



BRIDGEWATER TOWN COUNCIL

Tuesday, January 17, 2012

7:30 PM

Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) November 29, 2011 (*as amended*) d) January 3, 2012
- b) December 6, 2011 (*as amended*) e) January 5, 2012
- c) December 20, 2011

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) Petition #2011-33B: Annual Renewal of Auto Dealer's License (*Round 3*)
- b) Petition #P-2012-002: Common Victualler's License - Barrett's @ The Dome dba The Final Score Sports Café, 350 Bedford Street
- c) Petition #P-2012-003: Change of DBA of an Alcohol Licensee – Thirty Nine Broad Street Pub, Inc., 39 Broad Street
- d) Petition #P-2012-004: Change of Manager of an Alcohol Licensee – Bridgewater Citizen's Club, Inc., 60 Hale Street
- e) Petition #2011-038: Application for Lodging House at 28 School Street
Applicant - Gail Buie-Yelle [matter continued from 12-20-2011 meeting]

H. PRESENTATIONS

- a) Claremont Corporation – Presentation on potential casino

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Residences at Lakeshore – Request for Comments for Massachusetts Housing Partnership (MHP)

b) Health Insurance Plan Design (Councilor Berolini)

❖ ORDER #O-2012-001 - MUNICIPAL HEALTH INSURANCE

{LEGISLATION IS NOT FOR COUNCIL ACTION AT THIS TIME}

*** The Finance Committee will consider this matter at their meeting scheduled to be held on 1/11/2012.*

*** The Health Insurance working group - Mr. Mike Levy, Town Manager Clarkson, Councilor Berolini and Councilor Fitzgibbons – may provide an update of their discussions and/or recommendation on this matter.*

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION – None

M. OLD BUSINESS

a) Order #2011-074: Authorization to Negotiate Tax Agreements

*** The Finance Committee voted unanimously to approve this measure: 7-0 (meeting held 12/28/11)*

b) Ordinance #2011-008: Dealers in Junk, Antiques, Second Hand Articles

*** The Public Safety Committee did not take action on this matter since its referral on 9/6/2011. This measure was relieved from the Public Safety Committee on 1/3/2012 by vote of the Town Council: (9-0). This measure will require advertisement pending final amendments of the Town Council.*

c) Ordinance #D-2012-003: Building Permit Bonds

*** The Finance Committee approved this item: 7-0 (meeting held 1/11/2012). The Rules & Procedures Committee will consider this matter at their meeting scheduled to be held on 1/17/2012. This measure will require advertisement pending final amendments of the Town Council.*

d) Ordinance #D-2012-001: Council Meeting Times

*** The Rules & Procedures Committee will consider this matter at their meeting scheduled to be held on 1/17/2012. This measure will require advertisement pending final amendments of the Town Council.*

e) Resolution #R-2012-001: Council First Quarter Goals

*** 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.*

f) Order #O-2012-003: Acceptance of Gift – Van from the Town of Lakeville

*** The Finance Committee approved this item: 7-0 (meeting held 1/11/2012).*

g) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget: Approval Requirements

*** This matter was referred to the Rules & Procedures Committee for review on 10/18/2011. The Rules & Procedures Committee was deadlocked: 1-1 (meeting held 11/10/2011). This measure was relieved from the committee on 11/22/2011 by vote of the Town Council (7-2). The Finance Committee voted to “not recommend” this item: 6-0 (meeting held 12/28/2011). This measure was duly advertised on 1/5/2012 pursuant to Section 2-9 of the Home Rule Charter.*

N. NEW BUSINESS

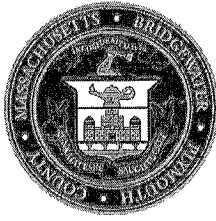
- h) Order #O-2012-006: Warrant for Presidential Primary (1st Reading)
The Commonwealth requires notification to the inhabitants of the Town of Bridgewater who are qualified to vote in Primaries. Pursuant to Section 8-4. – Measures Not Subject to Initiative and Referendum – this matter does not require a 30-day waiting period to become effective.
- i) Supplemental Appropriation #T-2012-001: Sewer Prior Year Invoice - South Shore Fuel
-- Transfer and appropriate \$969.37 to account #601-440-05-1021-521002 (FY11 Unpaid Heating Fuel Bill) from the FY12 Sewer Enterprise budget account #601-440-01-0102-521002 (Heating Fuel)
- j) Transfer #T-2012-002: Transfer of Appropriations - Salt Shed, Highway Barn site at 80 Spring Street
-- Transfer and appropriate \$4,500.00 to account 001-420-04-1021-530000 (Professional Services) from the Insurance Proceeds in excess of \$20,000.00 account 206-420-00-2013-596100 (Transfer to General Fund)
- k) Resolution #R-2012-002: Budget Policies (Councilors Demos & Wood)
- l) Order #O-2012-002: Establishment of Bridgewater Local Gaming Policy and Mitigation Advisory Task Force (Councilor Demos)
- m) Order #O-2012-004: Establishment of a Revolving Fund for Cable Services
(pursuant to the provisions of M.G.L. c.44, §53E ½)

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, January 17, 2012

Council Petition: 2011-033B

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

Relative to:

THE LICENSING of a CLASS III AUTO DEALER'S – Round 3

❖ Class III TOTAL: 1

WHEREAS, Best Auto Parts, Inc. operating at 2109 Plymouth Street in the Town of Bridgewater desires authorization to continue the operation of its Class III auto dealership; and

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

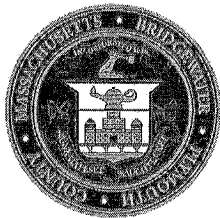
WHEREAS, All requisite inspections have been completed by the Inspector of Buildings and Fire Department and the applicant has satisfactorily passed its inspection; and

WHEREAS, the Tax Collector's Office has reported that the renewal candidate has satisfied their tax obligations; and

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

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town 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 III auto dealership for the period - January 18, 2012 to December 31, 2012.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Petition: P-2012-002

Introduced By: Council President

Date Introduced/Public Hearing: January 17, 2012

Date Adopted:

Date Effective:

PETITION: P-2012-002

Relative to:

THE GRANTING OF A COMMON VICTUALLER LICENSE

WHEREAS, Barrett's @ The Dome, Inc. has submitted all applicable documentation as required for a transfer of license to operate a food establishment at 350 Bedford Street, Bridgewater, Massachusetts; and

WHEREAS, Tim Marques will serve as the establishment's manager of record; and

WHEREAS, Barrett's @ The Dome, Inc. proposes to operate its business during the following hours:

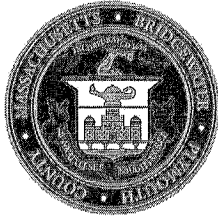
Monday – Friday: 4:00 a.m. - 9:00 p.m.
Saturday & Sunday: 9:00 a.m. - 9:00 p.m.

and;

WHEREAS, Barrett's @ The Dome, Inc. 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 Barrett's @ The Dome, Inc., doing business as The Final Score Café, be granted a license to operate a food establishment within the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Petition: P-2012-003

Introduced By: Council President

Date Introduced/Public Hearing: January 17, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

PETITION: P-2012-003

Relative to:

CHANGE OF DBA CERTIFICATE OF AN ALCOHOL LICENSEE

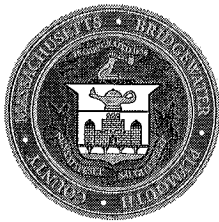
WHEREAS, Thirty Nine Broad Street Pub, Inc. has petitioned to change its DBA Certificate from 39 Broad Street Food & Spirits to 39 Broad Street Pub featuring The Black Irish Grille; and

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

WHEREAS, Thirty Nine Broad Street Pub, Inc. 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 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of Thirty Nine Broad Street Pub, Inc. to change its dba to 39 Broad Street Pub featuring The Black Irish Grille as requested.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Petition: P-2012-004

Introduced By: Council President

Date Introduced/Public Hearing: January 17, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2012-004

Relative to:

CHANGE OF MANAGER OF AN ALCOHOL ESTABLISHMENT

WHEREAS, the Bridgewater Citizen's Club, Inc. has petitioned to change the manager of the alcohol establishment from Kenneth A. Bump to Janet M. Brooks; and

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

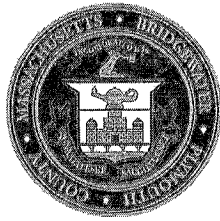
WHEREAS, Bridgewater Citizen's Club, Inc. has complied with the policies and requirements of the Town of Bridgewater; and

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

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of the Bridgewater Citizen's Club, Inc. to change its manager from Kenneth A. Bump to Janet M. Brooks 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 17, 2012

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 certifies that he resides on the premises full-time; 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 from January 18, 2012 to December 31, 2012 unless sooner suspended, revoked or as otherwise provided by law. This license is not transferrable and is subject to renewal annually.



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.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Measure sent to Finance Committee 1/5/12	1/11/12: Vote 7-0 Approve



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: 2011-074

Introduced By: Town Manager
Date Introduced/First Reading: December 20, 2011
Second Reading: January 3, 2012
Third Consideration: January 17, 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 17, 2012

Council Ordinance: #2011-008

Introduced By: Councilor Pitta
Date Introduced/Public Hearing: September 6, 2011
Second Reading: January 17, 2012
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 by the Chief of Police and shall be in duplicate form. The original and a copy of the electronic photograph shall be delivered, either electronically or by hand, to the Chief of Police or his designate by the opening of business on the nearest Monday and Thursday following said purchase. The duplicate copy shall be kept in some suitable place by the owner or dealer and shall be available for inspection by any person authorized by the Chief of Police.

Articles Purchased to be Kept for 21 Days Before Resale or Removal From Town

Nor such item purchased or received by any dealer or keeper of a shop shall be removed from the Town or sold or otherwise disposed of, nor its identity changed for at least twenty-one (21) days from its date of purchase or acquisition unless permission in writing has been obtained from the Chief of Police or his designee. Per MGL c140 §71, any item taken in by a Pawnbroker or Pawn Shop, must be retained by them for a period of no less than 4 months from time of deposit.

Purchase From Persons Under Eighteen Years of Age Prohibited

No person or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

Display of License

Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

Reason to Believe Items are Stolen

Every dealer, clerk, agent or other person in charge of such premises shall immediately report to the Bridgewater Police Department any persons and items they have reason to believe may have stolen or be in possession or stolen items.

Revocation of License

A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The Town Manager, may at any time, with or without cause, revoke said license.

Penalty for Violation of Article

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty dollars (\$20.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues

Per c140 §55 \$20 is max fine.

Examination and Inspection of Records, Articles and Merchandise

The Chief of Police or his designee shall at all times have the authority to inspect or examine alt books, records, photographic images, articles and merchandise therein.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was referred to the Public Safety Committee on 9/6/11 • This measure was relieved from the Public Safety Committee by a unanimous vote of the Council on 1/3/12	• No action taken



Bridgewater Town Council

In Town Council, Tuesday, January 17, 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:	January 17, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee 1/3/12 • Referred to Finance Committee 1/3/12	• Dispositions/Feedback to be provided 1/17/12 • 1/11/12: Approved (7-0)



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Ordinance: D-2012-001

Introduced By:	Councilor Fitzgibbons
Date Introduced:	January 3, 2012
Second Reading:	January 17, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Rules & Procedures Committee 1/3/12	Will provide feedback/dispositions 1/17/12



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Resolution: R-2012-001

Introduced By: Councilor Pitta
Date Introduced/First Reading: January 3, 2012
Second Reading: January 17, 2012
Amendments Adopted: None
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure not referred to any Committee • Does not require advertisement • Per Council Rules & Procedures Section XVIII – 14 days has elapsed.	•

ROLL CALL VOTE: PASSAGE REQUIRES SIMPLE MAJORITY



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: O-2012-003

Introduced By: Town Manager
Date Introduced/First Reading: January 3, 2012
Second Reading: January 17, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Finance Committee	• 1/11/12 Finance Committee voted Approve (7-0)



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: 2011-013

Introduced By:	Councilor Michael Berolini
Date Introduced/First Reading:	October 18, 2011
Second Reading:	December 6, 2011
Third Reading:	January 17, 2012
Amendments Adopted:	None
Date Adopted:	
Date Effective:	

Proposed Order #2011-013

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF BUDGET **APPROVAL REQUIREMENTS**

Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.

ORDERED: Pursuant to Section 6-5 of the Bridgewater Home Rule Charter, which allows the Town Council to provide ordinances on procedures for the administration and fiduciary oversight of the budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require the Town Manager to:

- Get approval from the Town Council by majority vote prior to taking any steps to backfill or hire any new personnel in any town department;
- Get approval from the Town Council by majority vote prior to taking any steps to reallocate, reclassify, upgrade or downgrade any position in any town department;
- Prior to bring forward any request to do any of the above, the town manager will provide documentation to the Town Council at least one week in advance of the Council meeting to support any request by the Town Manager to hire, backfill, reallocate, reclassify, upgrade, or downgrade any position. This information will include the impact on salary amounts, fringe benefits, sick leave buyout and any other expenditure relating to this action.

Explanation:

Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures Committee (10/18/11) • Measure referred to Finance Committee • This measure has been duly advertised	• 11/22/11: Reported deadlocked. Measure relieved from further consideration by Rules & Procedures. Bring back before Council 12/6/11. • 12/28/11: Finance Committee voted Not Recommended (6-0)



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: O-2012-006

Introduced By: President Scott Pitta (At the request of the Town Clerk)

Date Introduced/First Reading: January 17, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-006

PRESIDENTIAL PRIMARY WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for Presidential Primary

Explanation:

It is required that the Town Council accepts and approves the attached Warrant for Presidential Primary as a matter of record.

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WARRANT FOR PRESIDENTIAL PRIMARY

Plymouth County, SS.

To either of the Constables of the Town of Bridgewater

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

PRECINCTS 1, 2, 3, 4, 5, 6 & 7

at

BRIDGEWATER MIDDLE SCHOOL, 166 MT. PROSPECT ST.

on **TUESDAY, THE SIXTH DAY OF MARCH, 2012**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE FOR THIS COMMONWEALTH
STATE COMMITTEE MAN EIGHTH PLYMOUTH SENATORIAL DISTRICT
STATE COMMITTEE WOMAN EIGHTH PLYMOUTH SENATORIAL DISTRICT
WARD OR TOWN COMMITTEE TOWN OF BRIDGEWATER

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2012.
(month)

Town Council of Bridgewater

(Indicate method of service of warrant.)

_____, 2012.
Constable (month and day)

Warrant must be posted by **February 28, 2012**, (at least *seven days prior* to the **March 6, 2012**, Presidential Preference Primary).



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Transfer: T-2012-002

Introduced By: Town Manager *at the Request of Town Accountant*

Date Introduced: January 17, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2012-002

SUPPLEMENTAL APPROPRIATION – SEWER PRIOR YEAR INVOICE

ORDERED that, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter and M.G.L. Chapter 44 Section 64, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$969.37 to account 601-440-05-1021-521002 from the FY12 Sewer Enterprise budget account 601-440-01-0102-521002 or take any other action relative thereto.

Explanation:

The Sewer Department has presented for payment amounts owed to South Shore Fuel for deliveries received in fiscal year 2011. These obligations were not reported to the Accounting office during the yearend encumbrance process and therefore are considered bills of a prior year.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Transfer: T-2012-001

Introduced By: Town Manager *at the Request of Town Accountant*

Date Introduced: January 17, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2012-001

TRANSFER OF APPROPRIATIONS – INSURANCE PROCEEDS – SALT SHED

ORDERED that, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter, and M.G.L. Ch. 44 Section 53, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$4,500 to account 001-420-04-1021-530000 from the Insurance Proceeds in excess of \$20k account 206-420-00-2013-596100 or take any other action relative thereto.

Explanation:

The fire that occurred at the former Highway barn site at 80 Spring Street and destroyed the salt shed resulted in the Town receiving insurance proceeds in excess of \$20,000. The proceeds get deposited with the Town Treasurer and accounted for in a receipt reserved account on the general ledger. When the funds exceed \$20,000, they cannot be spent without appropriation.

The Highway Superintendent has solicited and received quotes for the cleanup of the site to be done. The amount includes equipment and manpower needed to remove and dispose of the debris from the fire and the subsequent demolition of the salt shed.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Resolution: R-2012-002

Introduced By: Councilors William Wood and Michael Demos

Date Introduced/First Reading: January 17, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Resolution #R-2012-002

BRIDGEWATER'S FY 2013 BUDGET POLICY GUIDELINES

WHEREAS: The Town Council established orderly steps for the FY13 Budget creation process; and

WHEREAS: The Town Manager delivered a high-level overview of the FY13 Budget to the Town Council; and

WHEREAS: The economic outlook for FY13 is uncertain and a cautious approach to the budget is warranted; and

WHEREAS: Budget guidelines need to be clearly communicated from the Town Council to the Town Manager for effective Budget management.

RESOLVED: Pursuant to establishing clear communication between the Town Council and the Town Manager with regard to creation of 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 FY13 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 2013.

ONGOING BUDGET PRACTICES

In preparing the budget for FY13 and future years, the Town Manager should continue to use the following budget practices:

1. Continue the Town's efforts within all departments to obtain grant funding from federal, state, and other sources, including the use of college interns.
2. Continue the Town's efforts to maximize the use of Chapter 90 monies to expand upon the road repair program started in FY12.
3. Review the possibilities and cost implication of contracted services vs. staffing in various departments.
4. 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.

FINANCIAL POLICIES

The first and foremost goal of the FY13 budget must be to reduce, or eliminate, the negative Free Cash standing for the Town of Bridgewater. A positive Free Cash value will enable the Town greater budgetary flexibility and will continue to enhance the Town's bond rating. At the same time, the budget should maintain or improve Public Safety and continue to support Education appropriately.

Expenses

- Expect that the Retirement Assessment from Plymouth County will increase by approximately \$350,000.
- With the exception of the Golf Course, Enterprise indirect fees should remain at the FY12 value.
- Given the financial issues during FY12 for the Golf Course, the enterprise indirect fees for the Golf Course should be rolled back to FY 11 amount for FY13 planning purposes.

Revenues

- The Tax Levy is governed by statute and has a high confidence for receipt. For FY13 budget planning purposes, use 100% of the anticipated Tax levy amount after accounting for the appropriate overlay amount reduction.
- The value of the actual Tax Levy Growth is affected by many factors including prevailing interest rates and unemployment rates. Given the uncertain economic forecast, project the FY13 New Growth value to be \$250,000.
- In FY12, State Aid was supplemented by an additional release of State Aid. For FY13 planning purposes, use 100% of the initial amount and none of the second amount.
- Local Receipts are highly influenced by economic conditions and forecasts. Therefore, for FY13 planning purposes, limit the projected Local Receipt revenue to 85% of FY11 actual values per revenue classification.
- The use of Ambulance Receipts to fund the operating budget shall be limited to \$1M.

Gifts

Gifts should be considered one-time money and should not be anticipated from year-to-year. Therefore, do not use gift money to fund the operational budget.

Grants

Grants may be used to fund the operational budget so long as there is specific identification of what the grant is funding.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: O-2012-002

Introduced By: Councilor Michael Demos

Date Introduced/First Reading: January 17, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-002

ESTABLISHMENT OF BRIDGEWATER LOCAL GAMING POLICY AND MITIGATION ADVISORY TASK FORCE

ORDERED: That the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require that a Bridgewater Local Gaming Policy and Mitigation Advisory Task Force be established.

Order No O-2012-002, relative to the establishment of a task force to provide information to the residents of the Town of Bridgewater and to make policy recommendations to the Town Council, concerning the potential impacts and opportunities to the town as a potential host for, or as an otherwise affected community proximally located to a Region C, Category 1 or 2 gaming establishment, pursuant to the newly enacted Massachusetts Law establishing expanded gaming in the Commonwealth (enacted November 14, 2011).

Whereas, on November 14, 2011, the Governor of the Commonwealth of Massachusetts signed into law, Bill H.3807, An Act establishing expanded gaming in the Commonwealth (the "Gaming Law");

Whereas, the Gaming Law provides for the development and operation of a Category 1, destination resort casino in the so-called Region C of the Commonwealth;

Whereas, the presumptive licensee for the Region C destination resort casino license has identified the Town of Bridgewater or one of its adjoining communities as a desirable location to develop and operate a gaming establishment;

Whereas the residents of the Town and the Town Council may be asked to vote as to whether the town would be amenable to hosting a Category 1 or Category 2 gaming establishment;

Whereas, in order for the people of the town and its local government to make prudent, informed decisions relating to these matters;

NOW, THEREFORE, pursuant to Sections 2-2 and 5, on the Bridgewater Town Charter, M.G.L. c. 43B, s. 20, the Gaming Law, and notwithstanding any laws to the contrary, the Town Council, as governing body of the town of Bridgewater, does ordain as follows:

There shall be a task force (the "Task Force"), established by this Order, which will be charged with studying and identifying the anticipated impacts and opportunities to the Town of Bridgewater and its surrounding communities should it or one of its surrounding communities agree to become the host community for a Category 1 or Category 2 gaming establishment. The Town Council shall appoint all members to the Task Force.

The Town Council shall seek to appoint to the Task Force first from the citizenry of the Town of Bridgewater, and second from the region, at least two members of the general public, along with individuals possessing knowledge and or expertise in the areas of law, contracting and negotiations, finance, engineering, mitigation, gaming, business, commerce, public health, public safety, law enforcement, education, zoning, site assignments, Native American affairs, media and public relations, education, and others, at the discretion of the Town Council. The Town Council shall determine the number of members of the Task Force and the Town Council may add to or subtract from the Task Force as it deems necessary.

The Town Council, or the Town Manager at the direction of the Town Council, shall provide the Task Force with a meeting place and other resources that it determines to be necessary and reasonable for the Task Force to conduct its work.

The Task Force meetings shall be open to the public and all meetings shall be recorded and televised by local access television.

The members of the Task Force shall be volunteers and shall not be considered to be employees or officials of the town.

The Task Force may invite as guest speakers, at its discretion, experts or any other persons, including public officials from surrounding communities that the Task Force believes may be helpful or necessary to facilitate its work.

The Task Force shall appoint from its members, a Chairperson, a Vice Chairperson, and a Recording Secretary.

The Task Force may meet with license applicants, potential license applicants, or other similarly interested individuals or their agents or representatives for the purposes of obtaining information or making inquiries relevant to the specific duties of the task force.

The task force, nor any town officials, town employees, or other persons acting individually or in representative capacity for the town may negotiate or enter into any agreements of any nature whatsoever related to a gaming establishment, a location for a gaming establishment, or any other matter contained in or related to the Gaming Law, on behalf of the town with any potential licensees, licensee applicants, or any other interested parties without express authorization from the Town Council, said authorization resulting from a specific vote by a majority of the Town Council. Any such agreements made or entered into without the express authorization by the Town Council shall be considered null and void.

The term governing body shall mean the Bridgewater Town Council for the purposes of this Order and for the purposes of M.G.L. c. 23K, s. 2.

The primary duties of the Task Force is to identify and quantify the impact and opportunities that will be attendant to the development or operation of Category 1 or Category 2, gaming establishment in Bridgewater or in a surrounding community, as defined in the Gaming Law. Impact and opportunities may include, but not be limited to, an examination of the proposed gaming establishment's: (i) economic benefits to the town and surrounding communities; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities; (iv) cost to the host community and surrounding communities and the for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal revenue to be generated by the gaming establishment; including an examination or evaluation of a cost, benefit or other impact analysis.

The Task Force shall prepare a study or report of its findings and recommendations to the voters of the Town of Bridgewater and to the Town Council. Additionally, the Task Force shall prepare and provide policy recommendations to the Town Council.

The town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish the Task Force, in whole or in part, as it deems necessary or advisable. The Town Council may appoint up to two members of the Town Council, or any other officer of the Town to the Task Force to serve only in an ex-officio or liaison role to the Task Force.

Explanation:

There have been several recent inquiries related to development and operation of a Category 1 or Category 2 gaming establishment identifying the Town of Bridgewater Massachusetts as a potential host community or impacted neighboring community. In such an event, the inhabitants of Bridgewater would be required to vote and the Town Council would be required to take specific statutory actions imminently. This legislation proposes to establish an advisory task force that will provide information to the voters of Bridgewater and the Town Council. If enactment of this legislation is delayed, it will impact the ability of the Town to obtain and disseminate for itself and its inhabitants, information that is necessary and prudent to make such decisions.



Bridgewater Town Council

In Town Council, Tuesday, January 17, 2012

Council Order: O-2012-005

Introduced By: Town Manager (at the request of the Town Accountant)

Date Introduced/First Reading: January 17, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-004

ESTABLISHMENT OF A REVOLVING FUND **CABLE SERVICES**

ORDERED: That the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to establish revolving fund for Cable Services under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2011, with specific receipts credited to the fund, the purposes for which the fund may be spent, and the maximum amount that may be spent from the fund for FY2012 as follows:

Spending Authority	Fund	Receipts	Expenditures	FY12 Spending Limit
IT Director	Cable Services	PEG Access and license/franchise fees	Cable related technology	\$360,000

The PEG (Public, Educational and Governmental) Access fee is to be used for, among other things, salary, operating, equipment and other related expenses connected to PEG Access programming and operations. The Town receives this amount from Comcast and disburses the same amount to BTW. This amount for FY11 was \$340,567. The license fee is considered revenue of the Town and determined by the number of subscribers.

Explanation:

The Town of Bridgewater is currently in the third year of a ten year (5/12/08-5/11/18) cable television license renewal agreement with Comcast of Massachusetts/New Hampshire, LLC. The terms of this agreement require the licensee to provide an annual payment to the Town for PEG Access purposes and a license fee.