



BRIDGEWATER TOWN COUNCIL

Tuesday, December 18, 2012

7:30 PM

BTV Studios, 80 Spring Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) December 4, 2012
- b) December 6, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS

- a) Petition #P-2012-036: Annual Automatic Amusement License Renewals
(establishments without alcohol)
- b) Petition #P-2012-037: Annual Auto Dealers License Renewals
- c) Petition #P-2012-038: Annual Lodging House License Renewals
- d) Petition #P-2012-039: Annual Common Victualler's License Renewals
- e) Petition #P-2012-040: Annual Alcohol License Renewals
- f) Petition #P-2012-041: Annual Antique Dealer License Renewal
- g) Petition #P-2012-042: One-Day Alcohol License: Sodexo, Inc. (*Bridgewater State University*)

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) 2013 Town Council Meeting Dates

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION - None

M. OLD BUSINESS

- a) Order #O-2012-023: Tax Agreement – Enfinity

This measure was referred to the Finance Committee on 4/24/12. At their meeting of 12/12/12, the Finance Committee voted to recommend the measure. This measure was also referred to the Council's Community and Economic Development Committee. They will provide their disposition to the full Council at the meeting of 12/18/12.

b) Resolution #R-2012-010: Disposal of Town Owned Land

This measure was referred to the Council's Community and Economic Development Committee on 8/7/12. They will provide their disposition to the full Council at their meeting of 12/18/12.

N. NEW BUSINESS

a) Order #O-2012-047 - Ratification of Fire Chief's Contract (*Town Manager*)

b) Ordinance D-2012-023: Amend Council Subcommittees (*Councilor Colón*)

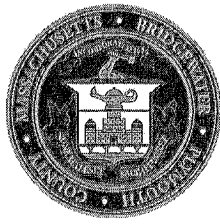
O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

M.G.L., Chapter 30A, Section 21(a), (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, December 18, 2012

Council Petition: P-2012-036

Date Introduced: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Council Petition: P-2012-036

Relative to:

THE LICENSING OF AUTOMATIC AMUSEMENTS *(in establishments without alcohol)*

APPLICANTS:

- | | |
|--|--|
| <p>1) BOSTON-N-BRIDGEWATER, INC.
Route 24 Southbound Service Area
<i>**Total Auto Amusements: 6</i></p> <p>2) BRIDGEWATER ICE ARENA, LLC
20 Bedford Park
<i>**Total Auto Amusements: 6</i></p> <p>3) BRIDGEWATER SPORTS COMPLEX, INC.
350 Bedford Street
<i>**Total Auto Amusements: 7</i></p> | <p>4) BOSTON-N-BRIDGEWATER, INC.
Route 24 Northbound Service Area
<i>**Total Auto Amusements: 6</i></p> <p>5) PAPA GINO'S, INC.
233 Broad Street, Campus Plaza
<i>**Total Auto Amusements: 1</i></p> |
|--|--|

WHEREAS, Five applicants operating at the aforementioned locations desire a license to continue the operation of said automatic amusement devices; and

WHEREAS, Licenses for the operation of automatic amusement devices is subject to renewal annually; and

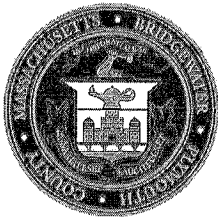
WHEREAS, All requisite inspections have been satisfactorily completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has reported no outstanding obligations for the renewal candidates; and

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

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Police and Fire Departments who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 177A in Town Council assembled approve the petitions, as submitted, and that the aforementioned individual applicants be granted a license to continue its operation of automatic amusement devices for a period of one year - January 1, 2013 to December 31, 2013.



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Petition: P-2012-037

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Council Petition: P-2012-037

Relative to:

THE LICENSING OF CLASS I, CLASS II and CLASS III AUTO DEALERS

❖ Class I	TOTAL: 3
❖ Class II	TOTAL: 17
❖ Class III	TOTAL: 7

WHEREAS, twenty-seven (27) businesses operating at various locations throughout the Town of Bridgewater desire authorization to continue the operation of their auto dealerships; and

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

WHEREAS, All requisite inspections have been completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has submitted its recommendation for the renewal candidates^Y; and

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

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Police and Fire Departments, Bridgewater Building Inspector/Zoning Enforcement Officer, who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, Chapter 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petitions, as submitted, and that the individual applicants be granted a license to continue its operation as a Class I, Class II or Class III auto dealership for a period of one year - January 1, 2013 to December 31, 2013.

*****The list of licensees requesting approval is attached.*****

^Y The Tax Collector's Office has reported outstanding obligations for 3 of the 27 renewal candidates (see attached recommendations).



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Petition: P-2012-038

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Council Petition: P-2012-038

Relative to:

THE LICENSING OF LODGING HOUSES

WHEREAS, Seven applicants operating at various locations desire a license to continue the operation of said businesses; and

WHEREAS, Licenses for the operation of lodging houses are subject to renewal annually; and

WHEREAS, All requisite inspections have been completed by the Inspector of Buildings^Y, Wiring Inspector, Health Agent, Plumbing Inspector and Fire Department; and

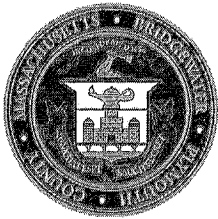
WHEREAS, the Tax Collector's Office submitted its recommendation for the renewal candidates; and

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

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town have such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, Health, Police and Fire Departments who have oversight authority, it appears that the public good so requires such licenses be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to M.G.L.A. c. 140, § 22, 23 and 24 in Town Council assembled approve the petitions, as submitted, and that the aforementioned individual applicants be granted a license to continue its operation of a lodging house business for a period of one year - January 1, 2013 to December 31, 2013.

^Y The Building Inspector has expressed conditions for the approval of 2 of the 7 renewal candidates. If all licenses are approved for renewal, these 2 licenses will be issued with the following conditions: "The Town has imposed a deadline of April 30, 2013 for completion of the Automatic Sprinkler System or this license will be revoked.". As of 12/12/2012, the Building Inspector has confirmed that both of the affected establishments have already started the process of the installation of the systems (see attached).



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Petition: P-2012-039

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Council Petition: P-2012-039

Relative to:

THE LICENSING OF COMMON VICTUALLER ESTABLISHMENTS

WHEREAS, Forty-four (44) licensees operating at the locations in the Town of Bridgewater desire authorization to continue the operation of its establishments; and

WHEREAS, Common Victualler licenses are subject to renewal annually; and

WHEREAS, All requisite inspections have been satisfactorily completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has submitted its recommendation for the renewal candidates^Y; and

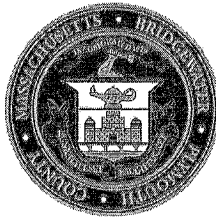
WHEREAS, Said applicants have complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire, Police, and Health Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 2 and section 4 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petitions, as submitted, and that the individual applicants be granted a license to continue its operation as a Common Victualler for a period of one year - January 1, 2013 to December 31, 2013.

*****The list of licensees requesting approval is attached.*****

^Y Note: The Tax Collector's Office has reported outstanding obligations for 1 of the 44 renewal candidates (see attached). If all licenses as submitted are approved for renewal, the one (1) license will not be issued. It will be held in the Town Manager's Office until all outstanding tax obligations have been satisfied.



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Petition: P-2012-040

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Council Petition: P-2012-040

THE LICENSING OF ESTABLISHMENTS WITH ALCOHOL and ATTENDANT LICENSES

❖ All Alcoholic Restaurant	TOTAL: 14
❖ All Alcoholic Club	TOTAL: 7
❖ Wine & Malt Restaurant	TOTAL: 2
❖ All Alcoholic Retail Package Store	TOTAL: 7
❖ Wine & Malt Beverages Package Store	TOTAL: 6

WHEREAS, Thirty-six (36) licensees operating at the locations in the Town of Bridgewater desire authorization to continue the operation of its establishments; and

WHEREAS, Alcohol and attendant licenses are subject to renewal annually; and

WHEREAS, Pursuant to Massachusetts General Law Chapter 304 of the Acts of 2004, all requisite inspections have been completed by the Inspector of Buildings and Fire Department; and

WHEREAS, the Tax Collector's Office has submitted its recommendation for the renewal candidates^Y; and

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

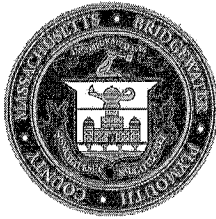
WHEREAS, Pursuant to Massachusetts General Law Chapter 138 § 16A , a retail license *"shall be automatically renewed for the next annual license period upon application by the holder thereof during the month of November and shall be automatically renewed...provided that said license is of the same type as the expiring license and covers the same licensed premises"*; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority with consideration of the recommendations from the Bridgewater Building Inspector, Fire, Police, and Health Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - § 16A (*alcohol licenses*); Chapter 140 § 2, 4 (*common victualler*); Chapter 140 § 22-32 (*innholders*); Chapter 140 § 177A (*auto amusements*); Chapter 140 § 181 and 183A (*annual entertainment*) respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petitions, as submitted, and that the individual applicants be granted a license to continue its operations for a period of one year - January 1, 2013 to December 31, 2013.

*****The list of licensees requesting approval is attached.*****

^Y Note: The Tax Collector's Office has reported a nominal outstanding obligation for 1 of the 32 renewal candidates (see attached).



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Petition: P-2012-041

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition #P-2012-041

Relative to:

THE LICENSING OF AN ANTIQUE DEALER'S BUSINESS

WHEREAS, Joseph A. Brazil & Mary-Anne Brazil dba Rocking Horse Crafts operating at 529 Plymouth Street desires its license to continue operations of said business; and

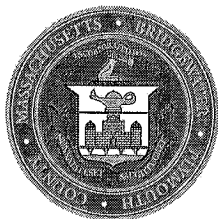
WHEREAS, , Joseph A. Brazil & Mary-Anne Brazil dba Rocking Horse Crafts has complied with the policies and requirements of the Town of Bridgewater, as well as, applicable state laws governing its industry; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Bridgewater Building Inspector/Zoning Enforcement Officer, 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 M.G.L.A. c. 140, § 54, in Town Council assembled approve the petition that Joseph A. Brazil & Mary-Anne Brazil dba Rocking Horse Crafts be granted a license to operate its antique dealers business for a period of one year - January 1, 2013 to December 31, 2013.

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, December 18, 2012

Council Petition: P-2012-042

Date Introduced/Public Hearing: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2012-042

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	Math and Science Collaborative Workshop	January 10, 2013	6:30 p.m. – 8:00 p.m.	100	East Campus Commons

; 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 18, 2012

Council Order: O-2012-023

Introduced By:	Town Manager
Date Introduced:	April 3, 2012
First Reading:	April 24, 2012
Second Reading:	December 18, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-023

TAX AGREEMENT

ORDERED: Pursuant to MGL Ch. 59 §38H and MA Department of Revenue Informational Guideline Release 98-403, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to approve or ratify the tax agreement between Enfinity American Corporation ("Enfinity") and Landcraft Corporation ("Landcraft") with the Town of Bridgewater.

Explanation: The Town Manager, with the guidance of the Assessing Department and a Massachusetts Certified General Real Estate Appraiser reached a tax agreement with a proposed solar facility. After an agreement has been negotiated by the authorized official, it must be approved or ratified by the legislative body to be binding.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure on 4/3/12 and 4/10/12 agendas - not taken up. • 4/24/12: Referred to Finance Committee • 4/24/12: Referred to Community and Economic Development Committee	• 12/12/12: Vote • Committee is meeting 12/17/12. Will provide disposition to full Council on 12/18/12.



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Resolution: R-2012-010

Introduced By: Councilor Peter Colombotos

Date Introduced: August 7, 2012

First Reading: August 7, 2012

Second Reading: December 18, 2012

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Resolution #R-2012-010

A Resolution Regarding Disposal of Town-Owned Land

Whereas the Town's Master Plan charts a course for future growth in the Town that considers many factors affecting the welfare of the Town, and

Whereby the Town has been and will be obtaining land through the tax title process,

It is therefore resolved that before Town-owned lands are disposed of, interested stakeholders (including but not limited to the Town Council, the Planning Board, the Master Plan Implementation Committee, the Housing Partnership, the Open Space Committee, the Conservation Commission, and citizens at large) will have an opportunity to provide input to the disposal process.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure received a first reading 8/7/12. • Referred to Community & Economic Development Committee 8/7/12. • This measure does not require advertising and may be acted upon pending any amendments accepted by the Council.	• Meeting 12/17/12. Will offer disposition at 12/18/12 Council meeting.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE.



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Order: #O-2012-047

Introduced By: Town Manager
Date Introduced: December 18, 2012
First Reading:
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2012-047

CONTRACT APPROVAL: FIRE CHIEF

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Fire Chief.

Explanation:

The Town Manager negotiated a five year agreement with the Fire Chief that was signed December 6, 2012. An affirmative vote of the Council will approve the contract as presented. No appropriation request is needed to fund this contract for the remainder of FY13.



Bridgewater Town Council

In Town Council, Tuesday, December 18, 2012

Council Ordinance: D-2012-023

Introduced By:	Councilor Kristy Colón
Date Introduced:	December 18, 2012
First Reading:	December 18, 2012
Second Reading:	
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-023

AMEND COUNCIL COMMITTEES

ORDERED that pursuant to The Bridgewater Home Rule Charter section 2-6 (c) and the Council Rules and Procedures Section XXXVII the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to amend the Council Rules and Procedures Section XXVI "COMMITTEES" to read as follows:

Committees of Council members shall be authorized by majority vote of the Council. The following standing Committees are hereby established by rule: A Budget and Finance Committee, a Rules and Procedures Committee, A Public Safety Committee, a Community and Economic Development/Strategic Planning Committee, and a Contracts Committee. Appointments to committees of the Council are made by the President. Appointed individuals shall receive notification of their appointment from the President prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to the Massachusetts Open Meeting Law, and approved meeting minutes must be posted on the Town Website within a reasonable period of time.

Explanation:

NOT FOR ACTION – FIRST READING, REQUIRES ADVERTISING PENDING AMENDMENTS