



BRIDGEWATER TOWN COUNCIL

Tuesday, February 5, 2013

7:30 PM

BTV Studios, 80 Spring Street

AGENDA (*Updated 2/5/13*)

****Reorganization of Town Council****

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) November 27, 2012 (as amended)
- b) December 18, 2012 (as amended)
- c) January 8, 2013

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS

- a) 7:40 p.m. – Petition #P-2013-001: National Grid Pole Relocation

G. LICENSE TRANSACTIONS

- a) Petition #P-2013-004: One-day Alcohol License - Sodexo

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Town Meeting Proposed Date – March 19, 2013
- b) Council Vacancy
- c) Town Manager Updates:

- 1. Community Development Strategy

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION - None

M. OLD BUSINESS

- a) Ordinance #D-2012-Definition of Capital Items

At their meeting on 10/10/12, the Finance Committee voted 7-0 to recommend. The Council Budget & Finance Committee voted on 1/31/13 to approve the measure 3-0. This measure requires advertising and therefore may not be finally considered at this evening's meeting.

N. NEW BUSINESS

- a) Transfer #T-2013-004: CPA Transfer Appropriation – Master Plan
- b) Transfer #T-2013-005: CPA Transfer Appropriation - Iron Works

The following two (2) items are added as “late files” and require a 2/3 vote of the Council to accept as such and subsequently consider.

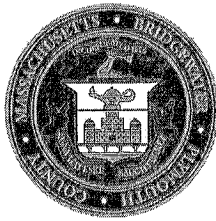
- c) Order #O-2013-004: Change of Date – Annual Town Election ****EMERGENCY MEASURE****
- d) Transfer #T-2013-006: Phase I Formal Dam Inspection.

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, February 5, 2013

Council Petition: P-2013-001

Date Introduced/Public Hearing: February 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2013-001

Relative to:

PETITION FOR POLE LOCATIONS

Whereas, Massachusetts Electric Company requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways; and

South Street

**NGRID is petitioning to install a 35C3 Solely owned pole and anchor
approx 30' ± from Pole 77**

Wherefore, it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

**MASSACHUSETTS ELECTRIC COMPANY
Plan No. 12527896 Dated: 11/13/2012**

Whereas, the petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

Whereas, the petitioner has complied with the requirements of the Town of Bridgewater and applicable state laws; 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 Highway Department which has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled approve the petition be granted as requested.



Bridgewater Town Council

In Town Council, Tuesday, February 5, 2013

Council Petition: P-2013-04

Date Introduced/Public Hearing: February 5, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Petition: #P-2013-04

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	English Language Collaborative	February 7, 2013	7:00 p.m. – 8:30 p.m.	50	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, February 5, 2013

Council Ordinance: D-2012-019

Introduced By: Councilor Timothy Fitzgibbons
Date Introduced: September 18, 2012
First Reading: September 18, 2012
Second Reading: February 5, 2013
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Proposed Ordinance #D-2012-019

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.

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 Council Budget & Finance Committee • Re-referred to Council Budget & Finance Committee 11/18/12 • This measure requires advertising pending an amendments offered this evening..	• 9/26/12: vote "Table" 7-0 10/10/12: vote "recommend" 7-0 • 11/8/12: vote approve 2-0 • 1/31/13: vote approve 3-0 (with minor correction)



Bridgewater Town Council

In Town Council, Tuesday, February 5, 2013

Council Transfer: #T-2013-004

Introduced By: Town Manager
Date Introduced: February 5, 2013
First Reading: February 5, 2013
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: #T-2013-004

CPA TRANSFER – MASTER PLAN

ORDERED, in accordance with Section 6-4 (d) of the Bridgewater Home Rule Charter, the Town Council vote to appropriate and transfer the sum of \$10,000.00 for the purpose of funding a consultant to assist with the Open Space and Housing sections of the Master Plan from the following account(s):

Accounting Information:

From Account:	Number	Name	Amount
	201-000-00-0000-324200	Reserve for Historic Resources	\$ 10,000.00
To Account:	Number	Name:	Amount
	201-172-28-1026-530032	Master Plan - Consulting Services	\$ 10,000.00

Explanation:

The above referenced transfer will fund a consultant with the use of CPA funds which will assist with the sections of the Master Plan allowable under the Community Preservation Act. The CPC has voted to recommend the transfer of funds.



Bridgewater Town Council

In Town Council, Tuesday, February 5, 2013

Council Transfer: #T-2013-005

Introduced By: Town Manager
Date Introduced: February 5, 2013
First Reading: February 5, 2013
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: #T-2013-005

CPA TRANSFER – IRON WORKS

ORDERED, in accordance with Section 6-4 (d) of the Bridgewater Home Rule Charter, the Town Council vote to appropriate and transfer the sum of \$37,200.00 for the purpose of funding phase I of a multi-phase project to preserve and restore the Iron Works building from the following account(s):

Accounting Information:

From Account:	Number	Name	Amount
	201-000-00-0000-324200	Reserve for Historic Resources	\$ 37,200.00
To Account:	Number	Name:	Amount
	201-172-27-1025-530033	Project Management/Historian	\$ 4,900.00
	201-172-27-1025-530006	Design/Engineer	\$ 4,900.00
	201-172-27-1025-5820003	Bldg/Improv - Restoration	\$ 27,400.00
			<u>\$ 37,200.00</u>

Explanation:

Preservation and restoration of the Iron Works building will be conducted in a three-tier approach. This transfer will fund Tier I. The CPC has voted to recommend this transfer.



Bridgewater Town Council

In Town Council, Tuesday, February 5, 2013

Council Order: O-2013-004

****Late File****

Introduced By: Town Manager (at the request of the Town Clerk)
Date Introduced: February 5, 2013
First Reading: February 5, 2013
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed EMERGENCY Order O-2013-004

CHANGE OF DATE – ANNUAL TOWN ELECTION

WHEREAS, Section 7-1 of the Town Charter relative to Town Elections provides the regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April;

WHEREAS, the Town Election of for 2013 is scheduled for Saturday, April 27, 2013;

WHEREAS, on January 30, 2013, pursuant to Section 140(a) of Chapter 54 of the Massachusetts General Laws, the Governor of the Commonwealth issued precepts directing all of the Cities and Towns of the Commonwealth to call a special election of a Senator in Congress to be held on June 25, 2013;

WHEREAS, the primary related to such special election is scheduled for April 30, 2013;

WHEREAS, Office of the Secretary of State filed legislation to allow municipalities to change the date of their municipal election if it is already scheduled to be within 30 days of either the primary (April 30th) or final election (June 25th). The legislation has passed both the House and Senate.

WHEREAS, on Friday, February 1, 2013, the Governor signed the legislation allowing municipalities to change the date of their municipal election;

WHEREAS, Section 2-7 of the Town Charter provides that no measure shall be passed finally on the date on which it is introduced, except in the case of an emergency.

WHEREAS, the Town Charter defines “Emergency” as a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

WHEREAS, the passage of the above-referenced legislation and the upcoming special primary is unexpected, unforeseen happening, occurrence or condition which necessitates immediate action;

PREAMBLE: The Town Council declares that an emergency exists based upon the passage of the above-referenced legislation and the upcoming special primary and the need to provide a uniform election schedule given that any delay in the passage of this Order would preclude the change in the day of the scheduled Town Election; and it is therefore

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to change the date of the Annual Town Election to coincide with the Special State Primary on Tuesday, April 30, 2013 at the Bridgewater Middle School.

Explanation:

The Town Clerk respectfully requests the date change so the Special State Primary and Annual Town Election are held on the same day as allowable by Governor Patrick.



Bridgewater Town Council

In Town Council, Tuesday, February 5, 2013

Transfer: T-2013-006

LATE FILE

Introduced By: Town Manager
Date Introduced: February 5, 2013
First Reading: February 5, 2013
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer - # T-2013-006

Phase I Formal Dam Inspections

ORDERED that, the Town Council appropriate and transfer from the account #001-420-01-0101-511400 *General Salaries* to the account #001-420-01-0102-520000 *Purchase of Services* the sum of \$7,369.00. The purpose of which is to pay for professional engineering services and associated fees relative to formal dam inspections or take any other action relative thereto.

Explanation: *The purpose of this transfer is to pay for the requisite Phase I formal dam inspections at multiple sites and related reports.*