BRIDGEWATER TOWN COUNCIL

Tuesday, January 9, 2018
7:30 p.m.
Academy Building
66 Central Square
Council Chamber, Room 203
Bridgewater MA

MEETING AGENDA

Joint Meeting with the Town Manager, Finance Committee and School Committee Chair (or designee)

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2018 JAN -3 P 3:18

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS - *None*

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Community & Economic Development Director – Jennifer Lynn Burke

F. HEARINGS

G. LICENSE TRANSACTIONS - *None*

H. PRESENTATIONS

a) Mr. Jim Paskell – Various Upcoming Construction Projects

b) Financial Update – Anthony Sulmonte, Finance Director

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) **Joint Meeting with Town Manager, Finance Committee and School Committee Chair (or designee)**

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order O-2017-039: Procure Services for a Zoning Consultant
This measure was referred to the Strategic Planning Committee, who return the measure to the Town Council for further discussion on 12/5/17. This measure was then referred to the Budget & Finance and Finance Committees. At their meeting held 12/19/17, the Budget & Finance Committee voted 3-0 to recommend approval. Finance Committee meets 1/8/18. Their disposition will be provided upon receipt.

b) Order O-FY18-015: Transfer Order - Temporary Consulting Services - Community & Economic Development
At their meeting held 12/19/17, the Budget & Finance Committee postponed this measure to their next meeting. Finance Committee meets 1/8/18. Their disposition will be provided upon receipt.

c) Order O-FY18-016: Acceptance of Gift(s) - Legion Field Gazebo Renovations
At their meeting held 12/19/17, the Budget & Finance Committee voted 3-0 to recommend approval as amended. Finance Committee meets 1/8/18. Their disposition will be provided upon receipt.

d) Order O-FY18-018: Affix Town Clerk Salary
The Budget & Finance Committee meet 1/9/18 and will provide their disposition to the full Council. Finance Committee meet 1/8/18. Their disposition will be provided upon receipt.

e) Order O-FY18-019: Collective Bargaining Agreement Ratification – Bridgewater Police Association
The Budget & Finance Committee meet 1/9/18 and will provide their disposition to the full Council. Finance Committee meet 1/8/18. Their disposition will be provided upon receipt.

M. OLD BUSINESS

a) Ordinance D-FY18-009: General Ordinance – Amend Tax Fees Table – Retail Tax on Marijuana Sales
At their meeting held 12/19/17, the Budget & Finance Committee voted 2-1 to recommend approval when appropriate. Finance Committee meets 1/8/18. Their disposition will be provided upon receipt. This measure requires advertising, therefore may not be finally considered this evening.

N. NEW BUSINESS

a) Order O-FY18-020: Conservation Restriction – Deer Hollow Wildlife Trust, Inc (Colonial Drive) *(Town Manager)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday January 9, 2018

Council Order: O-2017-039

Introduced By:	Town Manager
Date Introduced:	June 27, 2017
First Reading:	June 27, 2017
Second Reading:	December 5, 2017
Third Reading:	January 9, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2017-039

PROCURE SERVICES FOR ZONING CONSULTANT

WHEREAS, the Town has not had a comprehensive review of the existing zoning bylaws;

WHEREAS, the Town Manager has recommended that a consultant be hired to guide the review of the Town's current zoning bylaws, review of the Town's current zoning map, and develop a process and to rewrite the Town's zoning ordinances and develop a new Town-wide zoning map and;

WHEREAS, the services of a consultant are not expected to cost more than $125,000;

ORDERED; that, the Town Council authorize the transfer of $125,000 from "Free Cash" (Undesignated Fund Balance) once certified for FY2018 to hire a consultant, and that the Town Manager move forward with the procurement process in accordance with MGL relative hereto.

Explanation:

The general purpose of this project is a comprehensive rewrite of the Town of Bridgewater's Zoning Ordinances making it more reflective of the character of the community; and that is also consistent with the Town's goals and objectives. The Town through its Request for Proposals (RFP) will seek qualified planning and zoning consultants, multi-disciplinary firms or teams to undertake this zoning ordinance rewrite project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Strategic Planning Committee	• 11/6/17: Vote 3-0 return to full Council for further consideration
• Referred to Budget & Finance Committee	• 12/19/17: Vote 3-0 recommend approval.
• Requires consideration by Finance Committee	• Meet 1/8/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Order: O-FY18-015

Introduced By:	Town Manager
Date Introduced	December 5, 2017
First Reading:	December 5, 2017
Second Reading:	January 9, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-015

TRANSFER ORDER – TEMPORARY CONSULTING SERVICES – COMMUNITY & ECONOMIC DEVELOPMENT

ORDERED, in accordance with section 6-4(d) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer funds to allow the Town Manager to contract for consulting services.

Source of Funds	Account No.	GL Account Description	Amount
	01755001-510000	FULL TIME SALARIES	$ 15,000.00
Total:			$ 15,000.00
Use of Funds	**Account No.**	**GL Account Description**	**Amount**
	01755013-530000	PROFESSIONAL SERVICES	$ 15,000.00
Total			$ 15,000.00

Explanation:
The hiring of a new Community and Economic Development Director is anticipated, but the Town Manager may have to hire a consultant to accomplish some planning matters which he deems to be pressing. The money is coming out of the C&ED Department salary line and will not adversely impact the ability to hire a new C&ED Director/Planner.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• 12/19/17: Postpone to next meeting. Meeting scheduled for 1/9/18. Disposition will be provided to full Council.
• Finance Committee	• Meeting 1/8/19. Disposition will be forwarded upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Order: O-FY18-016

Proposed Amendments

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	December 5, 2017
First Reading:	December 5, 2017
Second Reading:	January 9, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-016

ACCEPTANCE OF A GIFT –GAZEBO RENOVATIONS

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:
"An officer ... of any city or town … may accept grants or gifts of funds from … from the commonwealth … or an agency thereof, … and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;" and

WHEREAS: The Town of Bridgewater has received several generous donations from various community partners of $6,250.00

Now, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the Donations of Various Local Charitable Establishments to expend the gift in accordance with stated purpose thereof.

Explanation:

Various generous local Banks and Charitable Foundations including Bridgewater Savings, Bridgewater Credit Union, Bridgewater State University Community Initiative, and the Bridgewater State University Foundation. The funds may be expended without further appropriation. Acceptance of this gift will allow the town to expend the funds for their stated purpose.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee	• 12/19/17: Vote 3-0 recommend approval as amended • Meet 1/8/18. Disposition will be forwarded upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Order: O-FY18-018

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	December 19, 2017
First Reading:	December 19, 2017
Second Reading:	January 9, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-018

AFFIX TOWN CLERK SALARY

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

> *"record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers*".

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that beginning in the fiscal year 2019, the salary of the Town Clerk shall be increased to $66,625.00 annually. The Town Clerk is an elected position and eligible for membership with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

FURTHER ORDERED, that the position of Town Clerk is exempt from the overtime provisions of the FLSA and shall not be entitled to overtime compensations in any form.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 1/9/18. Will provide disposition to full Council.
• Finance Committee	• Meet 1/8/19. Disposition will be forwarded upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Order: O-FY18-019

Introduced By:	Town Manager *(at the request of the Finance Director)*
Date Introduced	December 19, 2017
First Reading:	December 19, 2017
Second Reading:	January 9, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-019

COLLECTIVE BARGAINING AGREEMENT RATIFICATION – BRIDGEWATER POLICE ASSOCIATION

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement covering July 1, 2017 through June 30, 2018 with the Bridgewater Police Association.

Explanation:
The Town Manager negotiated an agreement with the Bridgewater Police Association. An affirmative vote of the Council will approve the contract as presented. A subsequent transfer request will fund the appropriation thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 1/9/18. Will provide disposition to full Council.
• Finance Committee	• Meet 1/8/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Ordinance: D-FY18-009

Introduced By:	Councilor William Wood
Date Introduced:	November 7, 2017
First Reading:	November 7, 2017
Second Reading:	November 21, 2017, December 5, 2017, January 9, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-009

GENERAL ORDINANCE – AMEND TAX FEES TABLE – RETAIL TAX ON MARIJUANA SALES

WHEREAS, MGL c. 94G, Section 3 allows for local control; and
WHEREAS, MGL c. 64N, Section 3(a); and
WHEREAS, the maximum local tax allowed by law is three percent; and
WHEREAS, a tax on retail sales is used for the General Fund and School Assessment, it is therefore;

ORDERED, that the Town Council assembled votes to establish the maximum local sales tax of three (3) percent of the total sales price received from the retail sales of marijuana or marijuana products, or any additional amount as approved by the Commonwealth.

Explanation:

1. The State allows local municipalities to tax Retail sales of marijuana up to three percent. The State also allows the local municipalities to negotiate with any proposed retail outlet an additional tax of three percent, for a total possible tax of 6%.

2. Many estimates put the per store sales of retail marijuana at $2.6 million dollars. There is a proposal to limit the number of shops to two, making the total sales about $5.2 million dollars in Bridgewater. Six percent of $5.2M is $312,000. That is a shareable revenue stream of which approximately $156,000 would go to the schools in each budget year.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was postponed to 11/15/17 to consider dispositions from CEDC and Planning Board's consideration of Ordinances D-FY18-002 and D-FY18-005 • This measure was postponed to 12/5/17	
• Referred to Budget & Finance Committee • Finance Committee	• 12/19/17: Vote 2-1 recommend Council approve when appropriate. • Meet 1/8/18. Disposition will be provided upon receipt.

NOT FOR ACTION – REQUIRES ADVERTISING.

Bridgewater Town Council

In Town Council, Tuesday, January 9, 2018

Council Order: O-FY18-020

Introduced By:	Town Manager
Date Introduced	January 9, 2018
First Reading:	January 9, 2018
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-020

CONSERVATION RESTRICTION – DEER HOLLOW WILDLIFE TRUST, INC. (COLONIAL DRIVE)

WHEREAS; the Bridgewater Planning Board approved a special permit for an Open Space Plan Community on September 21, 2016 and,

WHEREAS; a parcel was created under that special permit and designated open space, that parcel being located on vacant land off Colonial Drive in Bridgewater, Plymouth County, Massachusetts, containing approximately 20.18 acres, shown as "OPEN SPACE PARCEL C" on that certain plan entitled "A Definitive Subdivision 'The Meadows' Assessors Map 111, Lots 31, 32, 13A and A Portion of Assessor's Map 101, Lot 39, Colonial Drive, Bridgewater, Massachusetts, Submission Dated: 4/24/2015, which plan is recorded with Plymouth County Registry of Deeds in Plan Book 59, Page 941 and,

WHEREAS; the Bridgewater Conservation Commission has voted to accept a gift of the conservation easement on that property from the Deer Hollow Charitable Wildlife Trust, LLC and,

WHEREAS; the Secretary of Energy and Environmental Affairs must also approve of the transfer of a conservation easement to the Bridgewater Conservation Commission and,

WHEREAS; the Conservation Commission is charged with holding conservation easements under MGL c. 184, section 8C, now therefore,

ORDERED; that, pursuant to the provisions of MGL c.40, section 8C, the Town Council of Bridgewater does accept the conservation restriction granted to the Bridgewater Conservation Commission by the Deer Hollow Charitable Wildlife Trust, LLC to hold for the preservation of the natural resources of Bridgewater and it being in the public interest pursuant to MGL c.184, section 32.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

NOT FOR ACTION – FIRST READING ONLY