BRIDGEWATER TOWN COUNCIL

Tuesday, December 4, 2012
7:30 PM
BTV Studios, 80 Spring Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS:

a) 7:35 p.m.- License Public Hearing: Petition #P-2012-034: 99 Restaurants of Boston, LLC dba 99 Restaurant & Pub *(New Officer/Director, Transfer of Stock, New Stockholder and Issuance of Stock)*

b) 7:40 p.m. - Annual Property Tax Classification

G. LICENSE TRANSACTIONS

a) Petition #P-2012-035: One-Day Alcohol License – Sodexo at BSU

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION:

a) Order #O-2012-042: Adoption of a Residential Factor
This measure was referred to the Finance Committee on 11/13/12. At their meeting held 11/28/12, the Finance Committee voted to support the measure. This measure may be considered once the Public Hearing is conducted.

b) Order #O-2012-045: Appropriation of State Aid
This measure was referred to the Finance Committee on 11/13/12 and the Council Budget and Finance Committee. At their meeting held 11/28/12, the Finance Committee voted to support the measure. The Council Budget & Finance Committee will meet on 12/3/12 and provide their disposition to the full Council on 12/4/12.

c) Order #O-2012-046: Reduction of Budget for Water Department
This measure was referred to the Finance Committee on 11/13/12 and the Council Budget and Finance Committee. At their meeting held 11/28/12, the Finance Committee voted to support the measure. The Council Budget & Finance Committee will meet on 12/3/12 and provide their disposition to the full Council on 12/4/12.

M. OLD BUSINESS

N. NEW BUSINESS

a) D-2012-024: Amend General Bylaw XXXXIIII: Prohibition of Smoking in Public Places and Workplaces *(Town Manager)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, December 4, 2012

Council Petition: #P-2012-034

Date Introduced/Public Hearing: December 4, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-034

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 C'S.B.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, the licensing authority has duly advertised a hearing on this matter to solicit comments from the public on this matter; 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, December 4, 2012

Council Petition: P-2012-035

Date Introduced/Public Hearing: December 4, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-035

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	Board of Trustees Holiday Dinner	December 17, 2012	6:00 p.m. – 8:30 p.m.	35	Dunn Conference Room

; 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, December 4, 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:	December 4, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred Finance Committee. • This measure has been duly advertised as a Public Hearing. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) *has elapsed*, thus this measure may be considered once the Public Hearing is conducted.	• 11/28/12: Vote recommend measure.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF THOSE PRESENT AND VOTING.

Bridgewater Town Council

In Town Council, Tuesday, December 4, 2012

Council Order: #O-2012-045

Introduced By:	Town Manager
Date Introduced:	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	December 4, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Finance Committee 11/13/12 • Referred to Council Budget & Finance Committee 11/13/12 • This measure does not require advertising. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) *has elapsed*, thus this measure may be considered.	• 11/28/12: Vote recommend measure. • Meeting 12/3/12. Will provide disposition to full council at meeting of 12/4/12.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Bridgewater Town Council

In Town Council, Tuesday, December 4, 2012

Order #O-2012-046

Introduced By:	Town Manager
Date Introduced	November 13, 2012
First Reading:	November 13, 2012
Second Reading:	December 4, 2012
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.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Finance Committee 11/13/12. • Referred to Council Budget & Finance Committee 11/13/12. • This measure does not require advertising. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) *has elapsed*, thus this measure may be considered.	• 11/28/12: Vote recommend measure. • Meeting 12/3/12. Will provide disposition to full Council at meeting of 12/4/12.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Bridgewater Town Council

In Town Council, Tuesday, December 4, 2012

Council Ordinance: D-2012-024

Introduced By:	Town Manager
Date Introduced:	December 4, 2012
First Reading:	December 4, 2012
Second Reading:	
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-024

AMEND GENERAL BYLAW ARTICLE XXXXIIII: PROHIBITION OF SMOKING IN PUBLIC PLACES AND WORKPLACES

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to amend the General Bylaw Article XXXXIIII as follows:

Proposed Amendments:

1. *Amend Section B. Definitions of the general by-laws by adding a definition for a smoking bar:*

Smoking bar:
An establishment that occupies exclusively an enclosed indoor space and that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises; derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of the tobacco products; prohibits entry to a person under the age of 18 years of age during the time when the establishment is open for business; prohibits any food or beverage not sold directly by the business to be consumed on the premises; maintains a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city or town where the establishment is located; and, maintains a valid permit to operate a smoking bar issued by the department of revenue.

2. *Amend Section E. Exceptions of the general by-laws by adding a second exemption allowing a smoking bar.*

Section E. Exceptions: Notwithstanding the provisions of Paragraph D of this by-law, smoking may be permitted in the following places and/or circumstances:

1. Private residences, except those portions used as a child care or health care office when operating as such.
2. A smoking bar, if the smoking bar maintains a valid permit pursuant to this section. All required permits shall be displayed in a conspicuous manner, visible at all times to patrons of the establishment.

NOT FOR ACTION – FIRST READING, REQUIRES ADVERTISING PENDING AMENDMENTS

To also consider adding:

To amendment #1

Retail Tobacco Store:
an establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the appropriate authority in the city or town where the establishment is located.

To amendment #2

3. A retail tobacco store, if the store maintains a valid permit for the sale of tobacco products issued by the appropriate authority in the city or town in which the retail tobacco store is located. All required permits shall be displayed in a conspicuous manner, visible at all times to patrons of the establishment.

*Explanation**:** The State of Massachusetts and other cities/towns within the state (Plymouth, Allston, Boston, Worcester, Hyannis. Fitchburg, Sudbury & Charleston) allow exemptions to the "smoke-free workplace law".*