



BRIDGEWATER TOWN COUNCIL

Tuesday, November 13, 2012

7:30 PM

BTV Studios, 80 Spring Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) June 19, 2012
- b) October 2, 2012
- c) October 16, 2012
- d) October 23, 2012
- e) November 5, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Casino Task Force:
 - Greg Donnelly
 - Joseph Gillis, Jr.
 - Arthur Leach
 - Brendan Mungovan
 - Joshua Randall
- b) Council On Aging
 - Re-appointments: Bridget Boyle, Paul Chiulli, Robert Coolen, Victor Delmonte, Richard Porter and Kelly Robson.
 - New appointments: Sandra Alley and Joan Colombo

F. HEARINGS – None

G. LICENSE TRANSACTIONS –

- a) Petition #P-2012-033: Sodexo (1) Day Alcohol Permit

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Planning Workshop (Councilor Whitaker)
- b) Administrative Code Action Items (Councilor Wood)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-2012-016: Bylaw Availability
*--Rules & Procedures committee recommended "tabling" measure
--At their meeting held 10/2/12, the Town Council voted to amend and advertise.*
- b) Transfer #T-2012-022: Police/Fire Medical Invoices
--At their meeting held 9/26/12, the Finance Committee voted 6-1 to approve this measure. The Council Budget & Finance Committee will consider this measure on 11/8/12.
- c) Transfer #T-2012-024: Transfer Appropriation – Olde Scotland Links Golf Course
--At their meeting held 10/24/12, the Finance Committee voted 5-0 to approve this measure. The Council Budget & Finance Committee will consider this measure on 11/8/12.

M. OLD BUSINESS

- a) Ordinance #D-2012-019: Definition of Capital Items
--At their meeting on 10/10/12, the Finance Committee voted 7-0 to recommend. The Council Budget & Finance Committee will consider this item on 11/8/12. This measure may not be finally acted upon this evening as it requires advertisement pending any amendments.

N. NEW BUSINESS

- a) Ordinance D-2012-022: 2013 Town Council Meeting Dates
- b) Order #O-2012-042: Adoption of Residential Factor
- c) Order #O-2012-043: Ratification of Fire Department Contract
- d) Order #O-2012-044: Abandonment and Relocation of Easement at 613 High Street
- e) Order #O-2012-045: Appropriation of State Aid
- f) Order #O-2012-046: Reduction In Budget for Water Department

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Petition: P-2012-033

Date Introduced/Public Hearing: November 13, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-033

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL PERMIT

WHEREAS, Sodexo, Inc. has petitioned for one (1) One-Day Wine and Malt Beverages Permit for the following event to be held on the campus of Bridgewater State University (B.S.U.):

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	LOCATION
1	N.E.. Section of Math Association of American	November 16, 2012	6:00 p.m. – 6:45 p.m.	125	Conant & Math Science Atrium

; 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 one (1) One-Day Wine and Malt Beverages Permit for the aforementioned event to be held on the campus of Bridgewater State University.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Petition: P-2012-033

Date Introduced/Public Hearing: November 13, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-033

Relative to:

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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 one (1) One-Day Wine and Malt Beverages Permit for the aforementioned event to be held on the campus of Bridgewater State University.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 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:	October 2, 2012
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 was duly advertised on 11/2/12 - This measure may be acted upon.	9/25/12: Return to full council – recommend tabling measure.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Transfer: #T-2012-022

Introduced By: Town Manager *at the request of the Town Accountant*
Date Introduced: September 18, 2012
First Reading: September 18, 2012
Second Reading: November 13, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2012-022

ESTABLISH THE POLICE/FIRE MEDICAL EXPENSES ACCOUNT

WHEREAS: The FY13 approved Town Budget did not fund the Police/Fire Medical Expenses budget account.

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 Insurance budget account # 001-910-01-0102-574002 *Insurance/Blanket* to budget account #001-915-01-0102-530024 *Fire/Police Medical Expenses* the sum of \$3,078.62 to pay for police/fire medical expenses not covered by the town insurance policy or take any other action relative thereto.

Explanation: Per the Town Accountant, in past fiscal years budgets, there was a department #915 for police/fire medical expenses. This budget was not funded in FY13. The Town now has an insurance policy that was to cover all the costs. The insurance policy was accounted for in the department #910 budget. This transfer would establish the budget for Police/Fire Medical Expenses (costs not covered by the town insurance policy) and appropriately transfer monies for a related invoice that was paid in the amount of \$78.62.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Referred to Finance Committee - Referred to Budget & Finance Committee 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	9/26/12 – vote approved 6-1 11/8/12: Budget & Finance committee vote 3-0 approve.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Transfer: #T-2012-024

Introduced By: Town Manager
Date Introduced: October 16, 2012
First Reading: October 16, 2012
Second Reading: November 13, 2012
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #T-2012-024

TRANSFER for OLDE SCOTLAND LINKS GOLF COURSE EXPENDITURE

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 \$274.60 to account 603-655-05-1022-570000 (*Other Expenditures*) from the Olde Scotland Links Golf Course budget account 603-655-01-0102-575003 (*Pro Shop Operating Expenses*) 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 4/30/2012. 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 7/5/2012. 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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Finance Committee • Referred to Budget & Finance Committee • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	• 10/24/12: vote approved 5-0. • 11/8/12: Budget & Finance committee voted 3-0 to approve

ROLL CALL VOTE: PASSAGE REQUIRES 2/3 VOTE OF THOSE PRESENT & VOTING (PRIOR YEAR BILL)



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Ordinance: D-2012-019

Introduced By: Councilor Timothy Fitzgibbons
Date Introduced: September 18, 2012
First Reading: September 18, 2012
Second Reading: November 13, 2012
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Proposed Ordinance #D-2012-019 (proposed amendment)

DEFINITION OF CAPITAL ITEMS

WHEREAS: The Bridgewater Home Rule Charter, Section 6-6 sets forth the requirements of a five year capital plan; and

WHEREAS: The Charter does not define items appropriate for inclusion in said plan

Now, therefore, in accordance with the authority so vested in it by the Bridgewater Home Rule Charter, the Town Council votes to take the following action:

ORDERED that the definition of a capital item for inclusion in the capital plan is as follows:

- Items requiring an expenditure of at least **\$10,000** and having a useful life of more than three years;
- Projects consisting of real property acquisitions, construction, capital asset improvements, long-life capital equipment, or major maintenance/repair of an existing capital item, as distinguished from a normal operating or maintenance expenditure;
- Items obtained under a long-term lease; and
- Bulk purchases of similar items, such as computers or copy machines, with an aggregate purchase value exceeding \$10,000.

Comment [C1]: Recommended by Budget & Finance Committee

Deleted: 10,cx>0

Explanation:

This definition will provide clear guidance on items to be included in the current and future capital plans.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Finance Committee • Referred to Budget & Finance Committee • This measure requires advertising.	• 9/26/12: voted "table" 7-0 • 10/10/12: vote recommend 7-0. • 11/8/12: Budget & Finance committee voted recommend, with amendment.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Ordinance: D-2012-022

Introduced By: Councilor William Wood

Date Introduced: November 13, 2012

First Reading: November 13, 2012

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Ordinance #D-2012-022

TOWN COUNCIL MEETING DATES - 2013

ORDERED that pursuant to The Bridgewater Home Rule Charter section 2-6 (c), the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to establish the following schedule of regular meeting dates for the year 2012. Regular meetings will be held either in the Memorial Building, 25 South Street, Bridgewater, MA or at BTV Studios, 80 Spring Street, Bridgewater MA, beginning at 7:30 p.m., unless otherwise noted.

January 8, 2013	July 2, 2013
January 22, 2013	August 6, 2013
February 5, 2013	September 3, 2013
February 26, 2013	September 17, 2013
March 5, 2013	October 1, 2013
March 19, 2013	October 15, 2013
April 2, 2013	November 5, 2013
April 23, 2013	November 19, 2013
May 7, 2013	December 3, 2013
May 21, 2013	December 17, 2013
June 4, 2013	

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

NOT FOR ACTION – FIRST READING, REQUIRES ADVERTISING PENDING AMENDMENTS



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Order #O-2012-042

Introduced By:	Town Manager (at the request of the Assessor's Office)
Date Introduced:	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# O-2012-042:

FY 2013 Classification Tax Allocation-Adoption of Residential Factor

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt a residential factor of 1 for fiscal year 2013.

Explanation: The town council shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine and personal property for the next fiscal year. In determining such percentages, the town council, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Order: #O-2012-043

Introduced By:	Town Manager
Date Introduced	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-043

CONTRACT RATIFICATION – FIRE DEPARTMENT

ORDERED, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to ratify the negotiated agreement with the Bridgewater Firefighters Association Local 1611.

Explanation:

The Town Manager negotiated an agreement with the Bridgewater Fire Department. An affirmative vote of the Council will ratify the contract as presented and the subsequent appropriation thereof.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Order: # O-2012-044

Introduced By:	Town Manager
Date Introduced	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-044

ABANDONMENT AND RELOCATION OF DRAINAGE EASEMENT – 613 HIGH STREET

WHEREFORE, the property owner at 613 High Street, Bridgewater, Massachusetts requests that an Order issued from the Town Council authorizing abandonment and relocation of the drainage pipe on the property at 613 High Street, in conformance with applicable law, plans and specifications as filed with the Town of Bridgewater Highway Department.

WHEREFORE, the property owner at 613 High Street, Bridgewater, Massachusetts will perform the work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the property owner and such work will result in improvement to the 613 High Street Drain, without cost to other property owners on the watershed of the Drain. Further, the proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to that the Town will abandon and relocate a drainage easement at 613 High Street, Massachusetts, as recorded in Book 40247, page 345, and to authorize the Town Manager to abandon the existing easement, and further authorize the Town Manager to accept in return, a drainage easement shown as "*Relocated Drainage Easement Sketch*" also shown on Exhibit A, or take any other action thereon.

Explanation:

The owner of the property at 613 High Street has requested that he be able to move the existing easement on his property to a different location. The easement is for drainage and is located on the western side of the property. He proposes to abandon the existing easement and relocate it to the eastern side of the property. He will abandon the existing pipe and install new manholes and new pipe at his expense.

The Planning Board has reviewed the plan and unanimously endorsed this proposal.

The Highway Superintendant has reviewed the proposal and recommends that it be approved.

The request has undergone legal review by the Associate Town Attorney.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Council Order: #O-2012-045

Introduced By: Town Manager
Date Introduced: November 13, 2012
First Reading: November 13, 2012
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order # O-2012-045

APPROPRIATION OF STATE AID

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to that the following named sums be and the same is hereby appropriated as the same was submitted by the Town Manager as follows:

Appropriation of \$219,620.00

From: FY13 State Aid

To:	Stabilization Fund	(\$179,620.00)	Account #001-990-01-0102-596800
	Miscellaneous Interest	(\$ 40,000.00)	Account #001-755-01-0102-592600

Explanation: The original estimation of state aid to the Town that was used during the budget process was conservative and based on the H2 recommendation. The Governor's budget that was adopted granted \$219,620.00 more in state aid to Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, November 13, 2012

Order #O-2012-046

Introduced By:	Town Manager
Date Introduced	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# O-2012-046

FY 2013 APPROPRIATION REDUCTION: WATER ENTERPRISE FUND BUDGET

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to reduce the Water Enterprise Fund FY13 "102/103" appropriations by \$308,000 or take any other action relative thereto.

Explanation:

The Town had scheduled a rate study to be completed by the end of FY12. Due to the turnover in Town Manager position the study did not move forward as necessary to have new rates voted and implemented for FY13. The estimated revenue for this fund was based on the assumption that the new rates would be in place. Currently, the study has been finished and information has been presented to the Board of Water and Sewer Commissioners for review and input.