



BRIDGEWATER TOWN COUNCIL

Tuesday, July 2, 2013

7:30 PM

BTV Studios, 80 Spring Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 21, 2013
- b) June 4, 2013

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition #P-2013-22: One-Day Alcohol Licenses – Bridgewater Veterans
- b) Petition #P-2013-23: One-Day Alcohol License – VFW Post 2125
- c) Petition #P-2013-24: One-Day Alcohol Licenses – Sodexo @ BSU
- d) Petition #P-2013-25: One-Day Alcohol License – The Bridge Center

H. PRESENTATIONS

- a) Town Manager – Building Improvement Plan

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) SFI (Councilor Norris)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order #O-2013-023: Authorization of Revolving Funds
The Finance Committee voted 6-0 to approve this measure at their meeting of 6/12/13. The Council Budget & Finance Committee recommends approval to the full council.

M. OLD BUSINESS

- a) Ordinance #D-2013-001: Establish Procedure for Filling Council Vacancies
The Council Rules and Procedures Committee voted 2-0 to recommend approval at their meeting held 5/28/13. This measure has been duly advertised in the Enterprise on 6/21/13, therefore may be finally voted.
- b) Ordinance #D-2013-011 (formerly Order #O-2013-024): Amend Council Rules & Procedures Section III: Council Meetings (Councilor Fitzgibbons)

The Council Rules & Procedures committee considered this measure at their meeting held 6/20/13 – the disposition will be provided to the full council. This measure requires advertising, therefore may not be finally voted at this evening's meeting.

- c) Order #O-2013-022: Approve Preservation Restriction – First Parish Church – Unitarian Universalist (*Town Manager at the Request of the CPC*)
This measure was not referred to any committee. 14 Days has elapsed, thus this measure may be finally considered.
- d) Order #O-2013-025: Dissolve Contracts Review Committee (*Councilor Fitzgibbons*)
The Council Rules & Procedures committee considered this measure at their meeting held 6/20/13 – the disposition will be provided to the full council.
- e) Order# O-2013-026: Acceptance of a Gift (*Town Manager*)
This measure was not referred to any committees.
- f) Transfer #T-2013-011: Transfer Appropriation – Water Department (Replace Well #4)
The Finance Committee voted 6-0 to approve this measure at their meeting held 6/12/13. The Council Budget & Finance Committee voted 2-0 to recommend approval at their meeting held 6/25/13.
- g) Transfer #T-2013-014: Financial Systems Improvements (*Town Manager*)
The Finance Committee voted 6-0 to approve this measure at their meeting held 6/12/13. The Council Budget & Finance Committee voted 2-0 to recommend approval at their meeting held 6/25/13.
- h) Transfer #T-2013-015: Accounting Departmental Transfer (*Town Manager*)
The Finance Committee voted 6-0 to approve this measure at their meeting held 6/12/13. The Council Budget & Finance Committee voted 2-0 to recommend approval at their meeting held 6/25/13.
- i) Resolution #R-2013-003: A Resolution on the Recall Investigation Report (*Councilor Wood*)
This measure was not referred to any committee.

N. NEW BUSINESS

- a) Ordinance #D-2013-012: Medical Marijuana Dispensaries (*Councilor Fitzgibbons*)
- b) Order #O-2013-027: Special Election Warrant – Debt Exclusion
- c) Order #O-2013-028: Municipal Building Renovation Projects (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

Pursuant to M.G.L., Section 21A (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, July 2, 2013

Council Order: O-2013-023

Introduced By: Town Manager (at the request of the Town Accountant)
Date Introduced: June 4, 2013
First Reading: June 4, 2013
Second Reading: July 2, 2013
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2013-023

AUTHORIZATION OF REVOLVING FUNDS

ORDERED: that the Town Council vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2013, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2014 as follows:

Spending Authority	Fund	Receipts	Expenditures	FY14 Spending Limit
Town Clerk	Street Listing	Sale of street lists; sale of bylaws/zoning bylaws; sale of subdivision rules; sale of zoning maps	Printing and other costs with publications/books sold to public	\$ 5,000
Recreation Director	Recreation	Fees associated with recreation programs	Salaries and benefits of full-time staff, part-time and seasonal staff, recreation programs, facility expenses and other expenses related to programs	\$ 150,000
Building Inspector	After Hours Inspections	Fees charged related to after hour inspections	Personnel costs associated with inspections and other related expenses	\$ 4,000

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

Police Chief	Police Equipment	Proceeds from sale/auction of Police related equipment and unclaimed property	Purchase, repair/maintenance of police equipment, training of officers related to purchase, repair/maintenance of such equipment	\$ 10,000
Building Inspector/Fire Chief	Ch.148A Fines	Fines assessed per statute	Enforcement, training, equip/tools and education	\$ 4,000
IT Director	Cable Services	License fee	Technology related equipment	\$ 3,000
Health Agent	Compost Bins	Fees from sale of compost bins	Purchase of compost bins	\$ 2,000

Referral(s)	Disposition(s)
• This measure received a first reading 6/4/13. • Referred to Council Budget & Finance Committee. • Requires consideration by Finance Committee • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered.	• 6/25/13: recommend approval to council • 6/12/13: Vote approve 6-0

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



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Ordinance: D-2013-001

Introduced By:	Councilor Timothy Fitzgibbons
Date Introduced:	February 26, 2013
First Reading:	February 26, 2013
Second Reading:	June 4, 2013
Third Reading	July 2, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-001

ESTABLISH PROCEDURES RELATIVE TO IMPLEMENTING SECTION 2-5 OF THE TOWN CHARTER

ORDERED: Whenever a vacancy on the Council occurs requiring it be filled pursuant to section 2-5(c) of the Charter, the Council shall use the following procedure in order to fill such vacancy:

- 1) The Council shall make known the position is open and ask for volunteers to fill it through as many outlets as seem feasible to them at the time, including, but not limited to:
 - a) Announcement at council meetings
 - b) Posting on Town bulletin boards
 - c) Communication through the town website
 - d) Information broadcast over public access cable
- 2) The Council shall set the date to fill at least 21 days after the initial vacancy is announced, applications to fill the vacancy shall close at least one week before the Council meets to fill the vacancy
- 3) When the Council meets to fill the vacancy, the agenda shall allow for a reasonable period of commentary from the public about the candidate(s) prior to a vote being taken to appoint someone to the vacancy
- 4) If no one shall have applied to fill the vacancy in the requisite time, the Council will follow the same process in steps 1-3 above until getting a qualified candidate to fill the vacancy

Explanation: The purpose of this rule is to clarify the process the Council will use to fill future vacancies under section 2-5(c) of the Charter. The intent of section 1 is to ensure the vacancy is widely advertised so as many people as possible who could fill the seat know about it. The intent of section 2 is to allow adequate time for people to consider whether or not to apply and then for the public to have adequate notice of the people who have applied. The purpose of section 3 is to allow the public, especially those from a district affected to have a chance to voice their opinion of one candidate over another. The purpose of section 4 is to ensure that if no one comes forward in the first round, there is another open and transparent time frame to solicit candidates again.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure received a first reading 2/26/13. • Referred to Council Rules & Procedures Committee. • This measure has been duly advertised in the Enterprise on 6/21/13, therefore may be finally considered.	• 5/28/13: vote 2-0 recommend approval to full council.



Bridgewater Town Council

Formerly Order #O-2013-024

In Town Council, Tuesday, July 2, 2013

Council Ordinance: D-2013-011

Introduced By: Councilor Timothy Fitzgibbons
Date Introduced: June 4, 2013
First Reading: June 4, 2013
Second Reading: July 2, 2013
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-2013-011

AMEND COUNCIL RULES & PROCEDURES SECTION III: COUNCIL MEETINGS

ORDERED; that effective the first meeting following the approval of this ordinance, the Town Council of Bridgewater, Massachusetts, votes to amend Section III of the Council Rules and Procedures as follows:

“Regular meetings of the Council shall be held in the Council Chamber (Memorial Building or another suitable location as needed and as determined by a majority group of the Council or by the Council President) on the first and third Tuesday of each month, or as otherwise voted by the Council, commencing at 7:00 PM.”

Explanation:

Currently, Town Council meetings have an established start time of 7:30 p.m. Approval of this order would affect an earlier start time of 7:00 p.m.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 6/4/13. • Referred to Council Rules & Procedures Committee. • This measure requires advertising.	• Considered at meeting of 6/20/13. Disposition to be provided to full council.



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Order: O-2013-022

Introduced By: Town Manager
Date Introduced: June 4, 2013
First Reading: June 4, 2013
Second Reading: July 2, 2013
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order O-2013-022

PRESERVATION RESTRICTION APPROVAL – FIRST PARISH CHURCH, UNITARIAN UNIVERSALIST

ORDERED; That the town, as required under Mass. Code 184, section 32, formally approve the Preservation Restriction Agreement on the First Congregational Society, Unitarian, (First Parish Church, Unitarian Universalist), 50 School Street, Bridgewater, MA 02324. in order to allow for its perpetual protection as provided by state statute.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 6/4/13. • This measure was not referred to any committee. • 14 Days has elapsed per Section XVIII of the Council Rules & Procedures, therefore this measure may be finally considered.	



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Order: #O-2013-025

Introduced By:	Councilor Fitzgibbons
Date Introduced	June 4, 2013
First Reading:	June 4, 2013
Second Reading:	July 2, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2013-025

DISSOLVE COUNCIL CONTRACTS REVIEW COMMITTEE

WHEREAS; At the meeting held on May 15, 2012, the Town Council unanimously voted to create an "Ad Hoc" committee for the purposes of Contract Review.

WHEREAS; Per the Town Charter section 4-1 (15) the Town Council is required to approve contracts "insofar as they require appropriations".

WHEREAS; the Council Budget & Finance committee conducts review of financial appropriations;

WHEREAS; due to these considerations, a separate, ad-hoc committee to perform this review function is no longer necessary,

It is therefore

ORDERED, that the Council Contracts Review Committee be dissolved.

Explanation:

The contracts review committee is no longer necessary as the Budget & Finance committee will review as part of their considerations of appropriations.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 6/4/13. • Referred to Rules & Procedures Committee.	• 6/20/13: Measure considered. Will provide disposition to full council on 7/2/13.

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



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Order: O-2013-026

Introduced By: Town Manager

Date Introduced: June 4, 2013

First Reading: June 4, 2013

Second Reading: July 2, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2013-026

ACCEPTANCE OF GIFT

WHEREAS: Massachusetts General Laws, Chapter 44, §53A 1/2, states as follows:

“A city council, with the mayor’s approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city or town from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable;” and

ORDERED, That pursuant to the provisions of M.G.L. ch. 44, sec. 53A1/2, the Town Council hereby accepts a gift from the Oliari Charitable Foundation of personal property consisting of a completed and installed playground to be located on land behind the police station on Crescent Street, such gift being conditioned upon the consent of Joseph Starr as to the use of his previous gift to the Town *(for a park on land off of Starr Road)* in conjunction with the completion of the playground gift.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 6/4/13. • This measure was not referred to any committee. • 14 Days has elapsed per Section XVIII of the Council Rules & Procedures, therefore this measure may be finally considered.	

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



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Transfer: T-2013-011

Introduced By: Town Manager

Date Introduced: May 7, 2013

First Reading: May 7, 2013

Second Reading: July 2, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2013-011

TRANSFER APPROPRIATION – WATER DEPARTMENT (REPLACE WELL #4)

ORDERED that, Pursuant to Section 6-4 (d) of the Town of Bridgewater Home Rule Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$150,000.00 from the Water Retained Earnings Account (*account # 605-000-00-0000-359000*) to account # 602-450-10-1027-585000 (*Replacement of Well #4*) or take any other action relative thereto.

Explanation:

The original gravel packed well was installed in year 1971. After years of redevelopment, the wells' plugging has increased and the yield has diminished causing more frequent cleaning. Also, the most recent investigation has uncovered structural damage within the well shaft. Our engineers have reviewed all reports and recommended a new well be installed.

Referral(s)	Disposition(s)
• This measure received a first reading 5/7/13. • Referred to Council Budget & Finance Committee. • Requires consideration by Finance Committee • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered.	• 6/25/13: Vote 2-0 to recommend approval. • 6/12/13: Vote approve 6-0

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



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Transfer: T-2013-014

Introduced By:	Town Manager
Date Introduced:	June 4, 2013
First Reading:	June 4, 2013
Second Reading:	July 2, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer - #T-2013-014

ACCOUNTING DEPARTMENTAL TRANSFER

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council vote to appropriate and transfer the sum of \$ 37,012.00 from Fund Undesignated Fund Balance (*account #001-000-00-0000-359000*), to Software expense (*account # 001-135-01-0103-524026*) the amount of \$25,000.00 and to Software Maintenance (*account #001-145-01-0103-524026*) the amount of \$12,012.00 for the purposes of funding and purchases; and that the Town Manager is authorized to take any other action necessary or convenient to carry out this project.

Explanation: The payroll and cash management systems in the town's financial departments are antiquated and failing. Due to recent circumstances, it necessitated that the Town Manager employ a solution to ensure there would be no interruptions in payroll processing and improves the efficiencies of all departments. The transfer requested will allow the Town to procure services necessary to implement these solutions.

Referral(s)	Disposition(s)
• This measure received a first reading 6/4/13. • Referred to Council Budget & Finance Committee. • Requires consideration by Finance Committee • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered.	• 6/25/13: Vote 2-0 to recommend approval • 6/12/13: Vote approve 6-0

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



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Transfer: T-2013-015

Introduced By: Town Manager

Date Introduced: June 4, 2013

First Reading: June 4, 2013

Second Reading: July 2, 2013

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #T-2013-015

ACCOUNTING DEPARTMENT TRANSFER

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 \$4,425.85 for FY13 and \$46,028.95 for FY14 to the Accounting Department budget account #001-135-01-0101-511500 (*Clerical Salaries*) from the Treasurer's budget account # 001-145-01-0101-511300 (*Appointed Officials*).

Explanation: The FY14 budget, as voted, appropriates \$46,028.95 in the Appointed Officials salaries line item within the Treasurer's budget. The department staff member has recently been transferred to the Accounting Office. Accordingly, the additional \$4,425.85 is requested to pay salaries for the duration of FY13.

Referral(s)	Disposition(s)
• This measure received a first reading 6/4/13. • Referred to Council Budget & Finance Committee. • Requires consideration by Finance Committee • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered.	• 6/25/13: Vote 2-0 to recommend approval. • 6/12/13: Vote approve 6-0

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



Bridgewater Town Council

In Town Council, Tuesday, Tuesday, July 2, 2013

Council Resolution: R-2013-003

Introduced By: Councilor William Wood
Date Introduced: June 4, 2013
First Reading: June 4, 2013
Second Reading: July 2, 2013
Amendments Adopted:
Date Adopted:
Effective Date:

Proposed Resolution #R-2013-003

A RESOLUTION ON THE RECALL INVESTIGATION REPORT

WHEREAS, Article 2-11 of the Bridgewater Home Rule Charter sets out the ability to investigate; and,

WHEREAS, The Town Council passed Order #2011-060 defining the rules of an investigation; and,

WHEREAS, Order #2011-060 step 8 requires an investigation report to be generated; and,

WHEREAS, The Town Council performed an investigation in November 2011 into the validity of the 1990 Recall Special Act and related issues; and,

WHEREAS, The Superior Court has ruled on the Recall Act and related matters;

NOW THEREFORE BE IT RESOLVED: That the Town Council of the Town of Bridgewater determines that the Superior Court ruling shall satisfy the requirement of the final report of the Council's investigation into the recall effort and that the Council committee created with the express purpose to produce the investigation report has been dissolved.

Committee Referrals and Dispositions:

<i>Referral(s)</i>	<i>Disposition(s)</i>
• This measure received a first reading 6/4/13. • This measure was not referred to any committee. • 14 Days has elapsed per Section XVIII of the Council Rules & Procedures, therefore this measure may be finally considered.	



Bridgewater Town Council

In Town Council, Tuesday, July 2, 2013

Council Ordinance: D-2013-012

Introduced By:	Councilor Timothy Fitzgibbons
Date Introduced:	July 2, 2013
First Reading:	July 2, 2013
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-012

MEDICAL MARIJUANA MORATORIUM ORDINANCE

To Amend the Town's Zoning Ordinance by adding a new Section ___, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, that would provide as follows:

Section 21.1: PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date.

Currently under the Zoning Ordinance, a Medical Marijuana Treatment Center is not a permitted use in the Town pursuant to Section 6 Use Regulation and any regulations promulgated by the State. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact Ordinances in a manner consistent with sound land use planning goals and objectives.

Section 21.2 DEFINITION:

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 21.3 TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014.

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Ordinances to address the impact and operation of Medical Marijuana treatment centers and related uses.