



BRIDGEWATER TOWN COUNCIL

Tuesday, March 20, 2012

7:30 PM

Memorial Building, 25 South Street

AGENDA

- A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS - None
- B. ANNOUNCEMENTS FROM THE PRESIDENT
- C. PROCLAMATIONS - None
- D. CITIZEN OPEN FORUM
- E. APPOINTMENTS
 - a) Conservation Commission – Richard Kranes (*reappointment*)
- F. HEARINGS - None
- G. LICENSE TRANSACTIONS
 - a) 7:30 p.m. Hearing - Petition# P-2012-010: Renewal of Earth Removal Permit - Claude DuBord, Great Hill Road – off Plymouth Street
 - b) Petition# P-2012-011: One-Day Alcohol License (1) for Private Event to be held at the Bridge Center - Marcia Adwin, Events Manager
 - c) Petition# P-2012-012: One-Day Alcohol License (1) – Bridgewater VFW Post 2125 – Kevin Moreira, Events Manager
- H. PRESENTATIONS - None
- I. TOWN MANAGER'S REPORT
- J. DISCUSSIONS - None
- K. SUBCOMMITTEE REPORTS
- L. LEGISLATION FOR ACTION
 - a) Transfer #T-2012-001: 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)
 - ** The Finance Committee voted to approve this item: 6-0 (meeting held 2/22/2012). The legislation was not referred to the Budget & Finance committee.

- b) Transfer #T-2012-003: Transfer of Water & Sewer Retained Earnings to Equip New Office Space
-- Transfer and appropriate \$35,000.00 to account #601-440-05-1021-570000 (Office Relocation) from the Sewer Enterprise budget account #601-000-00-0000-359000 (Sewer Retained Earnings) and \$35,000.00 to account #602-450-09-1021-570000 (Office Relocation) from the Water Enterprise budget account #602-000-00-0000-359000 (Water Retained Earnings)
** The Finance Committee voted to approve this item: 6-0 (meeting held 2/22/2012). The legislation was not referred to the Budget & Finance committee.
- c) 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.

M. OLD BUSINESS

- a) Order# O-2012-008: Title V Loan Order - Water Abatement Pollution Treatment
-- The sum of \$400,000.00 is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow \$400,000 and issue bonds or notes therefore under G.L. c.111, §127B½ and/or Chapter 29C of the General Laws
** The Finance Committee voted to recommend this item: 6-0 (meeting held 2/22/2012).
NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.
- b) Order# O-2012-009: Loan Order – Fire Apparatus
-- The sum of \$804,000.00 be appropriated and subsequently borrowed by the Town Treasurer pursuant to Chapter 44 or any other enabling authority; and the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto. The purpose of this order is to purchase new fire apparatus. Principal and interest is expected to be paid from ambulance receipts.
** The Finance Committee voted to recommend this item: 5-1 (meeting held 2/22/2012).
NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.
- c) Order# O-2012-011: Loan Order – Levy Multipurpose
**The sum of \$162,470.00 be appropriated and subsequently borrowed by the Town Treasurer pursuant to Chapter 44 or any other enabling authority; and the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto. The purpose of this order is purchase new equipment for several town departments and the Bridgewater-Raynham School District. Principal and interest is expected to be paid from the tax levy. This will replace retiring levy debt.
NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.

- d) Ordinance # D-2012-004: Administration and Fiduciary Oversight of the Budget - Appropriation of Operating Expenses from Ambulance Receipts and/or Ambulance Reserve Account
*** The Finance Committee voted to table this item: 5-1 (meeting held 2/22/2012).*
NOTE: This legislation may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.
- e) Ordinance #2011-008: Dealers in Junk, Antiques, Second Hand Articles (as amended by the Town Council at the 3/6/2012 meeting)
*** 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 was initially advertised on 1/27/2012.*
NOTE: This legislation may not be finally approved at this evening's meeting as it requires re-advertisement pending any amendments proffered by the Town Council.

N. NEW BUSINESS

- a) Order# O-2012-021: Annual Town Election Warrant
-- Election to be held Saturday, April 28, 2012. The last day to register to vote for the Annual Town Election will be on Monday, April 9, 2012 from 8:00 a.m. to 8:00 p.m. at the Town Clerk's Office, Town Hall.
- b) Order# O-2012-016: Sewer Enterprise Capital Purchase
- c) Supplemental Appropriation # T-2012-006: Olde Scotland Links Golf Course Transfer
-- Transfer and appropriate \$273.60 to OSLGC Enterprise budget account #603-655-04-1021-570000 from the FY12 Treasurer/Collector budget account #001-145-01-0102-542000 (Office Supplies)
- d) Order# O-2012-017: Loan Order – Water Fencing & Equipment
- e) Order# O-2012-018: Loan Order – Hurricane Irene Storm Response
- f) Order# O-2012-015: Contracts Requiring Multi-Year Approval
(Sponsor: Councilor Berolini)
- g) Resolution# O-2012-003: Associate Town Counsel
(Sponsor: Councilor Colombotos)
- h) Order# O-2012-005: Remedy to Whispering Woods
(Sponsor: Councilor Colombotos)
- i) Ordinance# D-2012-005: Licensing Board
(Sponsor: Councilor Fitzgibbons)
- j) Order# O-2012-019: (Interim) Town Manager's Minimum Requirements
(Co-Sponsor: Councilor Fitzgibbons & Councilor Wood)
- k) Order# O-2012-020: Town Manager's Selection
(Sponsor: Councilor Pitta)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION - Massachusetts General Laws - Chapter 30A sec. 21, subsection 1 *(To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open.)*

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Petition: P-2012-010

Introduced By: Council President

Date Introduced/Public Hearing: March 20, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE LICENSING OF AN EARTH REMOVAL OPERATION

WHEREAS, Claude Dubord, Jr., who resides at 45 Mae Avenue, Bridgewater, MA, and is the owner of Claude Dubord & Son, Inc., operating at Great Hill, Off Plymouth Street, Bridgewater, MA desires a license to continue operations of said business; and

WHEREAS, Claude Dubord has complied with the bylaws 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 of the Bridgewater Building Inspector/Zoning Enforcement Officer 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 Article XXVII Earth Removal of the Town Bylaws, in Town Council assembled approve the petition that Claude Dubord, Jr., doing business as Claude Dubord & Son, Inc., be granted a license to operate an earth removal business with the conditions as set forth in the attached agreement.

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, March 20, 2012

Council Petition: P-2012-011

Introduced By: Council President

Date Introduced/Public Hearing: March 20, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

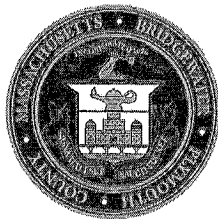
THE GRANTING OF A ONE-DAY ALCOHOL LICENSE

WHEREAS, Bridgewater resident Marcia Adwin, 348 Conant Street has petitioned for a One-Day Alcohol Permit for its private event to be held at the on the campus of The Bridge Center, Rudofsky Building, 470 Pine Street; and

WHEREAS, Mrs. Adwin 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 14 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that The Bridge Center be granted a One-Day All Alcohol Permit for its event on Saturday, April 21, 2012 to be held between the hours of 6:00 p.m. and 10:00 p.m.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Petition: P-2012-012

Introduced By: Council President

Date Introduced/Public Hearing: March 20, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL LICENSE

WHEREAS, Bridgewater VFW Post 2125 has petitioned for a One-Day Alcohol Permit for a fundraiser event to be held at its establishment; and

WHEREAS, Bridgewater VFW Post 2125 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 14 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that the Bridgewater VFW Post 2125 be granted a One-Day Alcohol Permit for its event on Saturday, March 31, 2012 to be held between the hours of 6:00 p.m. and 11:00 p.m..

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, March 20, 2012

Transfer: T-2012-001

Introduced By: Town Manager *at the Request of Town Accountant*
Date Introduced: February 15, 2012
Second Reading: March 20, 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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Finance Committee 2/16/12	2/22/12: Vote 6-0 Approve - Measure on 3/6/12 agenda for consideration, but not taken up.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Transfer Order: # T-2012-003

Introduced By: Town Manager
Date Introduced/First Reading: February 15, 2012
Second Reading: March 20, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer Order #T-2012-003

Transfer of Water & Sewer Retained Earnings to Equip New Office Space

Whereas: The administrative offices of the Water & Sewer Departments are being moved to the Highway Building on High Street, creating administrative synergy with the Water, Sewer, and Highway Departments; and

Whereas: The retained earnings balances of the Water & Sewer enterprise funds are at \$1,033,815 and \$871,065, respectively; and

Whereas: Equipping the office space at the Highway office on High Street includes installing telephone, data infrastructure, furnishings and computer hardware; and

Whereas: The Water/Sewer Superintendent and the IT Director have been working on a plan for this relocation.

Now, Therefore, it is hereby:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the sum of \$35,000 from Sewer Retained Earnings Account (#601-000-00-0000-359000) to Office Relocation Account (#601-440-05-1021-570000) and \$35,000 from Water Retained Earnings, Account (#602-000-00-0000-359000) to Office Relocation Account (#602-450-09-1021-570000), for the purposes of furnishings and equipment at the High Street Highway Building.

Explanation: As part of the Academy Building renovations and consolidation, the Water/Sewer administrative offices are moving to be co-located with the Highway office on High Street. This transfer will fund the IT and furnishings to support this move.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Finance Committee 2/16/12 • This measure does not require publication	• 2/22/12: Vote 6-0 Approve • This measure was on the 3/6/12 agenda for consideration, but not taken up.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Ordinance: 2011-013

Introduced By:	Councilor Michael Berolini
Date Introduced/First Reading:	October 18, 2011
Second Reading:	December 6, 2011
Third Reading:	February 7, 2012
Fourth Reading:	March 20, 2012
Amendments Adopted:	None
Date Adopted:	
Date Effective:	

Proposed Ordinance #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 • This measure was included on the 1/17/12 and 2/15/12, 2/28/12 and 3/6/12 agenda, but not taken up.	• 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, March 20, 2012

Council Order: O-2012-008

Introduced By: Town Manager (at the request of the Board of Health)
Date Introduced/First Reading: February 15, 2012
Second Reading: March 20, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-008

WATER POLLUTION ABATEMENT FACILITY TREATMENT (LOAN ORDER)

Ordered: that Order #2011-036 appropriating \$300,000 to pay for the costs of repairing, replacing and/or upgrading residential septic systems and authorizing a borrowing to meet the appropriation is hereby rescinded.

Further Ordered: that \$400,000 is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow \$400,000 and issue bonds or notes therefore under G.L. c.111, §127B½ and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; that the Town Manager or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager or any other appropriate Town officials are authorized to expend all funds available for the projects and to take any other action necessary or convenient to carry out the projects.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Finance Committee 2/16/12 • This measure was on the 3/6/12 agenda, for potential amendments and publication approval, but not taken up. • This measure requires advertising and a Public Hearing pending any Council amendments voted on 3/20/12.	• 2/22/12: Vote 6-0 Recommend



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-009

Introduced By: Town Manager (at the request of the Treasurer/Collector)
Date Introduced/First Reading: February 15, 2012
Second Reading: March 20, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-009

LOAN ORDER: FIRE APPARATUS

ORDERED that the sum of \$804,000.00 be appropriated to purchase new fire apparatus, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$804,000.00 pursuant to Chapter 44 or any other enabling authority; and that the town manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

Explanation:

- This is to purchase a new fire truck and an ambulance from the borrowing proceeds. Principal and interest is expected to be paid from ambulance receipts.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Finance Committee 2/16/12 • This measure was on the 3/6/12 agenda, for potential amendments and publication approval, but not taken up. • This measure requires advertising and Public Hearing pending any Council amendments voted on 3/20/12.	• 2/22/12: Vote 5-1 Recommend



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-011

Introduced By:	Town Manager (at the request of the Treasurer/Collector)
Date Introduced/First Reading:	March 6, 2012
Second Reading:	March 20, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-011

LOAN ORDER: LEVY MULTIPURPOSE

ORDERED that the sum of \$155,372.00 be appropriated to purchase new equipment listed below, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$155,372.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

	item	yrs
25,432	Town phone system	5
25,432	Town Permitting software	5
45,777	Dump truck (Highway)	10
35,334	Lawn mower (Recreation)	10
23,397	Tasers (Police)	5
155,372	TOTAL	

Explanation:

This is to purchase new equipment and software for several town departments. Principal and interest is expected to be paid from the tax levy. Please note that maintaining some borrowing capacity within levy limit is recommended by our financial advisor. This will replace retiring levy debt.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure not referred to any committee on 3/6/12. • This measure requires publication and Public Hearing.	• Return to full Council for consideration and amendments before referring to Finance Committee.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Ordinance: D-2012-004

Introduced By: Councilor Michael Demos

Date Introduced: February 15, 2012

Second Reading: March 20, 2012

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-004

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET: **AMBULANCE RECEIPTS/AMBULANCE RESERVE ACCOUNT**

PREAMBLE:

Ordinance #2011-010 was presented in Town Council for action on December 20, 2011. A roll call vote was taken and the measure failed by a vote of 4-3 with Councilors Colombotos, Pitta and Wood in the minority and Councilors Fitzgibbons and Callahan absent. At the conclusion of the roll call, the President incorrectly declared the measure passed.

Pursuant to Section XIX – “Resubmission” of the Town Council Rules and Procedures

“When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for resubmission, except as otherwise provided in the Bridgewater Home Rule Charter and unless approved by a majority (5) of the full Council. “

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)
• Measure referred to Finance Committee 2/16/12 • This measure was on the 3/6/12 agenda for amendment consideration, but not taken up. • This measure requires publication pending any Council amendments voted at 3/20/12 meeting.	• Vote 5-1 Tabled



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Ordinance: #2011-008

Introduced By:	Councilor Pitta
Date Introduced/Public Hearing:	September 6, 2011
Second Reading:	January 17, 2012
Third Reading:	February 15, 2012
Fourth Reading:	March 6, 2012
Fifth Reading:	March 20, 2012
Amendments Adopted:	January 17, 2012, March 6, 2012
Date Adopted:	
Date Effective:	

Proposed Ordinance #2011-008 (as amended)

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, including catalytic converters, 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 or business who, makes an outright purchase of personal property that has been used.

A Consignment Dealer is a person or business 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 or business, 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 including serial number(s) if present, 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.

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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. Video Game Systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the sellers information has been properly recorded.

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Every dealer, at his expense, will be required to record all such information on a form prescribed or participate in an electronic data base for recording and transmitting such data immediately, including color pictures, to the Chief of Police or his designee. All items purchased must be photographed individually or separated in a singular photograph so they can be easily identified.

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. Games for Video Game Systems may be released for resale after seven (7) days. Catalytic converters may be released after five (5) days. 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.

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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

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

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.

Repeat Sales

Every dealer, clerk, or agent shall be required to report to the Chief of Police or his designee any person who offers for sale any such items defined above on three (3) or more occasions in any 30 day period, or four (4) or more occasions in a 60 day period.

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 • Amendments voted at 1/17/12 Council Meeting • This measure has been duly advertised. • Further amendments to be considered on 3/6/12. • Amendments voted at 3/6/12 meeting. Final review/advertising approval 3/20/12	• No action taken

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



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-016

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

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-016

LOAN ORDER: SEWER EQUIPMENT

ORDERED that the sum of \$164,107.00 be appropriated to purchase new dump truck, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$164,107.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

Explanation:



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Transfer: T-2012-006

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

Date Introduced: March 20, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2012-006

SUPPLEMENTAL APPROPRIATION – OLDE SCOTLAND LINKS GOLF COURSE TRANSFER

ORDERED that, Pursuant to M.G.L. Chapter 44 Section 64, Ch. 41 Section 56 and Section 6-4 (d) of the Town of Bridgewater Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$273.60 to account 603-655-04-1021-570000 from the FY12 Treasurer/Collector budget account 001-145-01-0102-542000 Office Supplies or take any other action relative thereto.

Explanation:

The Olde Scotland Links golf course had presented for payment an invoice related to gift cards purchased through ETS with an order date of 5/17/11. The invoice noted that the amount owed would be electronically drafted from the Town's bank account via an ACH debit. The accounting office contacted the Treasurer/Collector to determine when the funds left the Town bank account. The date of this transaction was 6/27/11. This obligation was not reported to the Accounting office during the yearend encumbrance process and therefore is considered a bill of a prior year and cannot be charged against the FY12 budget.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-017

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

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-017

LOAN ORDER: WATER FENCING AND EQUIPMENT

ORDERED that the sum of \$147,530.00 be appropriated to purchase new equipment listed below, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$147,530.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto:

Item	
15,262	Fencing
86,483	Dump truck
45,785	Service truck
147,530	TOTAL

Explanation:



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-018

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

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2012-018

LOAN ORDER: IRENE STORM RESPONSE

ORDERED that the sum of \$100,000.00 be appropriated to pay for costs related to Irene Storm Response, including costs incidental or related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$100,000.00 pursuant to Chapter 44 or any other enabling authority; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

Explanation:



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-015

Introduced By: Councilor Michael Berolini

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-015

CONTACTS REQUIRING MULTI-YEAR APPROPRIATIONS

ORDERED: Pursuant to the Bridgewater Charter Section 4-2 (15), the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require that:

All contracts that require multi-year appropriations, including the Police Chief's Contract that was recently approved by the town manager but not approved by the Council, shall require approval from the town council before being implemented.

Explanation:

The Bridgewater Charter specifically states that under Section 4-2 (15):

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the proper operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties and responsibilities of the town manager shall apply to all municipal departments excluding the Bridgewater Raynham Regional School District, and shall include, but shall not be limited to, the following:

(15): to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The town manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the town council.

Since multi-year contracts require appropriation in future years, set by the council, any contracts for multi-year purposes shall require approval from the town council. This is also important to maintain accountability and the necessary checks and balances in our government that was a key concept in developing our Charter.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Resolution: R-2012-003

Introduced By: Councilor Peter Colombotos

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Resolution #R-2012-003

A RESOLUTION REGARDING "ASSOCIATE TOWN COUNSEL"

WHEREAS: Section 5-3, paragraph (a) of the Town Charter indicates there is "*a* legal officer" (emphasis added)

WHEREAS: There is no mention of the existence of a legal department in the Charter

WHEREAS: Even if there were a legal department, the Town Counsel, *not* the Town Manager, would have responsibility for hiring department subordinates,

BE IT RESOLVED: That the Town Council hereby does not recognize the hiring of any individual for the position of Associate Town Counsel.



Bridgewater Town Council
In Town Council, Tuesday, March 20, 2012
Council Order: O-2012-005

Introduced By: Councilor Peter Colombotos
Date Introduced/First Reading: March 20, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-005

REMEDY TO WHISPERING WOODS

ORDERED: That the Town Council of Bridgewater, Massachusetts in Town Council assembled vote on the following remedy to the Whispering Woods Issue:

Per Section 2-6, C, (2) of the Bridgewater Home Rule Charter:

"The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced."

Whereas: There is clear evidence that the permitting process for Whispering Woods was not followed in accordance with the statutes and regulations of the Commonwealth and associated local bylaws, and

Whereas: The Whispering Woods project caused significant material damage to abutters of the project,

It is ordered that the Town shall engage the services of Mr. Patrick Garner (patrickgarner.com), a specialist in hydrology, as consulting engineer to provide the following:

- An assessment of existing conditions on and off the project site
- A description of pre-construction conditions
- The completion of a forensic review of both the permitting process and changes made to the land (shall refer to existing Board of Health, Attorney Murphy, and National Grid reports)
- The provision of remedies to resolve the storm-water run-off and recharge issues at, and caused by, the Whispering Woods project

An amount not to exceed \$10,000 shall be appropriated to implement this order.

Explanation:

By all accounts, the Whispering Woods project permitting process was imperfect and the project was not built according to regulations. In order to ameliorate the negative impact the project has (and continues to have) upon neighboring properties it is imperative to ascertain the conditions related to the project and determine how to improve them. This would be best accomplished by hiring an engineering consultant with a specialty in peer review.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Ordinance: D-2012-005

Introduced By: Councilor Fitzgibbons

Date Introduced: March 20, 2012

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-005

LICENSE COMMISSION

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish the following License Commission pursuant to the Bridgewater Home Rule Charter section 2-10.

The License Commission issues all licenses to sell alcoholic beverages, common victualer, innholder, used car dealer (Class I, II, III), lodging house, automatic amusement devices, and entertainment (alcoholic beverage licenses and common victualers). The license commission consists of five members. Three individuals are residents of the town who are appointed by the Town Manager and confirmed by the Town Council. The other two members are the Police Chief and Fire Chief. The commission operates in accordance with Massachusetts General Laws, the Alcoholic Beverages Control Commission, and applicable city ordinance and license commission regulations.

Explanation:

This legislation is in accordance with the recently passed first quarter goals established by the Town Council.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-019

Introduced By: Councilors Timothy Fitzgibbons and William Wood

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-019

MINIMUM CRITERIA FOR HIRING OF TOWN MANAGER FOR THE TOWN OF BRIDGEWATER

ORDERED: That under Section 2-2 and 2-6 (c) (1) of the Bridgewater Home Rule Charter, providing all powers of the town shall be vested in the Town Council and that any council member may submit to the Town Council proposed town policies, goals, and other objectives to the Town Council for its consideration.

And further under Section 4-1 of the Bridgewater Home Rule Charter which states, "The town council may from time to time establish additional qualifications as deemed necessary and appropriate."

Effective 30 days after final adoption of this measure per the Bridgewater Home Rule Charter, the criteria for hiring a Town Manager either interim or permit shall include at a minimum the following:

- Town Manager may not be located in or live in the Town of Bridgewater.
- Any candidate for Town Manager must make certification of no conflict of interest relating to any business or to any resident in the Town of Bridgewater.
- Town Manager must have a minimum of five years of prior experience as a city or town manager or an assistant city or town manager or the equivalent public or private sector level experience.
- The Town Manager shall have an MPA

No person appointed as interim Town Manager shall be considered for the position of permanent Town Manager.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-020

Introduced By: Councilor Pitta

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Proposed Order # O-2012-020

Town Manager Selection

Ordered; that pursuant to Bridgewater Town Charter Section XX, the Town Council shall select and appoint a qualified individual to the office of Town Manager. Initial screening of applicants shall be conducted by (outside firm TBD). (TBD) Shall provide the Town Council with the names and qualifications of the top three applicants in alphabetical order. Final Selection shall be performed by the Town Council.



Bridgewater Town Council

In Town Council, Tuesday, March 20, 2012

Council Order: O-2012-021

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

Date Introduced/First Reading: March 20, 2012

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2012-021

ANNUAL TOWN ELECTION WARRANT

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

Explanation:

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

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BRIDGEWATER

ANNUAL TOWN ELECTION WARRANT

Plymouth, SS.

To the Constables of the Town of Bridgewater:

GREETINGS:

In the name of the Commonwealth of Massachusetts and the Town of Bridgewater, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Annual Town Election to vote at:

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

Bridgewater Middle School

166 Mount Prospect Street, Bridgewater, MA 02324

On **SATURDAY, THE 28th DAY OF APRIL, 2012 from 7:00 A.M. to 8:00 P.M.** for the following purposes:

To cast their votes in the Annual Town Election for the candidates for the following Offices:

COUNCILOR DISTRICT ONE.....for Three Years
COUNCILOR DISTRICT TWO..... for Three Years
COUNCILOR AT LARGE.....for Three Years
TOWN CLERKfor Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Bridgewater)..... for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Bridgewater)..... for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Raynham)..... for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Raynham)..... for Three Years
HOUSING AUTHORITYfor Five Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years

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, the Bridgewater Town Council this ____ day of _____, 2012.

Constable

Date of Service of Warrant