

TOWN OF BRIDGEWATER

Charter Review Committee

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Academy Building - 66 Central Square
Bridgewater, MA 02324

Agenda for the Charter Review Committee Convening on January 6th, 2021

Disclosure: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Charter Review Committee will be conducted via remote participation to the greatest extent possible. There will be no in person attendance permitted.

Link to join meeting: <https://zoom.us/j/93793207388>

Call In: 1-646-876-9923

Meeting ID: 937 932 073 88

Call to Order at 6:00PM (Meeting is recorded)

Roll Call

Approval of Meeting Minutes from 12/30/2020

Potential Town Election Date Change – Marilee Hunt

Public Comment

Old Business

1. Charter Review (Article 3)

- a. Act on Sec 3-1: Employees Holding Elected Positions
- b. Act on Sec 3-1: Potential Town Election Date Change
- c. Act on Sec 3-2: Library Trustee Resolutions
- d. Act on Sec 3-3: Recall Provision
- e. Act on Sec 3-4: Town Clerk

New Business

Public Comment

Action Items for Next Meeting

Next CRC Meeting – Wednesday January 20th, 2021 at 6PM

Adjourn

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2021 JAN -4 A 8:47

2021 JAN -4 A 8:48

1 ARTICLE III- ELECTED OFFICIALS

2
3 Section 3-1. General Provisions

4
5 The offices to be filled by ballot of the voters of the entire town shall be Town
6 Council, regional School Committee, ~~an elected town clerk~~, a Board of
7 Library Trustees and members of regional authorities or districts as may be
8 established by general or special law, intergovernmental agreement or otherwise. All other
9 offices, boards, committees and agencies shall be appointed by the Town
10 Manager as defined in section 4-3 and as detailed in the administrative code.

Comment [S1]: Elected vs. Appointed Town Clerk Discussion

11
12 Any voter shall be eligible to hold any elective town office, ~~except as noted in Section 2-1(d);~~
13 ~~provided, however, that to be eligible a person shall not simultaneously hold any other elected~~
14 ~~or appointed town office or be employed by the town or the Bridgewater-Raynham regional~~
15 ~~school district in any capacity.~~

Comment [S2]: Town and School District employees may be limited by state ethics law

16
17 The regular town election of town officers shall be held annually in November on the same day and
18 times as the Federal and State Elections, ~~on the Saturday preceding the~~
19 ~~last Monday in April.~~

Comment [S3]: Holding two elections in a year is a waste of time and money.

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

23
24 Section 3-2. Library Trustees

25
26
27 (a) Composition, Election - There shall be a Board of Library Trustees
28 composed of ~~nine~~ members, all elected by and from the voters at large.

Comment [S4]: Is this a practical number?

29
30 (b) Term of Office - The terms of Library Trustee members shall be staggered
31 terms of three years each, beginning on the day following the election for 3 years beginning
32 on the second Monday following election and continuing until a successor is qualified.

33
34 (c) Powers and Duties - The Library Trustees shall ensure that members of the
35 Bridgewater community have the right and means to free and open access to information
36 and ideas. The library protects intellectual freedom, promotes literacy and encourages life-
37 long learning.

38
39 (d) Filling of Vacancies - If a vacancy occurs in the membership of the Library
40 Trustees whether by failure to elect or otherwise, the Library Trustees have 30
41 days from the date the vacancy is declared to exist by the Town Clerk under
42 section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy.
43 The appointments ~~will be approved by~~ shall be subject to the advice and consent of 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

1 Trustees or Town Council shall give consideration to whichever of the defeated
2 candidates for the seat in which the vacancy is declared to exist received the highest number
3 of votes at the last regular town election immediately preceding the date the vacancy is
4 declared to exist.

5
6 Section 3-3 Elected Official Recall Provision

7
8 (a) Any holder of an elective office in the Town of Bridgewater may be recalled and
9 removed therefrom by the qualified voters of said town as herein provided.

10
11 (b) One hundred or more of a district's registered voters, or in the case of an at large official one
12 hundred or more registered voters, may file with the Town Clerk an affidavit
13 containing the name of the officer and the office held whose recall is sought and a statement
14 of the grounds upon which the petition is based. Said Town Clerk and the Board of Registrars
shall, within five days, certify thereon the number of signatures which are names of registered
voters of the town.

Comment [S5]: The number of voters varies from district to district. A fixed number like this creates a disproportionate barrier to commence the recall process. A percentage of the voters may be a better option. An At Large Councilor is elected by many more voters than a District Councilor.

15
16 The Town Clerk shall upon certification deliver to said voters making the affidavit copies of the recall petition blank form demanding such recall, copies of which shall be kept available. The blank form shall be issued by the Town Clerk with said Clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the Town Council, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the office held by the person named, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to said office.

Comment [S6]: Must all signature pages contain the official seal and signature? Or may photocopies be used?

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20 A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty-one days after the certification of the affidavit, and shall have been signed by no less than at least ten percent (10%) of the registered voters of the district or the town, as the case may be, based on the last town election, who shall add to their signatures the street and number if any, of their residences.

21
22
23 The Town Clerk shall within twenty-four hours of receipt of the signed and completed petition, submit the petition to the Board of Registrars of voters in the town, and the Registrars shall within fourteen days certify thereon the number of signatures which are names of registered voters of the Town.

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27 (c) If the petition shall be certified by the Town Clerk and the Board of Registrars and found to be sufficient, the Town Clerk shall submit the same with the Town Clerk's certification to the Town Council without delay, and said Council shall within seven days give written notice of the receipt of the certificate to the officer sought to be recalled.

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35 If the officer does not resign within five days thereafter, the Town Council shall order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the Town Clerk's certification that a sufficient petition has been filed; provided, however, if any other town election is to occur within one hundred days after certification, the Town Council shall postpone the holding of the recall election to the date

39 of such other election. If a vacancy occurs in said office after a recall election has been
1 ordered, the election shall nevertheless proceed as specified in the section provided. 4
2

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

4
7 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
8 re-elected, he shall continue in office for the remainder of the unexpired term, subject to
9 recall as before, except as provided in this section. If the majority of the votes cast upon
10 the question of recall is in the affirmative, the candidate receiving the highest number of
11 votes shall be declared elected. If not re-elected in the recall election, the officer shall be
12 deemed removed upon the qualification of his successor, who shall hold office during the
13 unexpired term. If the successor fails to qualify within five days after receiving notification
14 of his election, the incumbent shall be deemed removed and the office vacant.
15

16 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
17 FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
18 (office held). Immediately at the right of each proposition there shall be an oval in which the
19 voter, by filling in the oval, may vote for either of said propositions. Under the proposition
20 shall appear the word "Candidates", the direction "Vote for One", and beneath this the
21 names of candidates nominated as hereinbefore provided. In the case of machine voting or
22 punch card balloting, or other forms of balloting provision shall be made to allow the same
23 intent of the voter. If a majority of the votes cast upon the question of recall is in the
24 affirmative, the candidate receiving the highest number of votes shall be declared elected. If
25 a majority of votes on the question is in the negative, the ballots for candidates need not be
26 counted.
27

28 (g) No recall petition shall be filed against an officer within six months after taking office, or in
29 the case of an officer subjected to a recall election and not removed thereby, until at least six
30 months after that election.
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32 (h) No person who has been recalled from an office or who has resigned from office while
33 recall proceedings were pending against him, shall be appointed to any town office within
34 two years after such removal by recall or resignation.
35

36 ~~Section 3-4. Town Clerk~~

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

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

41
42 ~~(c) Powers and Duties—The town clerk shall: (1) be the keeper of vital statistics of the town; (2)~~

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

7 ARTICLE III-A – TOWN CLERK

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

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11 (a) Appointment – A town clerk shall be appointed by the Town Council.

City of Brockton Language: The council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

12 (b) Term of Office – The term of office for a town clerk shall be for 3 years beginning on the
13 second Monday following upon an affirmative vote of appointment by the Town Council and
continuing until a successor is qualified.

14 (c) Powers and Duties – The town clerk shall: (1) be the keeper of vital statistics of the town;
15 (2) be the custodian of the town seal and all records of the town; (3) administer the oath of
16 office to all town officers; (4) issue licenses and permits as may be provided by law and (5)
17 be responsible for the conduct of elections and all matters relating thereto.
18

19 The town clerk shall have the powers and duties provided under any general or special law, the
20 charter, ordinance or other town council vote.
21
22

Comment [S7]: Discussion point:
Should this be appointed by town manager and ratified by Council as in section 4-3?

This section is named Article III-A. Is there a better location in the Charter for this section?

Comment [S8]: Provided for discussion. .

Comment [S9]: Trying to avoid a two week lame duck period.