. Personal Privilege***

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

***Section 24. Order of Business and Agenda***

At every meeting of the Council the standard order of business shall be as follows:

- A. Approval of Minutes
- B. Announcements from the President
- C. Proclamations
- D. Citizen Open Forum
- E. Appointments
- F. Hearings
- G. License Transactions
- H. Presentations
- I. Town Manager's Report
- J. Discussions
- K. Council Committee Updates
- L. Legislation for Action
- M. Old Business
- N. New Business
- O. Citizen Comments
- P. Council Comments
- Q. Executive Session
- R. Adjourn

Only privileged motions (to adjourn; to recess; personal privilege; or orders of the day) shall be made during "Council Comments."

During "New Business," the Council shall consider only those matters that relate to or concern potential legislation. If a "simple majority as required by charter" of the Councilors present during "New Business" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "New Business" shall be limited to whether the matter raised shall be included on an agenda in the future and each Councilor shall be limited to three minutes.

The above order shall not be changed except by a vote of a majority of all the members of the Council; and upon the motion to change the order, no debate shall be allowed. Additions to this order may be made by the President and/or Town Manager when setting the agenda (Example: Committee Reports).

All items for the agenda, including any relevant communications from town officers and town boards other than the Town Manager, shall be submitted to the Council Clerk in writing no later than 10:00 AM on the Wednesday preceding the regular Council meeting. The agenda including

any additional relevant information shall be provided to the Council by 12:00 noon on the Friday preceding a Tuesday Council meeting.

The agenda will be prepared by the Town Manager and Council Clerk with input from and approval by the Council President, or, in his absence, the Vice President of the Council.

All information requests from Councilors shall be submitted through the President to help coordinate, manage and prioritize the requests and responses from the Town Manager. All information requests should be in writing, clearly defined and provide a requested response date. Information request shall be sent/e-mailed to the Council President and the Council President will cc the requesting Councilor when the request is forwarded to the Town Manager. Councilors should provide the President with as much lead time as possible and understand that it may take a few days to process their requests.

All correspondence related to information requests between the Council President; or designee, Town Manager, and Council members should be via town e-mail accounts.

Once a request has been forwarded from the President, or designee, the Town Manager may correspond directly with the requestor, but should copy the President to keep the President informed.

The Town Manager, or designee, will maintain a list of all requests for information, their current status, and priority assigned. The updated list must be emailed to the Council by the end of each week.

The information request list should be discussed during the Managers Report at each Council meeting.

(Revised 6/11 per Order #2011-017, 10/11 per Order #2011-032 and 10/11 per Order #2011-033)

### ***Section 25. Hearings***

The time devoted to public hearings at any meeting of the Town Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

Public hearing format (after petitioner's presentation):

1. General questions from public
2. Public speaking in favor
3. Public speaking in opposition
4. Questions from Town Councilors

Debates on the merits of the petition shall be reserved until and if there is a motion duly made and seconded at the appropriate time and date following the hearing.

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed, in accordance with sections 6-2 & 6-3 of the Bridgewater Home Rule Charter.

### ***Section 26. Committees***

Committees of Council members shall be authorized by majority vote of the Council. The following standing Committees are hereby established by rule: A Budget and Finance Committee, whose members also serve as the Audit Committee, a Rules and Procedures Committee, A Public

Safety Committee, a Community and Economic Development Committee a Strategic Planning Committee and a Review Committee. Appointments to committees of the Council are made by the President and must be made within 30 days of being elected. Appointed individuals shall receive notification of their appointment from the President prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to the Massachusetts Open Meeting Law. All Committee meetings shall be held in the Academy Building, unless otherwise authorized by the President.

(Revised 3/2011 per Order #2011-008 and 2011-011, 11/2011 per Ordinance#2011-011, 6/2013 per Order #2013-020, 7/2013 per Order #2013-025)

i. ANNUAL EVALUATION (*Effective 10.22.2021 per Ordinance D-FY21-005*)

In accordance with provisions of MGL and terms of the most recent Town Manager contract, each calendar year beginning in October, the Review Committee shall begin the Town Manager's evaluation process following the steps enumerated below:

1. Review Committee Chair makes a general announcement at Council meeting to advise Councilors and public that the process is beginning.
2. Review Committee meet to decide on a timeline for:
  - a. Council Clerk to send evaluations
  - b. Return of evaluations
3. Upon receipt, Council Clerk compiles numeric values to average categoric and overall rating. Narrative sections will also be compiled into composite responses.
4. Review Committee Chair meets with Council Clerk to review results and final composite evaluation.
5. Town Council President meets with Town Manager to deliver evaluation in January. Town Manager and Town Council President agree on timeframe for Town Manager to submit written comments to be included with personnel file.

***Section 27. Committee Meetings***

A committee shall meet on the call of the Committee Chair, or a majority of its members.

***Section 28. Committee Quorum***

A majority of the members of a committee shall constitute a quorum.

***Section 29. Committee Reports***

The President of the Council, upon receipt of the Committee Report, shall call for the vote on the motion, petition, or order as introduced by the Committee, so that the vote would be on that motion, petition, or order, and not on the Committee Report itself.

When debate centers on committee reports, committee members may be recognized beyond the time limit to answer questions. Documents referred to in committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

### ***Section 30. Relieving from Further Consideration***

Upon motion, the Council may, by a majority vote of all members of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the agenda.

### ***Section 31. Motions for Reconsideration***

After a motion has been passed or defeated, any member voting with the prevailing side may move for reconsideration, which shall be open to debate. A motion to reconsider a vote shall be in order at the same or the regular meeting next succeeding that at which the vote was passed. No more than one motion for reconsideration of any vote shall be entertained. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided.

### ***Section 32. Debate Decorum***

Every member when about to speak shall address the President and wait until recognized by the President. No member shall be recognized unless seated. Every member, when about to speak, shall raise their hand to be recognized and respectfully address the President and wait until he is recognized. When two (2) or more members request to be recognized at once, the President shall name the member who shall take precedence, providing that no member shall speak to the same question more than once until all other members choosing to speak have spoken. No member shall interrupt another while speaking, except by requesting a call to order.

In speaking, the member shall be confined to the question, shall not use unbecoming, abusive, or unparliamentary language, and shall avoid personalities. Any member who, in debate, Council related correspondence or otherwise, indulges in personalities or makes charges reflecting upon the character of another member, or of citizens, shall make an apology in open session at the meeting at which the offense is committed or at the next succeeding regular meeting and, failing to do so, shall be named by the President or held in contempt and suspended from further participation in debate until said apology is made.

### ***Section 33. Debate Limitation***

No member shall speak more than once on a question when another member who has not spoken claims the floor, and no member speaking shall, without his consent, be interrupted by another, except on a point of order. A member may speak upon a matter for no more than three (3) minutes at a time. A councilor may yield all or part of his or her time to another councilor. A member who has not spoken on a matter shall have priority and recognition by the President. Unless granted privilege by the Council President, no member shall speak more than twice on any question.

The Clerk of the Council shall inform the President whenever a member has spoken longer than three minutes, or has spoken twice on any question.

### ***Section 34. Conflicts of Interest***

No member shall vote on any matters, or serve on any committee, where the member's private or family interest will conflict with the public's interest in a way that is violative of the Conflict of Interest Law, MGL. Ch. 268A, as amended. All Councilors shall conduct themselves in the true

spirit of openness and transparency, and shall honor the intent of section 1-8 of the Bridgewater Home Rule Charter.

### *Section 35. Open Meeting Law*

The Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25, provides the public and the media with a legal right to attend all meetings of regional and municipal boards and committees, except when the board or committee votes to go into Executive Session.

Before an Executive Session can be called, the following procedure must be followed:

1. The body has first convened in an open session pursuant to section M.G.L. c. 30A, section 21;
2. A majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. Before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. The chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. Accurate records of the executive session shall be maintained.

Executive Sessions can be held only when the following matters are discussed or considered:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:
  - i. to be present at such executive session during deliberations which involve that individual;
  - ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
  - iii. to speak on his own behalf; and
  - iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
  - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
  - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Votes and proceedings in Executive Session may be kept private, as long as privacy will serve the purpose for which the Executive Session was called. All votes taken in Executive Session must be by roll call.

### *Section 36. Spectator Decorum*

Guests will be allowed in the gallery of the Council chamber when the Council or a Council Committee is in session. No demonstrations of approval or disapproval from guests shall be permitted, and if such demonstrations are made, the gallery may be cleared by the President.

### ***Section 37. Amendment and Repeal***

Changes to the rules shall conform to the procedures of adoption of ordinances, and shall first be heard by the Rules and Procedures Committee.

## **Article III. Town Manager Implementation and Reporting Responsibilities**

### ***Section 1. Authority to Promulgate Regulations***

- A. The Town Council expressly authorizes the Town Manager to develop and promulgate regulations and procedures for the efficient and effective implementation of the Town Council administrative policies. No such regulation or procedure shall be inconsistent with the provisions of these policies, the ordinances of the Town, the Charter, state or federal law.

### ***Section 2. Publication of Procedures***

- A. The publication of these regulations and procedures shall be accomplished through the Town's web site. The regulations and procedures shall be a part of the Administrative Code of the Town, but shall not be considered an ordinance of the Town, in order to allow the Town Manager the necessary ability to maintain a current system of administration.

### ***Section 3. Designation of Special Municipal Employees***

- A. The persons who are, from time to time, incumbents of the following offices and/or positions of the Town are hereby designated as special municipal employees for the purposes of the Conflict of Interest Law, Chapter 268A of the General Laws, with respect to the office or positions designated:
- (1) Multiple-member bodies: (none)
  - (2) Individual Officers: (none)

## **Chapter 3. Personnel**

### **Article I. Administration**

#### ***Section 1. Policy***

- A. It is the policy of the Town of Bridgewater to establish and maintain an equitable personnel system. This system should also promote the efficiency and economy of government, to promote the morale and well-being of Town employees, and to promote equal employment opportunity for all employees and candidates for employment.
- B. The dynamics of personnel management must mediate between organizational change and the need for technical stability through affirmative action, human resource planning and cutback management, productivity, and labor relations. Effective personnel management must also balance the four values of social equity, responsiveness, efficiency, and individual rights. The personnel policies are based on the following principles in order to balance these values:
- (1) Recruiting, selecting, and developing employees on the basis of their abilities, knowledge, and skills.
  - (2) Providing equitable compensation.
  - (3) Training employees as needed to assure high quality performance in delivering quality services to the public.

- (4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose performance does not adequately improve.
- (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, creed, handicap, or any other non-merit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for any purpose other than those duties and responsibilities directly associated with their positions in Town government.

## ***Section 2. Responsibilities***

- A. The Town Manager is empowered and authorized by this chapter to establish a Personnel Code, consisting of personnel policies and regulations for the maintenance of a public personnel management system, based on merit and consistent with the values found in Section 1.

## **Article II. Personnel Code**

### ***Section 1. About the Town of Bridgewater***

#### **Town of Bridgewater Statement of Mission, Vision and Commitment**

The Town of Bridgewater is a community which prides itself on being a great place in which to work, live and play, that offers residents and businesses a positive climate for growth and economic opportunity.

It is a Town of community-conscious individuals; led by Town Council and Town Manager, which together with staff, spends wisely and governs in an open and accessible manner.

#### **OUR MISSION**

The mission of the Town Council, Town Manager and staff is to work together to create and implement strategies necessary to make Bridgewater a premier municipal organization.

#### **OUR VALUES**

The vision, mission and goals of the Town of Bridgewater will be guided by core values.

- **LEADERSHIP:** in our thinking and in our actions; encouraging initiatives that exceed expectations, and advocating what we believe in
- **FISCAL ACCOUNTABILITY:** to increase the efficiency of our town government through fiscal responsibility and prudence
- **INNOVATION:** to think broadly and long-term; to balance town-wide concerns in times of

economic challenge and with limited resources

- **INTEGRITY:** to demonstrate honesty and transparency in all of our dealings, upholding only the highest ethical principles
- **PROFESSIONALISM:** to be excellent in our service delivery, through a quality workforce; and to show pride in our efforts and the community in which we live and work
- **FAIRNESS AND RESPECT:** for the needs of all residents and employees and for all the viewpoints in our community
- **WORKING TOGETHER:** making progress through partnership with staff, Council, residents, the University, state facilities, businesses and other partners
- **SUSTAINABILITY:** to responsibly use and protect the resources which have been entrusted to us

### Introductory Statement

This employee manual is designed to acquaint you with the Town and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. It is your responsibility to read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as an employee and outlines the programs developed by the Town to benefit employees.

The fundamental objectives of this employee manual are:

- 1) To promote and increase efficiency in the service of the town as an organization;
- 2) To develop and maintain a program of recruitment, advancement and tenure, all predicated on merit and fitness, which will make the municipal service attractive as a career and encourage each employee to provide the best possible services to the people of Bridgewater;
- 3) To establish and promote high morale among municipal employees by providing good working relationships, uniform personnel policies, equal opportunity for advancement and consideration of employee needs;
- 4) To provide fair and equal opportunity to all qualified or qualifiable persons to enter Town employment on the basis of merit and fitness as determined through impartial and job related requirements, interviews and skills assessments.

No employee manual can anticipate every circumstance or question about policy. This manual is not intended to be all inclusive or to reflect the full policy of items mentioned. As a result, you are encouraged to contact your department head or Human Resources if you have questions. The need may arise and the Town reserves the right, to revise, supplement, or rescind any policies or portion of the manual from time to time as it deems appropriate. Employees will be notified of such changes to the manual as they occur. Deviations from provisions of this manual may only be made with the authorization of the Town Manager.

### Organization and Leadership

Effective Date: January 2016

The Town of Bridgewater operates under the council-manager form of government. The elected Town Council and appointed Town Manager formulate policy for the governance and administration of the Town, respectively.

The Town Manager serves as Chief Executive Officer and is official head of the executive branch of Town government (*see Bridgewater Home Rule Charter § 1-3*). The Acting Town Manager or Assistant Town Manager may perform the duties of the Town Manager in the Town Manager's absence or disability.

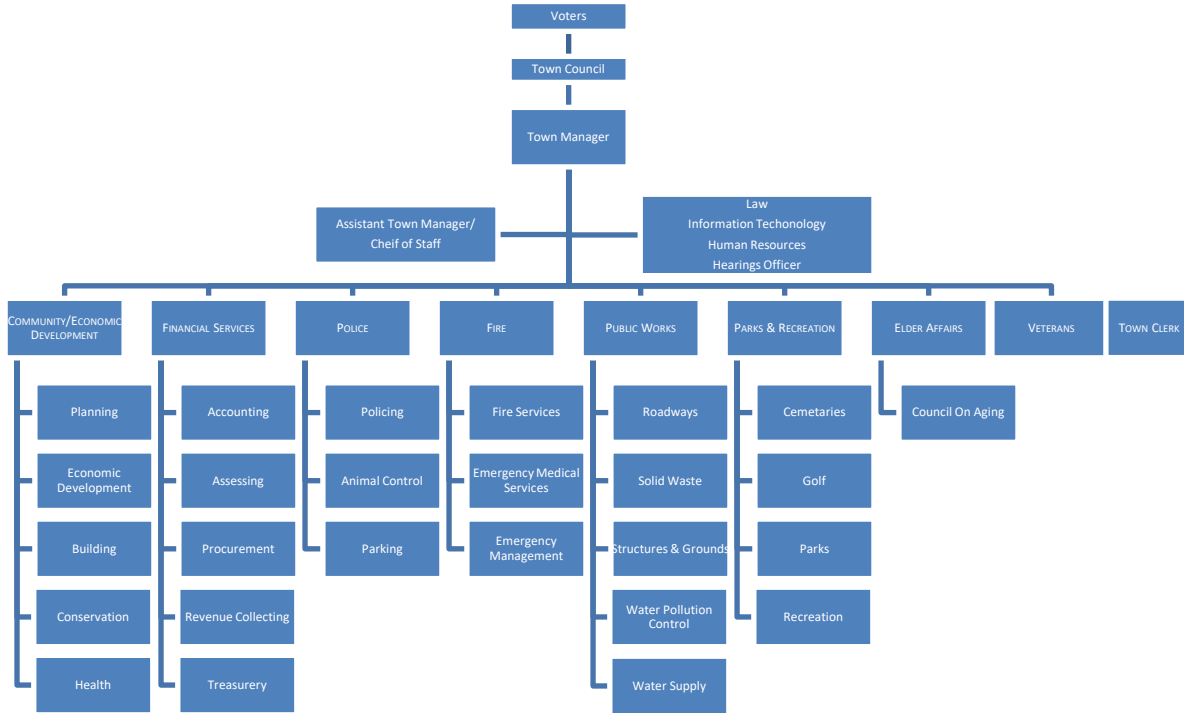
The Town Manager serves as the Town's Chief Executive Officer. The position is responsible for implementing the policies of the Town Council, directing business and administrative procedures, and appointing departmental officers. The Town Manager may delegate authority to the Assistant Town Manager, or any of the Department Directors or Department Heads.

The Town Manager is assisted by numerous departments. An enumeration of positions classified as Department Heads is contained in the Town Administrative Code, Section V.

For purposes of this Employee Manual, the Town of Bridgewater Departments are:

- Accounting
- Animal Control
- Assessors
- Community and Economic Development
- Conservation
- Elder Affairs
- Fire
- Golf (*Olde Scotland Links*)
- Health
- Roadways
- Human Resources
- Information Technologies
- Building
- Law
- Library
- Police
- Parks and Recreation
- Water Pollution Control
- Town Clerk
- Town Council (*Clerk*)
- Town Manager
- Treasurer/Collector
- Veterans Services
- Water Supply
- Zoning

Organizational Chart  
 Effective Date: January 2016



## Departmental Policy

Effective Date: January 2016

Every department may establish regulations that are necessary to its daily operations. The head of any department may formulate in writing additional policies/procedures necessary for the conduct of the department. These regulations shall not be in conflict with this manual, except Town Manager approves a pre-existing written Police or Fire Department policy, practice or rule not in conflict with federal or state law, and shall be authorized by the Town Manager.

A current copy of departmental regulations shall be kept on file in the departments and the Human Resources Office and in the department for review by departmental personnel.

## Administration and Responsibility

Effective Date: January 2014

The personnel policies and procedures established by this manual shall be administered by Human Resources. The Town Manager has the sole responsibility for granting waivers or amendments to this administrative policy.

The Human Resources Director, under the directive of the Town Manager, shall be responsible for planning, organizing, directing and coordinating the personnel activities of the Town.

Department heads and supervisors are expected to become knowledgeable of the rules and regulations contained herein and are responsible for compliance with personnel policies and procedure in their respective departments. Any question as to the interpretation or understanding of any personnel policy or procedure should be directed to Human Resources.

## Personnel Objectives

Effective Date: January 2014

- a) To recognize that the loyalty and cooperation of employees are of basic importance to the success and progress of the Town.
- b) To seek the advice of employees and to develop in managers and department heads an interest in listening attentively to questions and suggestions.
- c) To reward employees fairly and equitably based upon job evaluation and individual performance review, and to provide employee benefits and working conditions which will develop the Town's reputation as a good employer.
- d) To maintain regular channels of communication for the purpose of keeping employees informed about the Town's practices, issues, achievements, goals and plans.
- e) To recruit and hire competent people with the knowledge, skills, experience and abilities best suited to the Town's needs and develop them for positions of increasing responsibility.
- f) To promote from within whenever possible, considering, but not limited to, such factors as skills, experience, performance and potential, and to provide the assistance, encouragement and training necessary for advancement.
- g) To recruit, hire, train, pay and promote people and to provide privileges and conditions of employment

without regard to race, gender, color, religion, national origin, age, disability, pregnancy, medical condition, marital status, parental status, veterans status or any other characteristic protected by law.

- h) To implement these personnel policies by publishing uniform personnel practices and procedures.

### Business Ethics and Conduct

Effective Date: January 2016

The continued success of the Town is dependent upon our citizens' trust and we are dedicated to preserving that trust. The Town will comply with all applicable laws and regulations and expects its department heads, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws, and to avoid any illegal or unethical conduct.

In order to comply with the 2009 Ethics Reform Act, all public employees are required to complete an ethics training program every two years. New employees must complete the training within 30 days of becoming a public employee and every two years thereafter. After successfully completing the training on the state Ethics Training website - [www.muniprogram.eth.state.ma.us](http://www.muniprogram.eth.state.ma.us), employees must print and submit a copy of the certificate to the Human Resource office so that the Town has a record that this mandatory course was completed. *An official copy of the same must also be filed with the Town Clerk.*

In accordance with section 9-1 of the Bridgewater Home Rule Charter, certain exempt employees are required to complete a Statement of Financial Interest. The statement is a supplement to the State Conflict Law and it prohibits Town employees from making or participating in making any decision on any issue in which he/she has an economic interest, unless they comply with the State Ethics Commission's advice or rulings under the Conflict of Interest Law, G.L. c.268A.

Required reporting employees must complete and submit the statement within seven (7) seven days of employment, appointment, transfer or promotion. Any employee who does not comply with the terms of Ordinance shall be subject to appropriate discipline including suspension, or termination, consistent with any requirements of the state civil service law and the Bridgewater Home Rule Charter, as well as to civil or criminal prosecution under any other applicable state laws.

Pursuant to the provisions of *Ordinance #D-2013-002 (effective date: November 15, 2013)* the Required Reporters are listed as following:

A. Heads of the following departments:

- Assessors
- Fire Department
- Roadways (Highway)
- Building and Zoning Official (Inspector of Buildings)
- Plumbing and Gas Inspector
- Police Department
- Sealer of Weights and Measures
- Treasurer/Collector
- Town Accountant/Director of Finance
- Wiring Inspector/Assistant Inspector

B. The following Town officials and Town employees:

- Conservation Agent
- Health Agent and Assistant Health Agent
- Town Council
- Town Counsel and Associate Town Counsel
- Town Manager and Assistant Town Manager
- Veterans Agent

*See Town Council Ordinance #D-2013-002 for complete legislation. The requisite reporting form is available in the Town Clerk's Office.*

In general, the use of good judgment based on high ethical principles, will guide employees with respect to acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, employees shall discuss the matter openly with their immediate supervisor, department head, and, if necessary, with Human Resources for advice.

## *Section 2. Employment*

### *Employment-At-Will*

Effective Date: January 2014

The Town of Bridgewater is an employment-at-will employer. The policies and procedures contained herein are not meant to imply permanency in employment or property rights, nor a contract or binding agreement between the Town and an employee. The employment of an employee can be terminated at the discretion of the Town, with or without cause and with or without notice, at any time, at the option of either the Town or the employee. The Town Manager, at his/her sole discretion, has the right to change the rules and policies as described herein at any time and the authority to enter into any agreement for employment for any specified period of time. This manual is not an employment contract. Moreover, no employee or representative of the Town of Bridgewater, other than the Town Manager, has any authority to enter into any agreement for employment for any specific period of time, or to make any contrary agreement. Any and all such agreements must be in writing and signed by the Town Manager (*or his/her designee*) and the employee.

In the event of conflict between the rules and/or benefits contained in this manual and any collective bargaining agreement (CBA) the terms and conditions of the CBA shall prevail for members of the bargaining unit.

Unless otherwise provided by the Town of Bridgewater Home Rule Charter the line of authority and responsibility for the Town of Bridgewater begins with the Town Manager and descends through the Assistant Town Manager, division directors, department heads, assistant department heads, various levels of supervisors, and ends with non-supervisory employees.

### *Equal Employment Opportunity*

Revision Date: January 2014

In order to provide equal employment and advancement opportunities to all individuals, employment decisions in the Town will be based on merit, qualifications, and abilities. The Town does not discriminate in employment

opportunities or practices on the basis of race, gender, color, religion, national origin, age, disability, pregnancy, medical condition, marital status, parental status, veterans status or any other characteristic protected by law.

The Town prohibits and will not tolerate any such discrimination or harassment. This policy applies to all phases of the employment relationship – inclusive of recruitment, hiring, promotion, transfer, reduction in force, benefits, compensation and training.

Any employee with questions or concerns of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor, department head, or Human Resources. Employees can raise concerns and make reports without fear of reprisal.

Employees engaging in unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### Americans With Disabilities Act

Revision Date: January 2014

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and the Architectural Access Board and ensuring equal opportunity in employment for qualified persons with disabilities. Reasonable accommodation may be provided to qualified individuals with a disability, where such disability affects the performance of essential job functions. The Town will follow state or local laws that provide individuals with disabilities greater protection than the ADA.

All requests for accommodation will be considered; as this information helps the Town recognize employees' special needs and provide assistance as needed.

Employees with questions or concerns should contact Human Resources.

### Employment Applications

Effective Date: January 2014

All applicants for employment will complete an official employment application form that shall be retained in the Human Resource Office for a reasonable period of time. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. Resumes may be accepted as supplements to the application, but not as substitutes.

### Background Checks

Effective Date: January 2014

The Town requires that all final candidates, prior to being hired or considered for a position, consent to a background check. Background verification - *including but limited to employment verification, reference check, educational credential verification, credit check, driver's license records validation, and Criminal Offenders Record Information (CORI) check* - is performed prior to and after a job offer is made and employment is contingent on its successful completion. Employees who do not successfully complete the background verification may be terminated, or the conditional offer of employment may be withdrawn.

## Criminal Offenders Records Information (CORI)

Revision Date: January 2014

The Town of Bridgewater is a certified agency in accordance with M.G.L. c. 6 § 172(c) where Criminal Offender Record Information (CORI) checks authorized by law or regulation for employment, contract or vendor work, volunteer work and licensing purposes with the Town.

The Town will conduct CORI checks as authorized by the Criminal History Systems Board (CHSB) , or its successor, the Department of Criminal Justice Information Services (CJIS) in conjunction with general background checks for any prospective employee, including full-time, part-time or contract employees, interns, volunteers, independent contractors, or for licensing purposes, where applicable.

Applicants will be notified that a CORI check is planned and will be required to sign an authorization form prior to the CORI check being conducted. Additionally, the Town is required to verify the Applicant's identity by reviewing a form of government-issued identification. All Applicants will be supplied with a copy of the Town's CORI policy.

Unless otherwise provided by law, a criminal record will not automatically disqualify an Applicant from consideration. However, information contained in a CORI check may be used in making the final determination in offering employment or authorizing service as an intern, volunteer, or independent contractor. Offers of employment may be made contingent upon receipt and review of CORI information. Determinations of suitability based on CORI checks will be made consistent with this policy and any applicable laws and regulations.

CORI checks may be performed prior to and after a job offer is made and employment is contingent on its review of information. Candidates whose records are determined to be unsuitable will have their conditional offer of employment withdrawn. (*see Appendix – CORI Policy*)

## Employment of Relatives

Effective Date: January 2014

For purposes of this policy, a relative is defined as: spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, or corresponding in-law, "step", or "half" relation.

Applications for employment received from individuals who have immediate family members currently employed by the Town will be given the same consideration as other applicants for the same position and will not be given preferential consideration.

An employee shall not supervise, either directly or indirectly, the work of a relative which involves hiring, dismissing, disciplinary action, promotional evaluation, performance appraisal or work assignment.

If this situation arises through a change in family composition or a job transfer/promotion, the affected employees shall immediately report the situation to Human Resources. The employees may be separated by reassignment or terminated from employment as deemed necessary by the Town Manager.

Relatives of present employees will not be hired into the same department. Under no circumstances shall any relative of any department head or of any of the employees in the Town Manager's Office be employed in a full-time or regular part-time position within the Town. This restriction does not apply to seasonal or temporary positions.

## The Hiring Process

Revision Date: January 2014

Pursuant to section 5-2 of the Bridgewater Home Rule Charter, individual department heads may select their employees.

The Town is committed to fair and consistent processes and procedures for the hire of new employees. To ensure this outcome, Human Resources will direct all activities relative to the advertisement and posting of vacancies, recruitment, screening and interview of applicants.

### ADVERTISEMENT AND JOB POSTING

Job vacancy notices shall be developed, with input of the department head, based upon the position description on file in the Human Resources Office. Job vacancy notices shall not be required for temporary appointments or for the temporary replacements of incumbents on approved leave.

The position description on file with the Human Resource Office is the official description of duties of the position. All postings and advertisements shall include:

- a) position title;
- b) salary or salary range;
- c) a brief description of the duties;
- d) minimum qualifications;
- e) name and address to which to send applications;
- f) last day for filing applications; and
- g) an AA/EEO statement.

Internal applicants will be considered prior to external candidates if they meet minimum entrance requirements. The Town Manager/designee shall approve the funding availability of all job advertisements prior to publication.

Job notices and advertisements may be placed in local newspapers, Boston newspapers, cable bulletin boards, trade journals and/or employment websites as deemed appropriate by Human Resources; after consultation with the department head and/or Town Manager.

### SCREENING AND INTERVIEWING

The Human Resources Director will screen resumes and applications based on criteria established prior to receipt of resumes. Selected resumes and applications meeting established criterion will be forwarded to department head for review and selection for interview. The Human Resources Director/designee will direct the interview process of all candidates and advise department heads relative to their final selections.

The following are the procedural guidelines:

- a) Devise standard selection questions which are not gender or race biased, and use the same questions for all candidates;
- b) Screen resumes for minimum entrance requirements;
- c) Select candidates for interview;
- d) Notify successful candidates of selection (*by telephone or email*) and then interview those candidates;
- e) Select candidates for final (*or second*) interview, contact references and conduct final interviews;
- f) Select final candidate. Review offer to candidate with Department Head and secure approvals if offering

higher than minimum entrance rates;

- g) Offer the candidate employment in writing; and
- h) Notify unsuccessful candidates.

### Personnel File Contents

Effective Date: January 2014

Employee personnel files are maintained by Human Resources Office. These files include all data relating to employee status, history, performance, training, commendations, discipline, qualifications, and the like. Employee records and information relative to benefits enrollment and payroll elections are maintained in the Treasurer's Office and Accounting Department, respectively.

Personnel files may also include other information deemed relevant by the Human Resources Director. Employee medical information is maintained in a separate medical file in Human Resources. Department heads are responsible for forwarding appropriate documents to Human Resources for inclusion in the personnel files of department employees.

### Access to Personnel Files

Revision Date: January 2014

Personnel files are the property of the Town. With reasonable advance notice, employees may view their personnel file in the Human Resources Office in the presence of a staff member at any time during normal working hours. It is the employee's responsibility to obtain prior approval of their department head to be absent from their place of duty while reviewing their file. Otherwise, only department heads and/or management personnel with specific need to do so may review personnel files. Information contained in personnel files shall be kept confidential and shall not be disclosed except as authorized by the Massachusetts Public Records Law or in writing by the employee.

Access to medical files maintained by the Town is limited to authorized Human Resources personnel. The information contained in medical files is subject to the Town's confidentiality policy and may also be subject to other state and federal privacy laws (i.e., HIPAA). (*see 0. Confidential Information*)

### Personal Information Changes

Effective Date: January 2014

It is the responsibility of each employee to promptly notify the Town of any changes in personal data. Personal mailing addresses, personal email address (*to receive statement of wages*), telephone numbers, names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports shall be kept accurate and current at all times. Any change in personal data shall be provided to Human Resources and the Treasurer's Office as soon as possible.

### Initial Employment Period (Probationary Period)

Effective Date: January 2014

The initial employment or probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town may end the employment relationship at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on a probationary basis for the first ninety (90) working days after their date of hire. Department heads may, with the consent of the Human Resources and the Town Manager extend the probationary period for a specific measure of time.

An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following period of service required or as extended. Except as otherwise provided by law or a collective bargaining agreement, completion of the probationary period does not necessarily confer rights or privileges in the position.

During the initial employment period, new employees are eligible for benefits required by law, such as workers' compensation and pension accrual. They may also be eligible for Town provided benefits, subject to the terms and conditions of each benefits program.

Upon promotion or transfer, written performance evaluations will be scheduled three (3) months from the promotion/transfer date, and every twelve (12) months thereafter. This allows the department head and employee to discuss job performance in the new position.

In the event the employee's performance or conduct is not satisfactory, the town may dismiss the employee from employment at any time during the probationary period. If the performance or conduct of an employee serving a probationary period that has been promoted or transferred is not satisfactory, the employee may be returned to the employee's former permanent position provided the position has not been filled and the department head is in agreement.

### Whistle Blowing

Effective Date: January 2014

It is an employee's responsibility to report to the administration any violations of departmental rules or safety policy, theft or destruction of Town property, harassment, or any other conduct in conflict with the Town's work regulations, including related actions by non-employees. The reporting of such conduct shall include documented information, reliable sources and concrete facts. No employee shall be disciplined or retaliated against for providing such information in accordance with this policy.

### Outside Employment

Effective Date: January 2014

Employees may hold outside jobs if they continue to meet performance standards, maintain efficiency, and there is no time conflict or conflict of interest. All employees will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of outside work requirements.

Employees are required to notify their department head of outside employment, including self employment, which is functionally equivalent to the employee's duties performed on behalf of the Town.

If the department head determines the outside employment creates a decrease in performance, loss of efficiency, a

conflict of schedules or interest, the employee shall either not accept or shall terminate the outside employment. No employee shall engage in outside business during the employee's working hours.

### Re-employment

Revision Date: January 2014

While the Town is under no obligation to re-employ or give preference to former employees, all qualified persons are encouraged to apply. Previous personnel records will be made available for the selection process. If a person is re-employed that person will accumulate annual leave and related benefits at the rate of a new employee, unless re-employed within sixty (60) days of the termination date or within one hundred-eighty (180) days of layoff due to a reduction in force.

## *Section 3. Compensation and Performance*

### Employment Categories and Job Classification

Revision Date: January 2014

Each position in the Town has been given a job title and is classified as either exempt or non-exempt for payroll and benefit purposes. Employees will be advised upon commencement of employment of their job classification and title. The Town reserves the right to change the job classification or title of any employee or position as appropriate to reflect changes in job duties or the requirements of applicable federal or state laws.

It is the intent of the Town to clearly define definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each position is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws.

- NON-EXEMPT EMPLOYEES. Non-exempt employees include all employees who are covered by the overtime and/or compensatory time provisions of the federal Fair Labor Standards Act (FLSA) or applicable state laws.
- EXEMPT EMPLOYEES. Exempt employees include all employees who are classified by the Town as exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA) or applicable state laws.

A position's NON-EXEMPT or EXEMPT classification may be changed only upon written approval of the Town Manager pursuant to the FLSA.

In addition to the above classification, each employee will be designated as one of the following:

- REGULAR FULL-TIME employees are those who are regularly scheduled to work the Town's full-time schedule. *For exempt employees, full-time hours equal 40 hours weekly. For non-exempt employees, full-time hours equal 35 or 40 hours weekly.* Generally, they are eligible for the Town's benefit package, subject to the terms, conditions and limitations of each benefit program.
- REGULAR PART-TIME employees are those who are regularly scheduled to work on the Town's weekly schedule of 20 hours but less than 35 hours or 40 hours. Generally, they are eligible for the Town's benefit package, subject to the terms, conditions and limitations of each benefit program.
- PART-TIME employees are those who are regularly scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (*such as workers' compensation*), they may be ineligible for the Town's other benefit programs.
- SEASONAL employees may work regular full-time or part-time hours during certain times of the year but employment terminates at the close of the season. While they do receive all legally mandated benefits, they are ineligible for the Town's other benefit programs.

- TEMPORARY/INTERMITTENT employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (*such as workers' compensation and pension*), they are ineligible for the Town's other benefit programs.

## Salary Administration

Revision Date: January 2014

The Town's objective is to achieve consistent pay practices, comply with federal and state laws, and offer competitive salaries within our labor market.

The Town recognizes that recruiting and retaining talented employees is critical to our success. As such, the Town is committed to paying its employees fair wages that reflect the requirements and responsibilities of their positions; based upon the experience and education applicable to the job.

The Classification and Compensation system ensures the following goals are achieved:

- Each position is assigned a job grade.
- Within each job grade there are established salary ranges. Each range is broad in order to allow adjustment based on skill development and job performance. Jobs are analyzed, compared to similar jobs within the Town and similar organizations, and placed accordingly into the applicable job grade.
- Wage rates and salaries are to be reviewed for appropriateness and are comparable to both positions in the organization and that of similarly situated employees in comparable municipalities.

Employees shall present pay related questions or concerns to the attention of their department head. Typically, salary adjustments and revisions will only be addressed during the annual budget process. Department heads at any time; however, may discuss concerns relative to the salary administration with the Town Manager. Changes and revisions to salary are subject to the availability of funding and the provisions of the applicable collective bargaining agreement.

## Timekeeping

Revised Date: January 2014

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. "Time worked" means the time actually spent on the job performing duties as authorized and assigned by management.

Employees shall accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They shall also record the beginning and ending time of any split shift or departure from work for personal reasons. For non-exempt employees overtime work must always be approved by their department head before it is performed. Employees are required to follow all policies and procedures of the timekeeping systems provided.

Incorrect reporting of time, altering, falsifying, tampering with time records, or recording time on another employee's time record without permission shall result in disciplinary action, up to and including termination of employment.

It is both the employees' and department heads' responsibility to approve time records certifying the accuracy of all time recorded. The department head will review the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record the employee shall be notified of the change by the department head.

Approved time records are to be submitted to the Accounting Office by 4:00 p.m. on the Wednesday following the end of the pay period unless as otherwise directed by the Town Accountant. Exceptions to the deadline may result when holidays occur during a pay week. These exceptions will be communicated as they occur.

Department heads shall contact the Accounting Office or Human Resources with timekeeping questions.

### Overtime

Effective Date: January 2014

When operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime hours. Advance notification of these mandatory assignments shall be provided whenever possible.

Non-exempt employees are not permitted to work any overtime or perform any job duties or functions outside of their normal working hours unless the work is scheduled and approved in advance.

Non-exempt employees who are required or permitted to work overtime will receive overtime pay in accordance with the requirements of all applicable state and federal laws. Although non-exempt employees will be paid for all overtime hours worked, unauthorized overtime may result in disciplinary action up to and including termination of employment.

### Compensatory Time

Effective Date: January 2014

Employees may receive compensatory time for hours worked in excess of their normal work week pay in accordance with the requirements of all applicable state and federal laws. Compensatory time may be earned and/or used in the same week as leave time. The accumulation, use, and administration shall be under the following guidelines:

- C. Management positions and/or Department Heads are scheduled for forty (40) hours per week but require whatever hours per week may be necessary to fulfill job responsibilities.

Management employees may not accrue or request compensatory time. *Under no circumstances shall compensatory time be granted to management personnel.*

- D. Professional, confidential, administrative, and supervisory employees designated as FLSA exempt employees may request compensatory time for hours worked within the following guidelines:

- Work plan must be scheduled and approved in advance.
- No more than thirty (30) hours may be accrued for compensatory time.
- No more than twenty-eight (28) hours (*or thirty-two (32) hours if scheduled work week is forty (40) hours*) of compensatory time may be taken consecutively.
- Employees must use compensatory time within six (6) months of its accrual.

Employees will normally be granted compensatory time within the above guidelines upon request. The Town Manager may grant compensatory time in excess of the above guidelines in specific cases, such as a particularly prolonged period of excess hours required or a particularly large number of excess hours required in a short period of time.

Record keeping shall be accomplished by recording the compensatory time on the attendance sheets submitted to the Accounting Department.

As the Town compensates its employees in accordance with the requirements of all applicable state and federal laws for hours worked, unauthorized accumulation of compensatory time may result in disciplinary action up to and including termination of employment.

### Pay Periods/Paydays

Revision Date: January 2014

All employees are paid once weekly on Tuesday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Except for employees approved to work an alternate work schedule or shift variation by the Town Manager, the standard workweek shall begin at 12:01 a.m. on Thursday morning and end at 12:00 midnight Wednesday evening.

In the event a regularly scheduled payday falls on a holiday, employees will be paid on the last business day before the regularly scheduled payday.

Employees will have pay directly deposited into their bank accounts.

Employees will receive via email an itemized statement of wages when the Town makes direct deposits. It is the employee's responsibility to promptly notify the Town with any change to the email address at which the itemized statement of wages is to be sent. (*see 0. Personal Information Changes*)

Direct deposit forms are available in the Accounting Department. (*see 0. Direct Deposits*)

### Pay Deductions

Revision Date: January 2014

The law requires the Town make certain deductions from every employee's compensation. Among these are applicable federal and state withholdings.

The Town offers benefit programs beyond those required by law. Eligible employees may authorize deductions from their pay checks to cover the costs of participation in these programs.

Court ordered pay deductions which may affect an employee are garnishments, child support orders, etc. The Treasurer's Office will supply the employee with a copy of court ordered pay deductions.

Questions concerning why deductions were made or how they were calculated shall be directed to Treasurer's Office.

### Direct Deposits

Effective Date: July 2014

The direct deposit of pay to a financial institution is mandatory for all employees. This program allows employees the flexibility of simultaneously distributing funds to more than one account. It also provides employees the security of knowing that pay will be deposited automatically, even during an absence from work. Employees receive via email a Statement of Wages (*Direct Deposit Advice*) prior to payday, itemizing deductions and deposit amounts. It is the responsibility of the employee to promptly notify the Town of a change to the personal email address to which the Statement of Wages is to be delivered. (*see 0. Personal Information Changes*)

Information about direct deposit and forms are available in the Treasurer's Office.

### Pay Advances

Effective Date: January 2014

The Town does not provide pay advances to employees.

### Payroll Change Authorizations

Revision Date: September 2014

No changes shall be made to an employee's compensation without the written approval of the Town Manager (or his/her designee) and verification of the availability of funds by the Town Accountant.

To ensure this outcome, requests for changes must be submitted on the *Town's Payroll Change Authorization Form (as revised 9-2-2014)*. The *Town's Payroll Change Authorization Form* (PCAF) is a multi-purpose form used to make and document requests for changes in compensation. The PCAF must be fully completed and signed by the Department Head before submitting to Human Resources for review. *The preferred method of delivery of the PCAF is via email.*

Submission of a *Payroll Change Authorization Form* in no way confers approval of a request. Requests are not approved unless signed by the Department Heads (*except for new Hires*), Human Resource Director and/or the Town Manager.

### Administrative Pay Corrections

Revision Date: January 2014

The Town takes all reasonable steps to ensure employees receive the correct amount of pay in each paycheck and employees are paid promptly on the scheduled payday.

In the unlikely event there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of their department head so corrections can be made as quickly as possible.

### Performance Evaluations

Revision Date: January 2014

Department heads and employees are encouraged to discuss job performance and expectations on an informal, day to day basis. Formal performance evaluations are conducted to provide both managers and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting expectations. It is expected that department heads formally establish

their expectations for each employee and share those expectations with each employee.

Each department head is responsible for preparing a formal performance evaluation of their employees, both full time and part time, at least once per year. The evaluations are to be prepared on the appropriate evaluation form provided by Human Resources. Employees are expected to meet standards of satisfactory performance. As a reward for performance, employees who meet, or exceed established expectations of performance may be eligible for a merit or step increase depending on the level of performance and the provisions of the applicable Collective Bargaining Agreement (CBA). Employees who fail to meet established expectations of performance or fail to correct or improve performance deficiencies may be subject to disciplinary action up to and including termination.

Formal performance evaluations for new, newly promoted, or transferred employees are scheduled following the successful completion of their first ninety (90) working days probationary period. Consecutive performance evaluations will be scheduled every twelve (12) months from this review date. Employees not meeting expectations during a performance evaluation will receive a follow-up review in three (3) months. This second review does not change the employee's annual review date.

As the needs, conditions, and resources of the Town change, the performance evaluation system will adapt so it can contribute to the effectiveness of the organization.

#### Call Back and On-Call (Non-emergency personnel)

Effective Date: January 2014

During periods of emergency, as deemed by the Town Manager, all employees may be subject to call back as needed by the Town to provide necessary, uninterrupted services to the public.

Each department head shall maintain an on-call list of employees with current contact information. The on-call list shall be available to all employees to review on a reasonable basis. Employees must be called from the top of the list down and the list should be updated as necessary to move those who last worked call out duty to the bottom of the list. When an employee is called, the employee must respond to the call by either answering the call directly or returning the call as soon as they get the message. Response should not be unnecessarily delayed for any reason. If an employee is unavailable to respond to a call-out, they must immediately notify their department head.

The Town provides additional compensation for non-exempt employees who respond to unexpected, unscheduled situations in order to perform necessary work of an emergency nature at a time other than during the employee's regularly scheduled hours of work. When an employee is called back to work after leaving the premises and outside of the employee's regularly scheduled hours of work, the employee shall be paid for actual time worked upon arrival at the worksite, or a minimum of two hours, whichever is greater (the "guaranteed call-back period"). If the employee completes his/her original assignment and is called back again at a time that is within the "guaranteed call-back period" he/she will be considered still on the clock from the initial call and shall not receive additional compensation. The employee shall receive compensation for all hours actually worked in excess of the initial two hours.

Callback compensation will be calculated at one and one-half times the employee's regular rate. The provisions of the policy apply to non-exempt personnel only.

#### Working out of Classification

Effective Date: January 2014

Skilled labor employees may be asked to perform duties outside of their normal responsibilities that are typically

performed by someone assigned to a higher pay range. Under certain circumstances, when the skilled labor employee must perform these additional responsibilities in the place of another employee for extended periods of time, or if the responsibilities require the utilization of special skills that are not required as part of their regular job, the department head may recommend additional compensation.

Employees shall only be eligible for additional compensation if they perform all of the significant duties and responsibilities of the higher range position for forty (40), or more, consecutive work hours. During the time an individual serves in such capacity, they shall be paid at a rate 6% higher than their normal rate. Employees shall not be eligible for additional compensation if they serve in such capacity for less than forty (40), consecutive work hours.

### Employee Development & Training

Effective Date: January 2014

The Town is committed to supporting employees in their professional development. To provide opportunities for career advancement and growth, the Town offers a variety of training programs.

Available courses, times, locations and dates for available training programs are communicated on a regular basis. Employees should discuss professional development goals with their department head to determine the courses in which to enroll.

Employees are required to attend at least three (3) Town provided training sessions each calendar year.

### Job Transfers and Promotions

Effective Date: January 2014

The Town encourages all employees to apply for higher-level positions or lateral transfers for which they qualify. Open positions are posted regularly. Employees who wish to apply for a transfer or promotion should discuss it first with their department head. Generally, employees should be in their job for at least six (6) months before applying for a change in position. In addition, employees must have a good performance and attendance record. Qualified employees interested in applying for any of the posted positions should follow established procedures as outlined in *Section II - Employment* of this manual.

The Town may, in its discretion, determine that certain positions need not be posted, and reserves the right to hire qualified candidates without posting positions. The Town also reserves the right to transfer, reassign, demote or promote employees to support reasonable and necessary organizational needs.

Employees with questions should contact Human Resources for more information.

### Change In Status Adjustments

Effective Date: January 2014

The Town supports and encourages employees to build their careers within the organization. From time to time, the Town may extend opportunities for employees to alter their current positions to suit organizational needs or to assume positions in different departments. If the Town chooses to extend these opportunities, in general, the employee will retain their seniority and other applicable benefits.

CHANGE IN STATUS GUIDELINES

While these guidelines cannot address every situation that may arise, generally, these guidelines affect the accrual of current calendar year sick, vacation and personal time. In no case shall vacation carry-over time be adjusted to meet an employee's change in status.

#### ELIGIBILITY

Eligibility for an accrual adjustment includes:

- Employees whose status changes from exempt to non-exempt will have their leave accrual rate adjusted to match their length of service to the accrual rate on the non-exempt personal leave schedule.
- Employees whose status changes from non-exempt to exempt will have their accrual rate adjusted, if necessary. Affected employees will receive an accrual rate that matches their length of service on the exempt personal leave schedule.
- An employee whose full time equivalency (FTE) changes or who changes from part-time to full-time (or vice-versa) will maintain his or her accrual balances. As of the beginning of the next pay period after the effective date of the change, accruals will be earned at the appropriate new rate.
- An employee going from a non-accruing position to an accruing position may have his or her length of service credited when the applicable accrual rate is determined. The employee will not be required to observe a waiting period for vacation accrual use if the employee has been with the Town for at least six (6) months.
- An employee whose workweek changes from 35.0 hours to 40.0 hours or vice-versa will maintain his or her accrual balances. As of the beginning of the next pay period after the effective date of the change, accruals will be adjusted as appropriate to the new accrual rate.
- In the case, where an employee's time is "top-loaded" or added on January 1st, 5.0 hours will be added to each earned but unused vacation week(s) as of the date of the change. *i.e. – Employee A is eligible for 3 weeks of vacation at 35 hours per week on January 1. The employee used 1 week (35 hours of vacation) on January 15. Employee's change in status begins February 1 and new work week is 40.0. Employee's vacation time is adjusted for new work schedule. Accordingly, 5.0 is added to the vacation balance for each of the 2 remaining weeks of vacation.*
- An employee going from an accruing position to a non-accruing position will cease to accrue, but will maintain his or her accrual balances. If the employee is changing to a seasonal position, or a position where he or she cannot charge his or her accrued vacation leave, then the employee will be paid for that time upon reassignment.

The Town recognizes that exceptions to these guidelines may occur. Granting of such exceptions will be noted in writing, be approved by the Town Manager (or his/her designee) on a case-by-case basis. An overall review of these guidelines - and the exceptions thereto - will be annually reviewed.

All *Change in Status Adjustments* must be reviewed by Human Resources and approved by the Town Manager (or his/her designee) in writing and recorded on the Town's Payroll Change Authorization Form.

Employees with questions should contact Human Resources for more information.

#### Longevity Awards

Revision Date: January 2014

In recognition of length of service, the Town pays an annual bonus to employees upon completion of ten (10) years service or more. Regular, full-time employees are eligible to receive longevity awards. Part-time employees under

twenty (20) hours/week, seasonal employees, temporary employees, and per-diem employees do not qualify for longevity awards.

The longevity awards shall become effective on the employee's ten (10) year anniversary. No longevity award will be paid prior to the individual's anniversary date and the employee must be currently employed at the time that the award is due.

Generally, these longevity payments are non-cumulative and are made in accordance with the following schedule:

- 10 years of service through 14 years: 1% base wage increase
- 15 years of service through 19 years: 2% base wage increase
- 20 years of service through 24 years: 3% base wage increase
- 25+ years of service : 4% base wage increase

In no case shall a full-time hourly or salaried employee receive more than 4% in annual longevity compensation.

### Employment Separation

Effective Date: January 2014

The Town is an at-will employer. Employment is not for a specified term and is at mutual consent of the employee and the Town of Bridgewater. Termination of employment is part of personnel activity within any organization, and many of the reasons for termination are routine.

Employees are asked to give adequate written notice, of at least ten (10) working days, if there is a decision to leave the employ of the Town, so an orderly transition of responsibilities may be arranged. The written notice should indicate the reason for leaving, the employee's last day of work, and must be signed by the employee.

The Town may schedule an exit interview at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits and return of Town-owned or leased property. Employee suggestions, complaints, and questions can also be discussed.

Since employment with the Town is based on mutual consent, both the employee and the Town have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable laws.

### *Section 4. A Professional Workplace*

#### **Open Communication**

Effective Date: January 2014

Department heads and employees are encouraged to communicate openly and honestly on a regular basis. Open communication should allow everyone to feel comfortable doing the following things:

- Communicating needs and expectations
- Asking questions and discussing problems
- Sharing any suggestions to improve work processes and team performance

Department heads are an important link to many of the resources available for an employee's personal and professional development. When assistance or support is needed, employees should begin with their department head.

Human Resources may also provide information or answer questions regarding Town policies or other work-related issues.

### Chain of Command and Council Communications

Effective Date: January 2014

The Bridgewater Home Rule Charter section 2-6(4). *Exercise Of Powers; Quorum; Rules Of Procedure* states: “*The town council shall deal with the officers and employees serving under the town manager solely through the town manager and the council president shall not give any orders or directions to any such officer or employee, either publicly or privately*”.

Further, Bridgewater Home Rule Charter section 1-3. *Division of Powers* states: “*All legislative powers of the town shall be exercised by a town council. The administration of all town fiscal, business and municipal affairs shall be vested in the executive branch headed by the town manager*”.

The chain of command is an effective business tool to maintain order and assign accountability in most business environments. Following the proper chain of command etiquette not only improves business operations, it helps the organization run more smoothly and efficiently. The Town Council serves as the Legislative Body and direct policy decisions for Town. The Town Manager serves as the Chief Executive Officer charged with the direction of all town fiscal, business and municipal affairs.

To adhere to spirit and intent of the applicable Charter provisions and to ensure that Department Heads and employees have clearly delineated lines of authority for the Town Council and Town Manager as provided in the Home Rule Charter, the following rules shall be adhered to:

1. Unless otherwise provided by the Town of Bridgewater Home Rule Charter the line of authority and responsibility for the Town of Bridgewater begins with the Town Manager and descends through the Assistant Town Manager, division heads, department heads, assistant department heads, various levels of supervisors, and ends with non-supervisory employees.
2. No Department Head or employee shall communicate with members of the Town Council in their official capacity to represent or discuss organizational or departmental matters; or advocate for organizational or departmental needs, either publicly or privately. Department Heads or employees with issues or requests that require Town Council approval shall bring their concerns to the Town Manager. The Town Manager may, in his/her discretion, bring forward these matters, issues and/or requests to the Town Council.
3. No Department Head shall direct an employee to communicate with members of the Town Council, verbally or in writings, to represent or discuss organizational or departmental matters or advocate for organizational or departmental needs.
4. Employees shall not communicate with members of the Town Council, either verbally or in writings, relative to departmental or organizational matters **except** in matters of emergency or as specifically directed by or as expressly authorized by the Town Manager.

Violations of the provisions of this policy shall result in disciplinary action up to and including termination of employment.

### Citizen Relations

Effective Date: January 2014

Every employee represents the Town to the public. How employees present themselves and the way they perform their jobs presents an image of the entire organization. Citizens judge all Town employees by how they are treated with each employee contact. All employees are expected to be courteous, friendly, helpful, and prompt in the attention given to citizens.

Employees shall refrain from making recommendations, criticism, etc. of individuals, businesses or organizations during work time or when representing themselves as agents of the Town.

### Employee Relations

Effective Date: January 2014

It is the responsibility of all employees to be respectful, to be fair in treatment of others and to conduct themselves in a non-discriminatory manner in their associations with other employees.

For minor employee conflicts, the parties should first attempt to address the issue without a department head's intervention. If the issue persists, both parties should relay the information to their department head for further consideration and resolution.

### Work Schedules, Meal Periods and Breaks

Effective Date: January 2014

The standard work week for most Town employees will consist of five 8-hour days for exempt employees and public works employees and four 7.5-hour days (*Monday – Thursday*) and one 5.0- hour day (*Friday*) for most non-exempt employees. Alternate work schedules may be approved by the Town Manager based on a written request from the department head.

Unless specifically assigned to shift work or approved for a alternative work plan or modified schedule, all employees must start work no later than 8:00 a.m. Alternative work plans or modified work schedules and start times may be subject to change at any time by order of the Town Manager.

Breaks and meal periods are intended to provide an opportunity for rest and relaxation. Accordingly, they should be enjoyed away from employee work spaces where available.

A meal period is provided to employees scheduled to work 7.5 or more hours in a day. Meal periods are not considered hours worked and therefore are not compensated. A meal period consists of at least thirty consecutive minutes during which the employee is completely relieved from work. Meal periods will be scheduled by the employee's department head (*or his/her designee*). Meal periods must be coordinated within the department so that there is adequate coverage at all times during operational hours.

Two paid fifteen (15) minute breaks may be provided, as a privilege to employees, during a regular 7.5 hour work schedule. To the extent possible, break periods will be provided in the middle of work periods. The purpose of break periods is to provide employees with a short respite from normal work activities. Break periods are considered time worked. Department heads may; however, schedule break periods at any time to reflect departmental operating

needs.

Since this time is counted and paid as “time worked” employees must not be absent from their work area or stations beyond the allotted break period time and are not allowed to use their personal vehicle while on break.

Break periods should not be combined with the meal period to extend the total length of the meal period, without prior approval of the department head or designee.

Under no circumstance shall the break period be accumulated to be taken together later in the day in order to shorten or truncate the normal work day. Employees that leave work early must be charged from their accrued vacation or comp time allotment and receive prior approval of the department head or designee.

Violations of the provisions of this policy shall result in disciplinary action up to and including termination of employment.

### Attendance and Punctuality

Revision Date: January 2014

Punctual and consistent attendance is a condition of employment. Employees are expected to be at their workstations, ready to begin work at the scheduled work time.

In instances when employees cannot avoid being late to work or are unable to work as scheduled, they shall notify their department head as soon as possible in advance of *(but not less than thirty (30) minutes)* the anticipated tardiness or absence. Direct notification by phone or email must be given by the employee to the appropriate department head or designee.

Employees are required to maintain regular contact for any period of unscheduled absence, unless the employee and department head agree to other arrangements.

Excessive, repeated or frequent absences are disruptive to the work flow of the Town. Employees should not assume that an absence is permissible merely because there is sufficient vacation or sick leave available to cover time off. Likewise, arriving late or leaving early in connection with schedule work times, breaks or meal periods must be pre-approved by the employee’s department head.

Attendance records are maintained and tracked; and may be analyzed for trends. Excessive absenteeism and/or tardiness may result in disciplinary action, up to and including termination. An employee absence of three consecutive working days, without contacting the employee’s department head or designee, may be considered a voluntary resignation.

Employees with an approved alternative work plans, modified schedules or who exercise the option to telecommute (*see 0. Work Schedules, Meal Periods and Breaks and 0. Alternative Work Plan Options*) are encouraged to communicate their approved schedule with other departmental personnel. Such communications alleviate undue concern and unnecessary confusion for other staff and help to create a harmonious work environment.

### Alternative Work Plan Options

Effective Date: January 2014

Alternate Work Plan Options allow certain qualified employees and department heads some flexibility in defining when, where and how work is done. This flexibility is a critical driver of employee well-being and performance and is responsive to the changing professional demographics of the workforce. For many people, even a small amount

of flexibility can make a tremendous difference in successfully balancing responsibilities at work and at home.

When properly managed, alternate work schedules have been shown to increase productivity, increase employee engagement and retention, provide extended coverage and cross training opportunities, and decrease unplanned absences.

The Alternate Work Plan Options available in the Town include the compressed workweek, flextime, and work away from premises/telecommuting.

- i. COMPRESSED WORKWEEK: Compressed workweeks are alternative work arrangements where a standard workweek is reduced to fewer than five days, and employees make up the full number of hours per-week by working longer hours.

The most common type of compressed workweek schedules are:

- 4/10 schedule (four 10-hour days per week).
  - 9/80 schedule (80 hours in a two week period worked over nine days instead of ten)
- ii. FLEXTIME: Flextime is an arrangement that allows an employee to alter the start and end times of her/his work day around the normal schedule of 8:00 am to 4:00 pm. Flextime does not reduce the total number of hours worked in a given workweek.
  - iii. WORK AWAY FROM PREMISES/TELECOMMUTING: Telecommuting is a voluntary work arrangement available for certain qualified Town employees that allow those employees to work from another location for a specific period of time, linked to the Town by computer and/or phone.

Flexible work arrangements are not available for all positions or employees. Flexible work arrangements are not an employee entitlement or requirement, but a voluntary work assignment mutually agreed to by the employee and department head. The arrangement must be in the best interest of the Town. The focus in flexible work arrangements must be on results.

In general, an employee may initiate the request for an alternate work plan by submitting a proposal to her/his department head. Before entering into any flexible work arrangement or agreement, the department head and Human Resources will evaluate the suitability of such an arrangement.

All Alternate Work Plan plans must be approved by the Town Manager. All requests must go through the appropriate approval process.

Employees with an approved alternative work plan, modified schedule or who exercise the option to telecommute are encouraged to communicate their approved schedule with other departmental personnel. Such communications alleviate undue concern and unnecessary confusion for other staff and help to create a harmonious work environment.

Employees with questions should contact Human Resources for more information.

## Personal Appearance

Effective Date: January 2014

Personal cleanliness standards contribute to the morale of all employees and affect the image the Town presents to customers and visitors. All employees, regardless of work location, are required to maintain a positive, clean and professional image at all times. This is particularly true for employees with jobs involving contact with customers or visitors in person.

Employees should wear professional, clean, tasteful and business or task-appropriate attire.

Employees shall dress and groom themselves according to the requirements of their position and accepted social standards.

Department heads may identify additional inappropriate dress items relevant to the work environment. If a department head feels an employee's personal appearance is inappropriate, the employee will be asked to leave the workplace until properly dressed or groomed. Under such circumstance, the employee will not be compensated for the time away from work. When necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, employees are expected to refrain from wearing the following during work hours:

- Any clothing displaying advertising, unless endorsed or sponsored by the Town of Bridgewater
- Sweatpants, jogging suits and cut-off shorts
- Any clothing that reveals bare backs and midriffs
- Any inappropriate revealing, sheer or provocative clothing
- Tube tops, tank tops, halter tops or like shirts worn as outerwear
- Stretch pants, leggings, "jeggings" or the like
- Any hats, caps or head covering that bear offensive or distasteful logos and/or language as determined by the Town
- Ripped, excessively worn, or ragged denim pants of any color whether by design or deterioration
- Ill-fitted clothing (*i.e.* - *pants, jeans, blouses, shirts, sweaters*) which expose the stomach or buttocks are not acceptable. Employees should be able to reasonably bend, reach and stretch without exposure of these body parts.
- Shoes must provide safe, secure footing, and offer protection against hazards.
- Offensive body odor and poor personal hygiene are not professionally acceptable.
- Perfume, cologne and aftershave lotion shall be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.

Employees shall comply with the requirements of this policy with appropriate business apparel, personal appearance and hygiene. Individual concerns and guidance should be directed to Human Resources.

### Professional Standards of Conduct

Revision Date: January 2014

The Town endeavors to maintain a high level of public confidence. This can be sustained only if employees observe the highest standards of conduct and ethical behavior in the performance of their duties. Employees should be cognizant of the Town's ethical and legal responsibilities. Employee actions should be based on good judgment, reason and in good faith having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town has established these *Professional Standards of Conduct* through its personnel policies and seeks to maintain standards of employee conduct and supervisory practices that will, in the interest of the Town of

Bridgewater and its employees, support and promote effective operations. Employees are expected to follow the *Professional Standards of Conduct*, as well as observe all policies and procedures and applicable laws and regulations. Department heads will ensure employees are informed of Town and departmental policies and procedures; as well as applicable laws, rules and regulations.

In most instances, good judgment will dictate appropriate behavior. However, the Town reserves the right to determine unacceptable behavior. While it is impossible to list every aspect of behavior which is or is not appropriate, the following list includes some examples of types of conduct that are considered impermissible. Violation of **any** of these may result in disciplinary action, up to and including termination.

- Violation of any rules contained within this manual.
- Inappropriate use of position with the Town for personal gain.
- Falsification of, destroying, or making a material omission on forms, records or reports including timesheets, employment applications, personnel records, customer records or other Town documents.
- Unauthorized possession of Town or employee property, gambling, carrying unauthorized weapons or explosives, or violating criminal laws on Town of Bridgewater premises or in Town vehicles or by using Town property.
- Fighting, throwing things, horseplay, practical jokes or other disorderly conduct which may endanger the well-being of any employee or Town operations.
- Engaging in acts of fraud, theft or sabotage.
- Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- Insubordination or refusal to comply with instructions, directions, or orders. Failure to perform reasonable duties which are assigned.
- Unauthorized or inappropriate use of Town material, time, equipment or property.
- Damaging or destroying Town property through negligent, careless, or willful acts.
- Conduct that the Town feels reflects adversely on the employee, program/department or Town.
- Engaging in tantrums, tirades and related derisive or divisive activities which undermine morale.
- Engaging in such other practices as the Town determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the Town, its employees or citizens.
- Failure to follow safety or security policies, procedures and regulations.
- Violating the Town's non-discrimination or anti-harassment policy.
- Establishing a pattern of excessive absenteeism or tardiness.
- Unauthorized disclosure of confidential information.
- Violation of personnel policies.
- Unsatisfactory performance or conduct.
- Conviction of a felony or of a misdemeanor involving baseness, vileness or depravity (moral turpitude).
- Violation of the law during on duty hours or off duty hours if the violation would tend to render the reasonable employer insecure, or the citizens of the Town insecure, in the continued employment of the employee.
- Failure to notify department head immediately after being charged with a misdemeanor or felony.

- Failure to notify the Town immediately after receiving a moving traffic citation or any citation while in a town vehicle.
- Reporting to work intoxicated or under the influence of prescribed or non-prescribed drugs.
- Illegally manufacturing, possessing, using, selling, distributing or transporting drugs.
- Failure to follow Federal, State or local laws and regulations.
- Other behavior or performance issues that in the opinion of the Town require disciplinary action.

Employees must notify the Human Resources of any arrests, the filing of any criminal charges, and the disposition of any criminal charges pending against them. Notification shall occur within five (5) business days of notification to the employee. Information relating to arrests and/or criminal charges shall be treated and maintained as part of the employee's confidential file.

### Visitations

Effective Date: January 2014

Family members or friends are welcome for occasional visits in the workplace. However, the frequent and extended presence of others during work hours is discouraged for the following reasons: the potential for interruption of work, health and safety issues and liability to the organization.

### Reporting to Work During Inclement Weather

Revision Date: January 2014

The Town of Bridgewater provides a wide array of services, including many emergency related functions. Therefore, it is the Town's policy to maintain normal operating hours during inclement weather. Generally, all employees are expected to report to work. However, in case of a severe weather emergency, it may be necessary to adjust normal staffing levels. An employee who is unable to report to work due to inclement weather shall immediately contact their department head and shall use accrued compensatory time, annual vacation leave or personal leave.

For more information, please refer to the full Inclement Weather Policy (Appendix).

### Acceptance of Gifts

Revision Date: January 2014

Employees should not directly or indirectly solicit any gift or accept or receive any gift – whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form – under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part. This policy is not intended to isolate employees from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

For more information, please refer to the Ethics Conduct law on the State Ethics Commission website at [www.mass.gov/ethics/summaries-of-the-law-in-english-spanish-portuguese.html](http://www.mass.gov/ethics/summaries-of-the-law-in-english-spanish-portuguese.html). (see *Business Ethics and Conduct*)

The Town Clerk's Office may also provide some assistance in understanding the ethics law.

## Media Policy

Revision Date: January 2016

The official spokesperson of the Town of Bridgewater is the Town Manager.

Unless express authorization has been given by the Town Manager to make media statements (*electronic, in person, or print*) on behalf of the Town, all requests for information shall be referred to the Town Manager's Office.

Exceptions to this policy are as follows:

- Matters of General Concern – The Town Attorney
- Public Safety incidents – The Police and Fire Chiefs are fully authorized to respond to all inquiries.
- Public Works weather events – The Public Works Director or the Roadways Superintendent is authorized to respond to inquiries on snow and other inclement weather events.
- Public Health incidents – The Health Agent or his/her designee is fully authorized to speak on matters of public health

Department heads and employees who wish to make a public statement, engage in an interview, or in any way communicate with the media in any manner having to do with or referring to the Town of Bridgewater - whether at the employee's or the media's instigation – **must** have the expressed authorization of the Town Manager.

Town employees with questions on this policy or issues related to implementation shall raise their concerns with the Town Manager. Deviations from this policy may result in misinformation to the public, undue confusion or legal liabilities for the Town.

When media agents/reporters are present either in town offices or at town meetings or events, employees shall refrain from making comments, recommendations, criticism, etc. of individuals, businesses or the organization during work time or when representing themselves as agents of the Town.

Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## Solicitations

Effective Date: January 2014

Every effort is made to prevent interference with employees at their work. Sales representatives, collection agencies and other unauthorized people are not allowed in work areas during working hours without prior approval. Solicitations, fund raising drives and promotions must be authorized in advance by the Town Manager or his/her designee.

With the exception of such authorized solicitations, employees are not permitted to distribute or circulate any printed matter which tends to promote or publicize the activities of any individual or organization during working time or in established work areas. Any questions regarding solicitations or distributions shall be directed to Human Resources.

Under no circumstances shall any employee distribute or circulate any printed matter which promotes, defends, or references any political issue, candidate, or political group or fundraising entity during work hours or in established work areas.

### Confidential Information

Revision Date: January 2014

During the course of employment, employees may learn, see or acquire confidential information about the Town, other employees or our citizens. Such information is to be handled in strict confidence and is to be shared only with those persons within the Town who need to know such information. Employees are expected to deal with confidential information in a manner which complies with state and federal laws and regulations. All employees are expected to hold confidential information in the strictest confidence, whether such information is in written, electronic or spoken form. Such information shall only be reviewed, retained and/or discussed in private, and only for work-related purposes. Unauthorized access to confidential information is prohibited.

Confidential information may include, but is not limited to, medical and health information, passwords, citizen related discussions, employee records, other personal information regarding Town employees or former employees, economic development information, records of criminal investigations, and business or financial records.

Unless required by law, no employee may, during the term of employment or thereafter, use or disclose to others outside of the Town any confidential information. The Town recognizes the need to comply with reporting requirements as mandated by federal, state and Town laws and regulation.

#### BREACH OF CONFIDENTIALITY

Employees must recognize the unauthorized disclosure of confidential information could cause irreparable harm and be detrimental to the Town.

Inappropriate releases of confidential information shall result in disciplinary action up to and including termination. Employees who violate confidentiality laws may also be subject to sanctions as imposed by federal or state law.

All questions regarding the use and handling of confidential information, and all public or employee requests for such information shall be immediately forwarded to the Town Manager's Office.

### Employment Verification and Official References

Effective Date: July 2014

The Town frequently receives requests from outside organizations for employment verification and references. In order to maintain a consistent policy throughout the Town concerning the release of employee information, all calls to verify employment or provide an official statement of reference should be referred to the Treasurer's Office (*or Human Resources for general verification only*). The Town will not release home addresses, home telephone numbers or Social Security numbers.

#### RELEASE OF PERSONNEL INFORMATION

Only the following information concerning active or terminated employees is released by the Treasurer's Office upon receipt of a telephone or written request:

- Dates of employment
- Job classification or title

- Department in which the individual is or was employed
- Telephone extension on active employees, if requested

Written requests for additional information related to credit evaluation, employment references, mortgage applications, etc. will be provided only if a release form is signed and returned to Treasurer's Office by the employee.

Requests for employment information by the Division of Employment Security in Massachusetts and other states in connection with an unemployment compensation application will be provided, as required by law, without the use of a release form, since this inquiry is initiated by the terminated employee who has filed a claim.

Employees may be notified, whenever possible, when the Town is required to provide personnel information by a subpoena, warrant, or other court order.

#### MORTGAGE VERIFICATION

If you are applying for a mortgage, your bank will send to the Town a request for employment verification. Since this request asks specifically for salary information, it is Town policy to have a signed letter of request in the Treasurer's Office before this information will be supplied. Upon receipt of the letter, the requested information will be returned to the lending institution.

If you know that your bank will be sending in a verification request form, please contact the Treasurer's Office to provide a written release. A copy of the release form will be kept in the employee's personnel file.

#### GENERAL VERIFICATION

Human Resources will, at an employee's request, prepare a general letter which verifies employment in the Town. This letter is addressed "To Whom It May Concern" and contains the following information:

- Current (official) job title
- Original hire date
- Department in which you are currently working
- Current salary

A copy of the requested letter will be kept in the employee's personnel file. Under no circumstances shall an employee, other than the Treasurer (or designee), Human Resources Director (or designee) or Town Manager (or designee), provide information on other employees.

This policy does not, however, preclude employees from providing a personal reference if so requested by a colleague.

#### INSURANCE CLAIMS

The insurance claims that we receive contain requests for salary information, therefore the Town does not need a signed letter of request in Treasurer's Office before this information will be given. Upon receipt of a request for information, the requested information will be returned to the insurance carrier or law firm. A copy of the all forwarded information will be kept in the employee's personnel file.

#### Return of Property

Effective Date: January 2014

Employees are responsible for all Town property, materials, or written information issued to them or in their possession or control. Employees must return all Town property immediately upon request or upon termination of employment. The Town may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Town may also take all action deemed appropriate to recover or protect its property.

### Use of Phone, Fax and Mail Systems

Revision Date: January 2014

To ensure effective telephone communications, employees shall answer the phone with their Department and first names and speak in a courteous and professional manner at all times. Inaccurate messages, or calls not returned, reflect badly on the Town. Messages should contain the caller's name, company, phone number, and other important information. Confirm information received from the caller, and hang up only after the caller has done so. Employees shall advise callers prior to placing them on hold. When transferring a call employees shall advise the caller of the individual's name and title to whom they will be transferred.

Personal use of the telephone, facsimile systems, and mail system is allowed only with prior authorization from the department head. Employees will be required to reimburse the Town for any charges resulting from personal use of the telephone and facsimile systems. When approved by the department head, incoming and outgoing personal calls from Town phones and use of personal cell phones shall be limited in terms of number and duration so as to not interfere with Town business and overall employee performance.

The use of Town paid postage for personal correspondence is not permitted.

### Town Equipment and Facilities

Effective Date: January 2014

Equipment and furniture used by Town employees (*including offices, cubicles, desks, file cabinets, computers, and any other equipment in the work area*) are the sole property of the Town. The Town reserves the right to open this property at any time, with or without notice or consent of the employee. This includes any owned, leased, operated or managed buildings, facilities, vehicles, storage facilities, parking lots and any other designated Town property.

When using Town equipment and vehicles, employees are expected to exercise care, follow required maintenance, and follow all operating instructions, safety standards, and guidelines. Town property is for business use only.

It is the employee's responsibility to notify their department head when any equipment, machine, tool, or vehicle appears to be missing, damaged, defective, or in need of repair. Prompt reporting could prevent equipment failure and possible injury to employees or others. Department heads can answer more specific questions about an employee's responsibility for maintenance, and care of equipment or vehicles used on the job. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles will result in disciplinary action, up to and including termination of employment.

### Uniforms and Employee Identification

Effective Date: January 2014

Uniforms may be provided for employees whose position has been identified as one that requires them to wear a uniform. Typically, employees in a job that causes clothing to become soiled on a regular basis will be required to

wear a uniform. Upon written recommendation by the department head, the Town Manager will designate positions requiring uniforms.

It is mandatory that those employees that are provided uniforms wear their current uniform without substitution during all working hours. All uniforms must be returned to the Town when a new uniform is issued or upon termination of employment.

For employees that are not required to wear a uniform, a Town identification card will be provided. These employees are required to display their cards to identify themselves and their association with the Town at all times when conducting business on behalf of the Town. The identification card can be worn using a breakaway lanyard, clip-on badge reel or badge holder.

Identification cards include a color photograph of the individual, his or her full legal name, and department designation to indicate where that individual is employed. An individual who uses a nickname may have the nickname included in parenthesis on his/her badge if that is the primary name he/she uses. The Town provides these badges free of charge upon appointment. If a badge must be replaced, the badge holder may reimburse the Town for the cost of a new badge.

Identification badges are the property of the Town and will be retained by the Town when an individual terminates his or her employment. Individuals will only be issued one identification badge at the time of employment.

Employees who are not required to wear a uniform may, *but are not required to*, purchase a shirt with the Bridgewater logo to wear at work.

## Driver's Responsibilities

Effective Date: January 2014

All employees who drive or may drive Town vehicles must have and maintain a driving record that is acceptable to the Town. Failure to maintain a current, properly classified Massachusetts driver's license and/or an acceptable driving record may result in suspension or termination of employment if the driver's license is needed for the performance of essential job duties. In no case shall an employee operate a vehicle or vehicle/trailer combination unless properly licensed to do so.

Personal use of Town vehicles is strictly prohibited unless prior authorization is obtained from the Town Manager. Except for public safety personnel, personal use of a Town vehicle, where permitted, is considered a taxable employee benefit. Non-employees of the Town shall not operate a Town vehicle or be a passenger in any vehicle not intended to transport the public. Town vehicles are not to be left unattended with the key in the ignition and shall be locked when not in use. Seatbelts must be worn at all times by all drivers and passengers. (*see 0. Town Vehicles*)

Authorized drivers shall follow all traffic regulations and safe driving practices. Safe driving practices include steps to ensure the driver's total concentration and safe operation of vehicle, such as, but not limited to: determining clear directions before departing; not taking notes; eating; flipping through papers; manipulating radios, texting or using other equipment while the vehicle is moving; and not operating a vehicle when the ability to react is impaired. While operating a motor vehicle, employees shall either refrain from cell phone use altogether, use hands-free equipment that allows both hands to stay on the wheel, or pull over to the side of the road before making or accepting a call.

Employees who are involved in an accident while traveling on Town business must promptly report the accident to their immediate supervisor or department head who shall notify the Town Manager's Office and, if appropriate, the local public safety authorities.

Town employees shall be personally responsible for the payment of fines and any related costs for any traffic citations that are received while driving a Town vehicle. Under no circumstances shall citations be paid with Town funds.

## Town Vehicles

Effective Date: July 2014

The Town, as it deems necessary or appropriate, may acquire and allow utilization of vehicles for use by officials or employees of the Town, in the conduct of their employment responsibilities, either during the work shift or on a twenty-four (24) hour on-call basis. All new vehicles acquired by the Town shall be fuel efficient and adhere to the guidance of Criteria 4 published by the MA Department of Energy Resources' Green Communities Division. All new vehicles must be approved prior to order by the Town's Procurement Officer.

Town vehicles are for use by its officials or town employees only. Town vehicles are assigned; but may be used by other departments, as organizational needs dictate.

Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of Bridgewater and are assigned solely for purposes consistent with providing services to those citizens.

When town vehicles are not on town business, they are to be garaged at the appropriate town department office. Adherence to this policy ensures that Town vehicles are available for official town use. The appropriate garage location shall be determined by the Town. Exceptions to this policy are granted only for the following public safety department leaders:

- Chief of Police
- Deputy Police Chief (*or 2<sup>nd</sup> highest ranking officer in command structure*)
- Fire Chief
- Deputy Fire Chief (*or 2<sup>nd</sup> highest ranking officer in command structure*)
- Animal Control Officer

### ASSIGNMENT OF TOWN VEHICLES FOR 24-HOUR USE (*Vehicle Approved for Commuting Purposes*)

- a) Requests for the assignment of vehicles for twenty-four (24) hour use will be made in writing by Department Heads to the Town Manager, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria, which will be used in the determination of eligibility for 24-hour vehicle use, include:
  - officially designated on-call status;
  - requirement for frequent emergency availability;
  - emergency or other equipment contained in the vehicle;

Such assignment may be rescinded with reasonable notice by the Town Manager for work-related reasons.

- b) When commuting, vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

- c) The authorization for 24-hour use for commuting shall be re-evaluated annually.
- d) Employees assigned vehicles for 24-hour use involving a commute of more than twenty (20) miles one way shall reimburse the Town for the additional operational or maintenance cost as determined by the Town.

#### VEHICLE USE AND OPERATION

- a) Municipal vehicles shall have the Town seal or department insignia patches affixed on the drivers and passenger side doors (*except for unmarked Police vehicles*), and may only be used for legitimate municipal business.
- b) Municipal vehicles will not be used to transport passengers who are not directly related to municipal business. Passengers should be limited to Town employees and individuals who are directly associated with municipal work activity (*ie - committee members, consultants, contractors, municipal employees from other communities, or by others that have been granted special permission by the department head, etc.*).
- c) Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.
- d) Employees are expected to keep municipal vehicles clean, and to report any malfunction or damage to their supervisor immediately.
- e) Employees are not allowed to transport animals in municipal vehicles unless they are service animals or transport is a job related function.
- f) Employees driving a Town vehicle shall not smoke or use tobacco products in such Town vehicle nor shall smoking or tobacco use be permitted by any passengers in such vehicle.
- g) It shall be the employee's responsibility to maintain the security of the vehicle and its contents at all times it is in his or her possession. Drivers must also make sure that the vehicle has a valid Massachusetts State inspection sticker, oil is checked on a regular basis, tires have sufficient tread, and that the vehicle is kept clean, etc. No vehicle should be driven unless it is safe for the road.
- h) Employees and other vehicle passengers must wear seatbelts in Town vehicles so equipped during operation of the vehicle (*except for Police who must respond to an incident where the use of a seat belt may present an unsafe situation for the vehicle operator and/or occupant*).
- i) Employees are to refrain from using cell phones while driving municipal vehicles.
- j) Employees shall not operate municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medication that may interfere with effective and safe operation of the vehicle. Employees are not permitted, under any circumstance, to operate a Town vehicle, or a personal vehicle for Town business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication by drugs and/or alcohol. Employees operating a Town vehicle or personal vehicle for Town business must drive defensively and courteously at all times.
- k) Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license once per year.
- l) Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
- m) Employees who incur parking or other fines in municipal vehicles shall be personally responsible for payment of such fines.

- n) Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than twenty-four (24) hours. Failure to provide such notice may be grounds for disciplinary action.
- o) An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his or her personal vehicle or in a municipal vehicle, must notify his or her supervisor no later than the beginning of their next work shift. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.
- p) An employee who is involved in any motor vehicle accident involving a municipal vehicle shall contact their supervisor **immediately** who will contact the appropriate public safety agency.
- q) Employees must report to their direct supervisor or Department Head and the Town Manager's Office any accident, theft, or damage involving a Town vehicle or a personal vehicle used on Town business, regardless of the extent of damage or lack of injuries. This report must be made as soon as practicable, but no later than twenty-four (24) hours after the accident.
- r) No employee may use a municipal vehicle for out of state use without advance approval of the Town Manager.

Time spent by non-exempt employee (*those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act*) in driving a Town or personal vehicle on Town business during normal working hours, is considered hours worked for pay purposes. Commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

For part-time summer help hired under the auspices of the Recreation Department, or any like department, drivers must have a valid senior operator's license.

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination of Town services.

#### TAXABLE FRINGE BENEFIT

Employees authorized to use a twenty-four (24) hour Town vehicle may be subject to imputed income tax regulations as set forth by the Internal Revenue Service (IRS), which considers a certain portion of the vehicle use (*namely the commute*) to be income for the purposes of income taxation. The Town will use the IRS Publication 15-B, Employers Tax Guide to Fringe Benefits, Section 3, Commuting Rule in determining any tax liability and automatically update changes to the rate made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee's gross income reported on their W2 at fiscal year-end (FYE) and is subject to all federal withholding taxes. Employees who are assigned marked police and fire vehicles, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the commuting valuation. (*see Publication 15-B 2015 Employer's Tax Guide to Fringe Benefits: [www.irs.gov/pub/irs-pdf/p15b.pdf](http://www.irs.gov/pub/irs-pdf/p15b.pdf)*)

#### Business Travel Expenses

Effective Date: January 2014

The Town will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department head.

Employees shall contact the Town Manager's Office or the Town Accountant for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, and any other business travel issues. **Expenses deemed frivolous, excessive or ineligible for reimbursement will not be paid by the Town Accountant.**

Abuse of this business travel policy, including falsifying expense reports to reflect costs not incurred by the employee, will be grounds for disciplinary action, up to and including termination of employment.

### Computer and Email Usage

Revision Date: January 2014

Computers, computer files, the email system, email addresses, and software furnished to employees are Town property intended for business use. Employees shall not use a password, access a file, modify computer code, add or delete files, expose the system to outside threats, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored. Personal, incidental use of email must be limited to non-work hours. All files, communications, and material on the Town computer system may be subject to disclosure under provisions of the Massachusetts Public Records Law and/or Freedom of Information Law 5 USC 552. Computer files are business records of the Town; accordingly, they may be used in administrative, judicial or other proceedings to the extent allowed by law.

The Town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Town prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to: ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment or showing disrespect for others.

The email system shall not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters, or to communicate personal preferences, criticisms or recommendations.

The Town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town prohibits the illegal duplication of software and its related documentation and installation of personal software programs. Employees shall immediately notify their department head and/or the Information Technology Director upon learning of violations of this policy.

Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### Internet Usage

Revision Date: January 2014

Internet access to global electronic information resources on the World Wide Web is provided by the Town to assist employees in obtaining work related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job related activities, incidental and occasional brief personal use is permitted during non-work time.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Town and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees shall always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The Town reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed or collected and stored via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it shall not be put on the Internet. Employees are also responsible for ensuring that the person or source providing any material over the Internet has the appropriate distribution rights.

Information Technology shall be notified prior to downloading programs from the internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the Town in violation of law or Town policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing or threatening messages or images.
- Using the organization's time and resources for personal gain.
- Stealing, using or disclosing someone else's code or password without authorization.
- Copying, pirating or downloading software and electronic files without permission.
- Sending or posting confidential material or proprietary information outside of the organization.
- Violating copyright law.
- Failing to observe licensing agreements.
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions.
- Sending or posting messages or material that could damage the Town's image or reputation.
- Participating in the viewing or exchange of pornography or obscene materials.
- Sending or posting messages that defame or slander other individuals.
- Attempting to break into the computer system of another organization or person or other systems on the Town's network to which the user is not explicitly authorized.
- Refusing to cooperate with a security investigation.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.

- Using the Internet for political causes or activities, religious activities, or any sort of gambling.
- Jeopardizing the security of the organization's electronic communications systems.
- Sending or posting messages that disparage another organization's products or services.
- Passing off personal views as representing those of the organization.
- Sending anonymous e-mail messages.
- Engaging in any other illegal activities.
- Interfering with the successful operation of an individual's, the Town's, or another organization's computers or networks by causing excessive or unnecessary traffic or releasing hostile computer viruses, worms, or Trojan horse programs.

## Cell Phone Usage

Revision Date: January 2014

### PERSONAL CELLULAR PHONES

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Personal calls during work time should be within reasonable limits. Flexibility will be provided in circumstances demanding immediate attention. The Town, however, will not be liable for the loss of personal cellular phones brought into the workplace.

### PERSONAL USE OF TOWN PROVIDED CELLULAR PHONES

Where job or business needs demand immediate access to an employee, the Town may issue a cellular phone to an employee for work related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure regular unauthorized use has not occurred.

Employees in possession of company equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within twenty-four (24) hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. The Town may deduct the cost of lost equipment or unauthorized charges from the employee's final paycheck.

As a Town representative, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

While operating a motor vehicle, employees shall either refrain from cell phone use altogether, use hands-free equipment that allows both hands to stay on the wheel, or pull over to the side of the road before making or accepting a call.

## Social Media

Revision Date: January 2014

Given the multitude of concerns (*legal, political, and ethical*) raised by social networking (*Facebook, Twitter, Instagram, LinkedIn, Google+, Tumblr, Yammer, SnapChat etc.*) the Town establishes prudent and acceptable practices regarding Town officials and employees use of social media platforms.

While the Town encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the Town among its citizens or in the community. For these reasons, the Town reminds its employees that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the Town disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the Town Manager or its Town Council. If Town personnel posts data purporting to be on behalf of the Town while using a social media site without the approval of the Town Manager, the Town is not responsible for that content, such content is not to be construed as reflecting the views or opinions of the Town Council, Town Manager or Town management, and the Town is not responsible for archiving such content in accordance with the records retention schedule, or providing copies in accordance with the Massachusetts Public Records Law. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain, consult your supervisor or department head before proceeding.

#### GENERAL GUIDELINES

1. While on duty, the use of Town equipment or internet service by personnel must be limited to work related tasks. Social media activities should never interfere with work commitments.
2. No employee may post online content as a representative of the Town, or on the Town's behalf without the Town Manager's approval.
3. If discussing Town related issues, but not posting online content as an approved representative of the Town or on the Town's behalf, all employee's must make it clear that they are speaking for themselves, and not on behalf of the Town by displaying a disclaimer that states: "*This is my own opinion and not necessarily the opinion or position held by the Town Council, Town Manager, its management staff or employees.*"

#### GUIDELINES FOR OFFICIAL TOWN SOCIAL MEDIA SITES AND CONTENT

- 1) All Town-sanctioned social media sites shall be maintained by the Town Manager or his/her designee(s). Any content to be posted on Town-sanctioned social media sites must meet the approval of the Town Manager before it is posted.
- 2) All employees that engage in social media activities on the Town's behalf and all Town sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Massachusetts Public Records Law and the records retention schedule. All content must be managed, stored and retrieved to comply with these laws.
- 3) All online content posted as representative of the Town, or on the Town's behalf shall clearly indicate that it is subject to records retention and public disclosure. All Town-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.
- 4) Any content posted as representative of the Town, or content posted to a Town-sanctioned social media site containing any of the following shall not be allowed:
  - a) Comments not topically related to the particular site or blog article being commented upon;
  - b) Profane language or content;

- c) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  - d) Sexual content or links to sexual content;
  - e) Conduct or encouragement of illegal activity;
  - f) Information that may tend to compromise the safety or security of the public or public systems; or
  - g) Content that violates a legal ownership interest of any other party.
- 5) Content submitted for posting on a Town-sanctioned social media site that is deemed unsuitable for posting by the Town Manager because it violates criteria in the preceding item (*Item 4, above*), shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.
- 6) Any hyperlinks posted on a Town sanctioned social media site shall be accompanied by a disclaimer which states: “*The Town guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto.*”

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### Political Activity

Revision Date: January 2014

The Bridgewater Home Rule Charter § 9-2(4) states:

*“During work hours, no town employee shall knowingly or willfully participate in any aspect of a political campaign on behalf of, or opposition to, a candidate for town office.*”

Town employees, on their own time, may attend political meetings and may support principles and policies of political organizations in accordance with the United States Constitution and applicable state and federal laws.

Town employees who are also residents of the Town, may run for elective office; but must choose between the elective office or town employment in the event of a ballot victory. (*see Bridgewater Home Rule Charter § 3-1*)

#### Disciplinary Action/Corrective Action Plan

Effective Date: January 2014

At the sole discretion of the Town, inappropriate workplace behavior and violations of policies, procedures, applicable laws, rules or regulations may be addressed through disciplinary action.

The use of disciplinary action is intended to correct inappropriate or unacceptable employee behavior or conduct, to prevent reoccurrences of such behavior or conduct, and to provide specific guidance to the employee to assist him/her in achieving future behavior and conduct that is considered acceptable. Examples of such behavior or conduct are included in, but not limited to section 0: *Professional Standards of Conduct*. Various types of employee discipline may be imposed that include, but are not limited to the following: informal coaching, training or counseling; verbal warning; written warning; demotion; or, suspension with or without pay, temporary or permanent pay reductions. None of these disciplinary actions are required to be used before termination from employment occurs, nor are the listed actions required to be used in any specific order. The disciplinary action that is appropriate

will vary based upon the nature of the offense, the circumstances surrounding its commission, and the employee's past record with the Town.

It shall be the responsibility of all managers and department heads to reasonably and impartially supervise, and when necessary, apply corrective action or recommend corrective action for the personnel assigned to them. Various levels or combinations of corrective action may be used depending upon the severity of the employee behavior or conduct. All supervisors and department heads shall exercise good judgment and discretion in taking or recommending disciplinary action. They shall endeavor to insure that the extent of the penalty is not unreasonable or excessive in relationship to the seriousness of the violation or circumstances for which the employee is being penalized. Such action is to be based on what is best for the department, the Town and its employees.

The department head shall consult with Human Resources and/or the Town Manager prior to issuing corrective action. In any case of corrective action (*except a verbal reprimand*), the department head shall be responsible to submit a written report through the chain of command. Such report shall be made with the employee's knowledge. The employee shall be required to read and sign the report to acknowledge awareness of it, not to demonstrate agreement or disagreement with it. In the event the employee refuses to do so, a notation to that effect shall become a part of the report. As the report progresses through the chain of command, each supervisor and the department head shall be responsible for adding a written acknowledgment of having received the report and shall supplement it with opinions and recommendations prior to forwarding it to the next level of command. Any employee, except a newly hired employee, shall have the right to appeal any disciplinary action except verbal warnings to the Town Manager. (*Concerns over a verbal warning shall be addressed through section (Dispute Resolution (Grievance Process))*). Any such appeal shall be submitted in writing by the employee within five (5) business days following notification of the action (*weekends and holidays excluded*). The appeal shall be submitted to the Human Resources.

Prior to issuance of disciplinary action other than verbal or written warnings, a pre-disciplinary hearing with the Town Manager must be scheduled by the department head, unless waived by the employee in writing. However, an employee may be temporarily removed from a work site, pending a review of the appropriate corrective action to be taken, if in the opinion of the department head the employee's actions or behavior result in an immediate and significant safety threat to the employee, co-workers or other persons. Upon removing an employee from the work site, the department head shall immediately contact the Human Resources and Town Manager's Office.

Employees are reminded that employment with the Town of Bridgewater is at-will and may continue only at the mutual consent of the employee and the Town.

#### Dispute Resolution (Grievance Process)

Effective Date: January 2014

The Town strives to ensure fair and honest treatment of all employees. Department heads, managers and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive encouragement and constructive criticism.

The Town of Bridgewater has established a formal grievance procedure to allow employees the opportunity for review of decisions or actions relating to working conditions, misinterpretation or unfair application of policy, wages, and disciplinary actions. All information provided by the employee and all responses by department heads and/or management shall be in writing. Department heads and/or managers involved in settling disputes shall meet with the affected employee throughout the process. The employee may discontinue the procedure at any step. *Please note that employees are expected to make an effort to resolve any issues informally with the appropriate department head prior to filing a formal grievance.*

The Dispute Resolution (*Grievance Process*) is as follows:

- a) If an employee disagrees with a verbal warning, established rules of conduct, policies, or practices, they can express their concern to their department head within three (3) days after the incident occurs. *No employee will be penalized, formally or informally, for voicing a complaint with the Town in a reasonable, business-like manner or for using the resolution procedure.*

Department heads should respond to the issue within five (5) working days. If employee is not satisfied with the department head's response the employee shall appeal to the Town Manager by submitting through Human Resources.

- b) In the event that disciplinary action other than verbal or written warnings is determined to be necessary by a department head, the employee shall be provided with written notice of the charge and an explanation of the Town's evidence. The employee shall be given an opportunity to respond to the charges during a disciplinary hearing before the Town Manager, unless waived by the employee in writing.
- c) At the disciplinary hearing, employees may present evidence and witnesses on their behalf, question the Town's evidence and be represented by any person of their choice at their own expense. The Town's explanation of the evidence at the pre-disciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. This shall not limit the Town at a later date from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the pre-disciplinary hearing.
- d) Once all evidence has been submitted, the Human Resources Director shall make a written recommendation to the Town Manager.
- e) The Town Manager reviews and considers issue and informs employee of the final decision within ten (10) working days, in writing to all parties concerned and forwards copy of written documents for employee's file. The Town Manager has full authority to make any adjustment deemed appropriate to resolve the issue.

Employees are reminded that the Town of Bridgewater is an employment-at-will employer. The employment of an employee can be terminated at the discretion of the Town, with or without cause and with or without notice, at any time, at the option of either the Town or the employee.

## Collective Bargaining

Revision Date: April, 2016

The Town strives to ensure fair and honest treatment of all employees. Certain employees may organize, be represented by an independent trade union and enter in to a contract for a specified period, between the management of an organization and its employees. The collective bargaining agreement (CBA) sets down and defines certain conditions of employment (*generally wages, working hours and conditions, overtime payments, holidays, vacations, some benefits, etc.*) and procedures for dispute resolution.

The Town Manager or his/her designee is the collective bargaining agent for the Town. In accordance with Chapters 149 and 150E of the General Laws and Chapter 1078 of the Acts of 1973, prior to collective bargaining, a bargaining unit must be recognized by the Town and certified by the Department of Labor Relations as the exclusive bargaining unit for the employee group.

The Town presently recognizes the following collective bargaining groups:

- A.F.S.C.M.E. Council 93, Local 1700 (*public works employees*)
- Bridgewater Firefighters Association, Local #2611
- Bridgewater Police Association

- Bridgewater Public Library Staff Association. MLSA, AFT-MA
- S.E.I.U, Local 888 (*clerical employees*)
- United Steelworkers (USW) - Local #16031-39 (*department heads*)
- United Steelworkers (USW) - Local #16031-40 (*professional staff*)

Except as specifically provided in the applicable CBA, employees are advised that nothing shall impair or infringe upon the Town, the Town Manager or its duly empowered representatives from prescribing the methods and means by which the operation of the Town shall be conducted. The Town Manager as the Chief Executive Officer for the Town and the Home Rule Charter vests in him/her the authority and responsibility to supervise, direct and be responsible for the efficient administration and proper operation of the Town.

### *Section 5. A Safe and Healthy Workplace*

#### Safety

Effective Date: January 2014

Creating and maintaining a safe and healthy environment is the responsibility of every employee. Every employee is expected to obey safety rules and to exercise caution in all work activities, to take the time to perform jobs safely and to comply with the following safety rules:

- All established safety procedures must be followed.
- All work-related injuries/illnesses/accidents must be reported to the appropriate department head and the Town Manager's Office immediately.
- Unsafe working conditions must be reported to the appropriate department head and the Town Manager's Office immediately.
- All personal protective equipment must be used in any area for which it has been issued. If proper protective equipment is not available, the employee should ask the appropriate supervisor before proceeding.
- If an employee is unsure how to perform an assigned task or operate a machine, the employee should ask the appropriate supervisor before proceeding.
- Only the proper tool(s) should be used for the job. If the proper equipment is not available, the employee should ask the appropriate supervisor before proceeding.
- Defective equipment or tools should never be used.
- Employees should use proper techniques in lifting and ask for assistance in lifting any object that is too bulky, awkward or heavy to be lifted safely by one person.

Prompt notification of unsafe conditions will help the Town prevent future injuries or illnesses. An employee will not be subjected to retaliation for reporting safety problems or concerns. All employees are encouraged to make suggestions for improvement of workplace conditions and/or related policies.

#### Work Place Injuries and Accidents

Revision Date: January 2014

Employees who sustain work related injuries or illnesses shall inform their supervisor immediately. Supervisors/Department heads shall notify Human Resources of the injury or illness. **No matter how minor an on**

**the job injury may appear, it must be reported immediately.** Some examples include, but are not limited to, slips, trips, falls, near misses, malfunctioning or damaged equipment, citizen or visitor injury, theft, threats or actions of violence.

The employee, in conjunction with their supervisor and/or department head, must submit a completed accident or property damage report within twenty-four (24) hours of the incident. This will ensure compliance with OSHA and enable an eligible employee to qualify for coverage as quickly as possible.

### Workers' Compensation Insurance

Revision Date: January 2014

The Town maintains Workers' Compensation insurance to cover injuries or illnesses that arise out of employment and occur during the course of employment pursuant to Massachusetts General Laws Chapter 152. (Uniformed Police and Firefighters are covered under the provisions of 111F). This insurance provides medical, surgical, or hospital treatment in addition to payment for lost earnings that result from work-related injuries. Any employee who suffers an on-the-job injury or illness, **no matter how minor**, must report that injury or illness to the appropriate supervisor and/or Department head and the Town Manager's Office.

Injuries that occur during an employee's voluntary participation in any off duty recreational, social, or athletic activity are not compensable under the Massachusetts Workers' Compensation Act.

The salary compensation under worker's compensation is calculated at 60% of the average weekly wage of the employee. If an employee has accumulated leave and requests to do so, the difference between the worker's compensation pay and their regular pay may be charged to accumulated sick, vacation, or compensatory time leave so that the employee receives 100% of his/her weekly gross payroll. The employee may also elect only to receive the worker's compensation. No deductions are made from the worker's compensation check and therefore the employee must make arrangements for voluntary deductions such as health insurance.

The Town's Workman's Compensation program is administered by the town's insurer Massachusetts Interlocal Insurance Association (MIAA) and is overseen by Human Resources.

### Workplace Monitoring

Effective Date: January 2014

Workplace monitoring may be conducted by the Town to ensure quality control, employee safety, security and customer satisfaction.

Employees may have their telephone use monitored. Telephone use monitoring may be used to identify and correct performance issues.

Computers furnished to employees are the property of the Town. As such, computer usage and files may be monitored or accessed. E-mail may be subject to monitoring.

The Town Manager may request video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

### Harassment-Free Workplace

Revision Date: January 2014

The Town will not tolerate any form of harassment based race, gender, color, religion, national origin, age, disability, pregnancy, medical condition, marital status, parental status, veterans status or any other characteristic protected by law. It is not possible to list all the forms of behavior that are considered harassment. The following are examples of conduct that may result in disciplinary action, up to and including termination of employment.

#### SEXUAL HARASSMENT

Unsolicited and unwelcome sexual advances, requests for sexual favors, vulgar or obscene photographs, drawings, jokes, comments or gestures, as well as physical contact of a sexual nature which is unwelcome. Further, any supervisor, manager or department head who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, job or working environment of an employee is engaging in sexual harassment. *For more information, please refer to the full Sexual Harassment Policy.*

#### GENERAL HARASSMENT

Any slurs, jokes, general threats, intimidation, and/or other degrading verbal or physical conduct relating to a person's gender, age, ethnicity, disability, religion, national origin, or race constitutes harassment.

Any employee who feels that this policy is being violated has the right and responsibility to report the situation immediately. Complaints of harassment shall be made to one of the following: the employee's immediate supervisor, any department head or Human Resources. Employees have the right to report any harassing conduct without fear of retaliation of any kind or form.

All complaints will be immediately referred to the Human Resources, which will investigate the incident. The employee may be asked to provide written comments, including details of the incident(s), names of individuals involved and names of any witnesses. If it is determined that harassment has occurred, effective action will be taken in accordance with the circumstances.

#### Tobacco-Free Workplace

Effective Date: January 2014

Tobacco use is prohibited at all times in all locations of all work areas, facilities and vehicles operated, owned, leased, occupied, managed or controlled by the Town. Pursuant to the provisions of the Town of Bridgewater General Ordinances (*ARTICLE XXXXVIII - Prohibition of Smoking in Public Places and Workplaces*) smoking is strictly prohibited in the described areas:

*“Any building, facility or vehicle owned, leased, operated or occupied by the municipality, including school buildings and grounds; any enclosed area open to the general public including, but not limited to, ... libraries... public restrooms, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public...open meetings of a governmental body”.*

Employees who wish to use tobacco products will be permitted to do so outside of the building in areas at least twenty-five (25) feet away from any public entry of any public facility.

*This policy applies equally to all employees, customers and visitors.*

#### Drug and Alcohol-Free Workplace

Revision Date: January 2014

The Town is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe working environment, job applicants and employees may be asked to provide body substance samples (such

as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

The Employee Assistance Program (EAP) (*see to section 709. Employee Assistance Program*) provides confidential counseling and referral services to employees for assistance with such issues as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary action, up to and including termination of employment.

While on Town premises and while conducting business related activities off Town premises, no employee may use, possess, manufacture, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Under the Drug Free Workplace Act, an employee must notify the Town within five (5) working days of a criminal conviction for drug related activity occurring in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program.

Testing for Town employees includes testing for pre-employment, post accident and reasonable suspicion.

Those employees who are required to maintain a commercial driver's license as a condition of employment will also be subject to random alcohol and drug testing. For more information, please refer to the full Drug and Alcohol Testing Policy.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace shall raise their concerns with their department head or Human Resources without fear of reprisal.

## Weapon Prohibition

Effective Date: January 2014

The Town provides a safe environment where people feel protected and secure. Therefore, unless specifically authorized in writing by the Town Manager, all employees are prohibited from carrying or possessing any handgun, rifle, shotgun or any other weapon of any kind on Town property, in Town facilities, while operating Town vehicles, or while acting in the course of Town business.

A "weapon" is defined as:

*"...any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring type knife, sword cane, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, blackjack, loaded cane, billy club, hand chain, metal knuckles, or any other offensive weapon..."*

For the purposes of this policy, "Town Property" is defined as all buildings, grounds, vehicles and equipment owned by the Town of Bridgewater.

The prohibitions of this policy apply equally to personal vehicles parked on Town property, as well as, Town vehicles.

Exceptions and Police/Fire Exemptions:

- small folding pocket knives (*with a blade of 3 inches or less*)

- lawfully permitted chemical defense spray such as pepper spray or mace
- sworn police department and authorized fire department employees (*and others specifically authorized by the Chief of Police*) are exempt from the provisions of this policy

An employee who possesses a permit to carry a concealed weapon in Massachusetts is hereby notified that provisions of this policy DO SPECIFICALLY APPLY to any such permit holder and the policy will be enforced regardless of any permits held.

This policy complies with current laws of the United States and the State of Massachusetts, the Massachusetts General Laws and the Home Rule Charter of the Town of Bridgewater.

Anyone determined to be in violation of this policy will be subject to prompt disciplinary action, up to and including termination of employment.

### Preventing Workplace Violence

Revision Date: January 2014

The Town believes that all people should be treated with dignity and respect. The Town will not permit threats or acts of violence against co-workers, citizens, visitors, or any other persons who are either on Town premises or have contact with employees in the course of their duties.

Employees will not participate in fighting, "horseplay," or other conduct that may cause harm to themselves or others. All threats or acts of violence, including those made in a joking manner, will be taken seriously and will be fully investigated.

Employees shall not engage in conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time. All threats of (*or actual*) violence, both direct and indirect, shall be reported as soon as possible to a supervisor or any other member of management, or the police. When reporting a threat of violence, be as specific and detailed as possible. All suspicious individuals or activities shall also be reported as soon as possible to a supervisor or department head. The supervisor or department head shall immediately forward the information to the Town Manager's Office.

The Town will promptly and thoroughly investigate all reports of threats of (*or actual*) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (*or actual*) violence or other conduct in violation of these policies will be subject to prompt disciplinary action up to and including termination of employment.

The Town expects employees to bring their disputes or differences with other employees to the attention of their supervisors, department head, Human Resources and/or the Town Manager before the situation escalates into potential violence. The Town will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns; however, knowingly false complaints or allegations will not be tolerated and may result in disciplinary action up to and including termination of employment.

### Parking

Revision Date: January 2014

Parking is available for town employees in the municipal lot located behind the Town Hall. Employees utilizing the

municipal lot must register their vehicles with the Town Clerk's office and obtain a permit or risk being ticketed. Parking decals must be affixed to the inside, front bottom corner of the windshield, driver's side.

Employees are to follow the designated employee parking guidelines while at work during normal hours of operation. Employees shall park around the perimeter of the lot, leaving the interior spots, closer to local businesses, available for the Central Square business patrons.

If you have any questions, please contact the Town Clerk's Office.

*Attempts to duplicate municipal parking decals are unlawful and will be enforced and punishable to the fullest extent of the law.*

## **Section 6. Time Off**

### Holidays

Revision Date: January 2014

The Town observes the holidays listed below:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving
- Day after Thanksgiving
- Christmas

All other days will be considered a normal workday and Town offices will be opened for normal work hours.

Holiday pay will be calculated based on the employee's base pay rate (*as of the date of the holiday*). Regular full-time and regular part-time employees are eligible for holiday pay as described in this policy.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

To be eligible for holiday pay, employees must work, or be on approved paid leave, the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. If a recognized holiday falls during an employee's paid absence (*such as vacation or sick leave*), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid holidays (*other than Christmas*) which fall on a Saturday will be observed on the preceding Friday and if the holiday falls on a Sunday it will be observed on the following Monday.

HOLIDAY DURING VACATION, SICK OR OTHER PAID LEAVE

If a paid holiday falls during an employee's scheduled paid leave (*vacation, sick or other paid leave*), the holiday will not be counted as vacation, sick or other paid leave taken. An employee who commences an unpaid leave of absence on the last scheduled workday preceding or following a holiday will not receive holiday pay.

#### WORK ON A HOLIDAY

Employees required to work on a holiday will be given another day off at a time mutually convenient to the employee and the Town. The holiday may not be carried over from one calendar year to the next.

#### REGULARLY SCHEDULED DAY OFF

An employee whose regularly scheduled day off falls on a holiday will be given another day off at a time mutually convenient to the employee and the Town. The holiday may not be carried over from one calendar year to the next.

#### HOLIDAYS AND TERMINATION

If an employee's termination coincides with an observed holiday, the last day actually worked prior to the holiday will be considered the date of termination. An employee may not extend the date of termination to include a holiday.

### Annual Vacation Leave

Revision Date: January 2014

Time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular fulltime, regular part-time and part-time employees are eligible to earn and use vacation time as described in this manual:

#### ELIGIBILITY

Regular full-time employees are eligible for vacation leave. Regular part-time employees and part-time employees who work at least 10 hours per week will receive vacation pay on a pro-rated basis.

#### ACCRUAL

Leave accrual begins with the employee's date of hire. If a temporary, intermittent or part-time employee working less than twenty hours per week receives a status change to regular full-time or regular part-time working twenty or more hours per week, accrual will begin with the effective date of the status change.

Annual leave is earned on a monthly basis in accordance with the following schedule:

Years of Service	Days Accrued Per Year	Days Accrued Per Pay Period
< 2	10	0.385
2 to 4	12	0.462
5 to 9	15	0.577
10 to 14	18	0.692
15 +	20	0.769

New employees are not allowed to use accrued annual vacation leave during their first three (3) months of employment.

#### MAXIMUM CARRYOVER

A maximum of 80 vacation leave hours may be carried over to the next calendar year. At year end, if the total amount of unused leave surpasses the "maximum carry over" limit the employee will lose the amount above the

limit. Each employee who is expected to exceed their "maximum carry over" limit will be notified prior to year end to provide them an opportunity to use the leave. The Town Manager, in his/her discretion, may grant exceptions to the maximum carry-over due to operational or extraordinary circumstances.

#### UPON SEPARATION

Regular full-time employees who have successfully completed the probationary period and who provide at least two weeks' notice will be paid for accumulated vacation leave upon separation.

#### SCHEDULING VACATION LEAVE

Employees should follow departmental guidelines when requesting vacation leave. Generally, a request for vacation leave should be made to the department head as far in advance as possible, or as soon as practical. A department head or their designee is responsible for approving vacation leave requests. Vacation leave may not be approved if the leave interferes with the service needs of the Town. All requests will be considered based on criteria such as department needs, timeliness of the request, employee's length of service, or any other factors based upon the service needs of the Town. Department heads will notify employees of the status of their leave requests within three (3) days of receipt.

Leave requests in excess of three (3) weeks must have prior approval of the department head. Leave requests in excess of twelve weeks must have prior approval of the Town Manager.

#### UNSCHEDULED LEAVE

Each employee has a responsibility to assist in the efficient operation of the Town by preventing excessive unscheduled absences. For unscheduled absences, it is the employee's responsibility to notify the appropriate department head in accordance with departmental guidelines.

#### PAYMENT OF VACATION LEAVE

Annual vacation leave is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation. Annual vacation leave does not accrue during periods of unpaid leave.

Upon termination of employment, employees will be paid for unused annual leave that has been earned through the last day of employment.

#### Personal Days

Revision Date: January 2014

All regular full-time and regular part-time employees shall be granted three (3) personal days per calendar year. Personal days do not accumulate and must be used in the year in which they are earned. No other employee classification group is eligible for personal days. If an employee's status changes from regular full-time or regular part-time to part-time they are no longer eligible for personal days.

#### Sick Leave (see also FML)

Revision Date: January 2014

The Town provides paid sick leave to all eligible employees for periods of temporary absence due to illnesses or injuries. Regular full-time and regular part-time employees are eligible to earn and use sick leave as described in this policy.

An eligible employee may use sick leave for an absence due to the employee's own illness or injury or to care for

an immediate family member. The Town defines "immediate family" as the employee's spouse, parent, child or legal ward, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren or corresponding in-law, "step", or "half" relation.

For regular full-time Town employees, Sick leave begins to accrue upon hire at the rate of twelve (12) days per year up to a maximum accumulation of ninety-six (96) days. Part-time employees occupying benefited positions shall accumulate sick leave in ratio to their part-time employment. Sick Leave accrues on a monthly basis in hourly increments. *Sick leave accruals, usage and balances are printed on an employee's weekly Statement of Wages.*

Sick leave may accumulate and be carried forward into subsequent years. Sick leave is for the protection of employees against loss of pay because of illness or injury and shall not be included in termination pay. Probationary employees are allowed to accrue sick leave from the first day of employment but are not permitted to utilize these leave days until the probationary employee status has been completed.

Sick leave will not be accumulated by an employee for any calendar month in which he is absent due to illness, injury or leave of absence for more than twenty (20) consecutive working days.

Sick leave usage must be reported on the payroll forms in order to protect the employee's eligibility for participation in other benefit programs such as Flexible Spending Accounts.

For illness or injury meeting the requirements of the *Federal Family and Medical Leave Act* (FMLA), the employee shall request leave and Human Resources will be notified of such need for leave. Human Resources will then send a letter to the employee regarding rights and responsibilities under the FMLA. All medical documentation regarding FMLA leave will be directed to Human Resources and shall be kept in a file separate and apart from the employee's personnel file. Failure to provide requested certification(s) may result in the employee's not being allowed to charge sick leave and/or disciplinary action.

If the employee's absence due to illness exceeds the amount of accumulated sick leave the employee has, the absence may be charged to vacation at the discretion of the Department Head and with the approval of the employee. Employees who are injured on the job and are receiving Worker's Compensation may request usage of accrued sick leave to make up the difference between the amount received from Worker's Compensation and their regular gross salary as provided under the provisions of Chapter 152 of the Massachusetts General Laws. The total dollar value in work days shall be charged against sick leave credits accordingly.

Employees who are unable to report to work due to illness or injury shall notify their direct supervisor or department head prior to the scheduled start of their workday. (*see 0. Attendance and Punctuality*) The direct supervisor or department head must also be contacted on each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement must be provided verifying the medical condition and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of three (3) working days or more, an employee must provide a physician's verification that he or she may safely return to work.

Sick leave will be calculated based on the employee's base pay rate at the beginning of the absence and will not include any special forms of compensation. Sick leave does not accrue during periods of unpaid leave.

Sick leave not used at the time of death, resignation, or termination shall lapse, and no payment shall be made thereafter.

Employees employed by the Town prior to July 1, 2004 who retire from the Town and have unused sick leave at the time of retirement shall be compensated according to the following schedule:

- a) 1-74 days at 25%

- b) 75-149 days at 40%
- c) Over 150 days at 50%

Employees hired on or after July 1, 2004 to June 30, 2014 and who have accumulated unused sick leave credits shall be paid, upon retirement only, an amount equal to 20% of the value of such credits, computed by multiplying the number of days sick leave available times the daily rate of salary received by the employee at the time of his/her retirement. Such payment for unused sick leave shall not affect the amount of retirement allowance available to such employee. This payment cannot exceed \$5,000.

Employees or staff hired on or after July 1, 2014 shall not receive compensation for unused sick time balances upon retirement.

An employee who makes a false claim for paid sick leave shall be subject to disciplinary action up to and including termination.

### Family and Medical Leave (FML)

Revision Date: January 2014

The Town provides protected family and medical leaves of absence to eligible employees who are unable to work for one of the following reasons: the birth of the employee's child and in order to care for the child; the placement of a child with the employee for adoption or foster care; to care for a spouse, child or parent who has a serious health condition; or for the employee's own serious health condition.

Employees who meet the applicable time of service requirements (employment of one year and 1250 hours) may be granted a total of twelve (12) weeks of family and medical leave (FML). The twelve-month period is measured forward from the date that any such employee's first FML leave begins. Family and medical leave must be taken concurrently with any accrued paid leave, such as annual vacation, personal days, and/or sick leave. The remainder of the leave period will then consist of unpaid leave.

If the employee will be absent from work for more than three (3) work days for a qualifying reason they must immediately notify their department head and Human Resources.

The Town will follow all applicable federal and state laws regarding this issue and policies are subject to change. Employees can contact their department head or Human Resources for more information or to obtain a copy of the town's full *Family and Medical Leave Act* policy.

### Parental Leave

Revision Date: April 1, 2015

Under Massachusetts law, eligible new parents may take up to eight (8) weeks of unpaid leave for the birth of a child, adoption of a child under the age of eighteen (or a child under the age of twenty-three (23) if the child is mentally or physically disabled), or the placement of a child pursuant to a court order.

Employees are eligible for unpaid leave under this law if they have been employed for at least three (3) consecutive months in a benefits eligible capacity and if they provide the Town with at least two (2) weeks' notice of the need for leave.

Massachusetts laws provides the eight (8) weeks of unpaid leave per child (i.e, sixteen (16) weeks for twins.) However, if both parents work for the Town, only eight (8) weeks' unpaid leave total is granted to both parents.

The Town will follow all applicable federal and state laws regarding this issue.

### Leave Sharing

Effective Date: January 2014

The Town, under certain circumstances, may allow an employee to donate annual leave to a fellow employee who is suffering from an illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay.

Leave sharing shall be approved by the receiving employee's department head and by Human Resources subject to the following provisions:

- a) The receiving employee has exhausted, or will exhaust, all leave (annual, compensatory, sick, and personal days) due to the illness or injury.
- b) The donating employee may donate any amount of annual leave, provided the donation does not cause the annual leave balance of the donating employee to fall below eighty (80) hours.
- c) The receiving employee may receive a maximum of one hundred sixty (160) hours of shared leave during a twelve (12) month period. A twelve (12) month period includes the past eleven months plus the current month.
- d) Any shared leave not used by the recipient will be returned to the donor(s). Unused shared leave will be divided proportionally among the donors.
- e) The receiving employee will not accrue annual leave or sick leave while on donated leave time.
- f) All donated leave must be given voluntarily. Only annual leave can be donated.

### Small Necessities Leave Act (SNLA)

Revision Date: January 2014

Massachusetts Small Necessities Act (SNLA) permits employees who have been employed by the town for at least twelve (12) months and who have worked at least 1,250 hours in the twelve (12) months preceding the date of the requested leave to take twenty-four (24) hours leave during the twelve (12) month calendar year period for the following purposes:

- 1) To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- 2) To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; or
- 3) To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.

The Town allows employees to take this leave from their available sick leave, thus granting the leave in a paid status. Whenever possible, advance notice must be given to your supervisor or department head. If you have no available sick leave, you may take the leave unpaid.

## Military Leave

Revision Date: January 2014

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of at least thirty (30) days of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable to provide.

The Town will comply with all provisions of the Uniformed Services Employment and Reemployment Act (USERRA), and all Federal and Massachusetts State Statutes related to Military Service. Military Leave will be recognized and afforded to all employees who are U.S. armed forces, national reserves, or National Guard members. Any military duty that exceeds the eligible employee's military leave balance may be taken as annual vacation leave, compensatory time, personal days or unpaid leave of absence.

Continuation of health benefits is available as required by United States Employee Re-Employment Rights Act (USERRA) based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Annual vacation leave, sick leave, and holiday benefits will continue to accrue during a paid military leave of absence.

The Town will follow all applicable federal and state laws regarding this issue and policies are subject to change. Employees may contact the Human Resources for more information concerning military leave.

## Voting Time Off

Effective Date: January 2014

The Town encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees shall vote either before or after their regular work schedule. If an employee's work schedule prevents them from voting in an election during their non-working hours the Town will adjust an employee's work schedule for that day.

Advance notice is required so that the employee's schedule can be adjusted.

## Bereavement Leave

Revision Date: January 2014

Employees who wish to take time off due to the death of an immediate family member shall notify their department head immediately. For purposes of this policy, immediate family is defined as employee's parent, child, spouse, sibling, grandparent and grandchild, including individuals related by marriage (in-law or step relationships).

In the event of a death in an employee's immediate family, the Town will allow the use of three (3) days of sick leave per occurrence to handle family affairs, attend the funeral and burial, and as a period of grieving. Paid bereavement leave will be calculated on the base pay rate at the time of absence and will not include any special forms of compensation. Employees without available or accrued leave may take up to three (3) days of unpaid bereavement leave.

The employee is expected to make arrangements with his/her department head prior to being absent from work.

If more than three (3) days are required, the employee may make a request to the department head to use earned vacation leave or unpaid leave.

The Town reserves the right to request satisfactory documentation to support the need or eligibility to use sick leave for bereavement.

## Jury Duty

Revision Date: January 2014

In the event an employee is summoned for jury duty, the Town will provide the employee paid leave for the duration of the jury service. Jury service fees paid to the employee by the court will not be deducted from the employee's pay.

To be eligible for jury or witness pay, the employee must provide the department head with a copy of the notice of selection for jury duty or a copy of the subpoena for witness duty within three (3) days of receiving such notice. Upon completion of jury or witness service, the employee may be required to submit a receipt from the court verifying the time served to their department head.

## *Section 7. Benefits and Group Insurance*

### Employee Benefits

Revision Date: January 2014

Eligible employees have a wide range of benefits available to them. Some of the programs (*such as pension and unemployment insurance*) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Details of these programs can be obtained by contacting the benefits specialist in the Treasurer's Office.

The following benefits are available to eligible employees (benefits included in this manual are followed by the corresponding section number):

- Annual Vacation Leave, section 0
- Bereavement Leave, section 0
- Benefits Continuation (COBRA), section 0
- Dental Insurance, section 0
- Deferred Compensation - 457 Plan , section 0
- Employee Assistance Program (EAP), section 0
- Family and Medical Leave, section 0
- Flexible Spending Program – Health Care and Dependant Care, section 0
- Health and Wellness Programs, section 0
- Health/Medical Benefits Plan, section 0
- Holidays, section 0
- Jury Duty Leave, section 0
- Leave Sharing, section 0
- Life Insurance, section 0

- Military Leave, section 0
- Other Optional Individual Insurance Plans through Payroll Deductions, section 0
- Parental Leave, section 0
- Retirement Plan: OBRA, section 0
- Retirement Plan: Plymouth County Retirement System, section 0
- Sick Leave, section 0
- Small Necessities Leave, section 0
- Tuition Waiver (*program in partnership Bridgewater State University*), section 0
- Voting Time Off, section 0
- Workers' Compensation Program, section 0

Most of the benefit programs require some contribution from the employee; while others are either fully paid by the Town (*i.e. – EAP*), or fully paid by the employee (*i.e. – dental insurance*), or partially paid by both the employee and the Town (*i.e. – Health/Medical Benefits*).

Certain benefit programs (*i.e. - medical and dental*) require the employee to notify the Town within thirty days of a “qualifying event” if they wish to make changes regarding coverage. Examples of qualifying events are: divorce, marriage, death of a dependent, birth or adoption, loss of dependent status, or a change in the employee’s spouse’s employment status.

Town benefit programs are subject to change at any time. Benefits not required by federal or state law are subject to budget appropriation and the Town’s financial condition. Additional benefit programs may be provided to employees to encourage morale and show appreciation for staff.

### Benefits Continuation (COBRA)

Revision Date: January 2014

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

It is the responsibility of the employee to notify the Town within thirty (30) days of a qualifying event. Failure to notify the Town of a qualifying event could result in a loss of eligibility.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. The Town provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town's health plan.

The COBRA benefit is administered by Treasurer’s Office. Employees should contact the benefits specialist in the Treasurer’s office with questions about the program.

### Tuition Waiver Program

Revision Date: January 2014

The Town offers a tuition waiver for classes taken at Bridgewater State University to all eligible employees upon completion of the probationary period. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Regular full-time and regular part-time employees are eligible for the tuition waiver.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position in the Town in order to be eligible for waiver. The Town has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position.

Tuition waivers for an employee are limited to four (4) credit hours per semester, and must be approved by the applicable department head, Town Manager and Bridgewater State University prior to enrollment in the class.

While education is expected to enhance employees' performance and professional abilities, the Town does not guarantee that participation in formal education will entitle the employee to an automatic advancement, a different job assignment, or pay increases.

The Town provides tuition waivers to employees with the expectation that the investment be returned through enhanced job performance.

For more information about Tuition Waiver Program, employees should contact Human Resources.

### Health/Medical Benefits Plan

Revision Date: January 2014

The Town's health/medical benefits plan provides employees and their eligible dependents access to medical and prescription benefits. Regular full-time and regular part-time employees are eligible to participate in the health plan. Eligible employees may participate in the health plan subject to all terms and conditions of the Summary of Benefits Coverage (SBC) document for each applicable health plan.

Details of the health/medical benefits plan are described in the Summary of Benefits Coverage (SBC) document. This document and information on cost of coverage will be provided in advance of enrollment to eligible employees.

Contact the benefits specialist in the Treasurer's Office for more information about health/medical benefits.

A change in employment classification that results in loss of eligibility to participate in the health plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). (*see 702. Benefits Continuation (COBRA)*)

The Town is governed by the rules and regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) and the provisions of the federal Affordable Care Act (ACA).

### Life Insurance

Revision Date: January 2014

The Town provides basic life insurance for benefit eligible employees pursuant to Massachusetts General Laws, Chapter 32B. Accidental Death and Dismemberment (AD&D) insurance coverage is provided as part of the basic life insurance. AD&D insurance provides protection in cases of serious injury or death resulting from an accident. The Town contributes 50% of the premium for the basic coverage and the employee shall contribute 50% of the premium.

Additional supplemental life insurance coverage may also be purchased by the employee. Employees selecting the optional life insurance coverage may do so for themselves, spouse or dependent children. Employees shall pay the 100% of the cost of that insurance.

Regular full-time and regular part-time employees are eligible to participate in the life insurance plan (*see 301. Employment Categories and Job Classification*). Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the Town and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the insurance Plan Coverage document available to eligible employees.

Deductions shall be made from the employee's pay on a monthly basis for the basic and optional life insurance coverage.

Basic life insurance coverage is provided by American General Life Insurance (AIG). Additional supplemental life insurance is available through Boston Mutual Life or Colonial Life.

This benefit is administered by the Town. Contact the benefits specialist in the Treasurer's Office for more information about life insurance benefits.

#### Dental Insurance

Revision Date: January 2014

The Town provides a basic dental insurance plan for eligible employees. Eligible employees pay 100% of the premium for dental coverage for themselves or coverage for eligible family members.

Regular full-time and regular part-time employees are eligible to participate in the dental insurance plan. Eligible employees may participate in the dental insurance plan subject to all terms and conditions of the agreement between the Town and the insurance carrier.

Details of the dental insurance plan including benefit amounts are described in the dental Summary of Benefits Coverage (SBC) document provided to covered employees. Contact the benefits specialist in the Treasurer's Office for more information about dental insurance benefits.

This benefit is administered by the Town and coverage is provided by Altus Dental.

#### Flexible Spending Program – Health Care and Dependant Care

Effective Date: July 2014

A Flexible Spending Account (FSA) lets you automatically deduct from your pay an amount that you choose on a pre-tax basis to cover certain health and childcare expenses. The FSA is designed to help you save money by lowering your taxable income.

A benefit eligible employee, who has completed the probationary period, may enroll in a pre-tax reimbursement account in accordance with Section 125 of the Internal Revenue Service Code, provided all eligibility requirements of the plan are met and the requisite forms have been completed.

Eligible employees may elect to have a pre-determined amount deducted from the employee's paycheck on a pre-tax basis each payroll period to be placed in a medical care flexible spending account, dependent care flexible spending account, or both.

Money set aside in an employee's medical care flexible spending account may be used to cover certain medical, dental, and vision care expenses that are not reimbursable through the employee's insurance plan(s). Money set aside in an employee's dependent care flexible spending account may be used to cover eligible nursery school and day care (*including adult and elder care*) expenses for covered dependents.

To receive reimbursement from an employee's FSA account, a claim for reimbursement and proof that the expense was incurred during the current plan year must be submitted to the Plan Administrator.

An employee's election for the plan year require a new election form **and** an annual meeting with the FSA Plan Administrator to continue for the next plan year. Refer to the FSA Summary of Benefits Coverage (SBC) document for plan participation requirements and employee contribution limitations.

An employee's election for flexible spending accounts must be filed every year by December 15th. Employees will be notified of changes to this filing date.

Contact the benefits specialist in the Treasurer's Office for more information about the Town's Flexible Spending Program.

### Health and Wellness Programs

Revision Date: December 2014

Employees are the Town's most important asset. As the Town values its employees and recognizes that they need to be healthy to do their jobs well, employees are encouraged to employ healthy habits and live healthy active lifestyles.

The Town participates in the Employee Wellness Program through its health joint purchase group Mayflower Municipal Health Group (MMHG). The Employee Wellness Program focuses on promoting awareness and education, motivation for positive behavior changes, and influencing practices and policy to support a healthy environment.

This Employee Wellness Program offers opportunities for employees to take health and wellness classes at no cost or a reduced cost. Program offerings may include Weight Management, Stress Management and physical fitness.

Information on program offerings are sent out regularly by Human Resources.

### Employee Assistance Program (EAP)

Revision Date: January 2014

Through an Employee Assistance Program (EAP), the Town provides confidential access to professional counseling services for help with such personal issues as: alcohol abuse, substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members and offers problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard privacy. Information given to an EAP counselor may be released only if authorized by the employee in writing. Counselors are guided by a Professional Code of Ethics.

There is no initial cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also notify employees whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered

are the responsibility of the employee.

Information is available about the Employee Assistance Program is available online at [www.allonehealth.com/MIAEAP/Assets/Pdfs/MoreInformation/Employers/FAQ.pdf](http://www.allonehealth.com/MIAEAP/Assets/Pdfs/MoreInformation/Employers/FAQ.pdf).

The program is available to employees and household members 24 hours a day, 7 days a week. If employees need some assistance, employees are encouraged to call 1-800-451-1834 and speak with one of the counselors at EAP.

#### Retirement Benefits: Plymouth County Retirement System

Revision Date: January 2014

The Town is a member of the Plymouth County Retirement Board. There are more than 100 contributory retirement systems for public employees in Massachusetts. Each system is governed by a retirement board and all boards, although operating independently, are bound by the retirement law - Chapter 32 of the Massachusetts General Laws - which establishes benefits, contribution requirements, and an accounting and fund structure for all systems.

Membership in a contributory retirement system is mandatory for all public employees who are regularly employed for hours which are least 50% of a full-time equivalency and whose employment commences prior to attaining age sixty-five. Each retirement board exercises full jurisdiction to determine an employee's eligibility for membership in cases involving part-time, provisional, temporary, seasonal or intermittent employment.

Certain part-time, seasonal or temporary employees who are ineligible for membership shall be required to participate in an alternative OBRA plan. (*see 711. Omnibus Budget Reconciliation Act of 1990 (OBRA)*)

Public employees who were employed by another Chapter 32 member employer may transfer their accumulated total deductions and corresponding creditable service from their former Chapter 32 retirement system to the Plymouth County retirement system.

Employees who became members of a Chapter 32 retirement system prior to January 1, 1975 contribute 5 percent of their regular compensation. Employees whose membership commenced on or after January 1, 1975 but prior to January 1, 1984 must contribute 7 percent. Those employees whose membership began on or after January 1, 1984 but prior to January 1, 1996 must contribute 8 percent. Employees whose membership began on or after January 1, 1996 must contribute 9 percent. If an employee's earnings exceed \$30,000 (or \$577.00 weekly), a two percent additional withholding will be made of that portion of the compensation that is in excess of \$30,000. No bonus, overtime, severance pay, any and all unused vacation or sick leave at time of separation, early retirement incentive, or any other payments made as a result of giving notice of retirement are considered part of your regular compensation and are not included in retirement calculations.

Employees are generally eligible for retirement after attaining 10 years of creditable service and reaching age 55. Eligibility may vary depending upon specific circumstances. The retirement allowances are specific percentages determined by employees' age, length of creditable service, the level of average annual rate of regular compensation and group classification.

A refund is a lump sum amount of accumulated total deductions plus eligible accrued interest returned. Employees may request a refund following resignation from public service. There may be substantial federal tax consequences for taking possession of the funds.

Further information regarding retirement benefits may be found on the Plymouth County Retirement Association website ([www.pcr-ma.org](http://www.pcr-ma.org)). Information may also be obtained by mail to: Plymouth County 10 Cordage Park # 234, Plymouth, MA 02360 or by phone at (508) 830-1803.

## Retirement Benefits: Omnibus Budget Reconciliation Act (OBRA)

Revision Date: January 2014

Part-time (less than 20 hours a week), seasonal or temporary employee of the Commonwealth of Massachusetts, are required\* to participate in a Defined Contribution Plan under the Omnibus Budget Reconciliation Act (OBRA). (*\*exclusions: employees that are currently in or retired from Plymouth County Retirement System or MSAS*).

Employees must make a mandatory contribution at 7.5% of an employee's gross compensation each pay period. The Town does not contribute any matching funds.

Upon leaving the employ of the town, you may request to have your OBRA payments refunded (*20% tax penalty will be assessed*); however, for seasonal employees, you will be asked to repay the money if you return the following year. In the OBRA (deferred compensation) program, of 7.5

For more information and basic facts about OBRA, employees may contact the benefits specialist in the Treasurer's Office for more information.

## Deferred Compensation (457 Plan)

Revision Date: January 2014

Employees who are eligible for participation in the retirement system and health and life insurance benefits are eligible to participate in the Commonwealth's Deferred Compensation Plan (DCP).

A Deferred Compensation Plan is a resource designed to help employees achieve financial security and independence in their retirement years.

Participation in DCP is voluntary and is 100% at the employee's cost. The plan offers a wide variety of investment options that an employee may select and change as desired, including income funds, mutual funds and a universal life insurance option.

Deferred Compensation Plan (DCP) is not a Town-managed benefit. The service is provided through the following vendors:

- |                                    |                    |              |
|------------------------------------|--------------------|--------------|
| ▪ Great West-Smart Plan:           | Vito DeSimone, CRC | 401.439.3715 |
| ▪ Nationwide Retirement Solutions: | Lorraine Hayes     | 617.827.8049 |
| ▪ Security Benefit:                | Scott Mondeau      | 508.279.8020 |

Employees may arrange a personal counseling interview with the Client Account Managers At this interview, the Client Account Manager will explain all aspects of the their Plan, will provide an applicable prospectus and other disclosure information and make available the necessary enrollment forms.

## *Other Optional Individual Insurance Plans through Payroll Deductions*

Revision Date: January 2014

Colonial offers disability insurance programs to Town employees.

Short-term or long-term disability insurance payroll deductions are available through Colonial Life. Employees may arrange a personal counseling interview with the Client Account Managers At this interview, the Client Account Manager will explain all aspects of the their Plan, will provide an applicable prospectus and other disclosure information and make available the necessary enrollment forms.

For more information, employees may contact Colonial representative Scott Curtis:

PHONE: 978.456.7717

EMAIL: [scott.curtis@coloniallife.com](mailto:scott.curtis@coloniallife.com)

WEBSITE: [www.coloniallife.com](http://www.coloniallife.com)

*Section 8. Severability*

If any part of this chapter is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the remaining parts.

**Part III. General Ordinances**  
**Chapter 1. General Provisions**  
**Article II. Non Criminal Enforcement of Violations**

*Section 1. Alternative method of enforcement.*

Noncriminal disposition shall be an alternative method of enforcement of Town ordinances. Any fine issued under this Chapter may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

F.Adjudicatory Hearings. In accordance with the provisions of MGL c. 39, Section 23D, a member of any multiple member appointed body when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member’s absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

*Section 2. Enforcing officials designated.*

- A. Any ordinance of the Town of Bridgewater, or rule or regulation of its boards, commissions and committees, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in §21D of Chapter 40 of the General Laws.
- B. “Enforcing person,” as used in this article, shall mean:
  - (1) The Town Manager or any police officer of the Town of Bridgewater, with respect to any offense; and
  - (2) The Building and Zoning Official and his designees;
  - (3) The Conservation Agent and his designees;
  - (4) The Health Agent and his designees;
  - (5) The Tree Warden and his designees;
  - (6) The Animal Control Officer and his designees;
  - (7) The Fire Chief and his designees;
  - (8) The DPW Director and his designees; and
  - (9) Such other officials as the Town Manager may from time to time designate, each with respect to violation of ordinances and rules and regulations within their respective jurisdictions.
- C. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

*Section 3. Schedule of Fines.*

The following shall be the schedule of fines for the method of enforcement authorized by Section 2.A.:

<b>Chapter/Section Subject</b>	<b>Fine</b>
--------------------------------	-------------

Ch. 14. Canine Control	First Offense \$75, Second Offense \$100, Third Offense \$150, and Forth and subsequent Offenses \$200
Ch. 20. Boats and Waterways	\$100 for first and each subsequent Offense
Ch. 50. Buildings/Sec. 1. Requirements	\$100 for first and each subsequent Offense
Ch. 74/Article 1. Numbering on Dwelling	\$20
Ch. 74/Article 2. Storage of Rubber Tires	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 74/Article 3. Fire Alarm Systems	\$50 for first and each subsequent Offense
Ch. 74/Article 4. Secure Key Box	\$50 for first and each subsequent Offense
Ch. 110/Section 1. Handicapped Parking	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 135/Article III. Repair of Motor Vehicles	\$100 for first and each subsequent Offense
Ch. 157/Article I. Parades and Public Gatherings	First Offense \$20, Second Offense \$50, Third and Following Offenses \$100
Ch. 160. Peace and Good Order	First Offense \$20, Second Offense \$50, Third and Following Offenses \$100
Ch. 220/Article I. Use of Water	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 220/Article II. Water Systems	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 220/Art. IV. Water Use Restrictions	First Offense \$50, Second and Following Offenses \$100
Ch. 250, Solid Waste	First offense written warning, Second Offense \$100, Third Offense \$200, ; Fourth and Following Offenses \$300
Ch. 260, Streets and Sidewalks	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 260/ Art. XIII. MS4	\$100 for first and each subsequent Offense
Ch. 260/Art. XV Paid Parking	\$25 for first and each subsequent Offense
Ch. 290. Shade Trees	\$200 for first and each subsequent Offense
Ch. 300/Art. I. Parking of Unregistered Vehicles	\$50 for first and each subsequent Offense
Chapter 14/Article II. Feeding of Wildlife	First Offense \$75, Second Offense \$100, Third Offense \$150, and Fourth and subsequent Offenses \$200

## **Chapter 4. Affordable Housing**

### **Article III. Affordable Housing Trust Fund**

#### **Section 1. Authority**

Pursuant to the provisions of MGL c.44, section 55C, the Town creates this trust to hold such property and funds as may be added thereto, for the purposes hereof in trust nevertheless for the benefit of all of the inhabitants of the Town of Bridgewater (the “Town”) in the manner and under the terms and conditions set forth herein.

#### **Section 2. Name**

This Trust shall be called the “Bridgewater Affordable Housing Trust.” A certificate of Trust for this Trust shall be recorded with the Plymouth County Registry of Deeds and the Plymouth County Registry District of the Land Court.

### *Section 3. Purpose*

The purpose of this Trust shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households and in furtherance of this purpose, to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property both real and personal in such a manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property compromising the Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the inhabitants of the Town for the creation and preservation of affordable housing for which this Trust was formed and no part of the activities of the Trust shall consist of propaganda or otherwise attempting to influence legislation or participation in or intervention in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure or be payable to or for the benefit of any private individual or corporation.

### *Section 4. Trustees*

Pursuant to MGL c.44, section 55C, the Town Manager, as chief executive officer, or his designee, shall be an ex officio Trustee. The remaining Trustees shall be appointed by the Town Manager for staggered two year terms, subject to confirmation by the Town Council. Only the Town Manager, as chief executive officer, and persons who are registered voters in the Town of Bridgewater shall be eligible to hold the office of Trustee. Any Trustee who ceases to be a registered voter in the Town of Bridgewater shall cease to be a Trustee hereunder. Such determination shall be filed in writing with the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his term of office expires, a successor Trustee shall be appointed by the Town Manager and confirmed by the Town Council, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. There shall be five Trustees of the Trust including the Town Manager.

### *Section 5. Meetings*

There shall be regularly scheduled meetings of the Trust at such time and at such place as the Trustees shall determine. A written notice stating the place, day, and hour of each meeting of the Trust shall be posted in accordance with the Open Meeting Law. A quorum at any meeting shall be a majority of Trustees qualified and present in person.

### *Section 6. Powers*

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in Trust Agreement, shall include the following powers:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to

money, grants of funds or other property tendered to the trust in connection with any ordinance or any general or special law or any other source, including money from chapter 44B;

- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board of Trustees deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;
- (11) to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge trust assets as collateral;
- (12) to make distributions or divisions of principal in kind;
- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;
- (14) to manage or improve real property; and to abandon any property which the Board of Trustees determined not to be worth retaining;
- (15) to hold all or part of the trust property uninvested for such purposes and for such time as the Board of Trustees may deem appropriate;
- (16) to extend the time for payment of any obligation to the Trust; and
- (17) to enter into agreements to carry out programs or other initiatives to support community housing for low and moderate income households with income less than 100% of the area median income, per MGL c.44B, including agreements for the use of Bridgewater Community Preservation Act (CPA) funds and CPA eligible activities.

### *Section 7. Miscellaneous*

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees

may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for accounts of the Trustees of the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

### ***Section 8. Municipal Agency***

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the Trustees are public employees for the purposes of MGL c. 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of MGL c. 268A.

### ***Section 9. Amendments***

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under MGL c. 44, section 55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Registry District.

### ***Section 10. Records***

The books and records of the Trust shall be maintained by the Town Treasurer and audited annually as part of the independent annual audit of the Town of Bridgewater. The results of the audit shall be provided to the Town.

### ***Section 11. Termination***

This Trust shall be of indefinite duration. However, it may be terminated by a two-thirds vote of the Town Council provided that an instrument of termination, together with a certified copy of the Town Council vote, is duly recorded with the Registry of Deeds and the Registry District.

Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Town Treasurer for affordable housing purposes. In making and such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

### ***Section 12. Reliance***

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with said Registry of Deeds and Registry District to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that delegations of authority pursuant to Article VI hereof and instruments of amendment pursuant to Article VIII and instrument of termination pursuant to Article X hereof shall be

conclusive only if it appears that the delegations, amendments, or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current Trustees or in any other manner germane to the affairs of the Trust.

### *Section 13. Titles*

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

## **Chapter 14. Animals**

### **Article I. Canine Control**

#### *Section 1. Dogs*

##### **A. Nuisance and Dangerous Dogs**

###### **1. Definitions.**

- a. a. Nuisance dog is a dog that:
  - i. by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;
  - ii. by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or
  - iii. has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.
- b. Dangerous dog is a dog that either:
  - i. without justification, attacks a person or domestic animal causing injury or death; or
  - ii. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- c. No dog shall be deemed dangerous:
  - i. solely based upon growling, barking, or both;
  - ii. based upon the breed of the dog; or
  - iii. if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:
    - a. the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
    - b. the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
    - c. the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
    - d. at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Town Manager's Office that a dog kept in the Town is a nuisance dog or a dangerous dog.
3. Disposition. The Town Manager's Office shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Town Manager or its designee (hereinafter referred to as the "Hearing Authority") shall take the following action:
  - a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
  - b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.
  - c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.
  - d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.
4. Remedies.
  - a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
  - b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
    - i. that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;
    - ii. that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;
    - iii. when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
    - iv. that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
    - v. that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;
    - vi. that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
    - vii. that the dog be humanely euthanized.
  - c. Restrictions following dangerousness finding.
    - i. No dog that has been deemed dangerous shall be ordered removed from the Town.

- ii. No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this ordinance shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
  - iii. No person shall transfer ownership or possession of a dog that been deemed dangerous under this ordinance or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
  - iv. If a hearing authority or a district court has deemed a dog to be a dangerous dog and such dog wounds a person or worries, wounds or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort to the person injured by the dog for three times the amount of damages sustained by such person.
- 5. Appeal. Within 10 days after an order has been issued under this ordinance, the owner or keeper of such dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued, addressed to the justice of the court praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under MGL c. 221, section 62C, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court. All proceedings referred to under this section of the ordinance (Section 5, Appeal) shall be held in compliance with Massachusetts General Laws Chapter 140, Section 157.
- 6. Impoundment Pending Appeal.
  - a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of the Town's agents or employees. The district court shall consider this petition in accordance with MGL c. 140, section 157.
  - b. Costs of impoundment during appeal process.
    - i. If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods: (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.
    - ii. If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.
- 7. Penalties.
  - a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.
  - b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.

- c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section may be punished by a fine of not more than \$500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than \$1,000 or imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.
- d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

## B. Chaining or Tethering Dogs

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.
2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
  - a. inside a pen or secure enclosure, if the following conditions are met:
    - i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
    - ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed; and
    - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
  - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
  - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
    - i. only 1 dog shall be tethered to each cable run;
    - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
    - iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
    - iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
    - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.

3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.
4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.
5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
  - a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
  - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
  - c. subjecting a dog to dangerous conditions, including attacks by other animals.
7. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of \$100 and for a third or subsequent offense, be punished by a fine of \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.
8. Any fine issued under the aforementioned Section B. "Chaining and Tethering" may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## *Section 2. Leashing of Dogs*

- A. Leash Required.** No person owning or keeping a dog in the Town of Bridgewater shall permit such dog to be at large in the Town of Bridgewater elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the Town of Bridgewater, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

This provision shall not apply, however, in any area designated by the Parks and Recreation Department as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog. The Park and Recreation Department may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.

- B. **Enforcement.** Any dog found to be at large in violation of this ordinance shall be caught and confined by the dog officer who shall notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven days within which to recover the dog.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section, as provided for in this ordinance.

A dog officer having custody of a dog confined under this ordinance shall be allowed the sum of \$40 per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof to the Town of Bridgewater.

C. **Fines**

Violations of this Section (Section 2) of this Article shall be punishable as follows:

First offense by a fine of \$75.00

Second offense by a fine of \$100.00

Third offense by a fine of \$150.00

Fourth and each subsequent offense by a fine of \$200.00

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

*Section 3. No Fouling of Sidewalks, Etc.*

- A. **Duty to Dispose.** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any private property neither owned nor occupied by said person.

- B. **Duty to Possess Means of Removal.** No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.

Furthermore, no person who owns, possesses, or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

- C. **Method of Removal and Disposal.** For the purposes of this regulation, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.

Disposal shall be accomplished by transporting such feces to a place suitable for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.

D. **Fines.**

Violation of Section 3 of this Article shall be punishable as follows:

First offense by a fine of \$75.00

Second offense by a fine of \$100.00

Third and each subsequent offense by a fine of \$150.00

Any fine issued under this section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

- E. **Exemption.** This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this Ordinance, or to any individual who utilizes a guide dog.
- F. **Severability.** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

#### *Section 4. Licensing*

##### A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Bridgewater shall obtain a license for the dog from the Town Clerk.
2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk.
3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.

##### B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Bridgewater Health Department or the Town Clerk in accordance with MGL c. 140, section 145B.
2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in MGL c. 140, section 137D within the preceding five years.

##### C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

##### D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Bridgewater, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply: (1) to a person to whom the applicable kennel license has been issued under this ordinance and remains in force; or (2) to a dog housed in a research institution.

F. Fees.

1. Annual license fees. Annual licenses shall be for the period January 1 through December 31. The annual license fees are as follows:

Prior to March 1:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

March 1 or after:

- a. Female: \$30
- b. Spayed Female: \$25
- c. Male: \$30
- d. Neutered male: \$25

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

The Town Clerk shall send annual licensing reminders to all residents by mail as part of the annual census.

2. Failure to comply; penalties.

Failure to comply with this section shall result in a fine of up to \$250 assessed to the owner or person in control of the dog under the following conditions:

- a. the dog is unlicensed; and
- b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal.

Failure to comply with this section shall result in a fine of up to \$350 assessed to the owner or person in control of the dog under the following conditions:

- a. the dog is unlicensed; and
- b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal; and
- c. the dog has not received a rabies vaccine pursuant to Section 4.B.1.

3. Waiver of fees.

a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

b. Owner aged 70 and over. If the Town so votes in accordance with MGL c. 140, section 139(c), no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. Removal from list - No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the

Town or the Commonwealth, or other disposal of the licensed dog. At any time during the annual license period that the licensed dog dies, is removed from Town, or is otherwise not subject to licensing under this section, the licensee may notify the Town Clerk, and the Town Clerk shall remove the dog from the list of licensed canines. The Town Clerk may require proof that the dog no longer is subject to licensure in the Town prior to removing it from the list.

## *Section 5. Kennels*

### A. Personal Kennel (Kennel A)

1. License optional (Kennel A-1). An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.
2. License mandatory (Kennel A-2). An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.
3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1), three months or older, owned or kept under single ownership for private personal purposes.
4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.
5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.
6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

### B. Other Types of Kennels.

1. Commercial Boarding or Training Kennel (Kennel B) is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A “Commercial Boarding or Training Kennel” shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or otherwise cares for animals owned by others.
2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.
3. Domestic Charitable Corporation Kennel (Kennel D) is a facility operated, owned, or maintained by a domestic charitable corporation registered with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.

4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a “Veterinary Kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

#### C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.
2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.
3. License fees, calculation, exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.
4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.
5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of \$50.

#### D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.
2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached. This tag shall be inscribed with the number of the kennel license, name of the Town of Bridgewater, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.
4. Inspections. The Chief of Police, the Animal Control Officer, the Health Agent or the agent of any of these (“Inspecting Authority”) may inspect any kennel at any time for compliance with the above requirements.
5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

#### E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Town Manager stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.
2. Hearing. Within seven days of the filing of such petition, the Town Manager or its designee (“Hearing Authority”) shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.
3. Investigation. At the hearing, the Hearing Authority may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.
4. Disposition. Following the public hearing and any investigation or other proceedings, the Hearing Authority may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Hearing Authority shall cause

written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.

5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with MGL c. 140, section 137C.
6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of \$250.”

### *Section 6. Enforcing Authorities*

Any police officer of the Town, the Health Agent or the Animal Control Officer of the Town may enforce the provisions of this Article as well as those articulated under Massachusetts General Laws.

### *Section 7. Non-Criminal Dispositions*

Fines assessed under Sections 2, 3, 4 and 5 of this ordinance, as previously stated herein, may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement.

## **Article II. Feeding of Nuisance Wildlife**

### *Section 1. Purpose*

The purpose of this article is to protect the health, safety and welfare of both the wildlife and our residents with respect to foxes, coyotes, fishers, raccoons and other undomesticated animals by minimizing opportunities for such animals to obtain food from human sources or associate food with human interaction or proximity.

### *Section 2. Definitions. A used in this section,*

**Wildlife** shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, foxes, fishers, raccoons, skunks and other animals or fowl causing public safety threats or nuisances.

**Feeding** shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been place, exposed, deposited, distributed, or scattered.

**Designated enforcement authority** shall mean any police officer of the Town, the Health Agent or the

Animal Control Officer of the Town as well as those articulated under Massachusetts General Laws.

### *Section 3. Prohibited activity*

No person shall feed any wildlife at any place within the Town of Bridgewater. Whenever the Bridgewater Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this Ordinance, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the landowner or other person, such feeding shall be prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.

### *Section 4. Exceptions*

- A. Nothing in this Ordinance shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. c. 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. c. 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
- C. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
- D. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
- E. This section shall not apply to the feeding of songbirds and other backyard birds on private property by way of bird feeders. However, if a bird feeder is determined to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.
- F. This section shall not apply to the feeding of squirrels on private property by way of squirrel feeders. However, if a squirrel feeder is determined to be the cause of a public safety threat or nuisance, the squirrel feeder(s) and seed debris will be required to be removed within 48 hours.
- G. This section shall not be interpreted to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.

- H. This section shall not be interpreted to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Bridgewater, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

***Section 5. Non-Criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

**Chapter 20. Boats and Waterways**

**Article I. Boat and Personal Watercraft Operation**

***Section 1. Power Boat***

The term power boat is defined as any boat powered by an internal combustion engine permanently or temporarily affixed to said boat.

***Section 2. Personal Watercraft***

The term personal watercraft is defined as a small vessel which uses and inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel; the term includes but is not limited to, a jet ski, wet bike or surf jet, so-called.

***Section 3. Registration***

All boats and personal watercraft shall be registered in accordance with state law which calls for, but is not limited to, bold contrasting numbers 3” high and read from left to right on both sides of the hull.

***Section 4. Hours of Operation***

The operation of personal watercraft in or upon Lake Nippenicket shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Sunday. At all other times such craft shall be prohibited.

***Section 5. Speed Limit***

No boat shall operate on any inland waters within the Town of Bridgewater at a speed exceeding 25 MPH after 7:00 p.m. or one half hour after sunset, whichever is earlier, or before 8:00 a.m.

***Section 6. Headway Speed***

Upon entry, a boat must proceed at a speed “not over” six (6) miles per hour (headway speed) for the first one hundred and fifty feet (150) at a 90 degree angle from the shore.

***Section 7. Operation Near Shore***

Power boats and personal watercraft shall not operate at greater than headway speed within 150 feet of the shoreline and operate only at headway speed from 150 feet to 300 feet of the shoreline.

***Section 8. Night Operation***

All boats operated after one half hour after sunset and before one half hour before sunrise must be equipped with a light, which complies with state law.

***Section 9. Reasonable Operation***

Power boats must at all times be operated at a reasonable and proper speed and manner, having regard for the safety of the public.

***Section 10. State and Federal Law***

All operators must abide by all state and federal law.

***Section 11. Non-criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

**Article III. Boat Launch Area**

***Section 1. Littering***

No person shall throw, drop, or otherwise place in the water or on the shore of any of the inland waters within the Town of Bridgewater any paper, rubbish, glass or refuse.

***Section 2. Open Fires***

No person shall build or maintain an open fire for any purpose.

***Section 3. Defacing Public Property***

No person shall remove, destroy, or deface any vegetation, sign, poster, building or other property.

***Section 4. Use of Parking Area***

Parking areas are for the sole use of motor vehicles parking in conjunction with the intended use of the area. Parking shall be only in a manner indicated by the striping pattern of the parking area. The conduct of any other activities in the parking area is prohibited.

***Section 5. No Water Skiing***

Water skiing activities shall not be initiated or terminated at any boat launching ramp.

***Section 6. No Dumping***

At no time shall a person deposit or leave any refuse on land under the control of the Town of Bridgewater. The deposit of sanitary wastes is also strictly prohibited.

***Section 7. Disorderly Conduct***

Disorderly conduct, gambling, drinking of alcoholic beverages, use of illegal drugs, obscene or indecent language or behavior is prohibited.

***Section 8. Non-criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

**Chapter 50. Buildings**

**Article I. Requirements**

***Section 1. Plot Plan***

No building permit shall be issued for a dwelling on a building lot until the owner or his/its representative submits a plan by a registered surveyor showing lot lines defined by “iron pipes, cement and/or stone bounds.”

***Section 2. Restoring Public Property***

In connection with construction on a parcel of land facing an accepted town way, no person shall break or dig up any public sidewalk, street, or highway without written permit from the Department of Public Works Director, or his designee. The Building Inspector shall not issue an occupancy permit for any new building until the affected sections of sidewalk and/or street have been restored to the satisfaction of the Department of Public Works Director, or his designee, and the Town Engineer.

***Section 3. Driveway Location***

Said permit shall be in writing and signed by the Department of Public Works Director and the Town Engineer prior to the issuance of a building permit. In addition thereto, the driveway location must be approved in writing by the Department of Public Works Director, or his designee, prior to the issuance of a building permit.

***Section 4. Necessity of Bond***

Prior to the issuance of a building permit, the Town shall require the applicant for the building permit to post a bond with the town prior to the issuance of said permit. The bond amount will be determined by the Director of Public Works or his designee and will be submitted to the Council each year for review and approval. The bond will be for the sole purpose of restoring any damage to the Right of Way layout coincidental to as a result of construction activity on said lot. Upon final construction, grading, and or landscaping of the lot, and inspected by the DPW Director and/or the Highway Superintendent or his designee the bond shall be returned to the applicant unless it is determined that the bond will be acted upon by the Town to repair any damages to the Right of Way damaged and not repaired by the applicant.

***Section 5. Drainage Requirements***

When a lot(s) of land is built upon, facing on an existing Town way, and that section of way contains existing drainage structures, (or natural water runoff area) then the builder and/or owner shall resolve the drainage necessary by the Town Engineer and/or Highway Superintendent, before any building on the lot(s) is allowed.

### **Section 6. Certificate of Occupancy**

No person shall occupy a building in which a Certificate of Occupancy is required under 780 CMR Section 119.0 until the Certificate of Occupancy is issued.

### **Section 7. Non-criminal Disposition**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Chapter 55. Conflict of Interest**

### **Article I. Statement of Financial Interest**

#### **Section 1. Introductory**

Purpose:

This chapter establishes a Standard of Conduct for Town employees and Town officials. This ordinance satisfies section 9-1 of the Bridgewater Home Rule Charter by requiring the filing of a Statement of Financial Interest by Reporting persons.

#### Definitions

Whenever used in this chapter, the following terms shall have the following meanings unless otherwise specified or the context requires otherwise:

- A. "Appointed Official": A Town official who is not an elected official.
- B. "Business": Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes.
- C. "Close Relative": A person whose relationship to either you or your spouse is that of a parent, grandparent, great grandparent, child, great grandchild, aunt, uncle, sister, brother, niece or nephew, or the spouse of any such relative.
- D. "Contract Management Authority": Personal involvement in or direct supervisory responsibility for the formulation or execution of a Town contract, including without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- E. "Covered Town Official": All officials elected by popular vote; or the head, or deputy or assistant head, of any department, board, commission or division of the Town government.
- F. "Elected Official": A Town official who holds an elected office.
- G. "Equity": Any stock or similar ownership interest in a business.
- H. "Fair Market Value": The Value that a willing buyer would pay and a willing seller would accept, for property in an arm's length transaction.
- I. "Gift": A delivery of goods, payment, entertainment, subscription, advance services or anything of Value, unless consideration of equal or greater Value is received; or the difference in an Amount paid for goods or services less their Fair market value; but it shall not mean a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of Business, anything

of Value received by inheritance, or good or services received from a relative within the third degree of consanguinity of the recipient, the recipient's spouse or the spouse of any such relative.

- J. "Honoraria": Payment of money or anything of Value as consideration for an appearance, speech, the writing of an article or any other similar activity.
- K. "Immediate family": The required Reporting person's spouse or domestic partner, dependent children residing in the household, or anyone the Reporting person or his or her spouse or domestic partner has legal guardianship over.
- L. "Income": Income from whatever source derived, whether in the form of a fee, salary, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, however, that interest from savings accounts or from government obligations other than those of the Commonwealth or any political subdivision thereof or any public agency or authority created by the general court, alimony and support payments, proceeds from a life insurance policy, retirement or disability benefits, and social security payments shall not be considered Income for the purposes of this chapter.
- M. "Investment": Any tangible or intangible property, whether personal property or realty, held primarily for the purpose of attaining an economic advantage, whether directly (as in the case of Income or appreciation) or indirectly (as in the case of tax shelters). Investment shall not include: Cash and bank accounts; money market funds; certificates of deposit; tangible personal property held and used for non-commercial purposes, such as antiques or artwork; property held chiefly for personal or family use; or Investments held by you and or your Immediate family member as a trustee, nominee or agent for another person, unless held for you and or an Immediate family member.
- N. "Legislation": Ordinances, resolutions and proposals of every kind, character or description considered by the Town Council or any committee thereof.
- O. "Person": A Business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.
- P. "Reimbursement: Payment for money expended or to be expended (e.g., travel, meals or lodging). A Reimbursement must be for actual expenses incurred or to be incurred.
- Q. "Reporting person": Any person who is required to file a Statement of Financial Interest per this Ordinance in Article 3.2.
- R. "Security": Any note, stock, bond, debenture, other evidence of a debt owed to you and/or an Immediate family member, including, but not limited to, certificates of interest or participation in any profit-sharing arrangement, certificates of interest in any mutual fund, stock commodity option, or similar evidence of ownership of interest, or receipts or certificates of deposit for any of the foregoing, or warrants or rights to subscribe to or purchase any of the foregoing.
- S. "State Ethics Law": Chapter 268A of the Massachusetts General Laws.
- T. "Statement of Financial Interest": The form approved by the Town Council of the Town of Bridgewater to satisfy the recording requirements of the Code of Conduct and Ethics; Financial Disclosure.
- U. "Town": The body politic and corporate called the Town of Bridgewater.
- V. "Town Agency": A board, commission, committee, department, or office of Town government, whether elected, appointed or otherwise constituted.
- W. "Town Contractor" and "Town Employee": Any person (including agents or employees acting within the scope of their employment) who is paid from the Town treasury or under Town auspices, for goods or services, regardless of the nature of the relationship of such person to the Town for purposes other than this chapter.
- X. "Town Official": Any person who holds any elected position in the Town.

*Note: persons who are not considered Town employees under this chapter may still be considered a "Municipal employee" under the State Ethics Law M.G.L. c. 268A.*

## *Section 2. Conflict Of Interest*

### Statement of Policy

The provisions of this article supplement the State Conflict Law. All Town employees shall comply with the provisions of this article in addition to the requirements M.G.L 268A, including, but not limited to, Sections 2, 3, 17-20, and 23.

### Improper Influence

No Town official or Town employee shall make or participate in making any decision on any issue in which he or she has an economic interest, unless they comply with the State Ethics Commission's advice or rulings under the Conflict of Interest Law, G.L. c.268A. If a conflict is only perceived, then the Town official or Town employee may provide a written disclosure to the Town Clerk, prior to becoming involved in such discussions or decision making processes. If a conflict or perceived conflict arises after the fact, a written disclosure must be filed within 30 days of the discovery. No Town official or Town employee shall, in any way, attempt to use his or her position to influence any Town governmental decision or action in which he or she has an economic interest distinguishable from its effect on the public, generally or, with respect to the Town Council, any economic interest distinguishable from its effect on all Councilors generally. Town officials or Town employees may request advice from the State Ethics Commission in accordance with the State Conflicts of Interest law, M.G.L. c. 268A. If a particular matter can be split into sections, a member may participate in a discussion and vote on any particular matter in which he or she does not have a financial interest and recuse himself or herself from discussing or voting on the section in which he or she may have a financial interest. It is not uncommon for boards or committees to divide items into sections for discussion and voting to allow members to participate in a decision to the extent possible.

### Gifts Among Town Employees

No Town employee shall knowingly and willfully offer or give to another Town employee or member of such employee's immediate family; and no Town employee or member of such employee's immediate family shall knowingly and willfully solicit or accept from another Town employee, gifts with an aggregate value of fifty dollars (\$50.00) or more in a calendar year.

### Illegal Gifts Surrendered To Town Treasurer-Collector

Any Gift given in violation of the provisions of chapter 268A of the Massachusetts General Laws shall be surrendered to the Treasurer-Collector, who shall add the Gift to the inventory of Town property.

### Town Owned Property

No Town official, Town employee or Town contractor shall engage in or permit the unauthorized use of Town-owned property for personal benefit.

### Use Or Disclosure Of Confidential Information

No current or former Town employee shall knowingly, or with reason to know, engage in any Business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.

A. No current or former Town official or Town employee shall use or disclose, other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of, or by reason of, his or her position or employment.

- B. For purposes of this section, confidential information means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, chapter 66 of the Massachusetts General Laws, as amended.

#### Interest In Town Business

No Town official or Town employee or member of his or her Immediate Family shall have an economic interest, directly or indirectly, in work or Business of the Town, or in the sale to the Town of any property or service when consideration for the contract, work, business or sale is paid with funds belonging to or administered by the Town. Compensation for property taken pursuant to the Town's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no Town official or Town employee shall have a financial interest in the purchase of any property that the Town or Town agency is selling.

- A. To the degree allowed under the State Conflict of Interest Law (*M.G.L. c. 268A*) it shall not be a violation of this section if:
- 1) The sale of property or services is wholly unrelated to the duties and responsibilities of the Town official or Town employee and the Town employee discloses his or her employment to the individual responsible for the purchase of any such goods or services; or in the case of a Town official, files a disclosure with the Town Clerk;
  - 2) A Town employee acting in good faith discovers an actual or perceived violation of this section and, within 30 days, files a disclosure of such economic interest with the Town Clerk and either terminates his or her relationship with the Town or disposes of the economic interest; or
  - 3) The economic interest constitutes compensation for property taken pursuant to the Town's eminent domain power.

#### Conferring Benefits To Others: Employment Of Immediate Family

- A. No Town official or Town employee may appoint or advocate for employment, in any Town agency in which said official or employee serves, or over which he or she exercises authority, supervision, or control, any person (i) who is a relative of said official or employee, or (ii) attempt to influence any Town official to do the same.
- B. No Town official or Town employee shall exercise Contract Management Authority over a contract involving any relative of the Town official or Town employee.
- C. No Town official or Town employee shall use or permit the use of his or her position to assist any relative in negotiating a contract or securing employment with any Town office or Town agency.

#### Prohibited Acts by Members Of The Town Council, Town Employees, And Town Manager

The Town Manager, Town Employees, and members of the Town Council shall not make loans, Gifts of Value equal to or exceeding fifty dollars, offers of employment or future employment, or offers of Business or Investment opportunities, except within the discharge of their official capacities, to heads of Town agencies, to the Town Counsel or to members of any boards or commissions involved in the granting of variances, permits, licenses or other such discretionary, or adjudicatory functions.

#### Duty To Disclose And Recuse

When any individual or entity appears before the Town Council, and/or any Town board that has the authority to grant or recommend any license, permit, certificate, variance, site plan approval, or any other request; and such individual or entity has, within the preceding five (5) years, paid compensation to a Town Councilor or such a board member, or has paid compensation to any entity or Person from which such Town Councilor or board member has derived income; the Town Councilor or board member who has received such compensation, directly or indirectly, shall publicly disclose orally and in writing that he or she has received such compensation, directly prior to each appearance of such individual or entity before the respective Town Council, or Town board. Such written disclosure

shall be filed with the Town Clerk, and on a form provided by this Ordinance. No Town Councilor or board member may take any official action on matters which would foreseeably affect his or her own financial interests, or the financial interests of his or her Immediate family members, partners, employers (other than the municipality), prospective employers, or organizations for which he or she serves as an officer, director, partner or trustee. When such matters come before Town Councilors or board members, they shall recuse themselves by departing the room wherein any discussion relating to such matters is to take place. The recused Town Councilor or board member shall not return until all such discussions relating in any way to such matters have been completed. If a Councilor or board member chose to seek an opinion from the State Ethics Commission and has received a favorable written opinion from the State Ethics Commission regarding a perceived or potential conflict of interest and if a written disclosure has been filed at the Town Clerk's office the Councilor or board member may take part in discussions and voting relating to the matter discussed in the opinion. Town officials or Town employees may request advice from the State Ethics Commission in accordance with the Conflicts of Interest Law, M.G.L. c. 268A that may allow for participation under certain conditions.

### *Section 3. Statement of Financial Interest*

#### Statement of Policy

The provisions of this Article are intended to ensure the public's trust and confidence that decisions of Town officials and Town employees are not contaminated by personal financial interests. This Ordinance requires Town officials, and certain Town employees, to make certain financial disclosures in the form of a Statement of Financial Interest. One who is required to do so is a Reporting person as defined in Section 1.2.

#### Required Reporting Persons

The following is a list of required Reporting persons. The list will be reviewed no less than annually by the Town Manager and approved, or amended by Ordinance, by a majority vote of the full Town Council.

Heads of the following departments:

- Assessing
- Fire Department
- Highway and Forestry
- Inspector of Buildings
- Plumbing and Gas Inspector
- Police Department
- Sealer of Weights and Measures
- Treasurer/Collector
- Town Accountant/Director of Finance
- Wiring Inspector/Assistant Inspector

The following Town officials and Town employees:

- Conservation Agent
- Health Agent and Assistant Health Agent
- Town Council
- Town Counsel and Associate Town Counsel
- Town Manager and Assistant Town Manager
- Veterans Agent

All members of the following Boards, Committees, or Commissions:

- Board of Health
- Conservation Commission
- Planning Board
- Zoning Board of Appeals

#### Financial Statements – Statement of Financial Interest

- A. Every candidate for local public office shall receive a copy of the Statement of Financial Interest Form, from the Town Clerk's Office, upon pulling papers. The elected candidate shall submit his or her completed Statement of Financial Interest on or before the date on which nomination papers are due. Write-in candidates are required to file no later than 15 days prior to the date of the election.
- B. Every Reporting person shall file a Statement of Financial Interest for the preceding year with the Town Clerk's Office:
  - 1) On or before June 1, or the first business day thereafter, of each year that such Reporting person is employed or in office, or within 30 days of becoming a Reporting person.
- C. The Town Manager shall provide the Town Clerk's Office and the Town Council Clerk with a list of all Reporting persons by May 1<sup>st</sup>, or the first business day thereafter, which shall include:
  - 1) Name
  - 2) Contact Information
  - 3) Title of Position that causes the required filing
- D. The Town Clerk's Office shall, upon receipt of a Statement of Financial Interest pursuant to the provisions of this article, issue to the Person filing such statement a receipt verifying the fact that a Statement of Financial Interests has been filed and a receipted copy of such statement.
- E. The Town Clerk's office shall, upon receipt of a Statement of Financial Interest, reconcile the name of the Reporting person with the list of required Reporting persons, provided by the Town Manager.
- F. The Town Clerk's Office shall notify, in writing, those Reporting persons who have not submitted a completed Statement of Financial Interest form, within five business days of the missed deadline.
- G. The Town Clerk shall, by July 1, or the first regular business day thereafter, submit a copy of the reconciled list of Reporting persons, clearly indicating those reporters who are delinquent and verifying that he or she has been notified in writing.
- H. No appointed Town official shall be allowed to continue in his or her duties or to receive compensation from public funds unless he or she has filed a Statement of Financial Interest with the Town Clerk's Office as required by this article.
- I. The Statement of Financial Interest filed pursuant to the provisions of this article shall be on the official Bridgewater, MA Statement of Financial Interest form, available at the Town Clerk's Office or on the Town of Bridgewater website, and shall be signed under penalty of perjury by the Reporting person.
  - 1) The Town Clerk's Office shall make available, within ten days, any individual's Statement of Financial Interest, for public inspection and copying, during regular business hours after a written request has been submitted. The Town Clerk may charge a reasonable fee for the production and copying of Statements of Financial Interest.
- L. Reporting persons shall disclose the financial information required on the Statement of Financial Interest form prescribed by this Ordinance.
- M. Nothing in this section shall be construed to require the disclosure of information which is privileged by law.
- N. Failure of a Reporting person to file a Statement of Financial Interest within ten days (10) after receiving notice as provided in this article, or the filing of an incomplete Statement of Financial Interest after receipt of such a notice, is a violation of this article.
- O. The forms will be stored in a secure location in the Town Clerk's Office.
- P. The Town Council in cooperation with the Town Manager and the Town Clerk will be responsible for the general oversight of the processes described in this Ordinance relating to the filing of Statement of Financial Interest forms.

#### Advisory Opinions

- A. Any Town official or Town employee or Candidate for elected office shall be entitled to the opinion of the Town Counsel upon any question arising under this article relating to the duties and responsibilities of such

Person. All requests for such opinions by Reporting persons shall be made to the Town Manager. The Town Counsel shall file such opinion in writing with the Town Clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the Town Counsel except upon the submission of a detailed request setting forth existing facts and a specific question relative to an actual or prospective violation of any provision of this chapter.

- B. Any Person who acts in reliance on an opinion of the Town Counsel shall be exempt from the penalties provided in this chapter if that Person has made a good faith disclosure of all material facts related to the opinion. Any Person may also request an advisory opinion from the State Ethics Commission.

#### Penalties

- A. Any Town official or Town employee who violates this Ordinance shall be subject to appropriate discipline by the appointing authority including suspension, termination or censure, consistent with any requirements of the state civil service law and the Town Charter, as well as to civil or criminal prosecution under any other applicable state laws.
- B. Alleged violations of the State Ethics Laws or this chapter by the Town Manager, a Town Councilor, or any Reporting person shall be reported to the District Attorney and the State Ethics Commission.
- C. All Town contracts shall include therein a clause for termination in the event of a violation of this Ordinance in connection with the bidding, awarding, administration or performance of the contract.
- D. Any permit, license, ruling, determination or other official action taken in violation of this Ordinance shall be void; provided however, that in the event that voiding would substantially damage the Town or innocent third parties, then the Town entity responsible for such official action may, subject to the prior approval of the appropriate body, preserve, in whole or in part, the permit, license, ruling, determination or other action.
- E. A knowing or willful violation of this Ordinance shall be punishable by no more than the maximum allowable fine per M.G. L ch.40 s.21.

#### Recovery And Damages And Other Remedies

- A. M.G.L. ch. 268A and ch. 268B provide for the appropriate remedies for any violations of either of these statutes.

#### Conflict with Other Laws

In the event of any conflict or inconsistency of this Ordinance with any state law, the provision of broadest or strictest coverage shall control for purposes of this Ordinance. No provision of this Ordinance shall be construed so as to be inconsistent with state law.

#### Distribution; Training; Town Web Site Links

- A. The Town Clerk shall cause a copy of this Ordinance to be distributed to every Reporting person within thirty (30) days of their entering their duties. The Town Manager shall cause a copy of this Ordinance and a summary of the Conflict of Interest Laws to be distributed to all employees of the Town every two years.
- B. In order to ensure that all Town officials and Town employees of Bridgewater are familiar with their responsibilities and obligations under this Ordinance and the State Ethics Laws, the Town Manager shall annually provide for training on their meaning and application, and every elected and appointed Town official and Town employee shall be required to attend at least one (1) such session after beginning the duties of his or her employment.
- C. On its website the Town shall provide a link to:
  - 1) This Ordinance;
  - 2) The Massachusetts State Ethics Commission (<http://www.mass.gov/ethics/>);
  - 3) The Massachusetts Office of Campaign and Political Finance, or OCPF - (<http://www.mass.gov/ocpf/>); and

- 4) The Massachusetts Attorney General's Office  
(<http://www.mass.gov/?pageID=cagohomepage&L=1&L0=Home&sid=Cago> )

### Retaliatory Action

No Town official or Town employee shall intimidate, threaten, coerce, or otherwise take adverse action against any individual who in good faith makes a complaint to the Town Manager or Town Council or the State Ethics Commission regarding any alleged violation of this Ordinance or the State Ethics Law by any Town official or Town employee of Bridgewater.

## Chapter 60. Elections

### Article I. Hours

#### Section 1. Annual Town Elections

At Annual Town Elections polls shall be open at seven o'clock in the morning and shall remain open until eight o'clock in the evening. At Special Town Elections the polls may be open no earlier than seven o'clock a.m., no later than 12 o'clock noon and may remain open no later than 8 o'clock in the evening.

## Chapter 65. Farming

### Article I. Right to Farm

#### Section 1. Legislative Purpose and Intent

A. The purpose and intent of this ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the Town Council of the Town of Bridgewater restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution. ("Home Rule Amendment").

B. This ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Bridgewater by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This ordinance shall apply to all jurisdictional areas within the Town of Bridgewater.

#### Section 2. Definitions

A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

B. The word "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

1. farming in all its branches and the cultivation and tillage of the soil;
2. dairying;
3. production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
4. growing and harvesting of Christmas trees;
5. cultivation of sugar maple trees for the production of maple products;
6. growing and harvesting of forest products and any other forestry or lumbering operations;
7. raising of livestock, including horses;
8. keeping of horses as a commercial enterprise;

9. keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), camelids (such as llamas, alpacas, and camels) and other domesticated animals for food and other agricultural purposes, including fiber and furbearing animals (not to include exotic animals).
  10. keeping of honey bees;
  11. fish hatcheries.
- C. "Farming" shall encompass activities including, but not limited to, the following:
1. operation and transportation of slow-moving farm equipment over roads within the Town;
  2. control of pests including, but not limited to insects, weeds, predators, and disease organisms of plants and animals;
  3. application of manure, fertilizers, and pesticides;
  4. conducting agriculture-related educational and farm-based recreational activities, provide that the activities are related to marketing the agricultural output or services of the farm;
  5. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
  6. maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
  7. on-farm relocation of the earth and clearing of ground for farming operation;
  8. construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

### ***Section 3. Right to Farm Declaration***

A. The Right to Farm is hereby recognized to exist within the Town of Bridgewater. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the accompanying incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Ordinance shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning ordinance. This ordinance does not supersede local, state or federal laws or regulations or private covenants.

### ***Section 4. Disclosure Notification***

A. The Town will provide a copy of the following notice by posting a copy of the notice at the Bridgewater Town Hall and at the Bridgewater Public Library, and will include the notice and copy of the ordinance on the Town's official website.

"It is the policy of the Town of Bridgewater to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lie within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be affected by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

### ***Section 5. Resolution of Disputes***

A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Town Manager, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance.

The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved might have. The Zoning Enforcement Officer may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame with all involved parties.

B. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed time frame with all involved parties.

### ***Section 6. Severability Clause***

A. If any part of the ordinance is for any reason held to be unconstitutional or invalid, such decision(s) shall not affect the remainder of this ordinance. The Town of Bridgewater declares the provisions of this ordinance to be severable.

## **Chapter 70. Finance**

### **Article III. Contract Approval**

#### ***Section 1. Employment Contracts***

Relative to employment contracts,

1. All employment contracts shall be presented to the Town Council for approval;
2. All contracts that require appropriations in current or future years shall be presented to the Town Council for approval;
3. In keeping with Charter Section 4-2(15), no employment contract may be negotiated or modified by the Town Council except for a contract for Town Manager, Assistant Town Manager, and any staff hired under Charter Section 2-8 (Council Staff).

### **Article IV. Management Reports**

#### ***Section 1. Expense and Revenue Reports***

By the tenth business day of each month, two reports will be emailed from the Town Manager to each Town Council detailing the prior months accounting summaries for: 1) Actual Expenditures to Budget; 2) Actual Revenues to Estimated Revenue. The reports are expected to be provided as a PDF document, but may be requested by individuals in editable spreadsheet format.

At the end of each accounting month, the Council Clerk shall be provided a copy of the full accounting system general ledger management report. The report shall be delivered in hardcopy form.

#### ***Section 2. Actual Expenditures to Budget.***

The Actual Expenditures to Budget report is a summation of the accounting systems generated management report. It is an extract of annual budget information and shows subtotals by personal services, other expenses, and

department total. The presentation shall show month-by-month activity, quarterly totals, and year-to-date totals. This report will not show articles/orders and prior year encumbrance appropriations.

### ***Section 3. Actual Revenues to Estimated Revenue***

The Actual Revenues to Estimated Revenue report is a summation of the accounting systems generated management report. It identifies the receipt category and general ledger number in the first two columns. The activity is grouped by type: taxes, local receipts, state aid, et cetera. The report displays the estimated revenue (as presented on the tax recapitulation sheet). Similar to the expenditure report, it displays month-by-month information, quarterly and YTD totals.

## **Article V. Personal Property Tax Exemption**

### ***Section 1. Exemption***

The Town shall exempt from personal property tax all personal property with a total value of \$5,000 or less.

## **Chapter 74. Fire Department**

### **Article I. Numbering on Dwelling**

#### ***Section 1. Permanently Affixes***

Every structure in the Town used or occupied for dwelling purposes shall have permanently affixed to it, in a manner so as to be visible from the street, the number assigned to said structure. At the time of the sale or transfer of ownership of any such structure, the Fire Department, while in the conduct of the inspection of the premises as required by Mass General Laws, Chapter 248, Section 26F, shall verify that such numbers are present and visible. Letters or numerals shall be visible from the street side of the property and be a minimum of three (3) inches tall. Script is not acceptable. If the building is set back on the property, a number mounted on a mailbox or lamppost will be acceptable.

#### ***Section 2. Non-criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Article II. Storage of New or Used Rubber Tires** (Amended 07182024 D-FY24-005)

### ***Section 1. Prohibition***

The outdoor storage of used rubber tires shall be prohibited in the Town of Bridgewater, provided however that existing outdoor used tire storage sites shall maintain suitable access, alleyways and fire lanes capable of supporting fire department apparatus to any buildings located therein and throughout the storage yard. All sides of storage pile shall be accessible by means of alleyways and fire lanes. An alleyway shall have a width of one and one-half times pile height, but not less than twenty (20) feet, with fire lanes between alternate rows of two pile groups, providing a clear space of at least one hundred (100) feet. Each pile shall not exceed one hundred twenty-five (125) feet in length, twenty-five (25) feet in width, nor fifteen (15) feet in height. Fire lanes shall be provided for access across each end and shall provide a clear space of at least one hundred (100) feet to adjacent

pile rows, or other exposed property. Where practical, greater widths are desirable to minimize the effects of radiated heat, particularly in high-piled yards. Fire lanes shall be kept unobstructed at all times to permit the maneuvering of fire suppression equipment and other emergency vehicles. For basic fire protection, a water supply shall be provided. The water supply shall be large enough to provide 1000 G.P.M. for a period of two (2) hours, and shall be accessible to fire apparatus as directed by the Fire Chief, or his designee.

### ***Section 2. Preventing Weeds***

Any existing used tire storage area shall be kept free of all trees, weeds, grass and similar vegetation. Dead vegetation shall be removed. Weed burners shall not be used. Good housekeeping shall be maintained at all times, including regular and frequent cleaning of materials handling equipment.

### ***Section 3. Smoking Prohibited***

Smoking shall be prohibited in outdoor tire storage yards. No smoking signs shall be posted in tire storage yards.

### ***Section 4. Unauthorized Access***

Access into yard areas by unauthorized persons shall be prohibited. Storage areas shall be enclosed with a suitable fence equipped with proper gates located to permit entry of Fire Department and other emergency apparatus.

### ***Section 5. Care of Site***

Miscellaneous occupancy hazards, such as vehicle storage and repair shops, cutting and welding operations, flammable liquid storage, liquefied petroleum gas storage and similar operations shall be safeguarded in accordance with NFPA standards. Vehicles and other power devices shall be of an approved type set forth in standards for powered industrial trucks, NFPA 505, and 225 be safely maintained and operated. Vehicle fueling operations shall be conducted in specified safe locations isolated from storage areas and principal operating buildings. All electrical equipment and installation shall conform to the provisions of the National Electrical Code NFPA 70. No cutting, welding or other use of open flames or spark producing equipment shall be permitted in storage areas. The owner of the storage yard shall be responsible for the hiring of any heavy equipment to aid in the extinguishing of a fire should it be deemed necessary by Fire Chief, or his designee.

### ***Section 6. Non-criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Article III. Fire Alarm Systems**

### ***Section 1. Definitions***

Definitions: When used in this ordinance, unless a contrary intention clearly appears, the following words shall have the following meanings:

Central Station Operating Company: A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Bridgewater Fire Department (B1<sup>41</sup>) the location of any such alarm the central station operating company receives.

Fire Alarm System: Any heat-activated, smoke-activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the BID by way of a master box.

Fire Alarm System Malfunction: The transmittal of a fire alarm to a central station operating company or directly to the BFD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that causes a fire alarm to sound even though there is no actual fire or situation that could reasonable evolve into a fire.

Fire Alarm System Owner: An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the BFD by way of a master box.

Fire Chief: The Chief of the Bridgewater Fire Department.

Master Box Owner: An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the BED by way of a master box.

### *Section 2. Connection to Master Box*

Connection of Fire Alarm Systems to the B1-13 by way of a Master Box: Before any fire alarm system is connected to the BFD, the master box owner shall provide the Fire Chief with the following information:

The name, address, and home and work telephone numbers of the master box owner

The street address where the master box is located;

The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;

The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four (24) hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and

Such other information as the Fire Chief may require.

### *Section 3. Connection to Central Station*

Connection of Central Station Operating Companies to RFD: Before any central station operating company is connected with the Bt D, it shall provide the Fire Chief with the following information:

The name, address and telephone numbers of the central station operating company;

The names, addresses and home and work telephone numbers of at least two persons who can be contacted twenty-four (24) hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company;

The name, address, home and work telephone numbers and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company; and

Such other information as the Fire Chief may require.

### *Section 4. Updating Information*

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box

owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this Ordinance.

### *Section 5. False Alarm Fine*

Fire Alarm System Malfunction - False Alarm Fines: If there is a fire alarm system malfunction or false alarm as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction and/or false alarm per calendar year according to the following schedule:

First malfunction - false alarm, no charge.

Upon the recording of the third malfunction - false alarm in a calendar year by the Fire Department, the Fire Chief shall notify the owner of the building in writing and by certified mail of such fact and at this time inform the owner of the department's policy with regard to charging for false alarms.

Fourth malfunction - false alarm and every malfunction - false alarm thereafter \$300. Private fire alarm systems connected to the Bridgewater Fire Department by other automatic means or through a central station operative system shall also be subject to the above conditions.

Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Bridgewater Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with this Ordinance.

For the purpose of this Ordinance, a false fire alarm shall be defined as follows:

- (a) the operation of a faulty smoke or heat detection device;
- (b) faulty control panel or associated equipment;
- (c) a water pressure surge in automatic sprinkler system;
- (d) accidental operation of an automatic sprinkler system;
- (e) an action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm system.

Property owners will be billed once a month for the previous months malfunction activity. All fines assessed shall be paid to the Town Treasurer for deposit in a Receipt Reserve Account for Repair and Maintenance - Fire Department.

If the bill is not paid within sixty (60) days a second notice will be sent; if the bill is not paid after another sixty (60) day period, then the Fire Chief may proceed to collect the same.

### *Section 6. Appeal*

Appeal procedure - Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this Ordinance, may, within ten (10) days of such action, file an appeal in writing, to the Hearings Officer. After notice the Hearings Officer shall hold a hearing after which he shall issue a decision, in which he affirms, annuls or modifies the action taken by the Fire Chief giving its reasons therefore. The Hearings Officer shall send his decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Hearings Officer shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to, seek judicial review in the Plymouth County Superior Court.

### *Section 7. Non-criminal Disposition*

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Article IV. Secure Key Box**

### ***Section 1. Key Box Requirement***

Any building, other than a residential building of less than six (6) units, which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be by a type approved by the Fire Chief and shall be located and installed as approved by the Chief.

### ***Section 2. Non-Criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Chapter 110. Handicapped Parking**

### **Article I. Handicapped Parking**

#### ***Section 1. Requirements***

Any person or body that has lawful control of a public or private way, or, of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or, for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 94, according to the following formula:

If the number of parking spaces in any such off-street parking area is more than fifteen (15) but not more than twenty-five (25), one (1) parking space; more than twenty-five (25) but not more than forty (40), five (5%) per cent of such spaces but not less than two (2); more than forty (40) but not more than one hundred (100), four (4%) percent of such spaces but not less than three (3); more than one hundred (100) but not more than two hundred (200), three (3%) percent of such spaces but not less than four (4); more than two hundred (200) but not more than five hundred (500), two (2%) percent of such spaces but not less than six (6); more than five hundred (500) but not more than one thousand (1000), one and one-half (1 1/2%) percent of such spaces but not less than ten (10); more than one thousand (1000) but not more than two thousand (2000), one (1%) per cent of such spaces but not less than fifteen (15); more than two thousand (2000) but less than five thousand (5000), three-fourths of one percent (3/4 of 1%) of such spaces but not less than twenty (20); and more than five thousand (5000), one-half of one percent (1/2 of 1%) of such spaces but not less than thirty (30).

#### ***Section 2. Handicapped Parking on Public Way***

The number and location of handicapped parking areas to be located on public way shall be as designated by the Department of Public Works Director or his designee.

#### ***Section 3. Signage***

Parking spaces designated as reserved under the provisions of Section 1 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as

possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two (2) eight-foot wide areas with four (4) feet or cross-hatch between them.

#### ***Section 4. Unauthorized Use of Handicapped Space***

The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by this Ordinance, or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

#### ***Section 5. Non-Criminal Disposition***

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Chapter 120. Historic Properties**

### **Article III. Bridgewater Historic District**

In accordance with the provisions of Chapter 40C of the Massachusetts General Law a Historic District Commission is to be established and the Bridgewater Historic District is also to be established.

#### ***Section 1. District Bounds***

- 1) Properties included in the District shall include the following Parcels found on Assessors Map 34 as of October 1, 2016:
  - a) 12, 13, 15, 16, 48, 61 through 65, 68 through 70, 72, 73, 85 through 89, 117, 177, 185, 186, 188 through 194, 204, 206, 207, 219, 274.
  - b) A portion of 57 which represents the open lot at the junction of Main Street and Central Square.
  - c) The right of way extending from parcels 185 and 186 to School Street.

#### ***Section 2. Powers of the Commission***

No building or structure within the District shall be removed, constructed or altered in any way that affects the exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, non-applicability, or hardship with respect to such removal, construction, or alteration.

Any person who desires to obtain any one such certificate shall file with the Commission an application therefore in such form as the Commission may reasonably determine, together with such plan, elevations, material or other information (including, in the case of demolition or removal, a statement of the proposed condition of the property thereafter) as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

No permit for the construction of a building or structure or for alteration of an exterior architectural feature within the District and no permit for the demolition or removal of a building or structure within the District shall be issued by any officer or department of the Town until the certificate required by this section has been issued by the Commission.

### *Section 3. Factors to be Considered by the Commission*

In passing upon matters before it, the Commission shall consider among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. The Commission shall not consider interior arrangements or architectural features not subject to public view.

### *Section 4. Limitations*

Notwithstanding anything to the contrary contained herein or in any statute of the Commonwealth of Massachusetts, no authority is hereby granted to restrict or otherwise impair requirements for construction or lot placement more stringent than those required by zoning ordinance or other ordinance of the Town of Bridgewater.

Except to the extent specifically prohibited by General Laws, Chapter 40C, the authority of the Commission shall be limited in that:

It shall not have the power to review the following:

- (a) Terraces, walks, driveways, sidewalks and other similar structures, any and all of them, provided that the structure is at grade level. (A change of grade level requires Historic District Commission review)
- (b) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, and ordinary television and radio VHF, UHF and FM antenna, but will review large scale C.B., Ham Radio, or Satellite Dish antenna.
- (c) Color of paint. Provided that the colors are appropriate for the building's historic period or architectural style.
- (d) Signs used for residential occupation or professional purposes which are not more than one foot square in area, provided that:
  - (1) Only one sign is displayed for each building or structure.
  - (2) The sign consists of letters painted on solid material without a symbol or trademark; and
  - (3) If illuminated, is illuminated only indirectly.
  - (4) Sign use in connection with non-residential purpose, which are not more than twelve feet in area, provided that:
    - a. only one sign is displayed for each building or structure
    - b. the sign consists of letters painted on solid material without a symbol or trademark; and
    - c. if illuminated, is illuminated only indirectly.

Reconstruction of a building, structure or architectural feature which has been damaged or destroyed by fire, storm, or other disaster, provided that:

- (1) The exterior design is substantially similar to the original.
- (2) The reconstruction is begun within one year after the damage occurred and is carried on with "due diligence".

## Chapter 120. Historic Properties

### Article IV. Demolition Delay

#### Section 1. Intent and Purpose

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. The issuance of demolition permits is regulated through this ordinance.

During the period of demolition delay, the Historical Commission shall assist the owner of a preferably preserved building in identifying opportunities to move, restore, reuse or otherwise protect and preserve a building so deemed.

#### Section 2. Definitions

“Applicant” means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must endorse filing the application.

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1920, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

The structure is listed in, or is within an area listed in, the National Register of Historic Places; or

The structure is eligible for the National Register of Historic Places; or

The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

#### Section 3. Procedure

A. For any structure constructed in the year 1920, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

B. An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

- a. Official Town of Bridgewater demolition permit application.
  - b. The address of the structure slated for demolition.
  - c. The property owner's name, address, email address and telephone number.
  - d. A description of the structure, including year constructed.
  - e. The specific reasons for requesting a demolition permit.
  - f. A description of the proposed reuse, reconstruction or replacement of the structure.
  - g. Images of the structure.
- C. Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days after receipt of the application hold a meeting and make a written determination of whether the structure is significant.
- D. Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.
- E. Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued unless the Building Official determines the building an imminent threat to public safety as set forth herein or otherwise outlined in the building code or general laws. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official shall proceed to issue the demolition permit.
- F. Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the twenty-one calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.
- G. If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.
- H. If the Commission determines that the structure is to be preferably preserved, the Commission within fourteen calendar days shall notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fourteen calendar days of the public hearing, the Building Official shall issue the demolition permit provided all other requirements of the demolition permit are fulfilled.
- I. Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.
- J. No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.
- K. The Building Official shall issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.

L. Following the sixty day delay period, the Building Official shall issue the demolition permit.

#### ***Section 4. Administration***

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance. The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

## **Chapter 120. Historic Properties**

### **Article V. Historic Iron Works District**

The Bridgewater Iron Works Historic District, pursuant to chapter 40C of the Massachusetts General Laws, shall consist of all land within 600 feet of the center line of High Street included in Assessors' Map 10, Parcels 40 and 41.

## **Chapter 135. Licensing**

### **Article I. Denial for Non-payment of Municipal Charge**

#### ***Section 1. Failure to Pay Taxes***

The Tax Collector shall annually furnish to each department that issues licenses or permits including renewals and transfers, hereinafter the "licensing authority," a list of any person, corporation, or business enterprise, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

#### ***Section 2. Basis for Denial***

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provide, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not be relevant to or introduced into any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to

any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

### ***Section 3. Payment Agreement***

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

### ***Section 4. Waiver of Denial***

The Town Manager may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Sec. 1 of C. 268A of the MGL in the business or activity conducted in or on said property.

### ***Section 5. Non-Applicability***

This Chapter shall not apply to the following licenses and permits: Open Burning; MGL c. 38, sec. 13; Sales of Articles for Charitable Purposes; MGL c. 101, sec. 33; Children Work Permits; MGL c. 149, sec. 69; Clubs, Associations Dispensing Food or Beverage License; MGL c. 140, sec. 21E; Dog License; MGL c. 140, sec. 137; Fishing, Hunting, Trapping License; MGL c. 131, sec. 12; Marriage License; MGL c. 2017, sec. 28; and Theatrical Events, Public Exhibition Permits; MGL c. 140, sec. 181.

## **Article III. Repair of Motor Vehicles**

### ***Section 1. License Requirement***

Any person engaged in the activity of repairing motor vehicles as defined by M.G.L. chapter 90, section 1, as amended, shall be licensed by the licensing authority. The license shall specify the premises to be occupied by the licensee for the purpose of carrying on the licensed business. The licensing authority shall have the right to limit the hours of operation, the storage of unregistered vehicles, and other conditions of storage of unregistered vehicles, and other conditions of operation that may have a negative impact on abutters.

### ***Section 2. License Expiration and Renewal***

Such license shall expire on December 31st of each year, unless sooner revoked, but may be renewed annually upon application filed in December of each year without notice and hearing. The fee for the license shall be fixed annually by the Town Council.

### ***Section 3. Appeal***

Any person aggrieved by any action of the licensing authority refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal to the Plymouth County superior court.

## **Article IV. Pawn Shops**

### ***Section 1. Dealers***

Dealers in Junk, Second-Hand Articles, Gold, Silver, and other precious metals and Pawnbrokers.

No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Bridgewater for purchasing or purchasing and selling, either gold, silver, other precious metals,

including catalytic converters, other precious or semi-precious gemstones, jewelry, computers and computer equipment, video equipment, audio equipment, cameras, other electronic devices such as video game systems, games, software, shall engage in such business or open such place of business unless duly licensed by the Town of Bridgewater.

### *Section 2. Definitions*

A Second Hand Dealer is a person or business who makes an outright purchase of personal property that has been used.

A Pawnbroker is a person or business, who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this Ordinance, Pawnbrokers shall be licensed as a Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers.

### *Section 3. Application for License*

Each application for a license under this section shall set forth the name and address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant and such findings shall be forwarded to the Town Manager. The Town Manager may refuse to issue a license to a principal(s) who is deemed “unsuitable” to operate such business or whose registration has been revoked for violation of this Ordinance previously, or who has been convicted of a felony.

The license shall be in force until the 1<sup>st</sup> day of January unless sooner revoked.

### *Section 4. Record of Purchases*

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of purchase, the detailed description of each item purchased including serial numbers(s) if present, the price paid for the item, the name, date of birth, current residence, giving a street and number of the person from whom the purchase was made. Such name, date of birth, and residence obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport, or out of state driver’s license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record.

An electronic photograph of each item purchased, clearly showing the item shall be taken of each item along with the identification presented. Each dealer or keeper of the shop shall also take a photograph of the person presenting such item and ID which will also be maintained for the permanent record, and available for inspection by the Chief or his designee. No Entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved by the Chief of Police and shall be in duplicate form. The original and a copy of the electronic photograph shall be delivered, either electronically or by hand, to the Chief of Police or his designate by the opening of business on the nearest Monday and Thursday following said purchase. The duplicate copy shall be kept in some suitable place by the licensee for a period of three (3) years. Video game systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the seller’s information has been properly recorded.

Every licensee, at his expense, will be required to record all such information on a form prescribed or participate in an electronic database for recording and transmitting such data immediately, including color pictures, to the

Chief of Police or his designee. All items purchased must be photographed individually or separated in a singular photograph so they can be easily identified.

No such item purchased or received by any dealer or keeper of a shop shall be removed from the Town or sold or otherwise disposed of, nor its identity changed for at least twenty one (21) days from its date of purchase or acquisition unless permission in writing has been obtained from the Chief of Police or his designee. Games for Video Game Systems may be released after five (5) days. Per MGL c.140 §71, any item taken in by a Pawnbroker or Pawn shop must be retained by them for a period of no less than four months from time of deposit.

No licensee or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

### ***Section 5. Display of License***

Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

### ***Section 6. Reason to Believe Items are Stolen***

Every dealer, clerk, agent or other person in charge of such premises shall immediately report to the Bridgewater Police Department any persons and items they have reason to believe may have stolen or be in possession of stolen items.

### ***Section 7. Repeat Sales***

Every dealer, clerk, or agent shall be required to report to the Chief of Police or his designee any person who offers for sale any such items defined above on three (3) or more occasions in any 30 day period, or four (4) or more occasions in a 60 day period.

### ***Section 8. Revocation of License***

A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The Town Manager, may at any time, revoke said license for cause following notice and an opportunity to be heard.

#### **Penalty for Violation of Article**

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty (\$20.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Per MGL c140 §55, \$20 is max fine.

### ***Section 9. Examination and Inspection of Records, Articles and Merchandise***

The Chief of Police or his designee shall at all times have the authority to inspect or examine all books, records, photographic images, articles and merchandise therein as required to be maintained in compliance with this Ordinance.

## Chapter 157. Parades and Public Gatherings

### Article I. Permit Required

#### Section 1. Parades

No person shall form or conduct any parade in any public street, public sidewalk or public way within the town, or form or conduct for the purpose of display or demonstration, any procession or assembly of people, except a military funeral or funeral parade or procession, within such public street, sidewalk or way, without first obtaining a written permit from the Chief of Police; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit.

#### Section 2. Public Address

No person shall give any public address, speech or harangue in any public street, public square or public park within the town, without a written permit from the Chief of Police.

### Article II. Flag Raising on Town Property

#### Section 1. Flag Raising

The Town of Bridgewater, acting through its Town Council, may allow the raising of a flag on the flagpole located at the Academy Building in observance of an event or occasion, subject to this ordinance (the “Ordinance”) and the attached rules appended to this Ordinance (the “Rules”), each as may be amended by the Town Council from time-to-time.

1. Request Procedure. An organization or individual (in either case being resident in the Town of Bridgewater) may request that the Town raise a particular flag by written request presented to the Town Council Clerk. Such request must be received by the Town Council Clerk sufficiently in advance of a regularly scheduled meeting of the Town Council to conform with public notice requirements. The requested period of display (the “Period of Display”) may commence no sooner than thirty (30) days following receipt of the request by the Town Council Clerk.

The Town Council will consider approval of the request in accordance with all rules and procedures applicable to matters before the Town Council. A decision to approve or deny the raising of a flag is made in the sole and complete discretion of the Town Council.

2. Appropriate Events. The events and occasions for which a request pursuant to this Ordinance may be considered are limited to events or occasions designated within a formal proclamation duly issued by a governmental authority, as follows:
  - a) A Proclamation issued by the President of the United States;
  - b) A Proclamation issued by the Congress of the United States;
  - c) A Proclamation issued by the Governor of the Commonwealth of Massachusetts; or
  - d) A Proclamation issued by the Town Council of Bridgewater, Massachusetts.
3. Period of Display. The Period of Display of a flag to commemorate an event or occasion above-described shall be limited in the following manner:
  - a) A flag raising intended to coordinate with a proclamation designating one (1) day of honor, recognition, celebration or remembrance shall be limited in duration to one (1) day of public display to take place on the date set-forth within the proclamation;

- b) A flag raising intended to coordinate with a proclamation designating one week of honor, recognition, celebration or remembrance shall be limited in duration to one (1) week of public display to commence and cease in accordance with the dates specified within the proclamation, or as closely thereto as practicable; and
  - c) A flag raising intended to coordinate with a proclamation designating one (1) month of honor, recognition, celebration or remembrance shall be limited in duration to no less than one (1) week and no longer than (1) month of public display, such period to commence in accord with the earliest date set-forth within the proclamation, or as closely thereto as practicable.
4. Flag of the United States and POW/MIA. During any Period of Display at the Town Academy Building, a flag approved for public display in the manner permitted hereby shall be flown beneath the flag of the United States and POW/MIA, which both shall be continuously flown, in a manner consistent with the United States Code (4 U.S.C. §7).

### ***Section 2. Rules Governing Flag Raising***

The Flag Raising Ordinance of the Town of Bridgewater (the “Ordinance”) shall be administered in accordance with the following rules (the “Rules”):

1. At no time will the Town of Bridgewater display a flag deemed to be inappropriate or offensive in nature, or a flag supporting discrimination, prejudice or reference to any religious movement. A determination of impropriety in this regard shall be rendered by the Town Council in its sole discretion.
2. A flag proposed for public display shall be considered for approval which features words, symbols, designs or colors customarily associated with the event or occasion to be commemorated and which does not otherwise, in the determination of Town Council, convey or suggest policies, positions or proposals beyond the intended scope of the proclamation with which it is purported to correspond.
3. A photograph of the actual flag proposed for display under this Ordinance shall be provided to the Town Council Clerk together with the written request for display and shall be deemed to constitute a necessary component of the request.
4. A flag proposed for display under this Ordinance shall be clean and serviceable, and corresponding in size with the flag of the United States beneath which it will be flown.
5. Flag raisings must occur on a normal business day during regular business hours as may be determined appropriate by Town administration. Requests outside of normal business days hours cannot be accommodated.
6. A flag delivered for public display must be presented to the Town Council Clerk during normal business days and regular business hours and, following the Period of Display, promptly retrieved from the Town Council Clerk. Neither the Town nor the Town Council Clerk shall bear responsible for flags not promptly retrieved.

7. If the President or other appropriate authority orders that the U.S. Flag be flown at half-staff, no other flag may be flown therewith during the pendency of such order.
8. The Town of Bridgewater shall bear no responsibility for the loss of or any damage to a flag presented for public display under this Policy.
9. The Town Council may amend or rescind this Policy or the Rules hereunder at any time and any authorization for display made pursuant to this policy may be amended or withdrawn upon appropriate action by the Town Council for any reason.

## **Chapter 160. Peace and Good Order**

### **Article I. Profane or Obscene Language**

#### **Section 1. Disorderly Conduct**

No person shall behave himself in a rude or disorderly manner, nor use any indecent, profane or insulting language, in any public way or place in the town.

### **Article II. Public Nudity**

#### **Section 1. Nude Bathing**

No person shall bathe in any water of this town, in a state of nudity, in places exposed to public view, or in immediate sight of the occupants of any dwelling.

### **Article III. Public Nuisance**

#### **Section 1. Dangerous Conduct**

No person shall throw balls, snowballs, or other missiles nor unnecessarily make any alarming or tumultuous noise, not make or light bonfires, or other fires, not ride upon the hind part of any vehicles without leave, not play at football or other games in any street, public way or square of this town.

### **Article IV. Impeding a Public Way**

#### **Section 1. Obstruction of a Public Way**

No person shall loiter or continue to stand on any sidewalk or public place in the town as to obstruct the passage of or to impede or in any matter annoy other persons; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on. No person being a member of an assembly of three or more persons shall disturb the peace by using obscene or profane speech in any public place, or obstruct and interfere with the free passage of foot traffic.

### **Article V. Tampering with Lights**

#### **Section 1. Extinguishing Street Lights**

No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, without such person being authorized by those having charge of such lights, or of the street or way, so to do.

## **Article VI. Open Container**

### **Section 1. Drinking of Alcoholic Beverages on Public Ways**

No person shall drink alcoholic beverages as defined in Chapter 138 Section I of the General Laws while on, or upon any public way or upon any way to which the public has a right or access or any place to which members of the public have access as invitees or licensees, park or playground or private land or place without the consent of owner of person in control thereof. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the Court.

## **Article VII. Prohibition of Smoking in Public Places and Workplaces**

### **Section 1. Statement of Purpose**

Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, "Actual Causes of Death in the United States", JAMA 1993 270:2207-2212); and whereas the Ninth Report on Carcinogens of the Public Health Service's National Toxicology Program classified secondhand smoke as a known human carcinogen (U.S. DIMS, 2000) and the International Agency for Research on Cancer (IARC) of the World Health Organization also classified secondhand smoke as a known human carcinogen (IARC-WHO, 2002); now, therefore, the Town of Bridgewater recognizes the right of those who wish to breathe smoke free air and establishes this ordinance to:

- Protect and improve the public health and welfare by prohibiting smoking in all public places and work places;
- Assure smoke free air for everyone;
- Recognize that the need to breathe smoke free air shall have priority over the desire to smoke in enclosed public places and workplaces;
- Set a healthful example for youngsters by creating a smoke free community.

### **Section 2. Definitions:**

For the purposes of this ordinance, the following words shall have the meanings respectively ascribed to them by this section:

**Bar:** An adult-only establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Revenue generated from the serving of alcoholic beverages must be equal to or greater than eighty percent (80%) of the total combined revenue generated by the service of such beverages and food. Revenue figures to be considered as evidence for the purpose of this ordinance are those used in calculating the meal tax amount required to be filed with the Massachusetts Department of Revenue for the preceding year.

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Board:** The Board of Health of the Town of Bridgewater.

**Employee:** Any person who performs services for an employer.

**Employer:** A person, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Bridgewater or any agency thereof, which utilizes the services of one (1) or more employees.

**Enclosed:** A space bounded by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms and halls.

**Health Care Facility:** Any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited rehabilitation hospitals or other clinics, including 'Weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

**Person:** Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

**Private Club:** A not-for-profit establishment created and organized pursuant to M.G.L. Ch. 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If the private club holds an alcoholic beverage license, said license shall be a "club license" or a "war veterans club license" as defined in M.G.L. Ch. 138, §12 and by the Massachusetts Alcohol Beverage Control Commission. Said license is subject to the terms set forth by the local licensing authority.

**Public place:** Any building, facility or vehicle owned, leased, operated or occupied by the municipality, including school buildings and grounds; any enclosed area open to the general public including, but not limited to, bars, restaurants, retail stores, retail food stores, supermarkets, libraries, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inn/hotel motel lobbies, private and public educational facilities, shopping malls, common areas of residential buildings, public restrooms, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public, public mass transit conveyances and indoor platforms and enclosed outside platforms, open meetings of a governmental body as defined in section 11A of chapter 30A, section 23A of chapter 39 and section 9F of chapter 34, and licensed child-care locations.

**Restaurant:** Any coffee shop, cafeteria, sandwich shop, private and public school cafeteria and other eating establishment which gives or offers food for sale to the public, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

**Retail Food Store:** Any establishment commonly known *as* a supermarket, grocery store, bakery or convenience store, or any other establishment which offers food items to the public for off-premises consumption.

**Retail Store:** Any establishment whose primary purpose is to sell or offer for sale to consumers any goods, wares, merchandise, articles or other things.

**Smoking:** Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

**Town:** The Town of Bridgewater.

**Workplace:** Any enclosed area of a structure or portion thereof at which one (1) or more employees perform services for their employer.

### *Section 3. Smoking Prohibited:*

1. Smoking is prohibited in all workplaces and all public places.

It shall be unlawful for any employer or other person having control of the premises upon which smoking is prohibited by this ordinance or the business agent or designee of such person, to permit a violation of this ordinance.

*Section 4. Posting notice of prohibition:*

Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Bridgewater Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Bridgewater Board of Health.

*Section 5. Exceptions:*

Notwithstanding the provisions of Section 4 of this ordinance, smoking may be permitted in the following places and/or circumstances:

1. Private residences, except those portions used as a child care or health care office when operating as such.

*Section 6. Violations:*

Any employer, or his or her business agent, who violates any provision of this ordinance, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue. It shall be the responsibility of the employer, or his or her business agent, to ensure compliance with all sections of this ordinance. The violator shall receive:

1. In the case of a first violation, a fine of one hundred dollars (\$100.00).
2. In the case of a second violation within 24 months of the date of the first violation, a fine of two hundred dollars (\$200.00).
3. In the case of three or more violations within 24 months of the current violation, a fine of three hundred dollars (\$300.00).

*Section 7. Enforcement:*

One method of enforcement may be periodic, unannounced inspections of those establishments subject to this ordinance. Any citizen who desires to register a complaint under this ordinance may request that the Board of Health initiate an investigation.

*Section 8. Severability:*

If any section or provision of this ordinance is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining sections or provisions.

*Section 9. Conflict with Other Laws or Regulations:*

Notwithstanding the provisions of the foregoing section 4 of this ordinance, nothing in this ordinance shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

## **Article VIII Prohibition of Marijuana Establishments**

*Section 1. Prohibition*

The operation of any marijuana establishment, as presently and subsequently defined in G.L. c. 94G, Section 1, , with the exception of marijuana cultivators, marijuana product manufacturers and marijuana testing facilities, as also presently and subsequently defined in G.L. c. 94G §1 and any Town of Bridgewater Ordinance, within the Town of Bridgewater is prohibited. This Prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

*Section 2. Exception*

A medical marijuana treatment center licensed or registered not later than July 1, 2017 that has been continuously engaged in the cultivation, manufacture or sale of marijuana or marijuana products to marijuana establishments engaged in the same type of activity under Massachusetts General Laws shall be permitted to convert to a “Marijuana Retailer” as defined under Massachusetts General Laws, Chapter 94G, Section 1.

Pursuant to Massachusetts General Laws Chapter 94G, Section (2)(iii) there shall be no more than two (2) possible conversions of medical marijuana treatment centers to marijuana retailers.

“Marijuana retailer” is defined as an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

## **Article IX Screening of Dumpsters**

For this section Dumpster shall mean: a waste container 1-yard or larger used for the storage or collection of solid waste and/or recyclables.

All permanent dumpsters and trash receptacle locations of 6 or more containers, and other similar uses shall be screened from the street and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials. Said screening shall be maintained a minimum of 1 foot above the dumpster.

Temporary dumpsters and/or receptacles used during projects including, but not limited to, demolition are exempt for the length of the project.

## **Chapter 180. Problem Properties**

### **Article I. Registration of Vacant and Abandoned Properties**

*Section 1. Purpose; Enforcement Authority*

1. It is the purpose and intent of this ordinance to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, by:

- a. requiring all Property owners, including lenders, trustees and service companies, to register Abandoned and/or Foreclosed properties with the Town of Bridgewater; and by
  - b. regulating the maintenance and security of Abandoned and/or Foreclosed properties to help prevent blighted and unsecured residences and commercial buildings.
2. The Inspector of Buildings/Building Commissioner of the Town of Bridgewater has enforcement authority as to this ordinance.

## *Section 2. Definitions*

When used in this ordinance, the following terms shall have the following meanings, unless a contrary intention clearly appears:

“Abandoned” means a residential, commercial or institutional Property which is not being used or occupied as a residence, business or institution despite containing residential, commercial or institutional unit(s). Abandoned does not include a building that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty. “Abandoned” does not apply to accessory buildings or structures on the premises nor does it apply to Property that is temporarily Vacant due to seasonal absences. Abandoned also includes commercial and industrial units that do not have any active business activity.

“Town” means the Town of Bridgewater.

“Commissioner” means the Building Commissioner/Inspector of Buildings of the Town of Bridgewater or his/her designee.

“Days” means consecutive calendar days.

“Foreclosed” means a Property, placed as security for a loan, as to which all rights of the mortgagor or his grantee in the Property have been terminated as a result of a default of the loan.

“Local” means within twenty miles of the Property in question.

“Local Property Management Company” means a company, the regular place of business of which is within twenty miles of the Property in question, that specialized in maintaining properties.

“Mortgagee” means the creditor, including but not limited to service companies, lenders, in a mortgage agreement, or any successor in interest of the Mortgagee’s rights, interests or obligations under the mortgage agreement.

“Property” means any real Property or portion thereof, located in the Town of Bridgewater, which contains a building, structure or other improvement; excepted from this definition is any and all town owned properties.

“Vacant” means any real Property which is not being actively used or occupied and which has not been actively used or occupied within the preceding ninety Days. This definition shall not apply to Property which is actively undergoing renovations, or repairs due to fire or other casualty. For the purpose of this ordinance, “Vacant” also includes Abandoned and/or Foreclosed Property(ies). Excepted from this definition is Property that is temporarily Vacant due to owner(s) seasonal absences.

## *Section 3. Registration*

1. All owners of Abandoned, Vacant, and/or Foreclosed properties shall register such properties with the Commissioner on forms provided by the Commissioner. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this ordinance.
  - a. Each registration must state the owner’s or agent’s name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code. The mailing address shall not be a post

office box.

- b. Each registration must also certify that the Property has been inspected by the owner and must identify whether the Property is Abandoned. Each registration must designate a Local individual or Local Property Management Company responsible for the maintenance and security of this Property. This designation must state the individual or company's name, direct telephone number, and Local mailing address. The mailing addresses shall not be a post office box.
  - i. If the owner's inspection determines that the Property is Abandoned, the registration must be received by the Commissioner within seven Days of the owner's inspection.
  - ii. If the owner's inspection determines that the Property is not Abandoned, but has been Foreclosed, the registration must be received by the Commissioner within seven Days of the foreclosure.
  - iii. If the Commissioner's inspection pursuant to section 5 determines that the Property is Abandoned, the registration must be received by the Commissioner within fourteen Days of the Commissioner's citation for improper maintenance.
  - iv. If, regardless of any determination as to Abandonment or Vacancy, Property has been Foreclosed, the registration must be received by the Commissioner within seven Days of the foreclosure. It shall be the Mortgagee's responsibility to register under this section.
2. All Property registrations pursuant to section 3 are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of two hundred dollars (\$200) must accompany the registration form. Subsequent registrations and fees are due within thirty Days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the Property remains Abandoned, Vacant and/or remains in Foreclosure, as the case may be.
3. Any owner that has registered a Property under section 3 must report any change in information contained in the registration within ten Days of the change.
4. Once the Property is no longer Abandoned or Vacant, or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

#### ***Section 4. Maintenance and Security Requirements***

1. Properties subject to this ordinance must be maintained in accordance with the State Building Code. The owner or Local Property Management Company must inspect and maintain the Property on at least a monthly basis for as long as the Property is Abandoned.
2. In accordance with state law, including but not limited to Massachusetts General Laws chapter 143 Sections 6-10 and 780 CMR 121.0, Property that is Abandoned must be safe and must be secured so as not to be accessible to unauthorized persons and exposure to the elements.
3. Maintain Vacant properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structures(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.
4. Repair or replace broken windows or doors within thirty Days of breakage. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty Days.
5. The Building Commissioner may order that a Property Vacant for six months or more shall have utilities shut off, removed, or cut and capped if any such utilities present a hazard or risk of accident.
6. Compliance with section 4 does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

### ***Section 5. Inspections***

Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this ordinance for compliance with this ordinance and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this ordinance is enforced.

### ***Section 6. Penalties***

In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this ordinance by means of noncriminal enforcement pursuant to Massachusetts General Laws chapter 40 Section 21D. The following penalties are established for purposes of said noncriminal disposition:

1. A failure to initially register with the Commissioner pursuant to section 3: three hundred dollars (\$300.00), and a like penalty for each day's continuation of such violation.
2. A failure to properly designate the name of the Local individual or Local Property Management Company responsible for the maintenance and the security of the Property pursuant to section 4: three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.
3. A failure to maintain and/or to secure the Property pursuant to section 4: three hundred dollars (\$300.00) for each week during which the Property is not maintained and/or not secured in compliance with section 4.
4. The penalties provided in section 5 shall not be construed to restrict the Town from pursuing other legal remedies available to the Town.

### ***Section 7. Appeals***

Any persons aggrieved by the requirements of this ordinance or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

### ***Section 8. Applicability***

If any provisions of this ordinance impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this ordinance shall control.

### ***Section 9. Severability***

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this ordinance's remaining provisions, which shall remain in full force and effect.

## **Chapter 220. Water and Sewer**

### **Article I. Use of Water**

#### ***Section 1. Water Connections***

No person shall without permission of the Water Supply Director, make an opening in or connection with, or turn off or draw off water from, a water pipe, stand pipe, well or reservoir owned by the Town, or in accordance with a written permit from the Water Supply Director in case of fire in the neighborhood, allowing water to be taken

from the premises, or use the water for any purpose other than that for which he pays; or unscrew or open a hydrant attached to the water pipes of the Town; or, excepted in accordance with the regulations of the Department of Public Works discharge water through a hand held hose; nor shall any person interfere with the registering apparatus of water meter put in by the Town or damage or injure such meter.

## **Article II. Water Systems, Malicious Interference With**

### ***Section 1. Diversion of Water***

If any person or persons shall wantonly, maliciously, intentionally or negligently divert the water, or any part thereof, of any of the water source or sources, used by the Town of Bridgewater for water supply purposes, or shall corrupt the same or render it impure, or destroy or injure any dam, aqueduct, well, stand pipe, conduit, hydrant, machinery or other property held, owned or used by the said Town, every such person or persons shall forfeit and pay to the Town, three times the amount of the damages that shall be assessed therefore, to be recovered by any proper action. And every such person may, on complaint and conviction of either of the wanton and malicious, negligent or intentional acts aforesaid, be punished by a fine, not exceeding that allowed by law.

## **Article IV. Water Use Restrictions**

### ***Section 1. Authority***

This Ordinance is adopted pursuant to the police powers granted to the Town to protect public health and welfare and its powers under M.G.L. c. 40, §21 et seq. and is implemented pursuant to the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This Ordinance also implements the Town's authority under M.G.L. c. 40, §41 A, conditioned upon declaration of water supply emergency issued by the Department of Environmental Protection.

### ***Section 2. Purpose***

The purpose of this Ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

### ***Section 3. Definitions***

Person shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. C. 21 G, § 1517.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to this Ordinance.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

### ***Section 4. State of Water Supply Conservation***

The Town, through its Department of Public Works Director or his designee, with the advice of the Water and Sewer Board, may declare a State of Water Supply Conservation upon a determination that a shortage of water

exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this ordinance before it may be enforced.

### ***Section 5. Restrictions***

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) Outdoor Watering Ban: Outdoor watering is prohibited.
- c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand to be specified in the declaration of a State of Water Supply Conservation and public notice thereof
- d) Filling Swimming Pools: Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

### ***Section 6. Publication of Restriction***

Notification of any provision, restriction, requirement or condition imposed by the town as part of a State of Water Supply-Conservation shall be published on the Town's web site or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

### ***Section 7. Termination of Restriction***

A State of Water Supply Conservation may be terminated by the Department of Public Works Director, or his designee, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

### ***Section 8. Department of Environmental Protection Declaration***

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

### ***Section 9. Automated Lawn Sprinkler***

Automatic lawn sprinklers are not allowed to be connected to the Town's water supply at any time.

## **Chapter 240. Soils, Sand and Gravel Pits**

### **Article I. Removal of Soils, Sand**

#### ***Section 1. Earth Removal***

The removal, commercial or otherwise, of earth from any premises, shall be prohibited except when incidental to and in connection with the construction of a building or street.

#### ***Section 2. Definitions***

- (1) "Earth" shall include soil, sand, clay, gravel and rock.
- (2) "Council" shall mean the Town Council or any legally authorized representative thereof.

#### ***Section 3. Procedures***

All applications for permits shall be accompanied by exhibits and documentation deemed necessary by the Council for the proper issuance of a permit.

The application shall include the following specific information and supporting documentation:

- (1) The location of the proposed excavation.
- (2) The legal name and address of the owner of the property involved.
- (3) The legal name and address of the petitioner.
- (4) Names and addresses of all abutting property owners including those across any streets.
- (5) Plan of land involved prepared by a registered land surveyor or professional engineer, showing All man-made features, property lines, vegetative cover, and the topography by five foot contours 100' beyond the limits of the property where the proposed excavation is to take place.
- (6) A plan of land showing five foot contours of the site after the proposed completion of excavation.
- (7) Estimated quantity of material to be removed and topsoil to be replaced, to be calculated by a registered land surveyor or professional engineer.
- (8) A proposed form of bond to be used which must be approved as to form, style and substance by the Board.

The permit issued by the Council shall state all the conditions imposed, including but not limited to:

- (1) The finished level and grading (no slope to exceed a grade of two feet horizontal distance and one foot vertically).

- (2) No excavation below the natural grade of any boundary line shall be permitted closer than fifty feet to such boundary. Boundaries of the property and the proposed excavation shall be set on the ground.
- (3) The placing of topsoil to a depth of not less than six inches, seeding, and planting necessary to restore the area.
- (4) The applicant agrees by acceptance of the permit to allow the Town access to the property to conduct inspections to determine compliance with the conditions of the permit.
- (5) The duration of the removal operation (renewable annually with a hearing).
- (6) The construction of necessary fencing and other protections against nuisances may be required.
- (7) Method of removal.
- (8) Temporary structures.
- (9) Hours of operation.
- (10) Routes of transportation of material.
- (11) Control of temporary and permanent drainage.
- (12) Disposition of boulders, tree stumps and other waste material.
- (13) Vegetation to remain as visual barrier.
- (14) Posting of security or bond.

Any permit issued by the Council shall automatically expire upon the termination date stated therein. A special permit for any earth removal shall not be issued for more than one year's duration and may be renewed thereafter only after a public hearing legally advertised 14 days prior to the hearing at the expense of the applicant.

No permit for earth removal shall be issued if such removal will:

- (1) endanger the general health or safety or constitute a nuisance;
- (2) result in detriment to the normal use of adjacent property by reason of noise, dust or vibration.

No permit for earth removal shall be approved by the Council if the work extends within 300 feet of a way open to public use, whether public or private, nor will a permit be issued if there is an insufficient vegetative barrier to remain on the property upon completion of the project to prevent view of this project from a way.

The Council shall not issue an Earth Removal Permit until a public hearing has been held upon the application for a permit to remove earth materials. Within thirty (30) days after the receipt of any such application the Council shall cause a notice of the time and the place of such hearing thereof and of the subject matter sufficient for an identification to be published in a newspaper of general circulation in the town at least once, the first publication to be not less than fourteen (14) days before the day of such hearing and also send notice by mail, postage prepaid, to the abutters of said property and owners of land across the way where the permit is intended to be exercised at the expense of the applicant.

A permit shall not be required when the earth removal is incidental to and in conjunction with the permitted construction of a building or street.

#### *Section 4. Validity*

The invalidity of any section or provisions of this Ordinance shall not invalidate any other section or provisions thereof.

**Section 5. Penalty**

Penalties shall be in accordance with Chapter 40, Section 21, Paragraph 17, as amended. The Council may revoke or suspend the permit of any person, firm or corporation holding a permit under this ordinance if such person, etc., violates, disobeys, or fails to comply with any of the provisions of this ordinance.

**Chapter 250. Solid Waste**

**Article II. Recycling**

**Section 1. Name**

This Ordinance shall be known and cited as the Municipal/Residential Recycling Ordinance.

**Section 2. Definitions**

Collectible Materials shall include food wastes and solid wastes (exclusive of all “recyclables” and non-collectable materials defined below) generated from the operation of a household.

Recyclables shall include discarded materials and/or items which may be reclaimed and which are considered "saleable" and "reusable", including the following: Newsprint, Cardboard (uncoated only), and Corrugated Materials (uncoated only), Computer Paper, Glass Bottles And Jars, Plastic Beverage Jugs, Compost, Used Motor Oil. Other Collectable Materials shall include White Goods (refrigerators, stoves, washers, dryers, freezers, scrap metal), Tires (hubcaps and rims removed), Household Hazardous Waste.

Non-Collectable Materials shall include Construction Debris, Stumps, and Bulk Items (mattresses, rug pieces over 4' in length).

**Section 3. Separation**

All recyclables shall be separated from non-recyclables, and placed in a rigid, reusable container in the following manner:

Newsprint shall be kept securely in a reusable container.

Cardboard and Corrugated Products are to be flattened and kept apart from other recyclable materials.

Computer Paper are to be kept apart from other recyclable materials.

Glass Bottles and Jars separate by:

1. Color
  - a. Clear glass only
  - b. Colored glass (green and brown)
2. Removal of caps, lids, rings, or corks required for each item.
3. Reusable Containers must be used to store each color of glass

Plastic beverage containers shall be placed in a reusable container.

Compost – leaves, lawn clippings and small branches shall be placed in reusable containers, said containers shall be emptied at the Bridgewater Composting Center.

Used Motor Oil – used motor oil shall be submitted to said designed “recycling center” site, as determined by the Health Agent.

Other Materials – white goods, tires, and household hazardous waste, as previously defined, shall be stored in a safe manner until the next scheduled Town Collection Day, to be held annually, or as the Health Agent shall determined.

#### ***Section 4. Placement of Recyclables***

Recyclables shall be kept separate from other garbage and/or rubbish. In the case of a household contracting for curbside collection, said recyclables shall be placed at the street curb, in the appropriate containers, for collection according to a schedule to be determined by the Health Agent, or his designee, and in the case of a household utilizing the town convenience area, said recyclables shall be taken by the householder to a designated recycling-collection site. Recyclables not handled as specified in Section 3, above, shall not be collected under a curbside collection facility. In the event of rain or snow, no paper recyclables will be collected and none should be placed out for collection.

#### ***Section 5. Apartments***

Apartments containing greater than eight (8) units, condominiums and businesses serviced by private collectors may properly dispose of recyclables at the designated recycling-collection site; upon authorization of the Health Agent or his designee.

#### ***Section 6. Permission to Collect Recyclables***

No person, company, corporation or other entity engaged in the business of separation, recovery, collection, removal, storage, or disposition of garbage, rubbish or other refuse shall also pickup and procure “recyclables” unless so authorized by the Health Agent to also engage in the collection of “recyclables.” This restriction shall also include any independent citizen, resident, taxpayer, or person who might engage in such practice for personal gain.

#### ***Section 7. Permission to Collect Curbside Materials***

No person may collect materials from the curb unless authorized to do so by the Health Agent.

#### ***Section 8. Review of Recycling Costs***

The Health Agent shall periodically review those items to be recycled as to their cost effectiveness. The Health Agent shall not discontinue recycling of an item unless such item shall not be cost effective, but at all times the Health Agent shall be in compliance with the Mass General Laws and D.E.P. regulations. The Health Agent shall have the option to implement the recycling of additional items.

### **Article III. Plastic Bag Ordinance**

#### ***Section 1. Purpose and Intent***

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Ordinance is to reduce the usage of thin-film single-use plastic bags by all retail establishments in the Town of Bridgewater.

## *Section 2. Definitions*

“Thin-film single-use plastic bags,” typically with plastic handles, are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

“ASTM standard” a testing standard developed by the American Society for Testing and Materials.

“Biodegradable bag” means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

“Reusable bag” means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

“Retail Establishment” – any retail store with gross interior space of 3,000 square feet or more, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible space intended to be frequented by consumers, or at least (3) locations under the same ownership or brand name within the town of Bridgewater or the Commonwealth of Massachusetts.

## *Section 3. Use Regulations*

Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of Bridgewater.

Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

## *Section 4. Administration and Enforcement*

The Town Manager shall establish a review process to make determinations as to the classification of new single-use bag products, as they come on the market, to determine if they are compostable or biodegradable and meet, or exceed, ASTM D6400 for compostable plastic.

The Inspectional Services Department shall be responsible for enforcing this Ordinance through the issuance of a non-criminal citation notice. A non-criminal citation notice may be reissued for each day that the activity persists until the violation is corrected.

Non-Criminal Dispositions. Fines assessed under Sections 4.2 of this ordinance may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement allowable under law.

Each day on which any such violation continues shall be considered a separate violation of this section. Violations under this Article shall be punishable as follows:

- 1) First offense by a written warning;
- 2) Second offense by a fine of \$100;
- 3) Third offense by a fine of \$200;
- 4) Fourth and each subsequent offense by a fine of \$300.

## *Section 5. Effective Date*

This Ordinance shall become effective 180 days after adoption.

## **Chapter 260. Streets and Sidewalks.**

### **Article I. Work on Sidewalks and Streets**

#### ***Section 1. Approvals***

No person shall break or dig up any public sidewalk, street, or highway, or place thereon any staging or other temporary structure, without a written permit from the Department of Public Works Director or his designee. Any alterations to drainage structures or to natural run-off on public or private property that affects Town property or the traveled way be resolved by the private party to the satisfaction of the Town Engineer and the Department of Public Works Director or his designee. Any person having such a permit shall, before the expiration of the same, restore such sidewalk, street or highway to its original condition or to a condition satisfactory to the Department of Public Works Director or his designee. Any permit issued under the provisions of this section shall be in force for such time as the permit may specify and shall be subject to such other conditions as the permit may prescribe, and especially in every case upon condition that during the whole of every night from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger. No person having obtained such a permit shall fail to comply with the conditions thereof. The Department of Public Works Director or his designee shall have the right to revoke the same at any time, and may require a bond either before or after the commencement of work or during its progress, to secure its proper performance.

### **Article II. Discharge of Weapons on Public Ways**

#### ***Section 1. Prohibition***

No person shall fire or discharge any gun, pistol or other firearms in or across any of the streets or public places within the town, but this section shall not apply to the use of such weapons in the lawful defense of one's person, family or property, or in performance of any duty required or authorized by law.

### **Article III. Dangerous Articles in Streets**

#### ***Section 1. Prohibitions***

No person shall throw or place or cause to be thrown or placed upon any public street or highway of the town, any nails, spikes, screws, glass, tin cans, or other similar articles.

### **Article IV. Sidewalk Openings**

#### ***Section 1. Prohibition of Sidewalk Hazards***

No person shall suffer a platform, or grate of an entrance or opening to a cellar or basement in any public street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable covering. Such entrances or openings, when in use, shall be properly guarded.

### **Article V. Use of Sidewalks**

#### ***Section 1. Prohibition of Hazards and Obstructions***

No person shall throw or place upon any public sidewalk or street crossing, any banana skin, orange skin or other slippery substance. No person shall drive, wheel or draw any vehicle except a child carriage pushed or drawn by hand, upon any sidewalk, nor permit any horse or any cattle, swine or sheep under his care, to go upon or otherwise obstruct any sidewalk. This ordinance does not affect the right of travel or entrance into a driveway.

## **Article VI. Snow and Ice**

### ***Section 1. Prevention of Falling Snow***

No owner or person having the care of a building, abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without a bather, snow-guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

## **Article VII. Removal of Vehicles Due to Snow Plowing**

### ***Section 1. Removal of Vehicles/Damage to Private Property***

Whenever for the purpose of removing or plowing snow or removing ice from any way, it becomes necessary to remove or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, the Roadways Superintendent, or other officer having charge of ways, or duly authorized police officer, is hereby authorized to remove, or cause to be removed, the said vehicle and liability for the cost of such removal, and of the storage charges, if any resulting therefrom, shall be imposed upon the owner of such vehicle. The Town shall not be responsible for damage incurred to mail boxes, fences, trees, shrubs and/or other obstruction located within the Town layout, resulting from snow removal.

## **Article VIII. Pumping of Liquids onto Public Ways**

### ***Section 1. Prohibition***

No person shall pump water or other liquids onto any sidewalk, street or public way during the months of November to April so as to create a dangerous condition or damage to Town property, unless granted written permission from the Department of Public Works Director to address an emergency which risks injury or property damage.

## **Article IX. Snow Removal and Blocking of Sidewalks and Public Ways**

### ***Section 1. Prohibition***

No person shall remove snow or ice from any private property or sidewalks, driveways, or driveway aprons and place said snow or ice so as to block a sidewalk or a Town way, or create a dangerous condition.

## **Article X. Removal of Signs**

### ***Section 1. Prohibition***

Any person who removes or defaces a sign or marker that has been placed along a public or private way by, or at the request of, a municipal or public agency, or any person who is found in the possession of the same, shall be fined \$300 or the replacement cost of the sign and the labor cost to reinstall it, whichever is greater.

## **Article XI. Crosswalks**

### ***Section 1. Definitions***

A ladder style crosswalk shall be defined as a set of parallel lines marking the boundary of the crosswalk with perpendicular lines connecting the parallel lines to make the whole pattern appear to be similar to a ladder. The Central Business District is an overlay defined elsewhere by the Town of Bridgewater that includes Central Square, Broad Street, and parts of Main and Summer Streets.

### ***Section 2. Ladder Style Markings***

Crosswalks contained within the Central Business District, and within 100 feet of the Central Business District, shall be painted in a ladder style pattern to make the crosswalk highly visible to vehicle traffic. When the crosswalk is adjacent to a legal parking space, the gap between the crosswalk and the parking space shall be filled with a pattern so that no one shall confuse the gap with legal parking.

## **Article XII. Vehicle Parked or Interfering with Fire Lanes**

### **Section 1. Prohibition**

Any vehicle in a duly established fire lane either parked or interfering with the travel of an emergency vehicle in such fire lane may be removed by or under the directions of the Police Chief or his designated representative to a public garage or any convenient place within the Town of Bridgewater. The Police Chief or his representative shall give notice to the registered owner of the vehicle of the location of the owner's vehicle. The owner, before being permitted to remove the vehicle, shall establish his/her right so to do and pay to the keeper of the place of storage the fee for removal and storage resulting therefrom as promulgated from time to time by the Town Manager.

## **Article XIII. STORMWATER MANAGEMENT ORDINANCE**

### **Section 1. General Provisions**

#### **Part 1. Purpose**

- A. The purpose of this ordinance is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
  - (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
  - (2) Contamination of drinking water supplies;
  - (3) Contamination of downstream coastal areas;
  - (4) Alteration and/or destruction of aquatic and wildlife habitat;
  - (5) Overloading and/or clogging of municipal stormwater management systems; and
  - (6) Flooding.
- B. The objectives of this ordinance are to:
  - (1) Protect water resources;
  - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
  - (3) Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
  - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
  - (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  - (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
  - (7) Ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.

## **Part 2. Definitions**

Definitions applicable to this ordinance are as follows:

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance Permit for proposed land-disturbance activity.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLCIT CONNECTION:** A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of the Stormwater Management Ordinance.

**ILLCIT DISCHARGE -** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article II §D(2). The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II §D(1) of the Stormwater Management Ordinance.

**IMPERVIOUS SURFACE -** Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

**IMPOUNDMENT:** A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL):** Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The Standards issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM -**  
The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Bridgewater.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT -** A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**NONSTORMWATER DISCHARGE -** Discharge to the municipal storm drain system not composed entirely of stormwater.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

**OUTFALL:** The point at which stormwater flows out from a point source into waters of the Commonwealth.

**OWNER:** A person with a legal or equitable interest in property.

**PERSON -** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any storm sewer, water works or waters of the commonwealth. Pollutants shall include but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

RECHARGE - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER AUTHORITY: Town of Bridgewater Conservation Commission or its authorized agent(s).

STORMWATER MANAGEMENT PLAN (SWMP): A plan required as part of the application for a Land Disturbance Permit.

TOXIC OR HAZARDOUS MATERIAL OR WASTE: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics,

either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**WASTEWATER** - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

**WATERCOURSE** - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**WATERS OF THE COMMONWEALTH** - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, vernal pools, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

**WETLANDS:** As specifically defined in the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131 and its Regulations, 310 CMR 10.00 and the Town of Bridgewater Wetlands Protection Bylaw but generally include tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps & bogs.

### **Part 3. Authority**

This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

### **Part 4. Responsibility for administration**

- A. The Stormwater Authority shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to any employees or agents of the Town.

### **Part 5. Waivers**

- A. Following a public hearing on a waiver request, in accordance with the Stormwater Regulations, the Stormwater Authority may waive strict compliance with any requirement of this ordinance or the rules and regulations promulgated hereunder, where:
  - (1) such action is allowed by federal, state and local statutes and/or regulations; and
  - (2) is in the public interest; and
  - (3) is not inconsistent with the purpose and intent of this ordinance.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the ordinance does not further the purposes or objective of this ordinance.

- C. If in the Stormwater Authority’s opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

**Part 6. Compliance with EPAs General Permit for MS4s in Massachusetts**

This ordinance is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning storm water discharges in the Town of Bridgewater, including but not limited to the requirements of the United States Environmental Protection Agency’s most recent General Permit for MS4s, and nothing in this ordinance is intended to limit or restrict the authority of any board, commission or officer of the Town to act in accordance with any federal, state and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements will control.

**Part 7. Regulations**

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Ordinance by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two successive weeks, the first publication being at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Ordinance.

Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this ordinance. Administrative review approval shall comply with all other provisions of this Ordinance.

**Part 8. Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

*Section 2. Discharges to the Municipal Separate Storm Sewer System (MS4)*

**Part 1. Applicability**

Article II of this ordinance shall apply to all discharges of water entering the municipally owned storm drainage system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this ordinance or where the Stormwater Authority has issued a waiver in accordance with Section I, Part 5.

## Part 2. Prohibited Activities; Exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.
- D. Exemptions.
  - (1) Discharge or flow resulting from fire-fighting activities.
  - (2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
    - (a) Waterline flushing;
    - (b) Flow from potable water sources, with the exception of landscape irrigation and lawn watering;
    - (c) Springs;
    - (d) Natural flow from riparian habitats and wetlands;
    - (e) Diverted stream flow;
    - (f) Rising groundwater;
    - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;
    - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
    - (i) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
    - (j) Discharge from street sweeping;
    - (k) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
    - (l) Nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection

Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

- (m) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

### **Part 3. Additional Prohibited Pollutants**

- A. Pet Waste: Dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations see Bridgewater Town Code Part III, Chapter 14, Article 1, Sections 1-7.

### **Part 4. Emergency Suspension of Storm Drainage System Access**

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

### **Part 5. Notification of Spills**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **Part 6. Enforcement**

The Stormwater Authority or its authorized agent shall enforce this ordinance, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this Ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief. If a person violates the provisions of this ordinance, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of

competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this ordinance or any regulations thereunder, which may include:
  - (a) Elimination of illicit connections or discharges to the MS4;
  - (b) Performance of monitoring, analyses, and reporting;
  - (c) That unlawful discharges, practices, or operations shall cease and desist;
  - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
  - (e) Remediation of contamination in connection therewith.
- (2) Said orders shall specify a deadline by which the required action shall be completed and the Stormwater Authority or its designee may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole costs and expense, that it deems necessary to protect public health, safety and welfare.
- (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the 31st day at which the costs first become due.

C. Criminal penalty. Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

D. Non-Criminal Disposition. Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as set forth in MGL c. 40, § 21D and in the Bridgewater Town Code Part III, Chapter 1, Article 2, Sections 1-3. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

E. Entry to perform duties under this ordinance. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and

regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

- F. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.

## **Part 7. Transitional Provisions**

Residential property owners with illicit discharges, connections and/or obstructions to the MS4 shall have a period of 30 days from the effective date of this ordinance to remove such discharges, connections and/or obstructions, unless immediate removal is required for the protection of public health, safety, welfare or the environment. The Stormwater Authority may extend the time for compliance by regulation or by waiver in accordance with Part 6 of this Ordinance.

## **Section 3. Stormwater Management and Land Disturbance**

### **Part 1. Applicability**

- A. Section III of this Ordinance shall apply to all activities that result in disturbance of 5,000 square feet of land or more that drains to the municipal separate storm sewer system (MS4). Except as authorized by the Stormwater Authority or as otherwise provided in this Ordinance, no person shall perform any activity that results in disturbance of 5,000 square feet of land or more. There are two levels of reviews based on the amount of proposed land to be disturbed as part of a single project and they are as follows:

- (1) Land Disturbance Review is required for projects disturbing between 5,000 square feet and one-half acre (21,780 square feet) of land.
- (2) A Land Disturbance Permit is required for disturbance of greater than one-half acre (21,780 square feet) of land or for a proposed use that is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards.

B. Exemptions:

- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single or two family dwellings conducted in such a way as not to cause a nuisance;
- (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (3) Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
- (4) Normal maintenance and improvement of land in agricultural or aquacultural use; and

The Stormwater Authority is authorized to enact regulations to effectuate the purposes of this ordinance, including but not limited to regulations outlining the application requirements for the different levels of review specified in Section A hereof. Any person that fails to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Stormwater Management Regulations shall be in violation of the Town of Bridgewater Ordinances.

### **Part 2. Approval and/or Permit**

An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this ordinance and in regulations adopted by the

Stormwater Authority. Approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Stormwater Management Regulations.

### **Part 3. Entry**

Entry to perform duties under this ordinance. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

### **Part 4. Inspection and Site Supervision**

The Stormwater Authority or its designated agent shall make inspections of the work subject to this Ordinance to verify and document compliance with the Ordinance and regulations and orders of the Stormwater Authority.

### **Part 5. Surety**

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

### **Part 6. Final Reports**

Administrative Land Disturbance Review: Upon completion of the work, the applicant shall submit a written notice to the Stormwater Authority with photographic evidence that the work was completed in accordance with the plan.

Land Disturbance Permit: Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Massachusetts Professional Engineer (P.E.), or Massachusetts Professional Land Surveyor (PLS) as applicable as determined by the Stormwater Authority, certifying that all erosion and sedimentation control devices, and approved changes or modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. Any discrepancies shall be noted in the cover letter.

### **Part 7. Enforcement**

The Stormwater Authority or its authorized agent shall enforce this ordinance, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this Ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief. If a person violates the provisions of this ordinance, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this ordinance or any regulations thereunder, which may include:

- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the ordinance and provisions of the Land Disturbance Permit
- (2) Maintenance, installation or performance of additional erosion and sediment control measures;
- (3) Monitoring, analyses, and reporting
- (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

Said orders shall specify a deadline by which the required action shall be completed and the Stormwater Authority or its designee may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole cost and expense, that it deems necessary to protect public health, safety and welfare.

- C. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.
- D. **Criminal Penalty.** Any person who violates any provision of this ordinance, regulation, permit, approval or order issued there under, may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- E. **Non-Criminal Disposition.** Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as an alternative to criminal prosecution or civil action, the Town of Bridgewater may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D and in Bridgewater Town Code Part III, Chapter 1, Article 2, Sections 1-3. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- F. **Appeals.** The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.

## **Article XIV. Street Acceptance**

### **Section 1. General**

The Town Council shall consider a petition for road acceptance based on public benefit, condition of the way, Town resources, and any other factor it deems significant, and upon such consideration shall determine whether to proceed with evaluation of the proposed layout as set forth below. As part of such consideration the Council shall hear all those Town Departments and petitioners who desire to be heard, and may hear all others at its discretion. The Town, through the Town Manager, may assess betterments for such portion of the costs of laying out and improving ways to provide for their acceptance by the Town as it shall determine appropriate.

### ***Section 2. Filing of Petition to Council Clerk***

A petitioner wishing to petition the Town to accept a road shall file a petition with Town Council Clerk. The Petitioner shall include as part of the petition, the current ownership of the road layout, the names of all the abutters, and the designation of the point of contact for the Petitioner. The Petitioner also must submit an “as-built” or “acceptance” plan, completed in accordance with the Rules and Regulations of the Planning Board. The Petitioner may be made on the initiative of the Council.

### ***Section 3. Review of Petition***

Petition shall be reviewed by the Department of Public Works Director or his designee, the Water Supply and Water Pollution Control Superintendent, the Fire Chief, the Police Chief, and the Conservation Agent for conformance to state and local laws and ordinances, as well as conformance to Town construction standards. Other Town departments may provide recommendations. The Department of Public Works Director or his designee, the Water Supply and Water Pollution Control Superintendent, the Fire Chief, the Police Chief, and the Conservation Agent shall submit their approval or disapproval to the Council Clerk within 60 days after the initial petition is filed with the Council Clerk.

### ***Section 4. Council Vote of Intent***

No later than 180 days from the filing of the petition, the Town Council shall vote whether it intends to lay out the way and the vote becomes a public record. If affirmatively voted, the Town Council shall refer the petition and departmental recommendations to the Planning Board for non-binding recommendation. The Planning Board has forty five (45) days to report. If no report is made within said forty five days after it received the petition, the proceedings continue with the Town Council.

### ***Section 5. Public Hearing***

The Council shall schedule a public hearing. At the petitioner’s expense, notice of the public hearing shall be given by the Town Council as follows: (i) At least fifteen (15) days before the hearing is scheduled, notice of the time and place of the hearing and a copy of the petition must be filed with the Town Clerk, and (ii) at least seven (7) days before the hearing, notice shall also be given by posting the petition and notice in two (2) or more public places in the Town, one of which shall be the Town web site, and, (iii) publishing same in a newspaper of general circulation, publication to be at least seven (7) days before the proceedings, and (iv) certified mailing, return receipt, to the owners of record of land to be taken (abutters) shall be required. The notice to abutters shall contain a description of the proposed taking; the date, time and place of the hearing; and the place where the plan can be reviewed. The petitioner shall present the signed return receipts to the Council Clerk prior to the public hearing.

### ***Section 6. Vote of Common Convenience and Necessity***

The Town Council, or a committee designated by the Council, shall hold the public hearing. At the conclusion of the hearing, or after a recommendation is submitted to the Town Council from any designated committee, the Town Council, by majority vote, shall make a finding that the laying out is required by common convenience and necessity. If there is no objection to the petition at the time of the public hearing, the Council may adopt an Order, by majority vote, to lay out the way. The Council Order must be adopted within twelve (12) months after the petition.

**Section 7. Eminent Domain; Recordation**

The Town Council shall, at the time a way is laid out, take necessary land, easements, or right by Eminent Domain. Within thirty (30) days after the Town Council adopts the Order of Taking, the order must be recorded with the Plymouth County Registry of Deeds and/or the Registry District of the Land Court. The cost of recording shall be borne by the petitioner.

**Section 8. Report to Town Clerk**

The manner in which the way is laid out shall be specified in a report transmitted to the Town Clerk by the Town Council. The report shall give a description of the location and bounds of the way. Within ten (10) days of receiving the report, the Town Clerk shall record the report in a book kept for that purpose.

**Article XV. Paid Parking**

**Section 1. Definitions**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

*Off-street parking* areas shall mean the off-street parking areas owned and located throughout the Town of Bridgewater.

*Parking meter or kiosk* shall mean any mechanical or electronic device, not inconsistent with the provisions of this article, and placed or erected on any public way within the city for the regulation of parking. Each parking meter installed shall indicate by proper legend the legal parking time established by this article and when operated shall indicate the beginning and expiration of such period.

*Parking meter space* shall mean any space within a parking meter zone, adjacent to a parking meter or within a paid parking zone, which is duly designated for the parking of a single vehicle by lines painted on the surface of the street or designated by official town signage.

*Parking space*, as used in connection with off-street parking areas, shall mean the space indicated on plans of the off-street parking areas on file in the Town Clerk's office in which a vehicle may be properly parked and which shall be indicated clearly by painted lines, official town signage or otherwise.

*Parking meter zones* shall mean the streets or parts of streets in which the use of parking meters is authorized by this article, and the numbered parking spaces on each of the off-street parking areas in which the use of parking meters is authorized by this article.

**Section 2. Meter zones and parking time limits established – On-street parking**

The streets or parts of streets described below are hereby established as parking meter zones, with parking restrictions as specifically indicated for each such zone.

1. School Street from Central Square to Summer Street as allowed by markings and signage.

***Section 3. Meter zones and Parking Time Limits Established – Off-street parking areas***

The numbered parking spaces as shown on plans for each individual off-street parking area and filed with the Town Clerk, are hereby established as parking meter zones, with parking meter restrictions as specifically indicated for each zone. The Off-street parking areas are:

1. Spring Street Parking Lot
2. Town Parking Lot – rear of the buildings on the east side of Central Square.
3. Broad Street Lot – adjacent to the old rail station

**Section 3. Installation and maintenance.**

(a) The Town Manager shall provide for the installation and repair of parking meters or kiosks, curb or street marking lines, and lines on the off-street parking areas, in the areas designated in this article as parking meter zones. The Town Manager shall have charge of the regulation and operation thereof and shall ensure the maintenance of such meters in good workable condition.

***Section 4. Location and construction generally***

In on-street parking meter zones, parking meters or kiosks shall be placed upon the curb, next to or reasonably close to the individual parking places. Parking meters or kiosks shall be placed on the various off-street parking areas, as shown on the plans on file with the Town Clerk. All such meters or kiosks shall be so constructed as to display a signal or issue a display or notification showing legal parking, upon the deposit of proper payment indicated by the instructions on the meters.

***Section 5. Location where parking prohibited***

Notwithstanding the provisions of this Article XV, parking meters shall not be erected nor shall parking meter spaces and zones be established on any street or parts of streets where parking may by law be prohibited, except as specifically provided herein.

***Section 6. Hours of operation***

Parking meters shall operate and control parking in the parking meter zones established in this article as determined by Town Manager regulation, however there shall be no metered parking on Saturdays and Sundays and legal holidays of the Commonwealth of Massachusetts.

***Section 7. Vehicle to be parked within lines of metered space***

Whenever any vehicle shall be parked in a metered area, the operator of the vehicle shall park within the area designated by the curb or street marking lines as indicated for angle or parallel parking. In off-street parking areas, the vehicle shall be parked within the lines indicating the parking space.

***Section 8. Deposit of payment required; overtime parking; exemption***

(a) When a vehicle is parked in a parking space for which a parking meter or kiosk has been installed under this article, the driver shall, upon entering the parking space, immediately deposit, in the meter or kiosk, appropriate payment as indicated by the instructions on the meter or kiosk. It shall be unlawful for any person to fail or neglect to deposit such payment. Upon such deposit, the parking space may then be used by such vehicle during the time prescribed in this article according to the sum thus deposited. The vehicle shall be unlawfully parked if it shall remain in such space beyond the period of time which the driver shall have deposited such payment in the meter or kiosk. It shall be unlawful for any person to cause any vehicle to be unlawfully parked as provided in this section.

(b) Notwithstanding any other provisions in this article, no parking meter fees shall be due under subsection (a) nor shall any penalty be imposed for failure to pay on days declared a parking meter holiday which dates shall be determined by the Town Manager to correspond with special events.

***Section 9. Parking meter fees prescribed***

All meter fees shall be determined by Town Manager regulation.

***Section 10. Tampering with, breaking, etc., meters; depositing slugs***

It shall be unlawful for any person, not authorized to do so, to tamper with, break, injure or destroy any parking meter, or to deposit or cause to be deposited therein any slugs or any other device or metallic or paper substance or any other substitute for the payments required to be deposited by this article.

***Section 11. Collection of deposits and inspection of meters or kiosks***

The Town Manager shall have the authority and duty to collect or cause to be collected, weekly or more often at his discretion, all payments made pursuant to a paid parking program and to inspect or cause to be inspected such paid parking equipment weekly, or may be necessary, to see that they are in proper working order. The Chief of Police shall maintain a list of the equipment which is not in proper working order. Said list shall be posted in the police station and a copy provided to the parking clerk.

***Section 12. Records of receipts and disbursements***

The Town Manager shall ensure the documentation of all paid parking receipts and disbursements.

***Section 13. Duty of police as to violations of article***

It shall be the duty of the Police Chief to issue citations for all vehicles whose operators violate the provisions of this article and to cause to be imposed the penalties provided in Chapter 1, Section 3. Schedule of Fines.

***Section 14. Licensing Procedure and Regulations for Commercial Parking***

For purposes of this section, a commercial parking lot shall be defined as any space paved or unpaved which is proposed to be used for the parking of vehicles for a fee. It shall not include parking lots associated with residential housing developments in which the parking is strictly for the residents.

Owners of property to be used for commercial paid parking shall, at least 45 days prior to the commercial parking use of the property, apply for a license for such use. The Town Manager, by regulation, shall establish a fee for licensure which shall not exceed \$100 per year, and criteria for the issuance of a license, including a finding that there exists a public demand for the commercial parking lot and that the commercial parking lot is necessary to protect the public convenience or welfare.

The Town Manager may issue a license under such terms and conditions as he deems appropriate which will protect the public convenience or welfare including any condition which will promote the orderly access and egress of vehicles from a commercial parking lot to the public way or which will reduce hazards to pedestrians within the parking lot or upon the public way.

Each licensed lot must maintain a live exit available to every vehicle parked on the lot, no vehicle shall be blocked in for any reason. Any parking configuration shall not permit backing onto a street or road.

In addition to the provisions of Section 13 of Article XV, a fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Article XVI. Temporary Repairs on Private Ways**

### ***Section 1. General***

The maintenance and repair of all public and private ways being of utmost importance to the economic development of the Town; to the control of pollutants entering Town waters; to the preservation of Town property; and to the accessibility of public safety vehicles from public ways to residences, Town facilities, and conservation land; the Department of Public Works is authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years.

### ***Section 2. Type and Extent of Repairs***

The repairs made must be temporary in nature, such as filing, grading, patching and surface coating, and may include such repairs to drainage swales or structures, installation of water or sewer, and conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway. The temporary repair shall have a minimum expected life equal to twenty (20) years. Temporary repairs may be undertaken in a way subject to this ordinance, or to a continuous portion of such way, which portion begins and ends at an intersection or conjunction with another way.

### ***Section 3. Petition***

Two-thirds of the ownership interests on a private way may petition for temporary repair under this ordinance. Each lot abutting the private way shall count as one ownership interest, unless the Town Manager finds it is impractical, in which case the Town Manager is authorized to waive or amend this calculation.

### ***Section 4. Betterment Charges***

The owners of such land abutting such private way who derive benefit from said repairs shall be assessed betterment charges by the Town Manager. Betterment charges, in an amount of 100% of the aggregate cost of the planning, preparation, and repair of the private way shall be assessed on a per lot basis or on the proportion of lot frontage on the way or portion of the way to be repaired, or other proportional method as may be required by the Town Manager.

The Town may be considered an abutter if property under care, custody and control of the Town abuts said way to be repaired.

### ***Section 5. Status of Way***

This ordinance does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.

The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being “maintained and used as a public way” under Massachusetts Subdivision Control Law.

Any private way repaired under the provisions of this ordinance need not be brought up to full Town standards and may continue to remain a private way.

### ***Section 6. Liability***

The Town of Bridgewater, in making repairs under this section, shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

### ***Section 7. Indemnity Agreement***

No repair of a private way shall be undertaken until the Town Manager and the abutting two-thirds of the property owners have executed agreements holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a. The Town assumes no liability to such owners by making the repairs;
- b. Jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorney's fees and other costs of defense;
- c. That should the town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d. That such repairs shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under Massachusetts Subdivision Control Law, and;
- e. That if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years of the expected lifetime of the repair to be determined by the Town Manager.

### ***Section 8. Continuous Public Use***

The indemnity agreement required in Section 7 shall provide that any private way for which repairs and maintenance are performed and maintenance are performed pursuant to the ordinance shall remain open to public use for a period not less than the expected lifetime of the repair as determined by the Town Manager.

Reference, M.G.L. c. 40, section 6N

## **Chapter 290. Shade Trees**

### **Article I. Shade Trees**

#### ***Section 1. Purpose and Definitions***

This Ordinance is based on MGL, Chapter 87, Shade Trees, and MGL, Chapter 242, Waste and Trespass. It is meant to provide further clarification, implementation and enforcement of procedures applicable to the Town of Bridgewater.

Bridgewater is committed to maintaining and protecting its natural resources in order to enhance the quality of life of its citizens. It is a well established fact, that Trees, Shrubs, and Plants moderate the negative effects of pollution, temperature and water runoff. The trees and other vegetation growing along its roads contribute to the health of its citizens and beauty of the environment. Wildlife habitats are sustained and the rural character of the community differentiates it from more urban surroundings. In concert with the Master Plan, and Town ordinances, the economic value of the landscape along its roads, appeals to one's aesthetic sensitivity and connotes a sense of stability in commercial and residential areas.

The following definition shall apply:

**Hazardous Tree:** A tree with structural defects likely to cause failure to all or part of the tree, which could strike a target such as a person, vehicle, utility lines, structures, or block public ways.

**Public Tree:** Any tree on public land, including public shade trees.

**Public Shade Tree:** A tree growing within or on the boundary of the public right-of-way and subject to the Provisions of MGL, Chapter 87. In Bridgewater a tree may also be considered to be in the public way if either its root system or its branches extend into the public way as determined by the Tree Warden, Highway Department or Planning Board. A tree on a private way that has been laid out such that it will remain open to the public.

**Tree Warden:** The Appointed town official responsible for implementing and enforcing state and town laws and policies regarding trees subject to appeal to the Hearings Officer as herein provided.

### *Section 2. Protection of Shade Trees*

Public shade trees shall not be cut, broken, defaced, mutilated, set fire to, or permit a fire such that its heat will injure any portion of the tree, shrub or plant. Nailing of signs, posters, handbills, paint and rope or wire (other than that used to support a young or injured tree) is prohibited. Attaching electrical conduits, telephone or cable wires, allowing gaseous liquid or solid substances which are harmful to a tree, its leaves or root system are prohibited. Temporary stringing of holiday lights that are in compliance with the above may be permitted. No person shall, without lawful authority, remove, cut, deface, mutilate or apply paint to any tree, bush or flower or plant growing on land held under the jurisdiction of any Town board.

### *Section 3. Removal Permit*

Any person, firm, corporation or agency that in the course of construction or subdivision development wishes to remove any living Public Shade Tree with a caliper 1.5" or greater at 5 feet above grade level shall, in accordance with Chapter 87 Section 3 of the Massachusetts General Laws, obtain a permit from the Tree Warden; and, if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of smaller trees determined to be equivalent on the following basis:

The total caliper of all replacement trees shall equal or exceed the total caliper of all trees to be removed.

Replacement trees shall be balled and burlapped and of a caliper not less than 2" in diameter at 5' above grade level. Species, caliper and location of replacement trees shall be determined by the Tree Warden at the time of issuance of the permit and/or hearing.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other surety to ensure Public Shade Tree replacement. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of an agreed-upon sum, replace said trees according to the standards herein set forth.

When highway or utility projects require the removal of public shade trees, the cost of tree replacement shall be included in the cost of the project.

### *Section 4. Temporary Protection; Excavation*

A 12 foot square barrier shall be placed around any tree including its roots and branches where excavation, construction or repair of a building, structure or road work is taking place. No person shall excavate any ditches, tunnels, trenches, lay any driveway, turn around or parking facility or place building material, chemicals, or other materials which may prohibit the tree from getting water, air and fertilizer including excess dirt or other debris, within this barrier without first obtaining a permit from the Tree Warden.

### ***Section 5. Tree Warden Responsibilities***

Public shade tree removal procedures are the responsibility of the Tree Warden. These procedures assure compliance with state and federal law and are intended to prevent hasty or ill-considered destruction of valuable town assets.

### ***Section 6. Permit from Tree Warden; Public Hearing***

Any person wishing to cut, trim or remove a public shade tree, shrub or plant within the public way must obtain a written permit from the Tree Warden. The permit enables the person to a public hearing as specified in MGL, Chapter 87, Section 3. The person requesting the permit shall bare all costs for the hearing as determined by the Tree Warden and payable upon receiving the permit. This applies to all projects that involve construction of structures, roads, sidewalks, and delivery of water/sewer and utility systems.

### ***Section 7. Insurance Requirements***

A contractor engaged in the business of pruning, trimming or removing trees must be licensed and approved by the Tree Warden in compliance with A.N.S.I.Z-133 and N.A.A. standards. The tree removal contractor shall provide certificates of insurance as follows:

- \$ 100,000. Workmen's Compensation
- \$ 300,000. Bodily Injury
- \$ 300,000. Property Damage
- \$1,000,000. Excess Liability

### ***Section 8. Applicant Obligations***

Upon successful completion of the Permit and Hearing process, the applicant shall pay for the following: the Tree Removal contractor; A bond in a form and amount approved by the Tree Warden, prior to commencement of work, (The Bond will be released after the successful completion of all items of work. Such surety may be held for up to one year from date of planting of replacement tree(s) to ensure their survival); All legal advertising/notices/mailings; Cost of shrub, plant, tree and stump removal including disposal of all debris and grading the area with loam; Cost of police traffic details, repair of road and shoulder, protection and restoration of utilities and structures; All other costs related to the tree, shrub and plant removal and replanting; Replanting of replacement tree(s) etc. at the discretion of the Tree Warden with consultation of the Department of Public Works.

The Tree Warden has jurisdiction over all public shade trees, shrubs, and plants in the town of Bridgewater. Nothing in this Ordinance shall prohibit the Tree Warden from refusing to permit the removal of a non-hazardous tree. The Tree Warden may refuse to grant the permit for the removal of a non-hazardous tree if in his/her judgment, the tree is of historic or scenic value, of a size or species unique to this area, beneficial to wildlife or a healthy, significant specimen for this landscape. Likewise, any tree or shrub growing within the public right of way which may endanger the life, health, safety or property of the public, or public's needs for services may at the determination of the Tree Warden cause the tree, or shrub to be trimmed or removed. These may include but are not limited to hazardous trees.

### ***Section 9. Violations; Fines***

In addition to this levied by Chapter I, any person who cuts, trims, damages or removes a public shade tree

without a permit and hearing as required by law shall be subject to cumulative fines as follows: Up to \$500. as provided by MGL, Chapter 87, Section 6; A fine of \$20 under provisions of MGL, Chapter 87, Section 2; The value of the wood; Triple damages under MGL Chapter 242, Section 7.

The Town requires replacement of any public shade tree over 1.5 inches in diameter. The value of the existing shade tree is to be calculated on a two inch for one inch replacement basis. For example, if an 18 inch diameter tree, measured five feet above grade is to be removed, the applicant must sufficiently reimburse the Town for purchase and planting of nine, two inch diameter replacements. Replacements shall be at least two inch in diameter, B&B nursery grown stock. The Tree Warden may determine the species. At the discretion of the Tree Warden, the person who removed the tree shall either (i) Arrange to plant suitable replacements using his own contractor working to the Town's specifications, or (ii) make a contribution to the Town to be used exclusively for the purchase and planting of replacements, and related expenses.

If an applicant proposes to trim or prune a public shade tree, and in the opinion of the Tree Warden the proposed work will drastically affect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree and require appropriate replacement plantings as indicated above.

Decisions made by the Tree Warden in granting or denying a permit may be appealed to the Hearings Officer within ten (10) days from the date of the decision.

## **Chapter 300. Vehicles**

### **Article I. Parking of Unregistered Vehicles.**

#### ***Section 1. Prohibition***

The owner or person in control of any private property shall not suffer or allow the parking or maintenance of more than two unregistered vehicles in the open, on any premises, or lot or parcel of land in any Residential Zoned District in the Town of Bridgewater.

### **Article II. Truck Exclusion; violations and penalties (D-FY25-011 Adopted 2/18/2025 Effective 3/18/2025)**

#### ***Section 1. Definition.***

Any heavy commercial vehicle having a carrying capacity of more than 2 ½ tons.

#### ***Section 2. Restrictions.***

The use and operation of heavy commercial vehicles having a carrying capacity of more than 2 ½ tons are hereby restricted 24 hours per day on the following named streets or parts thereof:

- Hayward Street: from the northern town line to High Street
- High Street: from Broad Street to Route 104 (Plymouth Street)

#### ***Section 3. Exemptions.***

Section 1 shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with construction, maintenance and repair of said streets or public utilities therein; or to federal, state, municipal or public service corporation owned vehicles.

#### *Section 4. Violations and Penalties.*

The penalty for violation of this section shall not exceed \$75 for the first offense and each successive offense. The enforcement officer of this section shall be the Police Department.

## **Chapter 320. Wetland Protection**

### **Article I. Wetland Protection**

#### *Section 1. Purpose*

The purpose of this ordinance is to protect the wetlands, related water resources, and adjoining land areas in the Town of Bridgewater by controlling activities deemed by the Bridgewater Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics, and agricultural values (collectively, the “wetlands values protected by this ordinance”).

#### *Section 2. Jurisdiction*

Except as permitted by the Bridgewater Conservation Commission or as provided in this ordinance ~~by law~~, no person shall remove, fill, dredge, build upon, or alter the following areas:

- a) Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
- b) Within 100 feet of any bank, lake, pond, stream;
- c) Any land under said waters;
- d) Within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

#### *Section 3. Exceptions*

A Notice of Intent required by this ordinance ~~by law~~ shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

- a) The structure or facility is not substantially changed or enlarged;
- b) Written notice, with detailed plans of the work to be performed has been given to the Conservation Commission prior to commencement of work;
- c) The work conforms to performance standards and design specifications in regulations adopted by the Commission.

A Notice of Intent required by this ordinance ~~by law~~ shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that any one of the following apply:

- a) The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;
- b) Advance written notice, has been given to the Commission prior to commencement of work, within 24 hours or at the latest by the end of the following work day;
- c) The Commission or its agent certifies the work as an emergency project;
- d) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency;

- e) Within 21 days of commencement of an emergency project as determined by the Conservation Commission a Notice of Intent shall be filed with the Conservation Commission for review as provided in this ordinance.

- f) Normal operation and maintenance of agricultural land.

Upon failure to meet these and other requirements of the Commission, the Commission may after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. Other than as stated in this section, the exceptions provided in MGL C. 131, Sec. 40 (Wetlands Protection Act) shall not apply.

#### ***Section 4. Permit Applications and Requests for Determinations***

A Notice of Intent under MGL C. 131, Sec. 40 (Wetlands Protection Act) shall be filed with the Conservation Commission to perform activities regulated by this ordinance affecting resource areas protected by this ordinance. The Notice of Intent shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with an Order of Conditions issued pursuant to this ordinance and MGL C. 131, Sec. 40.

Any person desiring to know whether or not proposed activity or any area is subject to this ordinance may request a Determination from the Commission. A request for Determination of Applicability shall contain data and plans specified by the regulations of the Commission.

At the time of filing a Notice of Intent or request for a Determination, the applicant shall pay a filing fee specified in the regulations of the commission, or as specified in MGL C. 131, Sec. 40 (Wetlands Protection Act and 310 CMR 10, as amended August 1989 and November, 1989), whichever is larger. The Commission may waive the filing fee for a Notice of Intent or request filed by a government agency.

#### ***Section 5. Notices and Hearings***

At the same time any person files an application or a request for Determination with the Conservation Commission, he/she shall give written notice thereof, by certified mail, to all abutters according to the most recent records of the Assessors, including those across a traveled way, a body of water, or a town line. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined by abutters. When a person requesting a determination is other than the owner(s), the request, the notice of the hearing and determination itself shall be sent by the Commission to the owner(s) as well as to the person making the request. The Commission shall conduct a public hearing on any application or request for determination, with written notice given, by the applicant at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing.

The Commission shall commence the public hearing within 21 days of recorded receipt of a completed application or request for determination and shall issue its determination in writing within 21 days of the close of said public hearing. An application or request may be rejected as incomplete by the Commission if the application or request is not filed with, the applicable filing fee and advertising fee. In an appropriate case, the Commission may combine its hearing under this ordinance with the hearing conducted under MGL C. 131, Sec. 40 (Wetlands Protection Act).

The Commission shall have authority to continue any hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion, or comments and recommendations of other Town

boards and officials. If the applicant objects to a continuation or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

### *Section 6. Permits, Determinations and Conditions*

If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this ordinance, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for the activities proposed. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for the following reasons:

- a) Failure to meet the requirements of this Ordinance;
- b) Failure to submit necessary information and/or plans requested by the Commission;
- c) Failure to meet the design specifications, performance standards and other requirements in the regulations of the Commission;
- d) Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this ordinance;
- e) Where no conditions would adequately protect the wetland values protected by this ordinance.

Due consideration shall be given to demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date issued. Any permit may be renewed once for an additional two year period, provided that a written request for renewal is received by the Commission at least 30 days prior to the expiration date.

Any permit issued under this ordinance may be revoked or modified by the Commission for good cause after public notice, public hearings and notice to the holder of the permit.

In an appropriate case, the Commission may combine the permit or other action on an application issued under this ordinance with the Order of Conditions issued under the Wetlands Protection Act.

### *Section 7. Regulations*

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes and objectives of this ordinance. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance.

### *Section 8. Definitions*

The following definitions shall apply in the interpretation and implementation of this ordinance:

The term, "person", shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town ordinances, administrative agency, public or quasi-public corporation or body, the Town of Bridgewater and any other legal entity, its legal representatives, agents or assigns.

The term, "alter", shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:

- a) Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind;
- b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of flood retention characteristics;
- c) Drainage or other disturbance of water level or water table;
- d) Dumping, discharging or filling with any material which may degrade water quality;
- e) Placing of fill, or removal of material, which would alter elevation(s);
- f) Driving of piles, erection, alteration or repair of buildings or structures of any kind;
- g) Placing of obstructions or objects in water;
- h) Destruction of plant life, including cutting of trees;
- i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

### ***Section 9. Security***

As part of a permit issued under this ordinance, in addition to any security required by any other Town or State board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission;
- b) By a Conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Bridgewater whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

### ***Section 10. Enforcement***

The Conservation Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this ordinance, its regulation, and permits issued thereunder by violation notice, cease and desist orders, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Town Manager shall take legal action for enforcement under Civil Law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under Criminal Law.

Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

### ***Section 11. Burden of Proof***

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this ordinance. Failure to provide adequate evidence to the Conservation Commission

supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### ***Section 12. Certificate of Compliance***

A Certificate of Compliance shall be issued by the Conservation Commission upon the request of the applicant of property owner after construction has been completed in accordance with the applicable Order of Conditions. Request for such Certificate must be filed with the Commission in writing, at least fifteen (15) days prior to the actual date the Certificate is needed.

### ***Section 13. Relation to the Wetlands Protection Act***

This ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of M.G.L. Ch. 131, S 40 (The Wetlands Protection Act) and regulations thereunder.

### ***Section 14. Severability***

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

## **Chapter 325. Wireless Communications**

### **Article I. Wireless Communications Facilities**

#### ***Section 1. Authority, purpose, scope and intent***

The purpose of this chapter is to allow the development of adequate Wireless Communication Facilities while assuring the public safety and preserving the general welfare and protecting the scenic, historic, environmental, and natural resources of the community. In adopting the rules and regulations herein, the Town acts in its proprietary capacity as to Town property and the publicly owned right of way as defined herein, and pursuant to its police powers as to portions of the public right-of-way in which the fee title is not held by the Town.

Furthermore, it is the intent in adopting the rules and regulations herein to appropriately manage the development of wireless communications facilities in a manner that recognizes and enhances the community and economic benefits of wireless communication technology while accommodating the need for installation of wireless communications facilities in accordance with applicable Federal and State rules and regulations.

The Bridgewater Town Council is authorized to permit private parties to place wireless communications facilities on certain areas of Town property, subject to the rules and policies stated herein.

#### ***Section 2. Applicability***

The requirements of this chapter apply to all wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services and radio and television broadcast facilities within the Town of Bridgewater, on town property, or the public right-of-way. This chapter is intended to be consistent with the Telecommunications Act of 1996 and its successors and all relevant state regulations.

### *Section 3. Definitions*

For the purposes of this ordinance the following terms shall apply:

”Antenna” means a device which is attached to a Pole, Tower or a Host Structure, as permitted hereunder, for transmitting and receiving wireless service transmissions.

”Distributed Antenna System” (DAS) means multiple antenna system including antennas and control boxes typically installed on utility poles interconnected via cable or fibers belonging to the access point/base station dispersed across a coverage area. The system shall be capable of co-locating multiple Wireless Service providers simultaneously.

”Encroachment” means any facility, tower, pole, pole line, fence, stand or building, underground vault, or any structure or object of any kind or character not particularly mentioned herein, which is placed in, under or over any portion of the public right-of-way.

”Essential utility service” means a utility service that is necessary for the health, welfare and safety of the public.

”Facility” means any tower, antenna structure, pole, pole line, fence, stand or building, cables, cabinets, small cell, distributed antenna systems, ducts, conduits, converters, equipment, drains, utilities, vaults, other appurtenances or tangible things, or any structure or object of any kind or character not particularly mentioned herein, owned, leased, operated, or licensed by an applicant or other person or entity, that is located or is proposed to be located in the public right of way or Town property.

”Host Structure” means any building or structure, other than a Tower, including utility poles, signs and flagpoles, upon or within which a new Wireless Service Facility, Small Cell or other Telecommunication device or major modification thereof is proposed, including, without limitation, any newly constructed building or structure or any addition to any existing building or structure upon or within which installation of a Wireless Service Facility, Small Cell or other Telecommunication device is simultaneously proposed.

”Modification of an Existing Facility” means any change, or proposed change, to an existing or permitted Facility designed to support wireless communication transmission, receiving and/or relaying antennas and/or equipment

”Open space facility” means any town owned trail, green space, farm or pasture land, or otherwise vacant land inclusive of buildings or structures.

”Park facility” means any town owned passive or active recreational area, grounds, fields, or green space inclusive of buildings or structures.

”Public right-of-way” means any public highway, street, alley, sidewalk, pathway, and all extensions or additions thereto that is either owned, operated, or controlled by the Town, or its various boards, commissions or agents, or is subject to an easement or dedication to the Town, or is privately owned area within Town’s jurisdiction which is not yet but is designated as a proposed public right-of-way on a tentative subdivision map approved by the Town.

”Small cell” means low-powered radio access nodes that operate in licensed and unlicensed spectrum that have a limited operating range and considered a Wireless Service Facility.

“Telecommunication” means the transmission between or among points specified by the user of information of the user’s choosing, without change in the content of information as sent and received.

“Town property” means real property over which the Town: (a) holds an interest, including, without limitation, fee title ownership, easement, leasehold, and public street right-of-way; or (b) has the present right of possession and control.

“Utility pole” means one of a series of poles located in the public right of way and used to support wires and other equipment and infrastructure used by utilities, as in telephone and electric companies.

“Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Wireless Services Facility” (also referred to herein as a “Facility”) means all equipment (including any repeaters, antennae, small cell, wifi, DAS, or other similar equipment) with which a Wireless Service Provider broadcasts and receives the radio-frequency waves that carry their services and all locations of said equipment and any part thereof. This Facility may be sited on a Tower or other structure, as provided herein.

#### *Section 4. General requirements*

The following are general requirements regarding all wireless communications facilities (WCFs) transmitting and/or receiving electromagnetic signals, including, but not limited to, personal communications services (cellular, voice and data) and radio and television broadcast facilities and apply to Town property and the public right-of-way:

- A. All Wireless Communication Facilities must fully comply with the FCC’s regulations concerning radio frequency emissions and other applicable federal requirements.
- B. All Wireless Facilities must comply with applicable State and local Building Codes and Safety Standards. All WCFs are required to have valid requisite building and electrical permits.
- C. All Wireless Facilities, whenever possible, are encouraged to utilize requisite concealment or stealth technology in Design and Location Preferences.
- D. Wherever possible, new wireless communications facilities in the public right-of-way and on Town property are encouraged to co-locate so as to minimize encroachment.
- E. All Wireless Communication Facilities are subject to the application requirements described in Section X.060 shall apply to requests for wireless communications facilities in the public right-of-way and on Town property.
- F. The requirements specified in Section.050 shall apply to all wireless communications facilities that are not exempt as defined herein or found by the Town Council, by approval of a waiver or modification, to meet the findings required in or the findings as described herein.

#### *Section 5. Specific requirements*

All wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services (cellular voice and data transmission) and radio and television

broadcast facilities the following additional requirements and exceptions apply to Town property and the public right-of-way.

A. Requirements Applicable to Facilities on Town Property.

1. The Town may grant licenses or enter into leases to use Town property when such use serves the public interest, is required by statute, or is of such a casual, temporary or occasional nature as not to unduly interfere with the public use thereof.

B. Requirements Applicable to Facilities in the Public Right-of-Way.

1. No support structures other than utility poles or requisite guy wires are permitted. The Town Council may approve the replacement of an existing pole if it generally comports with the appearance of the existing pole or placement of a new pole if requisite and the proposed pole does not impede the public right of way.
2. Unless absolutely necessary, no new utility or street light poles shall be installed in areas where there are no existing overhead utility facilities.
3. No facility shall be located on a utility pole that is less than twenty-five feet in height.
4. An antenna array shall not extend more than five (5) feet beyond the top of a utility pole.
5. A co-located antenna array may extend up to eight (8) feet above the height of the pole subject to approval by the Town Council.
6. Panel antennas shall not exceed the height of the pole and shall extend no more than six inches from the pole unless it can be demonstrated that technical considerations require the facility to extend farther from the pole.
7. Facilities in the public right-of-way shall comply with any relevant development standards except for temporary emergency facilities, preexisting facilities, co-located facilities that are exempt pursuant to State law.
8. Equipment structures and cabinets shall be installed underground unless it can be determined that an above-ground facility is required. Above ground facilities shall not impede pedestrian access or impact vehicular circulation.
9. As a condition of license approval of a facility in the public right-of-way, the applicant shall agree to maintain a liability insurance policy, naming the Town of Bridgewater as an additional insured, in an amount that meets or exceeds the minimum liability limit and requirements that the Town Manager or designee establishes.

*Section 6. License required*

- A. Town Property. A license for a wireless communications facility pursuant to this section is required, unless otherwise exempt as defined herein, prior to the installation of any wireless communications facility on Town property or public right of way.

## B. Right-of-Way.

1. Any person or firm desiring to erect, construct or maintain any pole, wireless communications facility, structure or other similar facility in, on, under, over or above any public property or public right-of-way must first obtain a wireless communication facility license. An application for a Wireless Communications Facility license is required.
2. The following facilities may be reviewed by the Town Manager or designee subject to the requirements of this chapter and the Town Council's discretion:
  - a. On existing power poles or other structures in the right-of-way;
  - b. A distributed antenna system that is comprised of antennas installed on more than one of the support structures listed herein.
3. Conditions of Approval. In approving a license pursuant to this section the Town Council may impose any conditions allowed by applicable Federal and State law that are deemed necessary to ensure compliance with the findings required herein, including but not limited to requiring:
  - a. Future modification of an installation that is not a stealth facility to further reduce or eliminate its aesthetic impacts based on the results of a review process, which shows that new technology is available and could be employed to reduce the facility's visual and aesthetic impacts;
  - b. Periodic review, at the license holder's expense, by a qualified independent engineer, approved by the Town, to ensure compliance with the most current federal and State regulatory and operational standards including, but not limited to, FCC radio frequency emission standards and Federal Aviation Administration height standards.
  - c. Periodic review to verify that the license holder and any authorized representative of the license holder is in full compliance with the Town of Bridgewater applicable codes, the Massachusetts Motor Vehicle Code, DEP regulations and OSHA standards with regard to noise, construction, vehicles, property maintenance and other such codes and regulations that are applicable to the operation, maintenance, construction and management of the facility and site.
  - d. Allowing co-location with other existing WCF and accommodating the future co-location of other future facilities, where technically, practically, and economically feasible. The Town of Bridgewater reserves the right to notify other registered wireless communication providers of new WCF applications to promote co-location.
  - e. Evidence of a removal bond, surety, or other documentation, sufficient in amount to ensure removal for the wireless telecommunication antennas.

- C. Post-Approval Requirements. To ensure that wireless communications facilities continue to meet the requirements of this chapter, post-installation verification shall be required.

1. Validation of Proper Operation. Within sixty calendar days of commencement of operations, the license holder shall provide verification by qualified experts that the RF levels comply with FCC regulation and that all equipment complies with DEP standards for noise.
2. The license holder shall provide biannual certification that RF levels comply with all FCC regulations and that all equipment complies with DEP standards for noise.
3. The license holder shall report to the Town annually, in conjunction with license, contact information for the license holder and the agent responsible for maintenance of the wireless communications facility. Emergency contact information shall be included.

**Section 7. *Wireless Communication Facility Location Required findings***

In addition to any other findings that may be required pursuant to this section, in order to approve any Wireless Communication Facility license for a facility subject to regulation under this chapter the Town Council must make all of the following findings that are applicable to the facility based on the nature of the license, substantial information in the record, including, where required, technical analysis by a radio frequency engineer, calculations by a State-licensed structural engineer, or other evidence:

- A. The proposed use is permitted in the public right-of-way and complies with all applicable provisions of this section;
- B. The proposed wireless communications facility will not interfere with the use of the public property or public right-of-way and existing improvements and utilities thereon;
- C. The proposed wireless communications facility will not interfere with existing subterranean infrastructure and will not impede emergency access;
- D. The proposed wireless communications facility will not physically or visually interfere with vehicular, bicycle, and/or pedestrian use of streets, intersections, bicycle lanes, driveways, sidewalks, and/or walkways;
- E. The proposed wireless communications facility has been designed to complement the surrounding area and the facility is appropriately designed for the specific site, to the maximum extent reasonably feasible;
- F. That installation at a preexisting location is not reasonably feasible, when the proposed wireless communications facility will not be installed at a preexisting wireless communication facility location.

**Section 8. *Fee Schedule***

Facility License	Application Fee	Renewal Fee	Annual License Fee per Site	Review Fee	Annual Escalation
Small Cell, DAS, etc.	\$200	\$100	\$3,000	If necessary	2.0% annually
Small Cell, DAS Colocation	\$200	\$100	\$1,500	If necessary	2.0% annually

### *Section 9. Termination*

- A. The Town of Bridgewater reserves the right to terminate a wireless communications facility license at any time upon ninety days' written notice of said termination (except in cases of emergency) in the event the Town determines the wireless communications facility creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety, and upon written notice and opportunity to cure.
- B. In the event of termination pursuant to this section and if requested in writing by the Town, the license holder shall remove its wireless communications facility at its own expense and shall repair and restore all Town right-of-way or Town property affected by the placement, maintenance, and removal of the wireless communications facility to a condition that existed prior to the installation of the wireless communications facility or as required by the Town.
- C. No wireless communications facility encroachment permit application which has been denied in whole or in part shall be filed again within 90 days from the date of such denial except upon proof of changed conditions or by written permission of the Town.

### *Section 10. License Application Requirements*

An application for a Wireless Communication Facility license under this Chapter shall include all of the following:

- a. A site plan showing location of the Facility, any proposed communications equipment structure, including proposed underground structures, and any other buildings, property lines, easements, rights-of-way and elevations showing details of the installation.
- b. Where the Applicant is not the owner of record, evidence of the Applicant's right to possession and/or control of the premises shall be presented. Without limiting the foregoing, every application must be joined by a Wireless Service provider who will be an immediate user of the proposed Wireless Communication Facility.
- c. A narrative description of the proposed Wireless Communication Facility including the location and identification of all components, buildings and equipment together with plans, photographs or other graphic illustrations fairly depicting the physical appearance of the proposed Facility equipment when installed.
- d. A description of the capacity of the Facility, including the number and types of antennae that it can accommodate and the basis for calculation of capacity. Description of the proposed equipment should include data as to noise, certified by an acoustical engineer, and the beam widths at ground level for the energy outputs from each Antenna sector and degree of down-tilt of each antenna.
- e. A locus map illustrating the location of the equipment.
- f. A map showing all the Wireless Communication Facilities within one mile of the proposed installation currently existing, or which the applicant expects to install and/or reasonably knows will be proposed or installed by other Wireless Service providers within the next twenty-four (24) months.
- g. A listing of the state and/or federal permits, licenses or approvals acquired or needing to be acquired for the proposed installation.
- h. A description in both geographic and radio frequency terms of the scope and quality of the service currently available to the Town, the need to be addressed by the Facility and the manner in which the Facility will address the perceived need for service, including, in the case of a Tower, consideration given to other alternatives.
- i. A description of the terms of any co-location agreements between the Applicant and any other Wireless Service or telecommunication provider.
- j. Payment of application fee or fees per proposed site or sites.
- k. A completed license form.

***Section 11. Exemptions***

Wireless Communication Facilities solely providing safety or emergency services for any federal, state or municipal department are exempt from this chapter.

Wireless Communication Facilities on certain parcels of Town Property as determined by the Town Manager, Town Counsel or designee may be subject to the MGL Chapter 30B Uniform Procurement Act requiring a signed and executed lease agreement between the carrier, agent or assignee, and the Town.

***Section 12. Severability***

Should any part of this ordinance, or any subsection herein, be rendered unconstitutional or invalid by a court of competent jurisdiction all other sections shall remain valid and in force.

***Section 13. Indemnification***

The license holder shall indemnify, or otherwise hold harmless, the Town of Bridgewater, and its agents or representatives, from any damages resulting from the operation, maintenance or malfunction of equipment installed on Town property or the public right of way.

**Ordinance D-FY25-005 Establishing the Process for Hiring a Town Manager (Effective 11012024)**

**Section 1. Purpose**

The purpose of this ordinance is to establish a formal process for the recruitment, selection, and hiring of both an Acting (where necessary) and/or permanent Town Manager pursuant to Article IV, Section 4-6 of the Town Charter, to ensure that the most qualified individual is appointed to manage the Town's affairs.

This Section in no way applies to or amends the process set forth in Article IV, Section 4-7 of the Town Charter applicable to Temporary Absences of the Town Manager.

**Section 2. Position of Town Manager**

The position of Town Manager is established and governed by Article IV of the Town Charter.

**Section 3. Qualifications**

The town manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience. The town council may from time to time establish additional qualifications as deemed necessary and appropriate. The town manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the town, nor shall the town manager engage in other business unless such business is approved in advance by a majority vote in public session of the town council. The town manager need not be a resident of the town, but must be a United States citizen.

## Section 4. Recruitment Process

### 1. Announcement of Vacancy & Ad-hoc Committee:

Upon vacancy or notice of impending vacancy, the Town Council shall:

1. First, establish a five-member Preliminary Screening Ad-hoc Committee. Said Preliminary Screening Ad-hoc Committee shall consist of no more than four members of the Town Council and shall be appointed pursuant to Article III, Section 1(B)(2) of the Town of Bridgewater's Administrative Code.
2. Once established, the Preliminary Screening Ad-hoc Committee will prepare a detailed job description and qualifications for the Town Manager position.

The position shall be advertised through appropriate channels, including local and regional publications, professional associations, and online job boards.

### 2. Application Submission:

Interested candidates shall submit a cover letter, resume, and any other required documentation by the deadline specified in the job announcement to the Town Council Clerk.

The Town Council may engage a professional recruitment firm to assist with the process, including the initial screening of candidates. This decision will be made by a majority vote of the Preliminary Screening Ad-hoc Committee (see below).

## Section 5. Selection Process

### 1. Initial Screening and Selection of Finalists:

The Preliminary Screening Ad-hoc Committee, shall review all applications and select no more than five finalists to be presented to the full Council based upon an individuals qualifications, experience, and suitability for the position to present to the entire Town Council.

The Preliminary Screening Ad-hoc Committee will ensure that the proper background checks have been completed for all finalists.

The Preliminary Screening Ad-hoc Committee may consider and interview candidates pursuant to G.L. c. 30A, Section 21(a)(8).

### 2. Interview Process:

The finalists as selected by the Preliminary Screening Ad-hoc Committee will then participate in one or more interviews conducted by the Town Council in accordance with G.L. c. 30A.

### 3. Selection of Town Manager:

Following the interview process, the Town Council will deliberate and vote to determine if any of the finalists for the position of Town Manager will be ratified.

## Section 6. Appointment and Employment Agreement

### 1. Appointment:

The selected finalist shall be ratified by a majority vote of the Town Council.

When the Town Council ratifies a candidate for the position of Town Manager, they then shall negotiate the terms of employment, including salary, benefits, and contract length pursuant to Massachusetts General Laws. Regardless of ratification, employment of the ratified finalists is contingent upon the execution of an employment contract.

Should the Town Council be unable to negotiate an employment contract with the ratified finalist, it shall return to the list of other candidates interviewed during the hiring process and consider offering the

position to a second choice. If no suitable alternative candidates are available, consider reopening the search for a Town Manager.

#### **Section 7. Effective Date**

Pursuant to Article II, Section 2-7(a), this measure relates to internal operational procedures of the town council and procedures relating to election, appointment, removal, discharge or other personnel action pursuant to Article VIII, Section 8-4 of the Town Charter and becomes effective immediately upon its passage.

### **PART IV                      Zoning Ordinances**

(See Zoning Bylaws until this section is complete)

### **PART V                      Health Regulations**

(Coming 2017)

### **PART VI                     Town Manager Regulations**

(Coming 2017)

### **PART VII                  Licensing Authority Regulations**

(Coming 2017)

### **PART VIII                Conservation Commission Regulations**

(Coming 2017)

### **PART IX                  Planning Board Regulations**

(Coming 2017)

### **PART X Department of Public Works Regulations**