

BRIDGEWATER TOWN COUNCIL

Tuesday, November 7, 2017

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

RECEIVED
TOWN CLERK'S OFFICE
BRIDGEWATER, MA.
2017 NOV - 3 P 12:26

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) October 17, 2017

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Kevin Bligh – Energy Committee

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) **HEARING 7:35 p.m.:** Petition P-2017-029: Aarna Corporation dba Bridge Mart 169 Spring Street - Application for Annual Package Store Wine & Malt Beverage License
- b) **HEARING 7:40 p.m.:** – Pole Location Request – Verizon New England Inc., and Massachusetts Electric Company – Pole 11S and Pole 12S on Aldrich Road

H. PRESENTATIONS

- a) Presentation on Marijuana – Jody Hensley

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION –

- a) Order O-FY18-008: Transfer Order – Sewer Enterprise Transfer for Emergency Repairs
The Budget & Finance Committee voted 3-0 to recommend approval of this measure. The Finance Committee meet 11/6/17. Their disposition will be provided upon receipt.
- b) Order O-FY18-009: Trust Fund Transfer – Senior Center Folding Partition
The Finance Committee meets 11/6/17. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/7/17 and will provide their disposition to the full Council.
- c) Order O-FY18-011: Collective Bargaining Agreement Ratification – AFSCME
The Finance Committee meets 11/6/17. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/7/17 and will provide their disposition to the full Council

M. OLD BUSINESS

- a) Ordinance D-2017-001: Amend General Ordinances – Vacant & Abandoned Commercial Properties
At their meeting held 10/26/17, the Community & Economic Development Committee voted to recommend this measure be withdrawn.

N. NEW BUSINESS

- a) Ordinance D-FY18-008: Zoning Ordinance - Elm Street Retail Overlay Usage (*Councilor Wood*)
- b) Ordinance D-FY18-009: Zoning Ordinance - Amend Tax Fees Table - Retail Tax on Marijuana Sales (*Councilor Wood*)
- c) Ordinance D-FY18-010: Zoning Ordinance - Amend Table of Use Regulations – Tobacco (*Councilor Wood*)

- d) Order O-FY18-010: FY2018 Classification Tax Allocation – Adoption of a Residential Factor (*Town Manager at the Request of the Assessor*)
- e) Order O-FY18-012: Transfer Order – General Fund Transfer to Transfer Station (*Town Manager at the request of the Finance Director*)
- f) Order O-FY18-013: Free Cash Allocation (*Town Manager at the request of the Finance Director*)
- g) Order O-FY18-014: Town Council Acceptance of Proposal & Authorization for the Town Manager to Negotiate a Purchase & Sale for the McElwain School (*Town Manager*)
- h) Resolution R-FY18-003: Bridgewater's FY2019 Budget Policy Guidelines (*Councilor Wood*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Petition: P-2017-029

Date Introduced/Public Hearing: November 7, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

NEW WINE AND MALT BEVERAGES PACKAGE STORE LICENSE

WHEREAS, Aarna Corporation dba Bridge Mart has petitioned for a Retail Package Store Wine & Malt Alcoholic Beverages License at 169 Spring Street; and,

WHEREAS, the hours of operation for alcohol sales (only) will be established as - Weekdays: 8:00 a.m. – 11:00 p.m. and Sundays: 10:00 a.m. – 11:00 p.m.

WHEREAS, Approval of such request is permitted by Massachusetts General Law – Chapter 138, section 15; and

WHEREAS, the Manager will be Smit Patel; and,

WHEREAS, the premises is defined as an approximately 2800 square foot building with one entrance and one exit; and,

WHEREAS, Aarna Corporation dba Bridge Mart 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 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 138, section 15 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition for a new Retail Package Store Wine & Malt Beverages License to be granted to Aarna Corporation dba Bridge Mart at 169 Spring Street.



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Petition: P-2017-030

Date Introduced/Public Hearing: November 7, 2017

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2017-030

Relative to:

PETITION TO INSTALL POLE LOCATION – Pole 11S and Pole 12S on Aldrich Road

The following is excerpted from the petition submitted by the proponent:

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

August 21, 2017

To the Town Council

in BRIDGEWATER, Massachusetts

VERIZON NEW ENGLAND INC. and MASSACHUSETTS ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

**ALDRICH ROAD:
PLACE TWO (2) STUB POLES (11S & 12S) AT POINTS
APPROXIMATELY 628' & 773' RESPECTIVELY, EASTERLY
FROM THE INTERSECTION OF PRINCE'S PINE LANE.**

**THESE POLES ARE NECESSARY IN ORDER TO REPLACE
TWO EXISTING TREE GUYS.**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2016-41** Dated **09/15/2016**.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By David Crossman
Manager - Rights of Way

Dated this 21 day of Aug, 2017.

MASSACHUSETTS ELECTRIC COMPANY

By Robert Royman
Manager - Rights of Way

Dated this 27 day of SEP, 2017.

WHEREAS, the petitioner has complied with the requirements of the Town of Bridgewater and applicable state laws; and, WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the recommendation of the Highway Superintendant which has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled approve the petition be granted as requested.

ROLL CALL VOTE: REQUIRES MAJORITY OF THOSE PRESENT AND VOTING



385 Myles Standish Blvd
ATTN: Daryl Crossman – ROW Manager
Taunton, MA 02780

August 21, 2017

Town of Bridgewater
Attn: Town Council
66 Central Square
Bridgewater, MA 02324

Dear Town Council,

Enclosed you will find petition # MA2016-41 from Verizon New England Inc. and Massachusetts Electric Company proposing to place new facilities - Pole 11S & Pole #12S on Aldrich Road in Bridgewater, MA. Please present at your next Council meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

Sincerely,

A handwritten signature in blue ink that reads "Daryl Crossman".

Verizon New England Inc.
Attn: Daryl Crossman - ROW
385 Myles Standish Blvd
Taunton, MA 02780

(774)409-3191 - Office
(774)409-3930 - Fax
daryl.crossman@verizon.com - Email

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

August 21, 2017

To the Town Council

in BRIDGEWATER, Massachusetts

VERIZON NEW ENGLAND INC. and MASSACHUSETTS ELECTRIC COMPANY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

**ALDRICH ROAD:
PLACE TWO (2) STUB POLES (11S & 12S) AT POINTS
APPROXIMATELY 628' & 773' RESPECTIVELY, EASTERLY
FROM THE INTERSECTION OF PRINCE'S PINE LANE.**

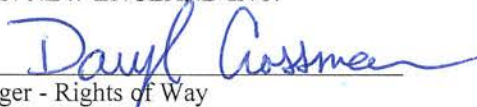
**THESE POLES ARE NECESSARY IN ORDER TO REPLACE
TWO EXISTING TREE GUYS.**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked- VZ N.E. Inc. Plan No. **MA2016-41** Dated **09/15/2016**.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

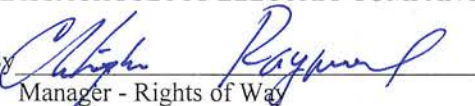
Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By 
Manager - Rights of Way

Dated this 21 day of AUG, 2017.

MASSACHUSETTS ELECTRIC COMPANY

By 
Manager - Rights of Way

Dated this 27 day of SEP, 2017.



PETITION PLAN

BRIDGEWATER

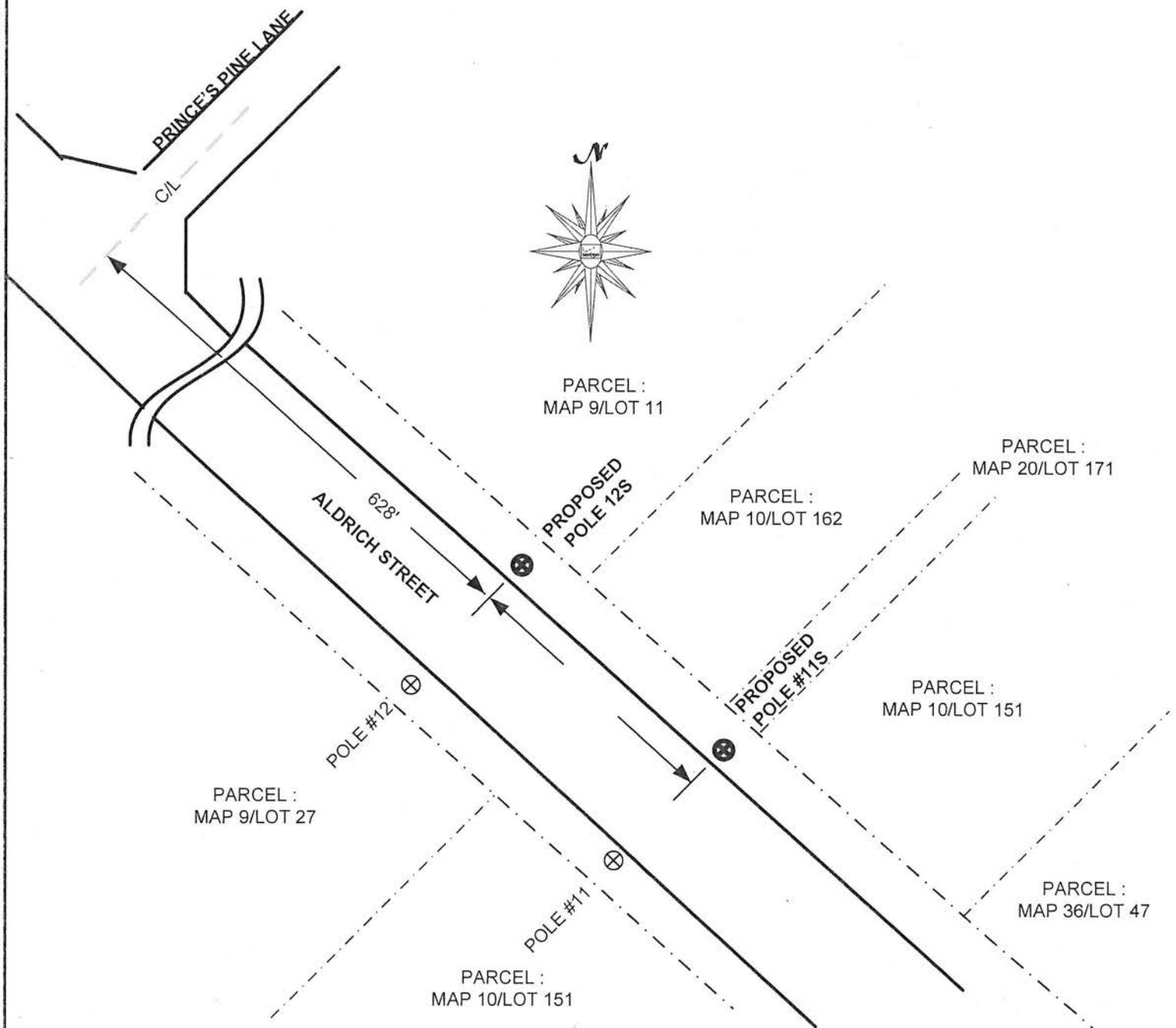
NO. MA2016-41

VERIZON NEW ENGLAND, INC and MASSACHUSETTS ELECTRIC COMPANY

DATE: 9/15/2016

SHOWING

Placement of Two stub poles on Aldrich Rd



LEGEND



PROPOSED VERIZON POLE



VERIZON POLE TO BE REMOVED



VERIZON POLE TO REMAIN



PROPOSED JOINTLY OWNED POLE



EXISTING VERIZON MANHOLE



EXISTING VERIZON CONDUIT



EXISTING JOINTLY OWNED POLE TO REMAIN



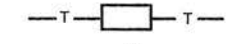
POWER CO. POLE TO BE REMOVED



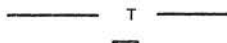
EXISTING JOINTLY OWNED POLE TO BE REMOVED



EXISTING POWER CO. POLE TO BE HELD JOINTLY



PROPOSED VERIZON MANHOLE



PROPOSED VERIZON CONDUIT



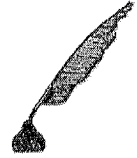
PROPOSED VERIZON CABINET



Town of Bridgewater

Office of the
Town Clerk

66 Central Square
Bridgewater, Massachusetts 02324
(508) 697-0922



(508) 697-0921
Fax (508) 279-0154
jsmartin@bridgewaterma.org

The Commonwealth of Massachusetts NOTICE TO ABUTTERS

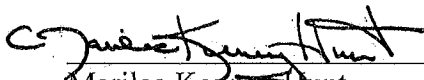
To All Abutters:

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws (Ter. Ed.), you are hereby notified that a public hearing will be held by the Bridgewater Town Council at the **Academy Building, 66 Central Square, Council Chamber, Room 203**, Bridgewater, Massachusetts, on the **7th day of November, 2017 at 7:40 P.M.** upon the petition of Verizon New England Inc. & Massachusetts Electric Company for permission to erect or construct, and a location for, a line of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, for the transmission of electricity, upon, along, across or under the following public ways of said Town:

Aldrich Road:

Place two (2) Stub Poles (11S & 12S) At points approximately 628' & 773' respectively, easterly from the intersection of Prince's Pine Lane.

These poles are necessary in order to replace two existing tree guys.


Marilee Kenney Hunt
Town Clerk

CC: A.Holmberg, Council Clerk
Town Council
Angela Birch – National Grid
Daryl Crossman – Verizon New England Inc.



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Order: O-FY18-008

Introduced By: Town Manager *(at the request of the Finance Director)*
 Date Introduced: October 3, 2017
 First Reading: October 3, 2017
 Second Reading: October 17, 2017, November 7, 2017
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY18-008

SEWER ENTERPRISE TRANSFER – EMERGENCY REPAIR

ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer \$150,000 from Sewer Reserved for Special Purpose – Capital Account to Sewer Sludge Line Replacement Account.

Source of Funds	Account No.	GL Account Description	Amount
SWR RESERVE SPEC PURPOSE	6100-358000	SWR SPCL PURP- Capital	\$ (150,000.00)
Total:			\$ (150,000.00)
Use of Funds	Account No.	GL Account Description	Amount
SWR EXPENSE	6110-583003	SWR Sludge Line Replacement	\$ 150,000.00
Total			\$ 150,000.00

Explanation from Sewer Superintendent:

The original raw sludge line was installed in 1988 when the new wastewater treatment plant was built. It is made of ductile iron. The line incurred a blockage this year and when trying to clear the blockage, pieces of the line were being removed. This indicates that line has deteriorated and has reached its useful life span. The obstruction could not be cleared. With the upgrade of the treatment facility that is needed due to the new National Pollutant Discharge Monitoring System permit (NPDES) and after discussing this situation with the engineers, the decision was made to install a completely new line which will be permanent. The new line will be made of PVC and needs to be installed prior to the wintry weather setting in.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee - At their meeting held 10/17/17, this measure was postponed to 11/7/17. Pending disposition from Finance Committee, this measure may be finally considered this evening.	10/17/17: Vote 3-0 recommend approval. - Meet 11/06/17: Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Order: O-FY18-009

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	October 17, 2017
First Reading:	October 17, 2017
Second Reading:	November 7, 2017
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-009

TRUST FUND TRANSFER – SENIOR CENTER FOLDING PARTITION

ORDERED, in accordance with the Town of Bridgewater Home Rule Charter Section 6-4, that the Town Council assembled vote to appropriate the sum of \$17,990.00 to be taken from the Senior Center Trust Fund (8012) to the GF Capital Fund (1000) for purposes of purchase and installation of a movable partition in the function room of the Cole-Yeaton Senior Center, or take any other action relative thereto.

Explanation:

The purpose is to provide vital additional space in the function room that will accommodate programs and events. The Senior Center programs continue to expand and meet the needs of the Community. The movable partition will enable the staff to conduct several programs simultaneously. The Elder Affairs Commission (EAC) has voted to approve this funding at their last meeting.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meeting 11/7/17. Will provide disposition to full Council. - Meeting 11/6/17. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Order: O-FY18-011

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	October 17, 2017
First Reading:	October 17, 2017
Second Reading:	November 7, 2017
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-011

COLLECTIVE BARGAINING AGREEMENT RATIFICATION - AFSCME

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, 2015 through June 30, 2018 with the AFSCME.

Explanation:

The Town Manager negotiated an agreement with the AFSCME. 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 - Finance Committee	- Meet 11/7/17. Will provide disposition to full Council. - Meet 11/6/17. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Ordinance: D-2017-001

Introduced By:	Councilors Edward Haley, Kevin Perry, Peter Colombotos
Date Introduced:	January 10, 2016
First Reading:	January 10, 2017
Second Reading:	March 21, 2017
Third Reading:	November 7, 2017
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2017-001

AMEND GENERAL ORDINANCES RELATIVE TO VACANT AND ABANDONED PROPERTIES

ORDERED that pursuant to Article II, Section 2-2 of the Bridgewater Town Charter; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, Part III, Chapter 1, Article II. Non Criminal Enforcement of Violations by adding the following:

Chapter 1

Article II. Non Criminal Enforcement of Violations

Section 3. Schedule of Fines

Ch. 180. Problem Properties, Article I	First offense \$50.00, Second Offense \$100, Third offense \$200.00, Fourth and Following Offenses \$300
Ch. 180. Problem Properties, Article II	First and Following Offenses \$50

And vote to amend the Bridgewater General Ordinances, Part III, Chapter 180, Article I Registration of Vacant and Abandoned Properties by deleting it in its entirety and replacing it with the following:

Chapter 180. Problem Properties

Article I. Nuisance and Vacant or Abandoned Building Ordinance

Section 1. Purpose and Intent

Vacant structures and abandoned properties are visual eyesores and have a detrimental impact on the economic viability of the corresponding commercial districts. Often vacant storefronts and abandoned properties attract illegal activity, including criminal havens, squatting, vandalism, and dumping. Illicit activity suppresses surrounding property values, deters potential patrons from frequenting commercial corridors, makes investment less attractive, and places undue service burdens on Town departments. The Police Department, Fire Department, and the Department of Public Works expend resources by routinely responding to abandoned commercial properties and vacant storefronts to remove trespassers, clean up graffiti, secure buildings, and remove illegally discarded refuse and debris.

Therefore, it is the purpose and intent of this section to secure vacant and abandoned buildings and eliminate nuisances in the Town of Bridgewater. Nuisances including dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, structures with defective weather protection, and vacant or abandoned buildings cause and contribute to blight and decay within residential neighborhoods and commercial areas of the town and adversely affect the property values

for adjacent and surrounding property. Such nuisances on property also impair the public health and safety of residents and visitors. This ordinance is intended to further the objectives of, and to act in concert with, any existing state or local laws regulating, prohibiting, preventing and mitigating the impacts of nuisances.

Section 2. Definitions

“Abandoned” means a property that is vacant, or under current notice of default or trustee’s sale, pending tax lien or tax sale, or subject to foreclosure sale whereby title is retained by deed beneficiary, or notice of trustee’s sale, pending the Treasurer’s sale, or properties that have been subject to foreclosure sale or properties transferred under a deed in lieu of foreclosure.

“Commercial Building” means any improved or unimproved real property or portion thereof that is designated or permitted for commercial enterprise, residential rental, leased, industrial use, wholesale, retail, business or professional purposes as designated in the Use Regulations. This definition includes any real property used for such purpose, whether or not it is legally permitted or zoned for commercial use.

“Dilapidated” means a condition or state of decay, deterioration, or having fallen into ruin especially through neglect or misuse. A property or structure in this state shows visible signs of substantial physical distress, including, but not limited to: boarded or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, overgrown vegetation, graffiti, or dumping or accumulations of detritus.

“Evidence of vacancy” means any condition, or combination of conditions, indicating a state of vacancy. Such conditions may include, but are not limited to: overgrown or dead vegetation; accumulation of mail, newspapers, circulars or flyers; disconnected utilities; accumulation of trash, debris, or junk; broken or boarded up windows or doors; the absence of furnishings or merchandise consistent with an ongoing concern; the presence of graffiti or squatters.

“Public Nuisance” or “Nuisance” means an unreasonable activity or condition that is harmful, or a disturbance, to the general public, including circumstances posing a harm to public health, are contrary to public safety or threaten general welfare. In general, a pervasive nuisance promotes criminal activity, results in code violations, and precipitates increased deployment of Town resources.

“Owner” means any person, co-partnership, corporation, fiduciary or trust having a legal or equitable title, recognized interest in, or otherwise owns, possesses, manages, or controls any real property. Generally the Owner is sufficiently identified by the name and address appearing in the records of the Assessor.

“Secure” means measures to secure a property or otherwise render a property inaccessible to unauthorized persons. Securing a property may include, but is not limited to: repairing or boarding windows, doors or other openings; repairing or installing fences or gates; and chaining or padlocking gates or doors.

“Vacant” means any condition or situation whereby a property, building or structure is unused, unoccupied or otherwise empty for a period exceeding 30 calendar days. Vacant shall describe a condition or state of a property whether taken in whole or in part.

Section 3. Minimum Property Standards.

All property in the Town of Bridgewater shall be maintained in accordance with the following property standards:

1. Generally. All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause, or contribute to, the creation of a hazard or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
2. Vegetation. All property shall be maintained in a condition which would not reasonably lead to an area becoming infested with rodents, vermin, or other animals, concealing pools of stagnant water, or creating a fire safety hazard. All property shall be kept in a manner which does not pose a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property.
3. Structures. All structures, including any buildings, fences, storage sheds, garages, or any element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and

waterproofing, and shall be maintained in a condition so as to not cause or contribute to creation of a fire safety hazard. All property shall be maintained free of extensive peeling, flaking, or chipped paint. All property with siding shall be maintained in a weather resistant and watertight condition.

4. Accumulation of Trash, Rubbish or Debris. All property shall be maintained in a clean and sanitary manner and free from accumulations of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.
5. Pools of Stagnant Water. All property shall be maintained to prohibit the formation of stagnant pools of water, that may adversely affect the public health by attracting and harboring mosquitoes and other insects.

Section 4. Vacant and Abandoned Properties Exclusions

For purposes of this Section, a building shall not be considered vacant or abandoned if:

- (1) There is a valid building permit for repair, rehabilitation, or construction of a vacant structure and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued, unless the building permit is extended or renewed allowing additional time to complete the repair, rehabilitation, or construction of the structure; or
- (2) The owner or leaseholder of a vacant structure or property has filed an application for, and is actively seeking to, obtain authorization permits or a license required by state or local law thereby permitting the lawful use and occupancy of the structure or property; or
- (3) The commercial property complies with all provisions of state and local law, does not create a nuisance, is ready for occupancy, and the owner provides evidence that the commercial property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial property for rent, lease or sale, or the owner provides proof that the commercial property is offered for sale on the Multiple Listing Service or any other comparable real estate listing service

Section 5. Removal of Nuisance

It shall be unlawful for the owner of any property in the Town to violate any one or number standards contained in Minimum Property Standards and any such property in violation shall be deemed to be a public nuisance. The Building Inspector, the Health Agent, the Police Chief, or the Fire Chief, or any of their respective designees, shall declare the property a public nuisance and order the property owner to remove the nuisance within ten (10) calendar days after service of notice of the violation. Such notice shall be served in accordance with MGL c. 111, § 124 and MGL 143 §9. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property.
- (2) A statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance.
- (4) A statement that the nuisance shall be removed from the property within ten days from service of the notice and that if the owner fails to remove the nuisance within the time frame specified that the owner will be in violation of this ordinance and subject to the penalties described therein.

Section 6. Violations

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143§9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

And vote to adopt Bridgewater General Ordinances, Part III, Chapter 180, Article II Graffiti on Private Property as follows:

Article II. Graffiti on Private Property

Section 1. Purpose and Intent

It is the purpose and intent of this section to eliminate graffiti. Graffiti on buildings, walls, signs, and other structures or places or other surfaces causes and contributes to blight within neighborhoods and commercial districts of the city and constitutes a public nuisance. Graffiti impairs public health and safety and degrades the value, condition, or appearance of real or personal property and contributes to the general deterioration of property and business values for adjacent and surrounding property. The purpose of this ordinance is to provide the city with enforcement tools to eliminate graffiti on private property and to impose penalties upon private property owners who fail to remove graffiti from their property in a timely manner. This ordinance is not intended to supersede any existing vandalism and anti-graffiti state laws.

Section 2. Definitions

The following words and phrases, when used in this section, shall have the following meanings:

“Graffiti” means the intentional painting, marking, scratching, coloring, tagging or other defacement of any property without the consent of the owner.

“Person” means any individual, voluntary association of individuals, business, entity, organization whether incorporated or not.

“Owner” means any person who owns, manages or controls any property and shall be sufficiently identified by the name and address appearing in the records of the Assessor.

“Property” means any land, building, structure of real property, including any fixtures attached thereto, or any personal property located within the Town of Bridgewater.

Section 3. Removal of Graffiti

It is the responsibility of the owner of the property to which graffiti has been applied to promptly remove the graffiti. No owner of property shall allow graffiti to remain on the property for a period of seven days after service of notice of the graffiti from the Building Inspector, Health Agent, or the Fire Chief, or their designees. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property;
- (2) A statement that the property has been declared a public nuisance because of the presence of graffiti on the property;
- (3) A concise description of the conditions on the property that have lead to the determination that the property is a public nuisance;
- (4) A statement that the graffiti shall be removed from the property within seven days from service of the notice and that if the owner fails to remove the graffiti within the time frame specified that the owner will be in violation of this ordinance and subject to penalties described therein.

Section 4. Violations

1. If the owner fails to remove a documented nuisance within the time frame provided, the Town or its agent may enter the property and remove the nuisance and the owner shall reimburse the Town for any expense incurred for such removal. The sum so expended may be recovered by the Town as provided in the General Laws Chapter 111 § 125, or Chapter 143 § 9, or in an action of contract by the Town against the owner.
2. Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
3. In addition to the penalties set forth above, the Health Agent, the Building Inspector, or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.
4. This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures • Community & Economic Development Committee • This measure requires advertising, therefore may not be finally considered this evening.	• 3/21/17: Referred to Community & Economic Development Committee • 10/26/17: Recommend measure be withdrawn.



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Ordinance: D-FY18-008

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading:

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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Ordinance: D-FY18-009

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading:

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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Ordinance: D-FY18-010

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-FY18-010

ZONING ORDINANCE – PROHIBITION OF THE SALE OF TOBACCO AND TO AMEND TABLE OF USE REGULATIONS - TOBACCO

WHEREAS, tobacco is a known health hazard and a proven carcinogen;

WHEREAS, tobacco sales often lead to use by children;

WHEREAS, tobacco has been identified as a drug, and could lead to other drug use, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Zoning By-Laws Table of Use Regulations by striking “and/or tobacco” from Section E. “Retail, Business and Consumer Service Establishments” Subsection 1 beginning “Store serving...”

FURTHER ORDERED;

Add New Section: 6.31:

The Town of Bridgewater prohibits the sale of all tobacco within all zoning Districts of the Town of Bridgewater. “Tobacco” is defined by the U.S. Food & Drug Administration as:

Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco.

Explanation:

Tobacco in any form has a negative effect on the health of our Town. Bridgewater should be a leader and ban the retail sales of this product to protect the health and well-being of its citizens.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 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:
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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 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:
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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 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:
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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, November 7, 2017

Council Order: O-FY18-014

Introduced By:	Town Manager
Date Introduced	November 7, 2017
First Reading:	November 7, 2017
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-014

Town Council Acceptance of Proposal & Authorization for the Town Manager to Negotiate a Purchase & Sale Agreement for the McElwain School

Whereas, the Town Manager issued a Request for Proposals for the sale or lease of the McElwain School ("the property");

Whereas, Capstone Communities Development, LLC and MPZ Development, LLC submitted a proposal to purchase the property and to rehabilitate the school building into 16 workforce housing units, and construct a new, detached structure with an additional 36 affordable housing units;

Whereas, the Town Manager has determined that the proposal meets the requirements of the RFP;

Whereas, the proposal proposes to invest \$20,572,000 into the property, with funding from multiple grant sources including the Department of Housing and Community Development, Community Scale Housing Initiative; MassHousing; and the Town of Bridgewater Affordable Housing Trust, with additional funding from private mortgages, historic tax credits, LIHTC, and other sources;

Whereas, the proposal requests a response from the Town prior to the end of November in order to secure state grant funding during the current cycle;

Whereas, the Town Manager recommends the Council accept this proposal as a proactive way to ensure we will meet out 10% housing stock after the year 2020, and authorize the Town Manager to negotiate a Purchase and Sales Agreement and a development agreement with the proposer;

ORDERED, in accordance with MGL c. 30B, that the Town Council assembled vote to accept the RFP submission for the purchase of the McElwain School by Capstone Communities LLC and MPZ Development LLC, and authorizes the Town Manager to negotiate the Purchase and Sales Agreement and a development agreement.

Explanation:

The Town Manager issued a RFP for the sale or lease of the old McElwain School. The only proposal received proposes an affordable housing development with preserves the old school as 16 units of housing and a new building of approximately 36 units. The proposal also looks for a Town contribution to the development project which is common in these types of housing developments. The Town Manager seeks to negotiate further with the proponents, but can only do so with acceptance of the proposal.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday November 7, 2017

Council Resolution: R-FY18-003

Introduced By: Councilor William Wood

Date Introduced: November 7, 2017

First Reading: November 7, 2017

Second Reading:

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

NOT FOR ACTION – FIRST READING ONLY.

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.

- 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.

NOT FOR ACTION – FIRST READING ONLY.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•