



BRIDGEWATER TOWN COUNCIL

Tuesday, October 2, 2012

7:30 PM

Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) September 11, 2012
- b) September 18, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Board of Assessors – Donna Barakauskas
- b) Historical Commission – Madeline Moore (*reappointment*)
- c) Historical Commission – David Moore (*reappointment*)

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) Petition #P-2012-031: 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub (*New Officer/Director, Transfer of Stock, New Stockholder and Issuance of Stock*)
- b) Petition #P-2012-032: One-Day alcohol Licenses for Sodexo at B.S.U.

H. PRESENTATIONS – None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) FY13 Fire Department Budget Options (*relative to budget shortfall*) - Town Manager Kerbel
- b) Emerging Traffic Issues/Challenges on Plymouth Street (*Councilor Colombotos*)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Transfer #T-2012-021: Interim Town Manager's Payment for Consultant Services
 - ** The Finance Committee voted to approve this measure: 7-0 (meeting held 09/26/2012).
 - ** The measure was not sent to a sub-committee of the Town Council.

- b) Transfer #T-2012-040: Capital Projects Appropriation – Town Phone System
*** The Finance Committee voted to approve this measure: 7-0 (meeting held 09/26/2012).*
*** The measure was not sent to a sub-committee of the Town Council.*

M. OLD BUSINESS

- a) Ordinance #D-2012-005: Licensing Board
***The Rules and Procedures Committee voted to return this matter to the full Town Council to consider its amendments: 2-0 (meeting held 4/19/12). At its meeting on 5/1/2012, the Town Council voted to return this matter to the Rules and Procedures Committee for further deliberation.*
*** The Rules and Procedures Committee met 09/25/12 and recommend to the Town Council that the measure be tabled.*
NOTE: This measure 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-2012-016: Availability of Town Bylaws, Municipal Codes, Ordinances, Orders, Resolutions, and Town Charter
*** The Rules and Procedures Committee met 09/25/12 and recommend to the Town Council that the measure be tabled.*
NOTE: This measure may not be finally approved at this evening's meeting as it requires advertisement pending any amendments proffered by the Town Council.
- e) Resolution #R-2012-008: A Resolution On The Fiscal Year 2014 Budget
*** The Finance Committee voted to approve this item: 7-0 (meeting held 9/26/12).*
*** The Budget & Finance Committee voted to recommend this measure: 2-0 (meeting held 8/30/2012).*
- f) Resolution #R-2012-009: A Resolution To Bring Forward Hold-Over Appointments
*** The Rules and Procedures Committee has no recommendation and the matter is returned to the full Town Council for further discussion (meeting held 9/25/12).*

N. NEW BUSINESS

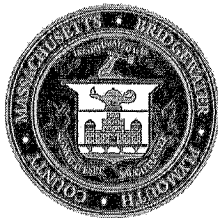
- a) Order #O-2012-040: 2012 State Election Warrant
Sponsors: President Colon and Councilor Fitzgibbons
- b) Ordinance #D-2012-020: Amend Zoning Bylaw Section 7, "Signs"
Sponsor: Councilor Pitta

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, October 2, 2012

Council Petition: #P-2012-031

Date Introduced/Public Hearing: October 2, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-031

Relative to:

APPROVAL OF LICENSE TRANSACTIONS OF ALCOHOL LICENSEE

WHEREAS, 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub (licensee) has petitioned the local licensing authority to affirm the petition for New Officer(s)/Director(s), Transfer of Stock, New Stockholder(s) and Issuance of Stock; and

WHEREAS, the submitted documentation represents part of a transaction involving the sale of stock of the public company which owns all sixty-one (61) 99 Restaurants in Massachusetts and a total of 342 locations in 26 states to Fidelity National Financial, Inc., another publicly traded company, under the rules and regulations promulgated by the Securities and Exchange Commission ("S.E.C."). The transaction will not result in any change to the personnel, operation or physical structure of the restaurant in the Town of Bridgewater, other than in the ordinary course of business; and

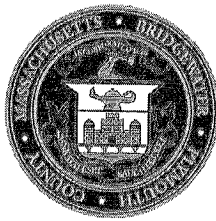
WHEREAS, with respect to the liquor licenses in Massachusetts, the Licensee submitted the applications to the ABCC through the "Inverted Approval Process", and the ABCC has reviewed and investigated the applications, information and documentation and approved the transaction as in compliance with M.G.L. Chapter 138. Per the letter sent by the executive director, the ABCC requires no other forms, documents or information in connection with the application other than the Form 43 from the Town of Bridgewater; and

WHEREAS, 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub has complied with the policies and requirements of the Town of Bridgewater and Commonwealth of Massachusetts in making this request; and

WHEREAS, approval of such petition by the Town of Bridgewater is permitted by Massachusetts General Law – Chapter 138, section 15A; 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 Tax Collector's Office, it appears that the public good so requires such approvals 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 petitions of 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub for New Officer(s)/Director(s), Transfer of Stock, New Stockholder(s) and Issuance of Stock as requested.



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Petition: P-2012-032

Date Introduced/Public Hearing: October 2, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-032

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL PERMITS

WHEREAS, Sodexo, Inc. has petitioned for two (2) One-Day Wine and Malt Beverages Permits for the following events to be held on the campus of Bridgewater State University (B.S.U.):

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	LOCATION
1	NEASC Welcome Reception	October 21, 2012	5:00 p.m. – 8:00 p.m.	40	Dunn Conference Room
2	Math and Science Workshop	November 8, 2012	6:30 p.m. – 8:00 p.m.	100	Dunn Conference Suite

; and

WHEREAS, Gary Boothby – Director of Sodexo Food Service for B.S.U. will serve as the manager of record for the events; and

WHEREAS, Sodexo, 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 in accordance with the affirmative recommendations of the Police and Fire 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 138 - section 14 and Chapter 140 - section 183A of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that Sodexo, Inc. be granted a two (2) One-Day Wine and Malt Beverages Permits for the aforementioned events to be held on the campus of Bridgewater State University.



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012, 2012

Transfer: #T-2012-021

Introduced By: Town Manager *at the request of the Town Accountant*
Date Introduced: September 18, 2012
First Reading: September 18, 2012
Second Reading: October 2, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2012-021

INTERIM TOWN MANAGER'S PAYMENT FOR CONSULTANT SERVICES

WHEREAS: The Interim Town Manager's is a vendor who invoices the Town weekly and is paid from the 102/103 portion of the town manager's budget account. The Town Accountant has determined that the 102/103 portion of the Town Manager budget is reflecting a deficit balance that needs to be covered and supplemented for future obligations.

Now, Therefore, it is hereby:

ORDERED, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer from the Town Manager budget account #001-123-01-0101-511100 *Department Head* to budget account #001-123-01-0102-530002 *Consulting Services* the sum of \$40,007.00 to pay for consultant services in a manner consistent with the contract approved by the Town Council or take any other action relative thereto.

Explanation: The Town Manager's budget needs to transfer funds from the 101 portion of the budget to the 102/103 portion of the budget in order to cover the consulting costs of the interim town manager. Per the Town Accountant, this account is currently in deficit and all invoices related to the 102/103 section of the Town Manager's Department budget will be held until a transfer is approved.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
9/18/12: Measure referred to Finance Committee - The 14-day requirement per Section XVIII of the Council Rules and Procedures has elapsed, therefore this item may be considered for action.	9/26/12: Vote approve 7-0.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Transfer: T-2012-023

Introduced By: Town Manager (*at the request of the Town Accountant*)
Date Introduced: September 18, 2012
First Reading: September 18, 2012
Second Reading: October 2, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2012-023

CAPITAL PROJECTS APPROPRIATION – TOWN PHONE SYSTEM

ORDERED, pursuant to Section 6-4(d) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$19,985.76 from the Capital Projects (Prison Mitigation) Fund for the third and final lease payment for the new Town phone system.

Explanation: This is the third and final required lease payment for the Town's new phone system.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
9/18/12: Measure referred to Finance Committee - The 14-day requirement per Section XVIII of the Council Rules and Procedures has elapsed, therefore this item may be considered.	9/26/12: Vote approve 7-0.

ROLL CALL VOTE: PASSAGE REQUIRES 9/10 AFFIRMATIVE VOTE OF THOSE PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Ordinance: D-2012-005

Introduced By:	Councilor Fitzgibbons
Date Introduced:	March 20, 2012
First Reading	March 29, 2012
Second Reading:	May 1, 2012
Third Reading:	October 3, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure included on 4/3/12 agenda. Not taken up as proponent not present • First reading 3/29/12 • Referred to Rules & Procedures Committee 3/29/12. • This measure requires publication pending amendments. • Measure included on 4/24/12 agenda, but not taken up. • 5/1/12: Referred back to Rules & Procedures Committee • Measure requires advertising	• 4/19/12 Meeting: Recommend 2-0 return to full council with proposed amendments • 9/25/12: Refer back to full council – recommend Tabling item

THIS MEASURE REQUIRES ADVERTISING.



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Ordinance: D-2012-016

Introduced By: Councilor Scott Pitta

Date Introduced: August 7, 2012

First Reading: August 21, 2012

Second Reading: October 2, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance D-2012-016

BYLAW AVAILABILITY

ORDERED: All town Bylaws, Municipal Codes, Ordinances, Orders, Resolutions, and the Town Charter shall be made available to the citizens through the official website of the Town of Bridgewater at no cost. The Town of Bridgewater may charge a fee, in accordance with appropriate State laws, for providing paper copies of the above referenced documents.

Explanation:

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Introduced on 8/7/12 agenda, not taken up due to sponsor absence. • 8/21/12: Measure referred to Rules & Procedures Committee • Measure requires advertising	• 9/25/12: Return to full council – recommend tabling measure.



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Resolution: #R-2012-008

Introduced By: Councilor William Wood
Date Introduced: June 5, 2012
First Reading: June 5, 2012
Second Reading: October 2, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Resolution #R-2012-008

A RESOLUTION ON THE FISCAL YEAR 2014 BUDGET

WHEREAS: Article 6 of the Bridgewater Home Rule Charter sets out a process for the development and adoption of the annual operating budget and capital improvement program; and,

WHEREAS: As the Town Council wishes to establish a timeline, consistent with the Charter, by which it will provide policy guidance to the Town Manager on the development of the budget and capital improvement program; and,

WHEREAS: Such a timeline will also give town residents notice of their opportunity to offer input on these important financial matters;

NOW THEREFORE BE IT RESOLVED: That the Town Council of the City known as the Town of Bridgewater establishes the following timeline for the development of the Fiscal Year 2014 operating budget and capital improvement program:

1. The Fiscal Year 2014 Preliminary Budget Overview will be presented to the Town Council on November 6th, 2012.
2. The Town Council will adopt its Fiscal Year 2014 Budget Policy Guidelines by December 4th, 2012.
3. The proposed Fiscal Year 2014-2018 Capital Improvement Program will be presented to the Town Council by January 22nd, 2013.
4. The Town Council will adopt its conceptual recommendations on the Fiscal Year 2014-2018 Capital Improvement Program by March 12th, 2013 subject to the availability of funds.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• 6/5/12: Referred to Council Budget & Finance Committee • 6/5/12: Referred to Finance Committee	• 8/30/12: Vote recommend 2-0. • 9/26/12: Vote approve 7-0



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Resolution: R-2012-009

Introduced By: Councilors Michael Berolini and Kristy Colon

Date Introduced: June 5, 2012

First Reading: June 5, 2012

Second Reading: June 19, 2012

Third Reading: October 2, 2012

Amendments Adopted: June 19, 2012

Date Adopted:

Date Effective:

Proposed Resolution #R-2012-009 (as amended):

A RESOLUTION TO BRING FORWARD HOLD-OVER APPOINTMENTS

Purpose: To effectuate the intent and purpose of the Bridgewater Home Rule Charter by expressing to the Town Manager the Policy and principles of the Town Council concerning the bringing forward of hold-over appointments from the former form of government into the present form of government.

Whereas, on April 24, 2010, the voters of Bridgewater Massachusetts adopted a new Home Rule Charter establishing a city form of government to replace the town's former town form of government;

Whereas, Section 10 of the Home Rule Charter set forth certain provisions for the orderly continuation of government during the town's transition from its former form of government to its present form of government;

Whereas, there exists several persons holding a town office or a position in the administrative service, remaining from the prior form of government, requiring appointment or reappointment with confirmation of the Town Council ("hold-over appointments") and

Whereas, more than two (2) years have elapsed from the effective date of the Home Rule Charter and several of these hold-over appointments have not been brought forward by the Town Manager for confirmation by the Town Council.

NOW, THEREFORE, in order to establish policy guidelines for the Town Manager to effectuate the intent and purposes of the Bridgewater Home Rule Charter, the Town Council does Resolve as follows:

Section 1. The Town Manager should bring forward to the Town Council all hold-over appointments for paid positions so requiring confirmation by the Town Council within 45 days of the effective date of this resolution.

Section 2. In the event that the Town Council denies confirmation of a person brought forward for appointment or reappointment by the Town Manager, the Town Manager should submit another person for confirmation of appointment within 30 days of the date of denial. In the event that the Town Manager is unable to find another qualified appointee within the subsequent 30 day period, he will notify the Town Council in writing that he has been unable to find another qualified candidate for appointment and describe his plan for recruitment of a suitable candidate and an estimated and reasonable time frame for the resubmission of another suitable and qualified person for appointment and confirmation.

Section 4. The Town Council establishes as a policy goal for itself that it will commence immediately to establish all requirements for all town agencies pursuant to Section 5 of the Home Rule Charter and adopt such in whole or in part so as to complete the entire Administrative Organization within twelve months of the passage of this Resolution.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures 6/19/12 • This measure does not require publication.	• 9/25/12: No action recommend yet. Return to full Council for further discussion.



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Order: O-2012-040

Introduced By:	President Kristy Colon and Vice President Timothy Fitzgibbons (At the request of the Town Clerk)
Date Introduced	October 2, 2012
First Reading:	October 2, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2012-040

2012 STATE ELECTION WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for 2012 State Election.

Explanation:

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

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR STATE ELECTION

Plymouth County, SS.

To the Constables of the **Town of Bridgewater:**

GREETINGS:

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 the State Election to vote at:

Precincts 1, 2, 3, 4, 5, 6 & 7
at
Bridgewater Middle School
166 Mount Prospect Street, Bridgewater, MA 02324

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

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT	FOR THIS COMMONWEALTH
SENATOR IN CONGRESS	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.	EIGHTH DISTRICT
COUNCILLOR	FIRST DISTRICT
SENATOR IN GENERAL COURT	FIRST PLYMOUTH & BRISTOL DISTRICT
REPRESENTATIVE IN GENERAL COURT	EIGHTH PLYMOUTH DISTRICT
CLERK OF COURTS.	PLYMOUTH COUNTY DISTRICT
REGISTER OF DEEDS.	PLYMOUTH COUNTY DISTRICT
COUNTY COMMISSIONERS	PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE	BRISTOL-PLYMOUTH DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer's dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the

same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A YES VOTE would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A NO VOTE would make no change in existing laws.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the

physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

A NO VOTE would make no change in existing laws.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

A YES VOTE would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

A NO VOTE would make no change in existing laws.

QUESTION 4: THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress and the President to: (1) prevent cuts to Social Security, Medicare, and Veterans benefits, or to housing, food and unemployment assistance; (2) create and protect jobs by investing in manufacturing, schools, housing, renewable energy, transportation and other public services; (3) provide new revenues for these purposes and to reduce the long-term federal deficit by closing corporate tax loopholes, ending offshore tax havens, and raising taxes on incomes over \$250,000; and (4) redirect military spending to these domestic needs by reducing the military budget, ending the war in Afghanistan and bringing U.S. troops home safely now?

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

This warrant to be posted at Town Hall and Seven Precincts in the Town of Bridgewater.

_____, 2012.
Constable (month and day)

Warrant must be posted by **October 30, 2012**, (at least *seven days prior* to the **November 6, 2012**, State Election).



Bridgewater Town Council

In Town Council, Tuesday, October 2, 2012

Council Ordinance: D-2012-020

Introduced By:	Councilor Scott Pitta
Date Introduced:	October 2, 2012
First Reading:	October 2, 2012
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-020

AMEND ZONING BYLAW SECTION 7, "SIGNS"

In accordance with Charter Section 2-6(C), The Town Council of the Town of Bridgewater hereby votes to amend the Town's Zoning Bylaws as follows;

Add new section:

7.80 "Billboards may be permitted by special permit granted by the Planning Board in the following zoning districts:
"Planned Development District"

Amend Table 6.3, Section H, Line 1 to reflect the above referenced amendments.

Explanation: