



BRIDGEWATER TOWN COUNCIL

Tuesday, December 20, 2011

7:30 PM

Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) November 8, 2011 (*as amended*)
- b) November 22, 2011 (*as amended*)
- c) November 29, 2011

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) Don Swarce and Lenny Wood
- *co-Chairs of the Holiday Decorations for the Common in the Bridgewater Lions Club*

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) 7:45 p.m. – Public Hearing: Petition #2011-038: Application for Lodging House at 28 School Street *Applicant - Gail Buie-Yelle*
- b) Petition #2011-039: Transfer of Common Victualler License - JRM Management, LLC, 233 Broad Street
- c) Petition #2011-033A: Annual Auto Dealers License Renewals (*Round 2*)
- d) Petition #2011-034A: Annual Common Victualler's License Renewals (*Round 2*)
- e) Petition #2011-035A: Annual Alcohol License Renewals (*Round 2*)

H. PRESENTATIONS

- a) “*Be Fire Smart*” Financial Grant to Fire Department: Amanda Corndell, Liberty Mutual Insurance

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Town Council Goals (*Councilor Pitta*)
- b) Health Insurance Plan Design (*Councilor Berolini*)
- c) FY13 Budget Policy – *aggregate submissions of the Town Council*
- d) Transfer Station (*Councilor Colón*)

- e) Remedy to the Whispering Woods Development Issues (*Councilor Colombotos*)
- f) Appointments (*Councilor Colombotos*)
- g) Engagement of Transcription Service for Recall Investigation Report (*Councilor Berolini*)
- h) East Street Truck Exclusion Route (*Councilor Demos*)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION – None

M. OLD BUSINESS

- a) Resolution #2011-008: Sale of Town-Owned and “Green” Only Designation
*** This matter was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*
- b) Appropriation Transfer #2011-022: Preservation Planner/Grant Writer
-- Transfer of \$60,000.00 to the Preservation Planner/Grant Writer account # 201-172-21-1021-530035 from the CPC Budgeted Reserve Account # 201-000-00-0000-324400
*** The Finance Committee approves this item: 6-0 (meeting held on 12/14/2011).*
- c) Ordinance #2011-009: Administration and Fiduciary Oversight of the Budget - Appropriation of Non-Recurring Revenue
*** The Rules & Procedures Committee unanimously approved this item: 3-0 (meeting held 10/14/2011). The Finance Committee tabled this item: 7-0 (meeting held on 12/14/2011).*
- d) Ordinance #2011-010: Administration and Fiduciary Oversight of the Budget - Appropriation of Operating Expenses from Ambulance Receipts and/or Ambulance Reserve Account
*** The Rules & Procedures Committee unanimously approved this item: 3-0 (meeting held 10/14/2011). The Finance Committee rejected this item: 7-0 (meeting held 11/30/2011).*
- e) Posting of the Town Manager Weekly Update Report (*Councilor Berolini*)

N. NEW BUSINESS

- a) Ordinance #2011-014: Town Council Meeting Schedule for 2012 (*Councilor Wood*)
- b) Order #2011-074: Authorization to Negotiate Tax Agreements
- c) Order #2011- 075: Engage Transcription Services

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION - Massachusetts General Laws - Chapter 30A sec. 21, subsection 3
(*To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.*)

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Petition: 2011-038

Introduced By: Council President
Date Introduced/Public Hearing: December 20, 2011
Date Adopted:
Date Effective:

Relative to:

THE GRANTING OF A LODGING HOUSE LICENSE

APPLICANT: Gail Buie-Yelle for the property at 28 School Street

WHEREAS, Gail Buie-Yelle has submitted all applicable documentation as required for consideration of a license to operate a lodging house at 28 School Street, Bridgewater, Massachusetts; and

WHEREAS, Gail Buie-Yelle proposes to house 20 individuals in the property at 28 School Street. Said property has 16 total rooms; consisting of 7 rooms on the 1st floor and 9 rooms on the 2nd floor, a walk-in attic on the 3rd floor and a total of 3 bathrooms;

WHEREAS, James McFarland will serve as the establishment's manager of record and resides on the premises; and

WHEREAS, a business certificate has been approved for Gail Buie-Yelle and Kenneth R. Yelle dba Journey House; and

WHEREAS, a proprietor of a lodging house must comply with the bylaws and requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's governing lodging houses; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority; having duly weighted the adverse recommendations of the Bridgewater Building Inspector, Fire and Police Departments and the affirmative recommendation of the Health Department, have determined that it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Massachusetts General Law - Chapter 140 § 22 to § 31 inclusive, in Town Council assembled approve the petition of Gail Buie-Yelle, doing business as Journey House, be granted a license to operate a lodging house with no more than 20 individuals in the dwelling and James McFarland acting as the full-time resident manager at 28 School Street for a period of one year. This license is subject to renewal annually or as otherwise provided by law.



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Petition: 2011-039

Introduced By: Council President
Date Introduced/Public Hearing: December 20, 2011
Date Adopted:
Date Effective:

Relative to:

THE GRANTING OF A COMMON VICTUALLER LICENSE

WHEREAS, JRM Management, LLC dba McDonalds has submitted all applicable documentation as required for a transfer of license to operate a food establishment at 233 Broad Street, Bridgewater, Massachusetts; and

WHEREAS, Maurice Lemire will serve as the establishment's manager of record; and

WHEREAS, JRM Management, LLC proposes to operate its business during the following hours:

LOBBY HOURS
Monday – Sunday: 6:00 a.m. - 12:00 a.m.
DRIVE THRU WINDOW ONLY
24 Hours

and;

WHEREAS, JRM Management, LLC has complied with the bylaws and requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector with consensus from the Fire, Police, and Health 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 Chapter 140 - section 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of JRM Management, LLC, doing business as McDonalds, be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Petition: 2011-033A

Introduced By: Council President

Date Introduced/Public Hearing: December 20, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF a CLASS II and a CLASS III AUTO DEALER'S – Round 2

❖ Class II TOTAL: 1

❖ Class III TOTAL: 1

WHEREAS, two (2) 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, All requisite inspections have been completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has reported that the renewal candidates have satisfied their tax obligations; 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, 2012 to December 31, 2012.

The list of licensees requesting approval is attached.



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Petition: 2011-034A

Introduced By: Council President
Date Introduced/Public Hearing: December 20, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Relative to:

THE LICENSING OF COMMON VICTUALLER ESTABLISHMENTS – Round 2

WHEREAS, One (1) licensee operating at a location in the Town of Bridgewater desires authorization to continue the operation of its establishments; and

WHEREAS, Common Victualler licenses are 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 submitted its recommendation for the renewal candidates^r; 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 has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health 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 Chapter 140 - section 2 and section 4 respectively 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 Common Victualler for a period of one year - January 1, 2012 to December 31, 2012.

The list of licensees requesting approval is attached.

^r Note: The Tax Collector's Office has reported outstanding obligations for this renewal candidate (see attached). If the licensee is approved for renewal, the license will be held until all outstanding obligations have been satisfied.



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Petition: 2011-035A

Introduced By: Council President

Date Introduced/Public Hearing: December 20, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF ESTABLISHMENTS WITH ALCOHOL and ATTENDANT LICENSES - Round 2

- | | |
|--------------------------------------|----------|
| ❖ All Alcoholic Restaurant | TOTAL: 2 |
| ❖ All Alcoholic Retail Package Store | TOTAL: 1 |

WHEREAS, Three (3) licensees operating at the locations in the Town of Bridgewater desire authorization to continue the operation of its establishments; and

WHEREAS, Alcohol and attendant licenses are subject to renewal annually; and

WHEREAS, Pursuant to Massachusetts General Law Chapter 304 of the Acts of 2004, all requisite inspections have been completed by the Inspector of Buildings and Fire Department; and

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

WHEREAS, a proprietor of an alcohol establishment must comply 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; having duly weighted the recommendations of the Bridgewater Building Inspector, Health, Fire and Police Departments, have determined that 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 - § 16A (alcohol licenses); Chapter 140 § 2, 4 (common victualler); Chapter 140 § 22-32 (innholders); Chapter 140 § 177A (auto amusements); Chapter 140 § 181 and 183A (annual entertainment) respectively 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 operations for a period of one year - January 1, 2012 to December 31, 2012.

*****The list of licensees requesting approval is attached.*****



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Order: 2011-075

Introduced By: Councilor Scott Pitta

Date Introduced/First Reading: December 20, 2011

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #2011-075

ENGAGE TRANSCRIPTION SERVICES

ORDERED: Pursuant to Bridgewater Home Rule Charter Section 2-8, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to direct the Town Council Clerk to engage a Transcription Service for the purposes of transcribing the investigation proceedings related to the recall initiative in an amount not to exceed (an amount determined by the Town Council) from the Town Council budget, Other Charges/Expenses (001 111 01 0102 570000).

Explanation:

Investigation proceedings were conducted on October 27, 2011, November 15, 2011 and December 13, 2011 (approximately 11 hours of DVD).



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Resolution: #2011-008

Introduced By: Councilor Peter Riordan
Date Introduced: November 29, 2011
Second Reading: December 20, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Resolution #2011-008

A RESOLUTION ON THE SALE OF TOWN-OWNED LAND

WHEREAS: The sale of any Town owned land parcel shall not increase development on privately owned, land-locked parcels(s) and,

WHEREAS: Green Sale is defined as: Undeveloped land which shall remain undeveloped after the sale.

NOW THEREFORE BE IT RESOLVED: That all sales of Town owned land shall be made to increase "green space" within the Town of Bridgewater and that due diligence shall include assurance that all the sales of Town owned lands are consistent with a "green sales" goal



Bridgewater Town Council

In Town Council, Tuesday, December 14, 2011

Transfer: 2011-022

Introduced By: Councilor Colombotos

Date Introduced: December 6, 2011

Second Reading: December 20, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer Order #2011-022

PRESERVATION PLANNER/GRANT WRITER

ORDERED that, the Town Council appropriate and transfer from the Community Preservation Budgeted Reserve Account 201-000-00-0000-324400 to the Preservation Planner/Grant Writer Account # 201-172-21-1021-530035 the sum of \$60,000 as unanimously recommended by the Community Preservation Committee to contract with a Preservation Planner/Grant Writer in a manner and within a budget consistent with the contract approved by the Town Manager or take any other action relative thereto.

Explanation: This action will fund a Preservation Planner/Grant Writer.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure considered by Finance Committee 12/14/11 • No advertising required	• 12/14/11: Vote Approved (6-0)



Bridgewater Town Council

In Town Council, Tuesday, December 20 , 2011

Council Ordinance: 2011-009

Introduced By:	Councilor Michael Demos
Date Introduced/Public Hearing:	October 4, 2011
Second Reading:	November 22, 2011
Third Reading:	November 29, 2011
Fourth Reading:	December 20, 2011
Amendments Adopted:	November 29, 2011
Date Adopted:	
Date Effective:	

Proposed Ordinance #2011-009 (as amended)

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET:

APPROPRIATION OF NON-RECURRING REVENUES

ORDERED: That the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish a procedure for the Administration and Fiduciary Oversight of the Budget.

Whereas, the Bridgewater Home Rule Charter, Section 6-5 states, "The Town Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget."

Be It Ordained by the Town Council of the City known as the Town of Bridgewater that-

The appropriation of non-recurring revenue (one-time money) to the operating budget in any given fiscal year shall require a two thirds vote of the town council.

Non-recurring revenue is defined as anything but state aid, local receipts and anything within the tax levy.

Explanation: This measure establishes policy to make it very difficult for non-recurring revenue to be spent against recurring expenses. It will also ensure cash reserves/stabilization fund(s) are established.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee 10/4/11 • Measure reviewed by Finance Committee • This measure has been advertised in full.	• Voted 3-0 in favor of returning to Council as is. • 11/30/11: Deferred pending further information 12/14/11: Vote to "Table" (6-0)

ROLL CALL VOTE – PASSAGE REQUIRES MAJORITY OF FULL COUNCIL (5)



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Ordinance: 2011-010

Introduced By:	Councilor Michael Demos
Date Introduced/Public Hearing:	October 4, 2011
Second Reading:	November 22, 2011
Third Reading:	November 29, 2011
Fourth Reading:	December 20, 2011
Amendments Adopted:	November 29, 2011
Date Adopted:	
Date Effective:	

Proposed Ordinance #2011-010 (as amended)

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET:

AMBULANCE RECEIPTS/AMBULANCE RESERVE ACCOUNT

ORDERED: That the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish a procedure for the Administration and Fiduciary Oversight of the Budget.

Whereas, the Bridgewater Home Rule Charter, Section 6-5 states, "The Town Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget."

Be It Ordained by the Town Council of the City known as the Town of Bridgewater that:

An aggregate appropriation in any given fiscal year to be applied for operating expenses (e.g. salaries and general expenses) from ambulance receipts and/or ambulance reserve account shall not exceed \$1 million dollars. However, the Town Council with a 2/3 vote of the entire Town Council may exceed \$1 million dollar limit in any given fiscal year. (Note: an appropriation in any given fiscal year from ambulance receipts and/or ambulance reserve account for fire apparatus (e.g. procurement of ambulances, fire truck) is exempt from this \$1 million dollar ceiling.)

Explanation: The remaining balance of the prison mitigation fund continues to dwindle. This measure going forward will better assist the town to adequately plan for expected upgrades for fire apparatus.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Rules and Procedures Committee 10/4/11 - Finance Committee reviewed measure - This measure has been advertised.	- Voted 3-0 in favor to return to Council. 11/30/11: Vote (7-0) Rejected

ROLL CALL VOTE – PASSAGE REQUIRES MAJORITY OF FULL COUNCIL (5)



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Ordinance: 2011-014

Introduced By: Councilor Wood
Date Introduced/Public Hearing: December 20, 2011
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance #2011-014

TOWN COUNCIL MEETING DATES - 2012

ORDERED that pursuant to The Bridgewater Home Rule Charter section 2-6 (c), the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to establish the following schedule of regular meeting dates for the year 2012. Regular meetings will be held in the Memorial Building, 25 South Street, Bridgewater, MA beginning at 7:30 p.m., unless otherwise noted.

January 3, 2012	July 10, 2012
January 17, 2012	August 7, 2012
February 7, 2012	September 4, 2012
February 28, 2012	September 18, 2012
March 6, 2012	October 2, 2012
March 20, 2012	October 16, 2012
April 3, 2012	November 13, 2012
April 24, 2012	November 27, 2012
May 1, 2012	December 4, 2012
May 15, 2012	December 18, 2012
June 5, 2012	

Explanation: In accordance with the Bridgewater Home Rule Charter section 2-6 (c): "Regular meetings of the town council shall be held at a time and place fixed by ordinances but shall be at least monthly".



Bridgewater Town Council

In Town Council, Tuesday, December 20, 2011

Council Order: 2011-074

Introduced By: Town Manager
Date Introduced/First Reading: December 20, 2011
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-074

AUTHORIZATION TO NEGOTIATE TAX AGREEMENTS

ORDERED: Pursuant to MGL Ch. 59 §38H and MA Department of Revenue Informational Guideline Release 98-403, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to Authorize the Town Manager to negotiate tax agreements relative to electric generation facilities on behalf of the Town.

Any agreements must be approved by the Town Council.

Explanation:

This measure will grant the Town Manager the ability to negotiate payment in lieu of taxes (PILOT) agreements with solar project developers to provide a sustained and predictable source of revenue relative to solar powered electric generating facilities. The town has taken a thorough approach to this, working cooperatively with the Assessing Department and Board of Assessors to establish protocols for determining the value of such facilities.