BRIDGEWATER TOWN COUNCIL

Tuesday, April 7, 2015
7:30 PM
BTV Studios
80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) March 17, 2015

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS - None

G. LICENSE TRANSACTIONS

a) 7:40 p.m. Public Hearing - Petition #P-2015-006: Transfer of Wine & Beer Package Store License – Circle K Massachusetts LLC (Circle K Store #7517), 1385 Pleasant St

b) 7:50 p.m. Public Hearing - Petition #P-2015-007: Wine and Malt Restaurant License – Sanj Corporation, 8 Romney Road

c) Petition #P-2015-008: Transfer of Common Victualler License – Circle K Massachusetts LLC (Circle K Store #7517), 1385 Pleasant St

H. PRESENTATIONS

a) **Charter Review Committee**: Update on Review/Recommendations.

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Compensation Classification Update – *(Councilor Whitaker)*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION -

a) Ordinance #D-2012-014: Right To Farm Ordinance
At their meeting held 2/10/15, the Community & Economic Development Committee voted 3-0 to recommend approval of this measure. After amendments were accepted by the Council, this measure was duly advertised in the Enterprise, therefore may be finally considered this evening.

b) Ordinance #D-2015-001: Enforcement Ordinance – Canine Control
At their meeting held 3/3/15, the Rules & Procedures committee voted 3-0 to recommend approval with amendments. This measure has been duly advertised on the Town's website and with the Town Clerk's office, therefore may be finally considered this evening.

c) Ordinance #D-2015-003: Affordable Housing Trust
At their meeting held 2/10/15, the Community& Economic Development committee voted 3-0 to recommend approval. This measure has been duly advertised on the Town's website and with the Town Clerk's office, therefore may be finally considered this evening.

d) Ordinance #D-2015-004: Local Options Lodging Tax
At their meeting held 3/17/15, the Community & Economic Development committee voted 3-0 to recommend approval. The Finance Committee voted 6-0 to approve at their meeting held 3/9/15. This measure has been duly advertised in the Enterprise, therefore may be finally considered at this evening's meeting..

e) Order #O-2015-005: Annual Town Election Warrant
This measure requires no committee referrals.

M. OLD BUSINESS –

a) Order #O-2015-006: Creation of Affordable Housing
At their meeting held 4/2/15, the Community & Economic Development Committee voted 3 to0 to recommend approval with amendments.

b) Order #O-2015-007: Feasibility Exploration – Implementation of Downtown Community Development Master Plan Recommendations
At their meeting held 4/2/15, the Community & Economic Development Committee voted 3 to0 to recommend approval with amendments

c) Transfer #T-2015-006 – Appropriation for Animal Control Vehicle
The Council's Budget & Finance Committee and the Finance Committee met on 3/23/15. Both committees voted to table this item until their next meeting on 4/6/15. Dispositions will be provided to the full Council on 4/7/15. This measure may not be finally passed this evening as a public hearing is required for supplemental appropriations.

d) Transfer #T-2015-007 – Appropriation for Ambulance Purchase
At their meeting held 3/23/15, the Finance Committee voted 5-0 to approve with proposed amendments. The Budget & Finance Committee voted 2-0 to recommend approval with proposed amendments. This measure may not be finally passed this evening as a public hearing is required for supplemental appropriations.

N. NEW BUSINESS

a) Order #O-2015-008: Affix Salary – Town Clerk *(Councilor Rivers)*

b) Transfer #T-2015-008: COLA transfer from Stabilization for part time / non-union employees

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Ordinance: D-2012-014

Introduced By:	Councilor Peter Colombotos
Date Introduced:	June 19, 2012
First Reading:	June 19, 2012
Second Reading:	September 18, 2012, February 24, 2015
Third Reading:	April 7, 2015
Amendments Adopted:	February 24, 2015
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2012-014

RIGHT TO FARM ORDINANCE

Section 1 Legislative Purpose and Intent

A. The purpose and intent of this ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the Town Council of the Town of Bridgewater restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution. ("Home Rule Amendment").

B. This ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Bridgewater by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This ordinance shall apply to all jurisdictional areas within the Town of Bridgewater.

Section 2 Definitions

A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

B. The word "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

1. farming in all its branches and the cultivation and tillage of the soil;
2. dairying;
3. production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;

4. growing and harvesting of Christmas trees;
5. cultivation of sugar maple trees for the production of maple products;
6. growing and harvesting of forest products and any other forestry or lumbering operations;
7. raising of livestock, including horses;
8. keeping of horses as a commercial enterprise;
9. keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), camelids (such as llamas, alpacas, and camels) and other domesticated animals for food and other agricultural purposes, including fiber and fur-bearing animals (not to include exotic animals).
10. keeping of honey bees;
11. fish hatcheries.

C. "Farming" shall encompass activities including, but not limited to, the following:

1. operation and transportation of slow-moving farm equipment over roads within the Town;
2. control of pests including, but not limited to insects, weeds, predators, and disease organisms of plants and animals;
3. application of manure, fertilizers, and pesticides;
4. conducting agriculture-related educational and farm-based recreational activities, provide that the activities are related to marketing the agricultural output or services of the farm;
5. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
6. maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
7. on-farm relocation of the earth and clearing of ground for farming operation;
8. construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

Section 3 Right to Farm Declaration

A. The Right to Farm is hereby recognized to exist within the Town of Bridgewater. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the accompanying incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Ordinance shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning by

law. This ordinance does not supersede local, state or federal laws or regulations or private covenants.

Section 4 Disclosure Notification

A. The Town with provide a copy of the following notice by posting a copy of the notice at the Bridgewater Town Hall and at the Bridgewater Public Library, and will include the notice and copy of the ordinance on the Town's official website.

"It is the policy of the Town of Bridgewater to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lie within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be affected by commercial agricultural operations including the ability to access water services for such property under certain circumstances".

Section 5 Resolution of Disputes

A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Town Manager, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved my have. The Zoning Enforcement Officer may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame with all involved parties.

B. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed time frame with all involved parties.

Section 6 Severability Clause

A. If any part of the ordinance is for any reason held to be unconstitutional or invalid, such decision(s) shall not affect the remainder of this Bylaw. The Town of Bridgewater declares the provisions of this ordinance to be severable.

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure received a first reading 6/19/12. • Referred to Community & Economic Development Committee 6/19/12. • After amendments were accepted, this measure was duly advertised in the Enterprise on 3/27/15 and is posted with the Town Clerk's office and may be finally voted this evening.	• 2/10/15: vote recommend approval.

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

Bridgewater Town Council

In Town Council, Tuesday, March 3, 2015

Council Ordinance: D-2015-001

Introduced By:	Town Manager
Date Introduced:	January 6, 2015
First Reading:	January 6, 2015
Second Reading:	March 3, 2015
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-001

Enforcement Ordinance – Canine Control

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to rescind the bylaw Section XXI, the Leash Law and replace Section XXXXIII, the Dog Bylaw with the following Ordinance on Canine Control. :

CANINE CONTROL

Section 1.Dogs

A. Nuisance and Dangerous Dogs

1. Definitions.

a. a. Nuisance dog is a dog that:

i. by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;

ii. by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or

iii. has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.

b. Dangerous dog is a dog that either:

i. without justification, attacks a person or domestic animal causing injury or death; or

ii. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

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

c. No dog shall be deemed dangerous:

i. solely based upon growling, barking, or both;

ii. based upon the breed of the dog; or

iii. if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:

a. the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;

b. the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

c. the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or

d. at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Town Manager's Office that a dog kept in the Town is a nuisance dog or a dangerous dog.

3. Disposition. The Town Manager's Office shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Town Manager or its designee (hereinafter referred to as the "Hearing Authority") shall take the following action:

a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.

b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.

c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.

d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.

4. Remedies.

a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.

b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:

i. that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;

ii. that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;

iii. when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;

iv. that the owner or keeper provide (i) proof of insurance of at least $100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;

v. that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;

vi. that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or

vii. that the dog be humanely euthanized.

c. Restrictions following dangerousness finding.

i. No dog that has been deemed dangerous shall be ordered removed from the Town.

ii. No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this ordinance shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.

iii. No person shall transfer ownership or possession of a dog that been deemed dangerous under this Bylaw or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.

iv. If a hearing authority or a district court has deemed a dog to be a dangerous dog and such dog wounds a person or worries, wounds or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort to the person injured by the dog for three times the amount of damages sustained by such person.

5. Appeal. Within 10 days after an order has been issued under this ordinance, the owner or keeper of such dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued, addressed to the justice of the court praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under MGL c. 221, section 62C, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court. All proceedings referred to under this section of the ordinance (Section 5, Appeal) shall be held in compliance with Massachusetts General Laws Chapter 140, Section 157.

6. Impoundment Pending Appeal.

    a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of the Town's agents or employees. The district court shall consider this petition in accordance with MGL c. 140, section 157.

    b. Costs of impoundment during appeal process.

        i. If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods: (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.

        ii. If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.

7. Penalties.

    a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.

    b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.

    c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section may be punished by a fine of not more than $500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than $1,000 or

imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.

d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

B. Chaining or Tethering Dogs

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

   a. inside a pen or secure enclosure, if the following conditions are met:

      i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;

      ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed; and

      iii. the minimum height of the fence shall be adequate to successfully confine the dog;

   b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

   c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:

      i. only 1 dog shall be tethered to each cable run;

      ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;

      iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;

      iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and

v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.

3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.

5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:

    a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;

    b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and

    c. subjecting a dog to dangerous conditions, including attacks by other animals.

7. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine $50, for a second offense, be punished by a fine of $100 and for a third or subsequent offense, be punished by a fine of $300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

8. Any fine issued under the aforementioned Section B. "Chaining and Tethering" may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 2. Leashing of Dogs

A. **Leash Required.** No person owning or keeping a dog in the Town of Bridgewater shall permit such dog to be at large in the Town of Bridgewater elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.

Such owner or keeper of a dog in the Town of Bridgewater, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

This provision shall not apply, however, in any area designated by the Parks and Recreation Department as a "Dog Park", "Dog Run" or "Dog Exercise Area".

In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog. The Park and Recreation Department may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.

B. **Enforcement.** Any dog found to be at large in violation of this ordinance shall be caught and confined by the dog officer who shall notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven days within which to recover the dog.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section, as provided for in this ordinance.

A dog officer having custody of a dog confined under this ordinance shall be allowed the sum of $40 per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof to the Town of Bridgewater.

C. **Fines**

Violations of this Section (Section 2) of this Article shall be punishable as follows:

First offense by a fine of $75.00

Second offense by a fine of $100.00

Third offense by a fine of $150.00

Fourth and each subsequent offense by a fine of $200.00

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 3. No Fouling of Sidewalks, Etc.

A. **Duty to Dispose.** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any private property neither owned nor occupied by said person.

B. **Duty to Possess Means of Removal.** No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.

   Furthermore, no person who owns, possesses, or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

C. **Method of Removal and Disposal.** For the purposes of this regulation, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.

   Disposal shall be accomplished by transporting such feces to a place suitable for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.

D. **Fines.**

   Violation of Section 3 of this Article shall be punishable as follows:

   First offense by a fine of $75.00

   Second offense by a fine of $100.00

   Third and each subsequent offense by a fine of $150.00

   Any fine issued under this section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

E. **Exemption.** This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this Ordinance, or to any individual who utilizes a guide dog.

F. **Severability.** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4. Licensing

A. Licensing Requirement.

   1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Bridgewater shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk.

3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Bridgewater Health Department or the Town Clerk in accordance with MGL c. 140, section 145B.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.

3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in MGL c. 140, section 137D within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.

2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Bridgewater, and the year of issue.

2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.

3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply: (1) to a person to whom the applicable kennel license has been issued under this ordinance and remains in force; or (2) to a dog housed in a research institution.

F. Fees.

1. Annual license fees. The annual license fees are as follows:

a. female: $20

b. spayed female: $15

c. male: $20

d. neutered male: $15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

    a. Penalty for failure to comply with licensing requirements. Failure to comply with this section shall be punishable by a fine of $50.

    b. Additional late fees. Failure to comply with this section within 45 days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of $50 and failure to comply with this section within 90 days of the date that the licensing or re-licensing obligation arises shall be punishable by an additional fine of $50.These late fees shall be in addition to any other applicable penalty provided for in this ordinance.

3. Waiver of fees.

    a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

    b. Owner aged 70 and over. If the Town so votes in accordance with MGL c. 140, section 139(c), no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog; and

Section 5. Kennels

A. Personal Kennel (Kennel A)

1. License optional (Kennel A-1). An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.

2. License mandatory (Kennel A-2). An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.

3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1), three months or older, owned or kept under single ownership for private personal purposes.

4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.

5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.

6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

B. Other Types of Kennels.

1. Commercial Boarding or Training Kennel (Kennel B) is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A "Commercial Boarding or Training Kennel" shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or otherwise cares for animals owned by others.

2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.

3. Domestic Charitable Corporation Kennel (Kennel D) is a facility operated, owned, or maintained by a domestic charitable corporation registered with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.

4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a "Veterinary Kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.

2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.

3. License fees, calculation, exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.

4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.

5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of $50.

D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.

2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.

3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached.

   This tag shall be inscribed with the number of the kennel license, name of the Town of Bridgewater, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.

4. Inspections. The Chief of Police, the Animal Control Officer, the Health Agent or the agent of any of these ("Inspecting Authority") may inspect any kennel at any time for compliance with the above requirements.

5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Town Manager stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.

2. Hearing. Within seven days of the filing of such petition, the Town Manager or its designee ("Hearing Authority") shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.

3. Investigation. At the hearing, the Hearing Authority may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.

4. Disposition. Following the public hearing and any investigation or other proceedings, the Hearing Authority may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Hearing Authority shall cause written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.

5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with MGL c. 140, section 137C.

6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of $250."

Section 6. Enforcing Authorities

Any police officer of the Town, the Health Agent or the Animal Control Officer of the Town many enforce the provisions of this Article as well as those articulated under Massachusetts General Laws.

Section 7. Non-Criminal Dispositions

Fines assessed under Sections 2, 3, 4 and 5 of this bylaw, as previously stated herein, may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee • After amendments were accepted, this measure was duly advertised, therefore may be finally considered this evening.	• 3/3/15: Vote recommend approval with amendments.

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

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Ordinance: D-2015-003

Introduced By:	Councilor Peter Colombotos
Date Introduced:	January 6, 2015
First Reading:	January 6, 2015
Second Reading:	February 24, 2015
Amendments Adopted:	None
Third Reading:	April 7, 2015
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-003

Affordable Housing Trust

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to accept the following Affordable Housing Trust:

DECLARATION OF TRUST
TOWN OF BRIDGEWATER
AFFORDABLE HOUSING TRUST

Declaration of Trust made this ____ day of _____, 2015, by _____, of Bridgewater, Plymouth County, Massachusetts hereinafter called the Trustees, pursuant to the provisions of MGL c.44, section 55C, hereby acknowledge and agree for themselves and their successors in trust to hold the same together with such other property and funds as may be added thereto, for the purposes hereof in trust nevertheless for the benefit of all of the inhabitants of the Town of Bridgewater (the "Town") in the manner and under the terms and conditions set forth herein.

Article I
Name of Trust

This Trust shall be called the "Bridgewater Affordable Housing Trust." A certificate of Trust for this Trust shall be recorded with the Plymouth County Registry of Deeds and the Plymouth County Registry District of the Land Court.

Article II
Purposes

The purpose of this Trust shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households and in furtherance of this purpose, to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property both real and personal in such a manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property compromising the Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the inhabitants of the

Town for the creation and preservation of affordable housing for which this Trust was formed and no part of the activities of the Trust shall consist of propaganda or otherwise attempting to influence legislation or participation in or intervention in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure or be payable to or for the benefit of any private individual or corporation.

Article III
Board of Trustees

Pursuant to MGL c.44, section 55C, the Town Manager, as chief executive officer, or his designee, shall be an ex officio Trustee. The remaining Trustees shall be appointed by the Town Manager for staggered two year terms, subject to confirmation by the Town Council. Only the Town Manager, as chief executive officer, and persons who are registered voters in the Town of Bridgewater shall be eligible to hold the office of Trustee. Any Trustee who ceases to be a registered voter in the Town of Bridgewater shall cease to be a Trustee hereunder. Such determination shall be filed in writing with the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his term of office expires, a successor Trustee shall be appointed by the Town Manager and confirmed by the Town Council, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. There shall be five Trustees of the Trust including the Town Manager.

Article IV
Meetings of the Trust

There shall be regularly scheduled meetings of the Trust at such time and at such place as the Trustees shall determine. A written notice stating the place, day, and hour of each meeting of the Trust shall be posted in accordance with the Open Meeting Law. A quorum at any meeting shall be a majority of Trustees qualified and present in person.

Article V
Powers of the Trustees

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in Trust Agreement, shall include the following powers:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or any general or special law or any other source, including money from chapter 44B;
(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the trust;
(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board of Trustees deems necessary;
(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
(7) to apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
(10) to carry property for accounting purposes other than acquisition date values;
(11) to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge trust assets as collateral;
(12) to make distributions or divisions of principal in kind;
(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;
(14) to manage or improve real property; and to abandon any property which the Board of Trustees determined not to be worth retaining;
(15) to hold all or part of the trust property uninvested for such purposes and for such time as the Board of Trustees may deem appropriate;
(16) to extend the time for payment of any obligation to the Trust; and
(17) to enter into agreements to carry out programs or other initiatives to support community housing for low and moderate income households with income less than 100% of the area median income, per MGL c.44B, including agreements for the use of Bridgewater Community Preservation Act (CPA) funds and CPA eligible activities.

Article VI
Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for accounts of the Trustees of the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees

selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

Article VII
Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the Trustees are public employees for the purposes of MGL c. 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of MGL c. 268A.

Article VIII
Amendments

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under MGL c. 44, section 55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Registry District.

Article IX
Accounts

The books and records of the Trust shall be maintained by the Town Treasurer and audited annually as part of the independent annual audit of the Town of Bridgewater. The results of the audit shall be provided to the Town.

Article X
Duration of the Trust

This Trust shall be of indefinite duration. However, it may be terminated by a two-thirds vote of the Town Council provided that an instrument of termination, together with a certified copy of the Town Council vote, is duly recorded with the Registry of Deeds and the Registry District.
Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Town Treasurer for affordable housing purposes. In making and such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Article XI
Authority Shown by Record to Be Conclusive; Certificate as to Facts

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with said Registry of Deeds and Registry District to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that delegations of authority pursuant to Article VI hereof and instruments of amendment pursuant to Article VIII and instrument of termination pursuant to

Article X hereof shall be conclusive only if it appears that the delegations, amendments, or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a Trustee hereunder as to the identity of the then current Trustees or in any other manner germane to the affairs of the Trust.

Article XII
Titles

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.
Witness the execution under seal this _____ day of _____, 2015

_____ _____
Trustee Trustee

_____ _____
Trustee Trustee

_____
Trustee

Commonwealth of Massachusetts

County of Plymouth, ss.

On this ____ day of _____, 2015, before me, the undersigned Notary Public, personally appeared _____, _____, _____, _____, _____, Trustees, who proved to me through satisfactory evidence of identification, which was by Massachusetts Driver's Licenses, to be the persons whose names are signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Trustee on behalf of the Bridgewater Affordable Housing Trust.

_____
Notary Public

My commission expires: _____

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
• Referred to the Community & Economic Development Committee • This measure was duly advertise, therefore may be finally considered this evening.	• 2/10/15: Vote to recommend approval.

ROLL CALL VOTE – REQUIRES MAJORITY OF FULL COUNCIL (5)

Bridgewater Town Council

In Town Council, Tuesday April 7, 2015

Council Ordinance: D-2015-004

Introduced By:	Town Manager
Date Introduced:	February 24, 2015
First Reading:	February 24, 2015
Second Reading:	March 17, 2015
Amendments Adopted:	None
Third Reading:	April 7, 2015
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-004

Local Options Lodging Tax

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to accept G.L. c. 64G, § 3A to impose a local room occupancy excise at the rate of 6 percent.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Finance Committee • This measure has been duly advertised, therefore may be finally considered this evening.	• 3/17/15: Vote unanimous to recommend approval. • Vote 6-0 recommend approval.

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

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Order: O-2015-005

Introduced By:	President William Wood and Vice President Sheila Whitaker (At the request of the Town Clerk)
Date Introduced	March 17, 2015
First Reading:	March 17, 2015
Second Reading:	April 7, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2015-005

2015 ANNUAL TOWN ELECTION WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for the 2015 Annual Town Election as recommended by the Town Clerk.

Explanation:
It is required that the Town Council accepts and approves the attached Warrant for the Annual Town Election as a matter of record.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• No referral needed. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore this measure may be finally considered.	

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

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 **SATURDAY, THE 25th DAY OF APRIL, 2015 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:

TOWN CLERK……for Three Years
TOWN COUNCILOR DISTRICT ONE……for Three Years
TOWN COUNCILOR DISTRICT TWO…… for Three Years
TOWN COUNCILOR AT LARGE……for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Bridgewater)…….. for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Bridgewater)…….. for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Raynham)…….. for Three Years
BRIDGEWATER-RAYNHAM REGIONAL DISTRICT SCHOOL COMMITTEE(Raynham)…….. for Three Years
TRUSTEES OF PUBLIC LIBRARY ……for Three Years
TRUSTEES OF PUBLIC LIBRARY ……for Three Years
TRUSTEES OF PUBLIC LIBRARY ……for 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 _____ day of _____, 2015.

_____ _____
_____ _____
_____ _____
_____ _____
_____

_____ _____
Constable Date of Service of Warrant

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

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Transfer: T-2015-006

Introduced By:	Town Manager
Date Introduced:	March 17, 2015
First Reading:	March 17, 2015
Second Reading:	April 7, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer - #T-2015-006

APPROPRIATION FOR ANIMAL CONTROL VEHICLE

ORDERED, in accordance with section 6-4 (d) of the Bridgewater Home Rule Charter, that the Town Council vote to appropriate and transfer the sum of $ 30,000.00 from Prison Mitigation for the purpose of purchase of a vehicle for the Animal Control officer; and that the Town Manager is authorized to take any other action necessary or convenient to carry out this project. The vehicle will be paid out of fund 1000, the General Fund Capital Fund.

Explanation: The Animal Control vehicle has failed. Continuing repairs is cost prohibitive. The transfer requested will allow the Town to procure a vehicle and outfit it for this purpose.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee	• Budget & Finance Committee meets 4/6/15 and will provide disposition to full council 4/7/15.
• Requires consideration by Finance Committee. • Requires advertising & public haring	• Finance Committee meets 4/6/15.

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Transfer: T-2015-007

Proposed Amendments

Introduced By:	Town Manager
Date Introduced:	March 17, 2015
First Reading:	March 17, 2015
Second Reading:	April 7, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer - #T-2015-007

APPROPRIATION FOR AMBULANCE

ORDERED, in accordance with section 6-4 ~~(d)~~ of the Bridgewater Home Rule Charter, that the Town Council vote to appropriate and transfer the sum of $ ~~300,000~~95,000.00 from Prison Mitigation fund, and $205,000 from Ambulance Receipts fund for the purchase of an ambulance; and that the Town Manager is authorized to take any other action necessary or convenient to carry out this project. The vehicle will be paid out of fund 1000, the General Fund Capital Fund.

Explanation: Ambulance 1 was put out of service in December, 2014. The vehicle was past its anticipated useful life and had been in need of frequent repairs. At the time of being taken out of service, the estimates for additional repairs were cost prohibitive. The transfer requested will allow the Town to procure a new ambulance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee. • Requires Consideration by Finance Committee. • Requires Advertising & Public Hearing (Supplemental Appropriation).	• 3/23/15: Vote 2-0 recommend approval with amendment • 3/23/15: Vote 5-0 approve with amendments.

NOT FOR ACTION: REQUIRES ADVERTISING AND PUBLIC HEARING PENDING ACCEPTANCE OF PROPOSED AMENDMENTS.

Bridgewater Town Council

In Town Council, Tuesday, April 7, 2015

Council Order: O-2015-008

Introduced By:	Councilor William Rivers
Date Introduced	April 7, 2015
First Reading:	April 7, 2015
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2015-008

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 the salary of the Town Clerk shall be $40,000.00 annually for the full term of three (3) years from the time of election or appointment. The Town Clerk is deemed as a regular part-time position and is compensated 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.

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