



BRIDGEWATER TOWN COUNCIL

Tuesday, January 3, 2012

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
- d) December 6, 2011

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) 7:45 p.m. – Public Hearing: Alteration of Premises of an Alcohol Licensee -
Peter E. Bernier dba A.L. Bernier's Grocery Store, 905 Plymouth Street
- b) Petition 2011-033a – Class II Auto Dealers

H. PRESENTATIONS

- a) Paperless Solution for Town Council – Brad Dzierzak, IT Director

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) FY13 Budget Policy – *aggregate submissions of the Town Council*
- b) Olde Scotland Links Golf Course Discussion - Councilor Colon

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION – None

M. OLD BUSINESS

- a. Ordinance #2011-014: Town Council Meeting Schedule for 2012
*** 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. Order #2011-074: Authorization to Negotiate Tax Agreements
*** The Finance Committee voted unanimously (7-0) to approve this measure, (meeting held on 12/28/11).*
- c. Order #2011- 075: Engage Transcription Services (as amended)
*** 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.*
- d. Ordinance # 2011-008: Dealers in Junk, Antiques, Second Hand Articles
*** Motion to remove from consideration of the Public Safety Committee*

N. NEW BUSINESS

- e. Ordinance #O-2012-003: Building Permit Bonds
- f. Ordinance #D-2012-001: Council Meeting Times
- g. Resolution # R-2012-001 : Council First Quarter Goals
- h. Order #O-2012-003: Acceptance of Gift
- i. Order #O-2012-003: Municipal Health Insurance
- j. Ordinance #D-2012-002: Establishment of a Finance Department

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION - Per MGL Ch. 30A§21

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Petition: P-2012-001

Introduced By: Council President

Date Introduced/Public Hearing: January 3, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

ALTERATION OF PREMISES OF AN ALCOHOL LICENSEE

WHEREAS, Peter E. Bernier dba A.L. Bernier's Grocery Store has petitioned to alter its licensed premises by attaching a 20x8 container to the exterior of the building for alcohol storage; and

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

WHEREAS, Peter E. Bernier dba A.L. Bernier's Grocery Store 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 15A of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of Peter E. Bernier dba A.L. Bernier's Grocery Store to alter its licensed premises as requested.

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

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, January 3, 2011

Council Ordinance: 2011-014

Introduced By:	Councilor Wood
Date Introduced/Public Hearing:	December 20, 2011
Second Reading:	January 3, 2012
Third Reading:	
Amendments Adopted:	December 6, 2012
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".

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This Measure was not referred to any committees. - This Measure has been advertised.	N/A

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



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Order: 2011-074

Introduced By: Town Manager
Date Introduced/First Reading: December 20, 2011
Second Reading: January 3, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any Council Committees • Finance Committee review required.	• N/A • 12/28/11: Vote approve unanimously (7-0)



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Order: 2011-075

Introduced By: Councilor Scott Pitta
Date Introduced/First Reading: December 20, 2011
Second Reading: January 3, 2012
Amendments Adopted: December 20, 2011
Date Adopted:
Date Effective:

Proposed Order #2011-075 (as amended)

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 ~~\$2,000.00~~ from the Town Council budget, Other Charges/Expenses (001 111 01 0102 570000).

Deleted: (an amount determined by the Town Council)

Explanation:

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
This measure was not referred to any Committee	N/A



Bridgewater Town Council

In Town Council, Tuesday, September 6, 2011

Council Ordinance: #2011-008

Introduced By: Councilor Pitta
Date Introduced/Public Hearing: September 6, 2011
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance #2011-008

Pawn Shops

ORDERED that, Dealers in Junk, Antiques, Second-Hand Articles, Gold, Silver, Other Valuable Secondhand Items and Pawnbrokers No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Bridgewater for purchasing or purchasing and selling, either gold, silver, other precious metals, other precious or semi precious gemstones, art objects, painting, jewelry, rugs, antiques, furniture, furs, computers and computer equipment, video equipment, audio equipment, cameras, other electronic devices such as video game systems, games, software, shall engage in such business or open such place of businesses unless duly licensed by the Town of Bridgewater.

Definitions:

A Second hand Dealer is a person who makes an outright purchase of personal property that has been used.

A Consignment Dealer is a person who, without taking ownership of goods or merchandise displays the merchandise for sale for a specified period of time and, upon sale, delivers the proceeds or a portion thereof, as agreed, to the owner. For purposes of this Ordinance, Consignment Dealers shall be licensed as Second Hand Dealers and shall comply with all record keeping and retention requirements of Second Hand Dealers.

A Pawnbroker is a person who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this Ordinance, Pawnbrokers shall be licensed as Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers.

Application for license: Each application for a license under this section shall set forth the name and address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant. The Town Manger may refuse to issue a license to a principal(s) who is deemed "unsuitable" to operate such business or whose registration has been revoked for violation of this Ordinance previously, or who has been convicted of a felony and may deny a license if the applicant has been convicted of anyone or more of the following listed offenses:

- a. breaking and entering; entering; or breaking;
- b. defrauding an insurer;
- c. larceny;
- d shoplifting;
- e. uttering fraudulent checks;
- f. unlawful or fraudulent use of credit cards;
- g. unlawful taking of money or other goods;
- h. buying, receiving or concealing stolen goods;
- i. making or publishing false statements;
- j. firearms or weapons violations; and,

The license shall be in force until the 1st day of January unless sooner revoked.

Record of Purchases

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of the purchase, the detailed description of each item purchased, the price paid for the item, the name, date of birth, current residence, giving a street and number of the person from whom the purchase was made. Such name, date of birth, and residence being obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport, or out of state driver's license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record.

An electronic photograph clearing showing the Item shall be taken of each item along with the identification presented. Each dealer or keeper of the shop shall also take a photograph of the person presenting such item and ID which will also be maintained for the permanent record, and available for inspection by the Chief or his designee, No entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was referred to the Public Safety Committee on 9/6/11	•

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Ordinance: D-2012-003

Introduced By: Town Manager (at the request of the Treasurer/Collector & Highway Superintendent)

Date Introduced/First Reading: January 3, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-003

BUILDING PERMIT BONDS

ORDERED: that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to rescind Building Inspector Article XIX Section 4 of the Bridgewater General Bylaws, as amended at the Annual Town Meeting on June 24, 1991 and replace with the following language:

Prior to the issuance of a building permit, the Town shall require the applicant for the building permit to post a bond with the town prior to the issuance of said permit.

The bond amount will be determined by the DPW Director, the Highway Superintendent or his designee and will be submitted to the Council each year for review and approval.

The bond will be for the sole purpose of restoring any damage to the Right of Way layout coincidental to as a result of construction activity on said lot.

Upon final construction, grading, and or landscaping of the lot, the bond shall be returned to the applicant unless it is determined that the bond will be acted upon by the Town to repair any damages to the Right of Way damaged and not repaired by the applicant.

Explanation:

Presently, building permit applicants must post a bond to obtain a building permit. The bonds are for the sole purpose of making repairs to the right of way if it is damaged during the course of construction and not properly restored. The bonds are almost exclusively cash bonds and are deposited by the Town in an existing bank account. When the construction project is completed the cash bond is returned to the applicant with interest.

The proposed change would require an insurance bond for the application. This would be a paper bond and submitted with the building permit application. The amount of the bond would be determined in the same manner in which it is now; by the type and condition of the existing roadway. The present requirement for bond amounts are outdated and need to be revisited and adjusted to meet present conditions and repair costs. Bond amounts will be reviewed yearly and submitted to the Town Manager and forwarded for approval in a schedule of fees to the Town Council.



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Ordinance: D-2012-001

Introduced By: Councilor Fitzgibbons

Date Introduced: January 3, 2012

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-001

TOWN COUNCIL MEETING TIMES

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish the following meeting conclusion procedures and times pursuant to the Bridgewater Home Rule Charter section 2-6 (c).

Whereas the business of good government is severely diminished at very late hours of the night, and

Whereas the Town Council of the Town of Bridgewater is desirous of promoting good government and allowing citizens who may wish to watch or attend Council meetings to do so to the fullest extent possible,

Now therefore, be it Ordained, by the Bridgewater Town Council in Town Council assembled, that no meeting of the Bridgewater Town Council may extend past midnight.

It is further Ordained that at any open meeting of the Bridgewater Town Council, the Council President shall at 11:45PM immediately cease debate and recognize a period of public comment after which no motion other than a motion to adjourn or recess to a time certain shall be in order.

It is further ordained that if the Bridgewater Town Council is meeting in executive session, that the Council President at 11:55PM advise the Council that the meeting will end in five minutes and to conclude its business or recess to a time certain.

Explanation:

This is meant to help foster transparency and good government.



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Resolution: R-2012-001

Introduced By: Councilor Pitta

Date Introduced/First Reading: January 3, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Resolution #R-2012-001

Town Council First Quarter Goals - 2012

Whereas, the Charter specifically requires certain actions from the Town Council that have not yet been completed.

Therefore, the Town Council of The Town of Bridgewater hereby resolves that the following legislative items shall be the primary focus of the Council.

- Establish a Licensing Board IAW Charter section 2-10
- Complete State of Financial Interest Ordinance IAW Charter Section 9-1
- Create a Campaign Finance Ordinance IAW Charter section 9-3
- Conduct a review of all Town Bylaws IAW Charter section 10-9
- Creation of an Administrative Code IAW Charter section 10-9
- Consider Health Insurance Plan Design Legislation IAW MGL.

The Council also resolves that these items shall be completed by April 1st, 2012.



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Order: O-2012-003

Introduced By: Town Manager

Date Introduced/First Reading: January 3, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-003

ACCEPTANCE OF GIFT

WHEREAS: Massachusetts General Laws, Chapter 44, §53A 1/2, states as follows:

“A city council, with the mayor’s approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city or town from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable;” and

WHEREAS: The Town of Bridgewater has received the gift of a 1997 GMC Savana van from the Town of Lakeville.

Now, therefore, in accordance with Chapter 44, §53A ½ 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 gift of a 1997 GMC Savana van, VIN # 1GKGG25R2V1022777

Explanation:

Working with the Bridgewater Animal Control Officer and the Town Manager, the Town of Lakeville has agreed to donate this vehicle for use of animal control purposes.



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Order: O-2012-001

Introduced By: Councilor Michael Berolini

Date Introduced/First Reading: January 3, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-001

MUNICIPAL HEALTH INSURANCE

ORDERED: Pursuant to MGL Chapter 69 of the Acts of 2011 "An Act Relative to Municipal Health Insurance", which authorizes municipalities to implement local health insurance changes, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require that:

Effective July 1, 2012 the Town of Bridgewater will transfer all employees, retirees, and others that obtain health insurance through the Town of Bridgewater to the Group Insurance Commission (this change would provide quality health insurance coverage for its members and save the Town of Bridgewater approximately \$480,042* annually per a document prepared by the Mayflower Municipal Health Group dated 10-28-11);

or

Effective July 1, 2012 the Town of Bridgewater will transfer all employees, retirees, and others that obtain health insurance through the Town of Bridgewater to the new "Benchmark Plans" being offered by the Mayflower Municipal Health Group. (this change would provide quality health insurance coverage for its members and save the Town of Bridgewater approximately \$341,585* annually per a document prepared by the Mayflower Municipal Health Group dated 10-28-11); these new plans were developed by Mayflower to provide Group Insurance like co-pays and deductibles and other items and allow municipalities to benefit from the savings.

Explanation:

MGL Chapter 69 of the Acts of 2011 "An Act Relative to Municipal Health Insurance", authorizes municipalities to implement local health insurance changes including plan design changes without engaging in the traditional bargaining process or to transfer subscribers to the Group Insurance Commission without following the requirement of Section 19(e). The Town of Bridgewater would continue to provide quality health insurance coverage for its members and provide significant annual savings to Bridgewater under either provision.

**The estimates noted above from Mayflower assume the same employer/employee contribution rates which range between 13-10% member share for approximately 94% of members with approximately 6% of members paying 25%; the Town of Bridgewater pays the balance of 87-90% share for most members and the 75% share for about 6% of members. Any negotiated increases in member share would lead to additional savings for the Town of Bridgewater.*



Bridgewater Town Council

In Town Council, Tuesday, January 3, 2012

Council Ordinance: D-2012-002

Introduced By: Town Manager
Date Introduced/First Reading: January 3, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-2012-002

CREATION OF A MUNICIPAL FINANCE DEPARTMENT

WHEREAS: As cited in the 2009 and previous management letters, "The size of Bridgewater's population, debt level, annual budget and complexities would suggest that the appointment of a Finance Director would more efficiently streamline all the activities of the Town's financial departments;" and

WHEREAS: Currently, the financial offices of the Town include the Town Accountant's office, Treasurer/Collector office and the Assessing office. The total staff is shown in the attached proposed organization chart; and

WHEREAS: In the last year and a half great progress has been made by the financial department heads working together along with the Town Manager to address issues that have existed in Bridgewater for some time. Some of the issues were related to the form of government and some were related to insufficient budgets; and

WHEREAS: The finance director would be responsible for coordinating, supervising and directing the financial activities of the town. The position would oversee the treasurer/collector and principle assessor as well as simultaneously serve as the town accountant. The finance director reports directly to the Town Manager; and

WHEREAS: The finance director executes the financial policies issued by the Town Council and the Finance Committee and reports periodically, or when requested, on the financial condition of the town. The finance director is expected to work with the Town Manager in developing revenue projections, formulating the annual budget and developing and maintaining a capital improvement plan; and

WHEREAS: As the day to day manager of the town's financial activities, the finance director ensures that all other finance departments effectively carry out their respective responsibilities and that all other financial services and tasks are accomplished. The finance director would chair regular financial management team meetings and must remain fully informed about the status of accounts, cash flow and debt. The position would ensure the completion of regular reconciliations of cash and receivables and the creation and implementation of other financial controls. The position also ensures that the reporting requirements to DOR are fulfilled on a timely basis.

Now, therefore, in accordance with Section 5-1 (a) of the Bridgewater Home Rule Charter, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to adopt the provisions of MGL Ch. 43C §11, and hereby establish a department of municipal finance in the Town of Bridgewater.

Said department is to be managed by a Finance Director, appointed by the Town Manager, who, in accordance with the aforementioned statute, shall serve in the ex-officio capacity of Town Accountant, and shall serve for five-year terms appointed by the Town Manager.

The Finance Director shall be responsible for the following:

- Coordination of all financial services and activities of the Town;
- Maintenance of all accounting records and other financial statements
- Payment of all obligations;
- Receipt of all funds due;
- Assistance to all town departments and offices in any and all matters related to financial affairs;
- Monitoring of the expenditures of all funds, including periodic reporting to the Town Manager and Town Council;
- Coordination with the Audit Committee on the provisions of Section 6-8 of the Bridgewater Home Rule Charter

And, furthermore, to meet this request, votes to transfer \$7,500 from account 001-175-01-0101-511400 (General Salaries) to account 001-135-01-0101-511100 (Department Head) for the purposes of this ordinance.

Explanation:

The establishment of a Finance Department has been a long-standing goal of the town and has been encouraged by the town's auditor, finance consultant, and endorsed by the former Board of Selectmen and the Town Council.

This proposed ordinance sets the framework for the creation of the department.