



BRIDGEWATER TOWN COUNCIL

Tuesday, April 5, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) March 8, 2016

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition #P-2016-011: Annual Entertainment License, The Bridge Center, 470 Pine Street
- b) Petition #P-2016-012: Annual Entertainment License, Music Alley

H. PRESENTATIONS

- a) Skip's Liquors

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) FY2017 Budget Update (*Town Manager*)
- b) Town Manager Goals & Objectives (*Councilor Gallagher*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Petition P-2016-014: Annual Town Election Warrant (At the Request of the Town Clerk's office)
- b) Order O-2016-004: Affix Town Clerk Salary
At their meeting held 3/23/16 the Finance Committee voted 5-1 to recommend approval with amendment. The Budget & Finance Committee meets 4/5/16 and will provide their disposition to the full Council 4/5/16.
- c) Order O-2016-005: Acceptance of a Gift – Bridgewater Preserve/Calthrop Property
At their meeting held 3/23/16 the Finance Committee voted unanimously to recommend approval. The Budget & Finance Committee voted 3-0 to recommend approval on 3/16/16.
- d) Order O-2016-006: Acceptance of a Gift – Senior Center (Trustees of the Home for Aged Men)
At their meeting held 3/23/16 the Finance Committee voted unanimously to recommend approval with amendment. The Budget & Finance Committee voted 3-0 to recommend approval on 3/16/16.
- e) Order O-2016-008: Olde Scotland Links Golf Equipment Lease
At their meeting held 3/23/16 the Finance Committee voted unanimously to recommend approval. The Budget & Finance Committee meets 4/5/16 and will provide their disposition to the full Council 4/5/16.

M. OLD BUSINESS

- a) Ordinance D-2016-005: Zoning Bylaw Amendment – Demolition Delay Ordinance
This measure was referred to the Community & Economic Development Committee and Planning Board for a joint public hearing. The hearing will be held 4/4/16 and dispositions provided to the full Council 4/5/16.

N. NEW BUSINESS

O. CITIZEN COMMENTS

- P. COUNCIL COMMENTS
- Q. EXECUTIVE SESSION
- R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Petition: P-2016-011

Date Introduced: April 5, 2016

Date Adopted:

Relative to:

THE GRANTING OF AN ANNUAL ENTERTAINMENT LICENSE

WHEREAS, The Bridge Center has requested permission to host events on private property and invite the public. The Bridge Center has submitted the applicable documentation required for a new annual entertainment license; and,

WHEREAS, The Bridge Center has and will comply with the policies and requirements of the Town of Bridgewater; and,

WHEREAS, the license will allow use of the amplification system, live music/trios/small band, dance/other performances for the public's listening/viewing pleasure; and,

WHEREAS, the maximum hours of operation for the events will be: *Wednesdays (weather permitting)* from 6:00 pm – 8:00 pm. This is anticipated to be one or more times per month during the summer; and,

WHEREAS, any staging or food trucks will require permitting through Inspectional Services and the Board of Health; and,

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the public safety departments that 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 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that the Bridge Center, be granted an Annual Entertainment License for events to be held on their private property located at 470 Pine Street, Bridgewater, Massachusetts as requested.



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Petition: P-2016-012

Date Introduced: April 5, 2016

Date Adopted:

Relative to:

THE GRANTING OF AN ANNUAL ENTERTAINMENT LICENSE

WHEREAS, Marilee Kenney Hunt has obtained grant funds from CPC and Bridgewater State University to pursue a free recreational music and performance program to benefit the public on behalf of the Town of Bridgewater. Ms. Kenney Hunt has submitted the applicable documentation required for a new annual entertainment license; and,

WHEREAS, Music Alley has/will comply with the policies and requirements of the Town of Bridgewater; and,

WHEREAS, the license will allow use of the amplification system, disc jockey, live music/trios/small band, dance/other performances for the public's listening/viewing pleasure; and,

WHEREAS, the maximum hours of operation for the events will be: Thursdays (weather permitting) from 5:00 pm – 8:30 pm; and,

WHEREAS, any staging or food trucks will require permitting through Inspectional Services and the Board of Health; and,

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the public safety departments that 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 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition that the Music Alley, be granted an Annual Entertainment License for events to be held adjacent to the Town Hall at 64 Central Square, Bridgewater, Massachusetts as requested.



Bridgewater Town Council

In Town Council Tuesday, April 5, 2016

Council Petition: P-2016-014

Date Introduced: April 5, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

Annual Town Election Warrant

WHEREAS, the Town of Bridgewater Annual Town Election will be held on April 23, 2016; and,

WHEREAS, the attached warrant is presented to the Town Council for their acceptance.

The Town Council of the Town of Bridgewater, Massachusetts, assembled accepts, as a matter of record, the attached Annual Town Election Warrant as provided by the Town Clerk.

ROLL CALL VOTE



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF BRIDGEWATER
ANNUAL TOWN ELECTION WARRANT**

Plymouth, SS.

To the Constables of the Town of Bridgewater:

GREETINGS:

In the name of the Commonwealth of Massachusetts and the Town of Bridgewater, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Annual Town Election to vote at:

Precincts 1,2,3,4,5,6 & 7
Bridgewater Middle School
166 Mount Prospect Street, Bridgewater, MA 02324

On **TUESDAY, THE 23rd DAY OF APRIL, 2016** from **7:00 A.M. to 8:00 P.M.** for the following purposes:

To cast their votes in the Annual Town Election for the candidates for the following Offices:

COUNCILOR DISTRICT FOUR.....for Three Years
COUNCILOR DISTRICT SEVEN for Three Years
COUNCILOR DISTRICT AT LARGE.....for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Bridgewater) for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Raynham)..... for Three Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years
TRUSTEES OF PUBLIC LIBRARYfor Three Years

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands, the Bridgewater Town Council this 5th day of April, 2016.

Constable

Date of Service of Warrant

ROLL CALL VOTE



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Order: O-2016-004

Finance Committee
proposed amendment p.2
"Committee Dispositions"

Introduced By:	Councilor Dennis Gallagher
Date Introduced	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	April 5, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-004

SALARY OF THE ELECTED TOWN CLERK

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

"record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers".

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that beginning in the fiscal year 2017, the salary of the Town Clerk shall be increased to \$65,000.00 annually for each of the two (2) years remaining in the current three (3) year term. The Town Clerk is an elected position and eligible for membership with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

FURTHER ORDERED, that the position of Town Clerk is exempt from the overtime provisions of the FLSA and shall not be entitled to overtime compensations in any form.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee	• Budget & Finance Committee meet 4/5/16 and will provide disposition to full Council 4/5/16. • 3/23/16: Vote 5-1 to recommend approval with amendment for a salary of \$47,000 - \$52,000



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Order: O-2016-005

Introduced By: Town Manager
Date Introduced: March 8, 2016
First Reading: March 8, 2016
Second Reading: April 5, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order O-2016-005

ACCEPTANCE OF GIFT

WHEREAS: Massachusetts General Laws, Chapter 40, §8C, states as follows:

“Said (Conservation) commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town;” and

WHEREAS: The Town of Bridgewater has been offered a fee interest in 69.35 acres of property owned by Child’s Bridge II (within a development also known as “Calthrop” and “Bridgewater Preserve”).

Now, therefore, in accordance with Chapter 40, §8C of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to approve acceptance of the gift of 69.35 acres of property, upon the stipulation that the Conservation Commission permanently preserve the property as Open Space in accordance with stated purpose thereof.

Explanation:

Demco Farms LLC, as agent for the owner, has offered 69.35 acres of property to Bridgewater to be permanently preserved as Open Space. The Conservation Commission is the appropriate Town board to accept the gift. Pursuant to MGL, the Conservation Commission cannot accept the property without Council approval.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	3/16/16: Vote 3-0 recommend approval 3/23/16: Vote unanimous approve.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Order: O-2016-006

Town Manager proposed amendment.

Introduced By: Town Manager
Date Introduced: March 8, 2016
First Reading: March 8, 2016
Second Reading: April 5, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order O-2016-006

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

WHEREAS: The Town of Bridgewater has received the gift of a ~~\$2,500~~12,000.00 from ~~Bridgewater Savings Charitable Foundation~~Trustees of the Home for Aged Men in the City of Brockton.

Now, therefore, in accordance with Chapter 44, §53A ½ of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the gift of \$12,000.00 from Trustees of the Home for Aged Men in the City of Brockton and to expend the gift of in accordance with stated purpose thereof.

Explanation:

Trustees of the Home for Aged Men in the City of Brockton donated monies to support the service delivery and activities of the Senior Center.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	3/16/16: Vote 3-0 recommend approval 3/23/16: Vote unanimous approve with Town Manager amendment.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016

Council Order O-2016-008

Introduced By: Town Manager
Date Introduced: March 8, 2016
First Reading: March 8, 2016
Second Reading: April 5, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order: O-2016-008

EQUIPMENT LEASE / PURCHASE FOR OLDE SCOTLAND LINKS

WHEREAS, Town Manager has proposed a cost effective lease - purchase arrangement according to the useful life of the equipment to be purchased. With the Council's agreement, the Town Manager will enter into a forty eight month finance arrangement to procure said equipment, subject to approval as to form by the Town's legal counsel.

ORDERED, in accordance with Section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council vote to authorize the Town Manager to enter into a four year financing agreement for the purchase of a Pro Force Debris Blower, GreensPro Greens Roller, Sand Pro, Multi Pro, Groundsmaster 3500 Sidewinder, and Lastec Articulators or comparable equipment.

FURTHER, The Council's affirmative vote permits the Town Manager and other officers, jointly and severally, to take any and all actions and to execute and deliver any and all agreements, documents and certificates which we may deem necessary or advisable in order to carry out, give effect to and comply with the terms the Agreement.

Explanation: The Golf Course, as part of their operational budget, plans for the purchase of equipment to replace original failing equipment. This will be a budgeted expense and requires no additional funding for FY2016. The terms of the agreement are for 48 months and thus the financing requires the approval of the legislative body.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee \Finance Committee	- Budget & Finance Committee meet 4/5/16 and will provide disposition to full Council 4/5/16. 3/23/16: Vote unanimously to recommend approval.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, April 5, 2016, 2016

Council Ordinance: D-2016-005

Introduced By:	Councilor John Norris
Date Introduced:	March 8, 2016
First Reading:	March 8, 2016
Second Reading:	April 5, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2016-005

DEMOLITION DELAY ORDINANCE

ORDERED that; pursuant to M.G.L., Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

.01 Intent and Purpose

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. The issuance of demolition permits is regulated through this ordinance.

.02 Definitions

“Applicant” means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must indicate upon the application assent to the filing of the application.

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1900, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

The structure is listed in, or is within an area listed in, the National Register of Historic Places; or

The structure is eligible for the National Register of Historic Places; or

The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

.03 Procedure

For any structure constructed in the year 1900, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

Official Town of Bridgewater demolition permit application.

The address of the structure slated for demolition.

The property owner's name, address, email address and telephone number.

A description of the structure, including year constructed.

The specific reasons for requesting a demolition permit.

A description of the proposed reuse, reconstruction or replacement of the structure.

Images of the structure.

Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days after receipt of the application hold a meeting and make a written determination of whether the structure is significant.

Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official may proceed to issue the demolition permit.

Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the thirty calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.

If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

If the Commission determines that the structure is to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fifteen calendar days of the public hearing, the Building Official may issue the demolition permit.

Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Official may issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.

Following the sixty day delay period, the Building Official may issue the demolition permit.

.04 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

.05 Emergency Demolition

Upon determination of imminent danger to the public health or safety, the Building Official may issue an emergency demolition permit to the owner of the structure. Nothing in this ordinance shall subvert the statutory authority of the Building Official or otherwise preclude the Building Official from executing the duties and responsibilities of that office.

.06 Enforcement and Remedies

Any owner of a structure subject to this ordinance that demolishes a structure without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine of not more than Three-Hundred (\$300) Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished structure is completed as determined by the Commission or unless otherwise agreed to by the Commission.

If a structure subject to this ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

.07 Historic District Act

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

.08 Severability

Should any phrase, clause, sentence, paragraph or section of this chapter be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board	• Joint Public Hearing scheduled for 4/4/16 at 7:00 p.m. for CEDC and Planning Board. CEDC will provide disposition to full Council 4/5/16.