



BRIDGEWATER TOWN COUNCIL

Tuesday, December 5, 2017

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2017 DEC - 1 P 12:06

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) November 21, 2017

B. ANNOUNCEMENTS FROM THE PRESIDENT

- a) Notification of Remote Participation
- b) January 9, 2018 - Tentative Joint Meeting with Town Council, Town Manager, School Committee Chair, Finance Committee

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

- a) **7:35 p.m.**: Order O-FY18-010: FY2018 Classification Tax Allocation – Adoption of a Residential Factor
- b) **7:40 p.m.**: License Revocation - Skips Liquors

G. LICENSE TRANSACTIONS

- a) Petition P-2017-031: Annual License Renewals – Antiques
- b) Petition P-2017-032: Annual License Renewals - Auto Dealers
- c) Petition P-2017-033: Annual License Renewals - Second Hand Gold
- d) Petition P-2017-034: Annual License Renewals - Taxi's
- e) Petition P-2017-035: Annual License Renewals - Auto Amusements
- f) Petition P-2017-036: Annual License Renewals - Lodging Houses
- g) Petition P-2017-037: Annual License Renewals - Annual Entertainment (No Alcohol)

H. PRESENTATIONS

- a) Capital Plan – *(Town Manager/Finance Director)*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Progress on Town Hall – Emptying the Building and Placing on the National Register of Historic Buildings

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION –

- a) Ordinance D-FY18-005: Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana
At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community & Economic Development Committee voted to recommend the Town Council adopt this measure with amendments. The Planning Board voted to recommend this ordinance with amendment. This measure was duly advertised in the Enterprise and on the Town's website on 11/25/17, therefore may be finally considered this evening.
- b) Order O-FY18-012: Transfer Order – General Fund Transfer to Transfer Station
Budget & Finance Committee meet 12/5/17 and will provide their disposition to full Council. Finance Committee's disposition will be provided upon receipt.

- c) Order O-FY18-013: Free Cash Allocation
Budget & Finance Committee meet 12/5/17 and will provide their disposition to full Council. Finance Committee disposition will be provided upon receipt.
- d) Order O-FY18-007: Transform Town Hall into an Arts and Commerce Center
This measure was referred to the Community & Economic Development Committee. They meet 12/4/17 and will provide disposition to full Council 12/5/17.
- e) Resolution R-FY18-001: Directing the Town Manager to Explore Acquiring Specific Land – Summer Street
This measure was referred to the Community & Economic Development Committee. They meet 12/4/17 and will provide disposition to full Council 12/5/17.
- f) Resolution R-FY18-003: Bridgewater's FY2019 Budget Policy Guidelines
Budget & Finance Committee meet 12/5/17 and will provide their disposition to full Council 12/5/17.

M. OLD BUSINESS

- a) Ordinance D-FY18-002: Zoning Ordinance – Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana (*Postponed from 11/21/2017*)
At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community & Economic Development Committee voted to recommend the Town Council reject this measure. The Planning Board voted not to recommend this ordinance.
- b) Ordinance D-FY18-008: Zoning Ordinance - Elm Street Retail Overlay Usage (*Councilor Wood*) (*Postponed from 11/21/2017*)
At their meeting held 11/7/17. The Town Council voted to postpone this matter to 11/21/17 pending the disposition of the Community & Economic Development Committee and Planning Board. On 11/21/17, the Town Council postponed this measure to their next meeting.
- c) Ordinance D-FY18-009: General Ordinance – Amend Tax Fees Table – Retail Tax on Marijuana Sales (*Councilor Wood*) (*Postponed from 11/21/2017*)
At their meeting held 11/7/17. The Town Council voted to postpone this matter to 11/21/17 pending the disposition of the Community & Economic Development Committee and Planning Board. On 11/21/17, the Town Council postponed this measure to their next meeting.
- d) Ordinance D-FY18-003: Zoning Ordinance – Rezone Lots on Easy Street to Residential A/B (*Postponed from 11/21/2017*)
At their meeting held 11/1/17, the Community & Economic Development Committee held a duly advertised joint public hearing with the Planning Board. After closing the hearing, the discussion was continued to 11/15/17. On 11/15/17, the Community & Economic Development Committee voted to recommend the Town Council adopt this measure with amendments. The Planning Board voted to recommend this ordinance with amendment. This measure requires advertising, therefore may not be finally considered this evening.
- e) Order O-2017-039: Zoning Consultant
At their meeting held 11/6/17 the Strategic Planning Committee voted 3-0 to return this measure to the full Council for further consideration.

N. NEW BUSINESS

- a) Ordinance D-FY18-011: Zoning Ordinance – Amend Elm Street Retail Overlay (ERO) District (*Councilor Haley*) (*Postponed from 11/21/2017*)
- b) Ordinance D-FY18-012: Amend General Ordinance – Vacant and Abandoned Properties (*Councilor Colombotos*)
- c) Order O-FY18-015: Transfer Order – Temporary Consulting Services – Community & Economic Development (*Town Manager*)
- d) Order O-FY18-016: Acceptance of Gift(s) Legion Field Gazebo Renovations (*Town Manager*)
- e) Order O-FY18-017: Town Council Acceptance of Housing Production Plan (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

MGL, Chapter 30A, Section 21(a)(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.

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-010

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: November 7, 2017
First Reading: November 7, 2017
Second Reading/Public Hearing: December 5, 2017
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY18-010

FY2018 Classification Tax Allocation-Adoption of Residential Factor

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt a residential factor of 1 for fiscal year 2018.

Explanation: The town council shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine and personal property for the next fiscal year. In determining such percentages, the town council, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee	•

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



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-031

Date Introduced/Public Hearing: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Petition #P-2017-031

Relative to:

THE LICENSING OF AN ANTIQUE DEALER'S BUSINESS

WHEREAS, Joseph A. Brazil dba Rocking Horse Crafts operating at 529 Plymouth Street desires its license to continue operations of said business; and

WHEREAS, , Joseph A. Brazil dba Rocking Horse Crafts has complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 54, in Town Council assembled approve the petition that Joseph A. Brazil dba Rocking Horse Crafts be granted a license to operate its antique dealers business for a period of one year - January 1, 2018 to December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-032

Date Introduced/Public Hearing: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF CLASS I, CLASS II and CLASS III AUTO DEALERS

❖ Class I	TOTAL: 2
❖ Class II	TOTAL: 12
❖ Class III	TOTAL: 7

WHEREAS, twenty-three (23) businesses operating at various locations throughout the Town of Bridgewater desire authorization to continue the operation of their auto dealerships; and

WHEREAS, Licenses for the operation of an auto dealership are subject to renewal annually; and

WHEREAS, the requisite inspections have been completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has submitted its recommendation for the renewal candidates; and

WHEREAS, Said applicants have complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Police and Fire Departments, Bridgewater Building Inspector/Zoning Enforcement Officer, who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, Chapter 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petitions, as submitted, and that the individual applicants be granted a license to continue its operation as a Class I, Class II or Class III auto dealership for a period of one year - January 1, 2018 to January 1, 2019.

The list of licensees requesting approval is attached.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-033

Date Introduced/Public Hearing: December 05, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF SECOND HAND GOLD/PAWN SHOPS

Applicants:

Gamestop Inc./dba Gamestop #3776
233 Broad Street
Bridgewater, MA 02324

Platinum Scrap and Recycling
1875 Bedford Street, Unit 3
Bridgewater, MA 02324

A & D Acquisitions LLC dba Mayflower Gold & Silver
David A. Lemire Jr.
7 Main Street
Bridgewater, MA 02324

Chateau Enterprises, Inc.
Richard Allen
51 Broad Street
Bridgewater, MA 02324

WHEREAS, four applicants operating at the aforementioned locations desire a license to continue the operation of Second Hand Gold/Pawn Shop/Resale of items; and,

WHEREAS, Licenses for the operation of Second Hand Gold/Pawn Shop/Resale of Items is subject to renewal annually; and,

WHEREAS, All requisite inspections have been satisfactorily completed by the Inspector of Buildings and Fire Department; and,

WHEREAS, the Tax Collector's Office has reported no outstanding obligations for the renewal candidates; and,

WHEREAS, Said applicants have complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 70 in Town Council assembled approve the petitions, as submitted, and that the aforementioned applicants be granted a license to continue its operation of second hand gold/pawn shops/resale of items for a period of one year - January 1, 2018 to December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-034

Date Introduced/Public Hearing: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF AN COMMON CARRIER/TAXI SERVICE BUSINESS

WHEREAS, Bill's Taxi Service, Inc. operating at 1001 Bedford Street desires its license to continue operations of said business; and

WHEREAS, Bill's Taxi Service, Inc. has complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 40, § 22 (*authority to regulate*), M.G.L.A. c. 159 (*common carriers generally*) and M.G.L.A. c. 159A (*common carriers of passengers by motor vehicles*), in Town Council assembled approve the petition that Bill's Taxi Service, Inc. be granted a license to operate its common carriers/taxi service business from January 1, 2018-December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-035

Date Introduced: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF AUTOMATIC AMUSEMENTS *(in establishments without alcohol)*

APPLICANTS:

- 1) **PAPA GINO'S, INC.**
233 Broad Street, Campus Plaza
***Total Auto Amusements: 2*
- 2) **BRIDGEWATER SPORTS COMPLEX, INC.**
350 Bedford Street
***Total Auto Amusements: 7*

WHEREAS, Five applicants operating at the aforementioned locations desire a license to continue the operation of said automatic amusement devices; and

WHEREAS, Licenses for the operation of automatic amusement devices is subject to renewal annually; and

WHEREAS, All requisite inspections have been satisfactorily completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has reported no outstanding obligations for the renewal candidates; and

WHEREAS, Said applicants have complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 177A in Town Council assembled approve the petitions, as submitted, and that the aforementioned individual applicants be granted a license to continue its operation of automatic amusement devices for a period of one year - January 1, 2018 to December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-036

Date Introduced/Public Hearing: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF LODGING HOUSES

WHEREAS, the following seven (7) applicants operating at various locations desire a license to continue the operation of said businesses:

- | | |
|--|--|
| 1) Tian Ming Lin & Xiao Hua Zheng, 40 Central Square | 5) PAK Lodges, LLC, 1912 South Street |
| 2) Brian Koplovsky, 105 Plymouth Street | 6) Iron Fence Trust, LLC
dba Iron Fence Inn, 46 Main Street |
| 3) Brian Koplovsky, 9 Burrill Avenue | 7) Gail Yelle, 28 School Street |
| 4) Albert Dutra, Jr., 84 South Street | |

WHEREAS, Licenses for the operation of lodging houses are subject to renewal annually; and

WHEREAS, All requisite inspections have been completed by the Inspector of Buildings, Wiring Inspector, Health Agent, Plumbing Inspector and Fire Department; and

WHEREAS, the Tax Collector's Office submitted its recommendation for the renewal candidates; and

WHEREAS, Said applicants have complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and have received no adverse recommendations from the Bridgewater Building Inspector/Zoning Enforcement Officer, Health, Police and Fire Departments who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 22, 23 and 24 in Town Council assembled approve the petitions, as submitted, and that the aforementioned individual applicants be granted a license to continue its operation of a lodging house business for a period of one year - January 1, 2018 to December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Petition: P-2017-037

Date Introduced/Public Hearing: December 5, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2017-037

Relative to:

THE RENEWAL OF ANNUAL ENTERTAINMENT LICENSES

- 1) **BB Bridgewater LLC dba Better Bean Coffee**
23 Central Square
- 2) **Town of Bridgewater, Music Alley**
64 Central Square
- 3) **The Bridge Center**
470 Pine Street

WHEREAS, annual entertainment licenses are subject to renewal annually; and,

WHEREAS, three applicants have requested renewal of their annual Entertainment Licenses; and,

Whereas, the applicants have submitted all applicable documentation as required to renew their annual Entertainment Licenses; and,

Whereas, the two non profits, have requested a waiver of the annual fee; and,

WHEREAS, the applicants have 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 licensing authority and with approval Police Department and Fire Department who has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of the aforementioned individual applicants and grant annual entertainment licenses for a period of one year: January 1, 2018-December 31, 2018.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-005

Introduced By:	Councilors Dennis Gallagher and Frank Sousa
Date Introduced:	September 5, 2017
First Reading:	September 5, 2017
Second Reading:	November 21, 2017
Third Reading:	December 5, 2017
Amendments Adopted:	November 21, 2017
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-005

ZONING ORDINANCE – PROHIBITING THE RETAIL SALE OF RECREATIONAL MARIJUANA

WHEREAS, In accordance with the provisions of MGL, Chapter 40A, and H.3818 it is therefore;

ORDERED, that the Town Council assembled votes to amend Section 6, Use Regulations, of the Bridgewater Zoning Bylaws to read as follows:

“6.4 Marijuana Establishments Forbidden and Exceptions

The Town of Bridgewater prohibits the operation of any marijuana establishments as defined in [G.L. c. 94G, § 1](#) in all zoning Districts of the Town of Bridgewater, with the exception of marijuana cultivators, marijuana product manufacturers and marijuana testing facilities, as also defined in G.L. c. 94G, §1. 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.

Explanation:

Adoption of the aforementioned ordinance would affect a ban on the sale of recreational marijuana in the Town of Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Community & Economic Development Committee - Planning Board - This measure has been duly advertised and may be finally considered this evening.	11/01/17: A duly advertised joint public hearing was held with the Planning Board. The hearing was closed, and committee discussions continued to 11/15/17 11/15/17: Committee vote 2-0 to recommend adoption with proposed amendment. 11/01/17: A duly advertised joint public hearing was held with the CEDC. The hearing was closed, and board discussions continued to 11/15/17 11/15/17: Committee vote 4-0 to recommend adoption with proposed amendment.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-012

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: November 7, 2017
First Reading: November 7, 2017
Second Reading: December 5, 2017
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY18-012

GENERAL FUND TRANSFER TO TRANSFER STATION – BALANCE 2018 BUDGET

ORDERED, ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer \$29,761.50 from GF Account 03015282-569000 to Transfer Fund Account 64004-467000 to Balance FY2018 Budget. The Revenues to actual for FY2017 did not meet estimates in the Final FY2017 Budget.

Source of Funds	Account No.	Purpose	Amount
Bristol Agriculture HS Tuition	03015282-569000	Remaining Revised Budget (less students Enrolled)	(\$29,761.50)
Total:			\$ (29,761.50)
Use of Funds	Account No.	Purpose	Amount
Transfer from GF	64004-497000	To Balance Budget FY2018	\$ 29,761.50
Total			\$ 29,761.50

Explanation:

The actual revenues in FY2017 did not meet the estimated Revenue projections.

The estimated revenues for FY2018 have been reduced, however, this transfer will be necessary to balance the budget for FY2018.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Budget & Finance Committee	Meet 12/5/17 – will provide disposition to full Council.
Finance Committee	Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-013

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: November 7, 2017
First Reading: November 7, 2017
Second Reading: December 5, 2017
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY18-013

GENERAL FUND TRANSFER OF UNDESIGNATED FUND BALANCE

ORDERED, in accordance with 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Free Cash-General Fund	0100-359000	Undesignated Fund Balance	\$ 1,309,935
Total:			\$ 1,309,935.00
Use of Funds	Account No.	GL Account Description	Amount
Other Employee Liabilities Trust	80044-49700	Transfer From General Fund	\$ 300,000
GF Stabilization Trust	80054-49700	Transfer From General Fund	\$ 600,000
Capital Stabilization Trust	80104-49700	Transfer From General Fund	\$ 109,935
OPEB Trust	80114-49700	Transfer From General Fund	\$ 100,000
One Time/Unforeseen Expend.Trust	80134-49700	Transfer From General Fund	\$ 200,000
Total			\$ 1,309,935.00

Explanation:

Annual Allocation of the General Fund Undesignated Fund Balance (Free Cash) and fund the establish Trust Funds as noted above.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 12/5/17 – will provide disposition to full Council - Disposition provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-007

Introduced By:	Councilor Peter Colombotos
Date Introduced	October 3, 2017
First Reading:	October 3, 2017
Second Reading:	December 5, 2017
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-007

CREATION OF THE TOWN HALL ARTS AND COMMERCE CENTER

Whereas Bridgewater center suffers from disinvestment and a lack of overall economic vibrancy, and

Whereas the performing arts, artist studios and art galleries and other public and community events stimulate positive community and economic development, (see [The Artistic Dividend: The Arts' Hidden Contributions to Regional Development](#)), and

Whereas shared workspaces, business incubators, and small-scale retail generate positive economic development (see [Why People Thrive in Coworking Spaces](#) and [Baker-Polito Administration Announces Inaugural Round of Collaborative Workspace Program Awards](#))

Whereas the Town Hall's proximity to Bridgewater State University and residential neighborhoods make it accessible to a large market accessible by foot, and

Whereas the Music Alley music series has been extremely successful in its first two seasons, thus demonstrating significant public enthusiasm for community-oriented performing arts (see [Bridgewater's Music Alley Tunes Up a Second Season](#)), and

Whereas the Town Hall building has traditionally served as a the center of community life in Bridgewater, and

Ordered: that the Town Manager shall develop a Requisition for Proposals (RFP) for the re-use of the Town Hall that strongly encourages uses that will draw people to the center of town, namely: the arts, community functions, and small businesses development.

Explanation: While the Town Council has already endorsed the issuance of an open-ended RFP for the reuse of the Town Hall, the author of this measure suggests the town seek a more specific set of uses which will better leverage the opportunities the site offers for capturing market demand and creating a multiplier effect for widespread community and economic development.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee	• Meet 12/4/17 – will provide disposition to full Council 12/5/17.

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



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Resolution: R-FY18-001

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	September 19, 2017
First Reading:	September 19, 2017
Second Reading:	December 5, 2017
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution R-FY18-001

DIRECTING THE TOWN MANAGER TO EXPLORE ACQUIRING SPECIFIC LAND – SUMMER STREET

BE IT RESOLVED: The Town Council assembled approves the directing of the Town Manager to explore the possibility of acquiring the parcel of land on Summer Street, formerly occupied by the Mobile Station by eminent domain.

Explanation:

The purpose would be for redevelopment for public or private use.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Community & Economic Development Committee	Meet 12/4/17 – will provide disposition to full Council 12/5/17.

VOICE VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday December 5, 2017

Council Resolution: R-FY18-003

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

Resolution R-FY18-003

BRIDGEWATER'S FY 2019 BUDGET POLICY GUIDELINES

WHEREAS: The Town Council established orderly steps for the FY18 Budget creation process; and

WHEREAS: The Town Manager delivered a high-level overview of the FY19 Budget to the Town Council; and

WHEREAS: The economic outlook for FY19 continues to be uncertain, and a cautious approach to the budget is warranted; and

WHEREAS: Budget guidelines and Council priorities are beneficial to constructing the FY19 budget for effective Budget management.

RESOLVED: Pursuant to establishing guidelines and priorities for the Town Manager to develop the Annual Budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to adopt the following Policy Guidelines for the Town Manager to use in creating the FY19 Budget:

The Town Council is adopting these budget policy guidelines pursuant to Section 6-1 of the Bridgewater Home Rule Charter. Based on these guidelines, the Town Manager will develop budgetary goals and the Town Budget for Fiscal Year 2019.

Introduction

The following financial principles set forth the framework for our overall fiscal planning and management of the Town of Bridgewater's resources.

The principles outlined in this policy are designed to ensure the Town's sound financial condition now and in the future.

Sound Financial Condition may be defined as:

- Cash Solvency - the ability to pay bills in a timely fashion
- Budgetary Solvency - the ability to annually balance the budget
- Long Term Solvency - the ability to pay future costs
- Service Level Solvency - the ability to provide needed and desired services

VOICE VOTE REQUIRED

It is equally important that the Town maintain flexibility in its finances to ensure that the Town is in a position to react and respond to changes in the economy and new service challenges without measurable financial stress. To this end we will adhere to the following financial policies.

General Financial Policies

1. The town will avoid budgetary practices that balance current expenditures at the expense of meeting future year's expenses, such as postponing expenditures, and accruing future years' revenues.
2. Recurring operating costs will be funded by recurring sources of revenue. This protects the Town from fluctuating service levels and avoids concern when one-time revenues are reduced or removed which create a structural deficit. In addition in order to budget prudently and plan for contingencies the town sets the following:
 - a. Unreserved Fund Balance (free cash) will be planned at 3% to 5% (State Average is 3.79%, GFOA 5%-15%, Bond Rating Agency Guideline 5%) of the operating budget and used only for one-time expenditures such as capital improvements, capital equipment, unexpected or extraordinary expenses such as unbudgeted snow and ice removal expenses and/or to meet the stabilization reserve policy.
 - b. The Town will maintain a Stabilization Fund as its main financial reserve in the event of an emergency, unforeseen circumstances or an extraordinary need. It shall be the goal of the town to achieve and maintain a balance in the Stabilization Fund equal to 5% (State Average 2.90%, GFOA 5%, Bond Rating Agency 5%-10%) of its operating budget, understanding that this will take several years to accomplish. The established target will be reviewed upon meeting this goal.
3. Revenue Policies: Our Revenue Policies will address the need for diversification and stabilization, revenue estimating, user fee methodology and taxes.
 - a. Revenue Estimating: the revenues will be estimated conservatively, using an objective analytical approach. The goal of this policy is to predict revenues as accurately as possible while erring on the side of caution. Methodologies will be established that best fit the accuracy of forecasting, different methods for different revenue types.

Multi-Year forecasts, which give the Town, lead-time to react to expected revenue shortfalls and to intelligently manage predicted revenue surges are a valuable component of sound long-term financial revenue estimating practices.

The Town will maintain the historical data and a clear chronology of the budgeted to actual estimates results.

4. Expenditure Policies:
 - a. Maintenance of Capital Assets: Within the resources available each fiscal year the Town will maintain capital assets and infrastructure at a sufficient level to protect the Town's investment, minimize future replacement and maintenance costs, and to continue service levels.
 - b. The budget should consider impact of fixed costs including health insurance, retirement, sick leave buyback, transportation, COLA adjustments/Contractual Step Increases, and other costs and should be treated on a consistent basis with all departments for comparison purposes.
 - c. Program Review/Prioritization: The Town encourages delivery of services by other public and private organizations whenever and wherever greater efficiencies and effectiveness can be expected. In addition develop and use technology and productivity advancements that will help reduce or avoid personnel and related overhead costs. The intent is to control these costs as a proportion of the total budget, to more productively and creatively use available resources, and avoid duplication of effort and resources.

VOICE VOTE REQUIRED

- d. Each department's budget will be broken down into three categories: salaries & wages, operating expenses, and capital expenses, if any. The salaries & wages portion will reflect the number of FTE for all departments.
- e. Estimated allocation of health benefit costs by department and pension assessments should be provided.

FY19 BUDGET PRACTICES

In preparing the budget for FY19, the Town Manager should continue to use the following budget practices:

- Continue the Town's efforts within all departments to obtain grant funding from federal, state, and other sources, including the implementation of a college internship program.
- Continue the Town's efforts to maximize the use of Chapter 90 monies to expand upon the road repair program started in FY12 and updated in FY16.
- Review the possibilities and cost implication of contracted services vs. staffing in various departments and to eliminate overtime whenever practical.
- Continue to enhance the Town's website and use other technologies as cost effective means for delivering information and services, increasing public awareness, and encouraging public feedback.

FY19 FINANCIAL POLICIES

The first and foremost goal of the FY19 budget must be to continue to build undesignated fund balances and to build reserves for Stabilization. The budget should be constructed to anticipate positive Free Cash which will enable the Town greater budgetary flexibility in future years, and will continue to enhance the Town's bond rating. At the same time, the budget should maintain Town services.

Revenue:

- The Tax Levy is governed by statute and has a high confidence for receipt. For FY19 budget planning purposes, spending shall use 100% of the anticipated Tax levy amount after accounting for the appropriate overlay amount reduction.
- Given the uncertain economic forecast, New Growth projections shall be limited to \$300,000.
- Local Receipts are highly influenced by economic conditions and forecasts. Therefore, for FY19 planning purposes, spending shall be limited to 85% of FY18 actual values per revenue classification plus 85% of the last three fiscal years of actual prison mitigation revenue.
- Downward adjustments to specific local receipt line items should be made to any line item where actual receipts increased by more than 25% between FY17 and FY18.
- Revenue from State Aid should be the numbers used in the Cherry Sheet estimates released March 1. If no FY2019 Cherry Sheets are available, use the final FY2018 Cherry Sheet values.
- General Fund revenues from Ambulance Receipts should be limited to \$1.0 million.
- Grants may be used to calculate revenue if allowed by the terms of the grant.

Expenses:

- Expect that the Plymouth County Retirement assessment paid by the Town will increase by approximately \$120,000.
- Assume an 11% increase in health care expenses.
- Identify all employees and their salary costs. Include written summaries of all initiatives greater than maintenance with the breakdown of expenditures and FTEs.
- Provide a summary of settled union contract impacts to payroll costs for FY19 and FY20.
- Each department's budget should be broken down into three categories: payroll costs, regular expenditures, capital expenditures. Estimated allocation of health benefit costs and pension assessments should be provided.

VOICE VOTE REQUIRED

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Committee meet 11/21/17. Disposition will be provided to full Council. • Measure postponed to next meeting in committee for further discussion. • Meet 12/5/17 – will provide disposition to full Council.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-002

Introduced By: Councilor Edward Haley
Date Introduced: September 5, 2017
First Reading: September 5, 2017
Second Reading: November 21, 2017, December 5, 2017
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-002

ZONING ORDINANCE - TEMPORARY MORATORIUM ON THE RETAIL SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

Whereas, by vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes, and

Whereas, by vote of the legislature on July 20, 2017, and signature by the Governor on July 28, 2017, the General Court made changes to the law approved by voters, and altered the date by which the Cannabis Control Commission must promulgate regulations to no later than March 15, 2018, and

Whereas, currently under the Bridgewater Zoning Bylaw, Recreational Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the Town in regulating Recreational Marijuana Retailers, and

Whereas, the regulation of Recreational Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Retailers and other issues related to the regulation of recreational marijuana, and

Whereas, the Marijuana Ad Hoc Committee recommends that the Town Council adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Retailers in order to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

Now, therefore, for the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town, through its Town Council, adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Retailers extending through December 31, 2018.

Explanation:

During the moratorium period, the Town would undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Advisory Board regulations regarding Recreational Marijuana Retailers and related uses, determine whether the town shall restrict any, or all, licenses for Recreational Marijuana Retailers, determine whether the town will prohibit on-site consumption at Recreational Marijuana Retailers

NOT FOR ACTION – REQUIRES ADVERTISING

and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Retailers and related uses.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board • 11/21/17 - Town Council postponed this measure to their next meeting. This measure may not be finally voted this evening as it requires advertising.	• 11/01/17: A duly advertised joint public hearing was held with the Planning Board. The hearing was closed, and committee discussions continued to 11/15/17 • 11/15/17: Committee vote 2-0 not to recommend adoption. • 11/01/17: A duly advertised joint public hearing was held with the CEDC. The hearing was closed, and board discussions continued to 11/15/17 • 11/15/17: Committee vote 4-0 to not recommend adoption.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-008

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

Proposed Ordinance D-FY18-008

ZONING ORDINANCE – ELM STREET RETAIL OVERLAY USAGE

WHEREAS, MGL Chapter 94G Section 3 allows local control; and

WHEREAS, the Elm Street Retail Overlay was established to allow Bridgewater to limit and restrict Retail Marijuana businesses to the location of the Medical Marijuana Establishments; and

WHEREAS, MGL 94G Section 3(2)(a)(iii) allows local control to limit the number of Retail Locations equal to the number of Medical Locations, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by adding Retail Marijuana Establishments to Elm Street Retail Overlay (ERO) District as a Special Permit and No for all other zones in the Use Table and to limit the number of special permits to the number of Medical Marijuana Establishments, as allowed by MGL 94G Section 3(2)(a)(iii).

Explanation:

- 1. This measure is in keeping with the original strategy discussed in the Council and implements limits and controls.*
- 2. Prior to the intervention of the State for Question 4, Question 4 allowed local control over the location and number of Retail Stores. Local control can be established by the Town Council since we are a City and not a Town form of government.*
- 3. Should the Council decide to allow the Town to vote on a Ban, as now allowed by the revised Question 4 language, and should the ban fail, this measure will protect Bridgewater from having too many shops in unrestricted areas (e.g. Downtown)*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This measure was postponed to 11/15/17 to consider dispositions from CEDC and Planning Board consideration of Ordinances D-FY18-002 and D-FY18-005 - This measure was postponed to 12/5/17 - This ordinance requires consideration by the Planning Board.	



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

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
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 • This measure requires consideration by Finance Committee	



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-003

Proposed Amendments

Introduced By:	Councilor Shawn George
Date Introduced:	September 5, 2017
First Reading:	September 5, 2017
Second Reading:	November 21, 2017
Third Reading:	December 5, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-003

ZONING ORDINANCE – ZONING MAP AMENDMENT – EASY STREET

ORDERED, pursuant to MGL, Chapter 40A that the Town Council assembled votes to change boundary of Industrial A Zone by rezoning of remaining portion of the lots listed below to Residential A/B

- Map 25, Lot 23
- Map 25, Lot 22
- Map 25, Lot 27
- Map 26, Lot 29
- ~~Map 26, Lot 54~~
- Map 26, Lot 75
- Map 26, Lot 76
- Map 26, Lot 77
- Map 26, Lot 78
- Map 39, Lot 3
- Map 39, Lot 4
- Map 39, Lot 35
- Map 39, Lot 36
- Map 39, Lot 37
- Including Easy Street

The resultant Industrial A zone will be comprised of the following lots along Plymouth Street, as follows:

- Map 25, Lot 24
- Map 25, Lot 25
- Map 25, Lot 77
- Map 25, Lot 89
- Map 38, Lot 1
- Map 38, Lot 2

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- Map 39, Lot 1
- Map 39, Lot 2
- Map 26, Lot 54

See attached Exhibit “Proposed Zoning Change – June 9, 2017”:

Explanation:

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board • This measure was postponed to 12/5/17 • This measure requires additional advertising, therefore may not be finally acted upon this evening.	• 11/1/17: A duly advertised and abutters notified joint hearing held. Hearing closed and discussion continued to 11/15/17. • 11/15/17: Vote recommend approval with amendment. • 11/1/17: A duly advertised and abutters notified joint hearing held. Hearing closed and discussion continued to 11/15/17. • 11/15/17: Vote recommend approval with amendment.



Bridgewater Town Council

In Town Council, Tuesday December 5, 2017

Council Order: O-2017-039

Introduced By: Town Manager
Date Introduced: June 27, 2017
First Reading: June 27, 2017
Second Reading: December 5, 2017
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

NOT FOR ACTION – REQUIRES CONSIDERATION BY FINANCE COMMITTEE.



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-011

Introduced By: Councilor Edward Haley
Date Introduced: November 21, 2017
First Reading: December 5, 2017
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY18-011

ZONING ORDINANCE: AMEND ELM STREET RETAIL OVERLAY (ERO) DISTRICT

WHEREAS, the Marijuana Ad-Hoc Committee at its 08/03/2017 meeting voted to recommend to the Town Council, pursuant to Chapter 94G, a zoning moratorium on locating a recreational marijuana facility; and

WHEREAS, the Marijuana Ad-Hoc Committee at its 11/09/2017 meeting voted to recommend to the Town Council that an area be specifically zoned to locate and restrict marijuana retail establishments and its ancillary businesses. Further, the Committee voted that the recommended zoning measure be enacted regardless of whether the Town institutes a moratorium or a ban on retail sales of marijuana; and

WHEREAS, pursuant to G.L. c.94G, §3, a municipality may prohibit or limit recreational marijuana establishments by ordinance; and

WHEREAS, the Town has designated an area - *Elm Street Retail Overlay (ERO)* - where Medical Marijuana Establishments may be restricted to in order to minimize the adverse impacts of a Medical Marijuana Establishment on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities;

WHEREAS, local regulation under G.L. c.94G, §3 provides that municipalities may regulate the time, place and manner of marijuana establishment operations and may adopt ordinances that impose reasonable safeguards on the operation of marijuana establishments, provided they are not “unreasonably impracticable.”, it is therefore;

ORDERED, that the Town Council assembled votes to amend *Section 21 Medical Marijuana Treatment Center* of the Bridgewater Amended Zoning By-Laws by adding Retail Marijuana Establishments to Elm Street Retail Overlay (ERO) District as a Special Permit and No for all other zones in the Use Table and to limit the number of special permits to the number of Medical Marijuana Establishments, as allowed by G.L. c.94G, §3 (2)(a)(iii).

Explanation:

The mission of the Ad-Hoc Marijuana Committee is to identify the issues associated with the retail sales of marijuana in the Town of Bridgewater and suggest possible solutions, including recommendations on the promulgation of ordinances and regulations. The proposed Legislation reflects the recommendation of the committee should the Town fail to enact a ban on retail establishments; or should the Town and other communities be subject to intervention either by the legislature or court challenge.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•This measure was postponed to 12/5/17	•



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Ordinance: D-FY18-012

Introduced By:	Councilor Peter Colombotos
Date Introduced:	December 5, 2017
First Reading:	December 5, 2017
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-012

AMEND GENERAL ORDINANCES – VACANT AND ABANDONED PROPERTIES

WHEREAS, In accordance with the provisions of Section 5-1 of the Bridgewater Home Rule Charter relative to amendments to the Administrative Code, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Administrative Code, Chapter 180 to read as follows:

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 ~~residential~~ 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 ~~residential~~ 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.

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“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 ~~residential~~ Property that is temporarily Vacant due to owner(s) seasonal absences.

Section 3. Registration

1. All owners of Abandoned, Vacant, and/or Foreclosed ~~residential~~ 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.
 - a. 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 paragraph (e) 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 paragraph.
2. All Property registrations pursuant to paragraph (c) 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

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Foreclosure, as the case may be.

3. Any owner that has registered a Property under paragraph (c) 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 paragraph (d) 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 paragraph (c): 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 paragraph (d): 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 paragraph (d): three hundred dollars (\$300.00) for each week during which the Property is not maintained and/or not secured in compliance with paragraph (d).
4. The penalties provided in paragraph (f) 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.

Explanation:
The original language of this chapter exempted non-residential properties from the provisions of the chapter. Town Counsel has recommended that rather than create a entirely new language to address non-residential properties, that the Council simply amend Chapter 180 to cover non-residential properties.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-015

Introduced By: Town Manager
Date Introduced: December 5, 2017
First Reading: December 5, 2017
Second Reading:
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)
•	•

NOT FOR ACTION – FIRST READING ONLY



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-016

Introduced By: Town Manager (*at the request of the Finance Director*)
Date Introduced: December 5, 2017
First Reading: December 5, 2017
Second Reading:
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 a financial gift **from VARIOUS**

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, and the Oliari 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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, December 5, 2017

Council Order: O-FY18-017

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

Order O-FY18-017

TOWN COUNCIL ACCEPTANCE OF HOUSING PRODUCTION PLAN

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Housing Production Plan dated November 1, 2017, and authorize the Town Manager to forward the Plan to the Department of Housing and Community Development.

Explanation:

An affirmative vote will formally accept the attached plan dated November 1, 2017, and authorize its submission to the DHCD. An approved, submitted plan will protect the Town as much as possible from unwanted affordable housing developments, and establish the Town's preferred method of encouraging affordable housing.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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