



BRIDGEWATER TOWN COUNCIL

Tuesday, April 24, 2018

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) April 10, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Finance Committee - *Matthew Rushton*

F. HEARINGS

- a) **7:35 p.m.:** Ordinance D-FY18-014: Establish District Improvement Financing District – Elm Street
At their joint meeting held 4/5/18, the Budget & Finance and Finance Committees both voted unanimously in favor of this measure. This measure has been duly advertised in full; for a public hearing in the Enterprise and on the Town's website, therefore may be finally considered at the conclusion of this evening's hearing.

G. LICENSE TRANSACTIONS

- a) Petition P-2018-006: Change of Manager – Bridgewater Citizen's Club, 60 Hale Street

H. PRESENTATIONS

- a) Roselli, Clark & Associates – FY2017 Exit Interview

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - *None*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY18-032: Purchase and Sale Agreement - McElwain Property
This measure was referred to the Budget & Finance and Finance Committees. The committees meet 4/23/18. Dispositions will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore pending the dispositions of both committees; this measure may be finally voted this evening.
- b) Order O-FY18-034: Acceptance of Other One-Time Revenue for Special Purpose - Long Built Homes
This measure was referred to the Budget & Finance and Finance Committees. The committees meet 4/23/18. Dispositions will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore pending the dispositions of both committees; this measure may be finally voted this evening.
- c) Order O-FY18-035: Acceptance of Other One-Time Revenue for Special Purpose – Bridgewater Homes, LLC
This measure was referred to the Budget & Finance and Finance Committees. The committees meet 4/23/18. Dispositions will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore pending the dispositions of both committees; this measure may be finally voted this evening.
- d) Order O-FY18-036: Town of Bridgewater Change of Voting Equipment
This measure was not referred to any committee(s). 14 days has elapsed per Section XVIII of the Council Rules & Procedures; therefore, this measure may be finally considered this evening.
- e) Order O-FY18-037: CPC Transfer - Preservation Assessment of Two Old Bridgewater Historical Society Buildings and their Collections
This measure was referred to the Budget & Finance and Finance Committees. The committees meet 4/23/18. Dispositions will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore pending the dispositions of both committees; this measure may be finally voted this evening.

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- f) Order O-FY18-038: Transfer Order - Sewer Enterprise Capital Special Purpose Transfers
This measure was referred to the Budget & Finance and Finance Committees. The committees meet 4/23/18. Dispositions will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore pending the dispositions of both committees; this measure may be finally voted this evening.

M. OLD BUSINESS - None

N. NEW BUSINESS

- a) Order O-FY18-037: Transfer Order: Capital Transfer – BRRSD Capital Request – Elevator Repairs
(Town Manager at the request of the School Committee)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Ordinance: D-FY18-014

Introduced By:	Councilors Timothy Fitzgibbons and Edward Haley
Date Introduced:	March 27, 2018
First Reading:	March 27, 2018
Second Reading:	April 24, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-014

ESTABLISH DISTRICT IMPROVEMENT FINANCING (DIF) DISTRICT – ELM STREET

ORDERED; that the Town Council creates a district improvement financing program according to the provisions of Chapter 40Q of the General Laws, and furthermore (i) designates a development district to be known as the Elm Street Development District to be composed of the Elm Street Industrial District, and the adjoining Industrial A District as shown on the Town's zoning map, dated October 1, 2013; (ii) adopts a development program for the Elm Street Development District on file in the office of Community and Economic Development for the improvement of the quality of physical facilities and structure of such district which, pursuant to a Development Program Agreement with the Town on file in the office of Community and Economic Development, provides for:

- a. the reconstruction of Elm Street, including its intersection with Pleasant Street (Route 104), to the Town's border with West Bridgewater.
 - b. a financial plan whereby the reconstruction will be funded with Town funds from the issuance of bonds or other borrowings pursuant to said Chapter 40Q or Chapter 44 of the General Laws;
 - c. the continuation of the program for up to 30 years from the date of the designation of the district as provided in said Chapter 40Q;
- (iii) creates a development program fund pursuant to said Chapter 40Q that consists of:
- a. a development sinking fund and
 - b. a project cost account and such other accounts as the Town Manager deems necessary or appropriate;
- (iv) authorizes the Town Manager to execute a Development Program and to take any and all other action necessary or convenient to the carrying out of the purposes of this vote.

Explanation:

A district improvement financing (DIF) program is a municipal financing tool that allows for infrastructure improvements (roads, sidewalks, etc.) to be paid for by the Town using the additional tax revenues generated by the new property development which occurs within a defined Town district.

In other words, the new property development which creates the new tax revenue will pay for the project costs incurred by the Town. These new revenues are accounted for in a separate fund and are used for this specific purpose.

A DIF program requires (1) a plan showing the boundaries of the district, and (2) a financial plan. Copies of the plan showing the proposed district boundaries, DIF program and the financial plan are on file with the Community and Economic Development Office and are available for review on the Town's website. Additional information regarding the DIF program and the development agreement is also available on the Town's website at www.bridgewaterma.org

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee • This measure has been duly advertised in the Enterprise and on the Town's website for a hearing and final consideration, therefore may be finally considered at the conclusion of this evening's hearing.	• 4/9/18: Vote unanimous to recommend approval • 4/9/18: Vote 5-0 approve



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Petition: P-2018-006

Date Introduced: April 24, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

CHANGE OF MANAGER OF AN ALCOHOL ESTABLISHMENT

WHEREAS, the Bridgewater Citizens Club has petitioned to change the manager of the alcohol establishment from Brian Alves to William Kupchun; and

WHEREAS, Approval of such request is required by Massachusetts General Law – Chapter 138 prior to the final submission to the Commonwealth’s Alcohol Beverages Control Commission who must ratify such appointment; and

WHEREAS, The Bridgewater Citizens Club has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such local licensing authority and with affirmative recommendation from Police Department, it appears that the public good so requires such petition be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of the Bridgewater Citizens Club to change its manager from Brian Alves to William Kupchun as requested.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-032

Introduced By: Town Manager
Date Introduced: March 27, 2018
First Reading: March 27, 2018
Second Reading: April 24, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY18-032

PURCHASE AND SALE AGREEMENT – McELWAIN PROPERTY

WHEREAS, The Town Manager has negotiated a Purchase and Sale Agreement (PSA) for the disposition of the McElwain School with MPZ Development LLC and Capstone Communities Development LLC;

WHEREAS, the PSA proposes to transfer the building and land for one dollar, and contemplates that the respondent expend more than \$20 million to renovate the existing structure and to build a second structure on the same property to accommodate a total of 52 housing units, all of which will be added to the Town's subsidized housing inventory;

WHEREAS, the Town and the Respondent propose a Public Private Partnership ("PPP") to collaborate as a means to securing the necessary Local, State and Federal resources;

ORDERED, that the Town Council ratify the attached Purchase and Sale Agreement, and further authorize the Town Manager to negotiate any other agreements to mitigate or reduce the Town's obligation under the Purchase and Sale Agreement.

Explanation:

The Town Manager hired Attorney Mark Bobrowski, one of the state's leading land use attorney, to negotiate a Purchase and Sales Agreement with the successful respondent to the McElwain RFP. The attached agreement is the result of that negotiation. The P&S Agreement requires the respondent to make application to the Community Preservation Committee for funding, and the Zoning Board of Appeals for plan approval.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 4/23/18. Disposition will be provided upon receipt. - Meet 4/23/18. Disposition will be provided upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-034

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	April 10, 2018
First Reading:	April 10, 2018
Second Reading:	April 24, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-034

ACCEPTANCE OF OTHER ONE TIME REVENUE FOR SPECIAL PURPOSE

WHEREAS: Massachusetts General Laws, Chapter 40, §5B, requires the Town Council to accept and authorize the expenditure of revenue sources that are deemed one-time or mitigation revenues to fund one-time and/or unforeseen expenditures, and;

WHEREAS: The Town of Bridgewater has received a \$109,799.50 mitigation payment for minor modification from Long Built Homes for the Bridgewater Preserve Curbing and Project Phasing.

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the payment of \$109,799.50 from Long Built Homes to appropriate and reserve in accordance with stated purpose thereof.

Explanation:

This payment will be used in accordance with the Planning Board, CED Director, and Highway Superintendent, to specifically address the Cherry Street and Bridgewater Preserve roadway improvements as per the original plan approval process.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 4/23/18. Disposition will be provided to full Council - Meet 4/23/18. Disposition will be provided upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-035

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	April 10, 2018
First Reading:	April 10, 2018
Second Reading:	April 24, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-035

ACCEPTANCE OF OTHER ONE TIME REVENUE FOR SPECIAL PURPOSE – BRIDGEWATER HOMES, LLC

WHEREAS: Massachusetts General Laws, Chapter 40, §5B, requires the Town Council to accept and authorize the expenditure of revenue sources that are deemed one-time or mitigation revenue to fund one-time and/or unforeseen expenditures, or take any other action relative thereto and

WHEREAS: The Town of Bridgewater has received a \$7,000 payment as required under the Comprehensive Permit issued to Bridgewater Homes, LLC (or its predecessor) to offset the cost of planning for the production of affordable housing in the Town of Bridgewater;

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the payment of \$7,000 from Bridgewater Homes, LLC to appropriate and reserve in accordance with stated purpose thereof.

Explanation:

This payment will be used in accordance with the Zoning Board of Appeals condition #36 –“that a donation shall be made... in the amount of \$14,000, \$7,000 of which shall be paid to the issuance of the 10th certificate of occupancy and \$7,000 of which shall be paid prior to the issuance of the 25th certificate of occupancy.” Said donation shall be used for the purpose of enabling the Town to draft and adopt a plan for the production of affordable housing and/or for the development of affordable housing.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 4/23/18. Disposition will be provided to full Council - Meet 4/23/18. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-036

Introduced By:	Town Manager <i>(at the request of the Town Clerk)</i>
Date Introduced	April 10, 2018
First Reading:	April 10, 2018
Second Reading:	April 24, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-036

TOWN OF BRIDGEWATER CHANGE OF VOTING EQUIPMENT

ORDERED, Pursuant to Massachusetts General Laws, Chapter 54, sec. 34 (Use of Voting Machines by Cities and Towns) the Town of Bridgewater hereby discontinues the use of Accu-Vote OS Vote Tabulators voting machines and adopts the use of the Image Cast Precinct Tabulators commencing at the September 4, 2018 State Primary.

Explanation:

It is required that the Town Council vote to authorize the change in voting equipment pursuant to MGL Chapter 54, Section 34.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore may be finally considered this evening.	



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-037

Introduced By: Town Manager
Date Introduced: April 10, 2018
First Reading: April 10, 2018
Second Reading: April 24, 2018
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order O-FY18-037

CPC TRANSFER – PRESERVATION ASSESSMENT OF TWO OLD BRIDGEWATER HISTORICAL SOCIETY BUILDINGS AND THEIR COLLECTIONS

WHEREAS: A proposal to conduct professional preservation assessments of its historic collections and of both its historic structures: the Memorial Building, constructed c. 1900 and located at 162 Howard Street, West Bridgewater; and the Keith Parsonage, originally constructed in 1663 and inhabited by the Reverend James Keith in 1664, located at 199 River Street in West Bridgewater has been submitted and recommended by the Community Preservation Committee.

ORDERED, pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council vote to appropriate as required by Massachusetts General Laws, chapter 44B, and to meet this appropriation, transfer the sum of \$20,000 from the Community Preservation Fund (Historic Preservation) and that the Town Manager is authorized to take any other action necessary or relative thereto to complete this project.

Explanation: Funds for assessment will allow for the study and reporting on both of OBHS's historic buildings and building systems, the storage conditions of the diverse collections housed in the Memorial Building, and the policies and procedures relating to collections care. The assessment involves a site visit by a professionally trained historic building assessor and a professionally trained collections assessor. After their visit comprehensive reports will be created that will outline the recommendations for improvements needed for the buildings and for collection care tailored specifically to the two buildings.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 4/23/18. Disposition will be provided to full Council - Meet 4/23/18. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-038

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	April 10, 2018
First Reading:	April 10, 2018
Second Reading:	April 24, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-038

SEWER ENTERPRISE TRANSFERS – CAPITAL SPECIAL PURPOSE TRANSFERS

ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer the sum of **\$300,000**

- from SWR Reserved Special Purpose -Capital account# **6100-358000**
- to SWR ROTATING BIOLOGICAL CONTACTOR (RBC) account# **61105-583003**

Explanation:

Emergency Replacement of RBC#1 and RBC#8 – Original Equipment installed in 1988 and repairs are not feasible due to the cost and age. Replacement is in the SWR Capital Plan for FY2019, however is necessary to replace now. Once these two units replaced, total of 11 out of 14 are completed and the remaining three units are scheduled for replacement next fall. The engineers believe that this same treatment process will continue to be used for the new facility.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee	• Meet 4/23/18. Disposition will be provided to full Council • Meet 4/23/18. Disposition will be provided upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, April 24, 2018

Council Order: O-FY18-039

Introduced By: Town Manager (*at the request of School Committee*)
Date Introduced: April 24, 2018
First Reading: April 24, 2018
Second Reading/Public Hearing:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY18-039

TRANSFER ORDER - CAPITAL TRANSFER: BRRSD CAPITAL REQUEST – ELEVATOR REPAIRS

ORDERED that, pursuant to Section 6-4 of the Bridgewater Charter, that the Town Council assembled vote to appropriate the sum of \$22,491 from the Capital Stabilization Fund to the General Fund Capital Project Fund to reimburse the Bridgewater-Raynham Regional School District for emergency repairs of the Bridgewater Middle School elevator.

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Fund	80105-5961100	Capital Stabilization	\$ 22,491.00

Total:	\$ 22,491.00
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Use of Funds	Account No.	GL Account Description	Amount
FY 2018 Capital Items	10303218-584000	BMS Elevator Repair	\$ 22,491.00

Total	\$ 22,491.00
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Explanation:

As per letter of 4/6/18 received to the Town Manager from Mrs. Patricia Riley, BRRSD Committee Chair, the BRRSD School Committee on 2/28/18 convened, voted, and approved to request funding for this capital need from the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•