



BRIDGEWATER TOWN COUNCIL

Tuesday, October 7, 2014

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) September 9, 2014
- b) September 23, 2014

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) Sam Baumgarten – Bridgewater Kids Race

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition #P-2014-027: Change of Hours for Package Store Licensees
- b) **7:45 P.M. HEARING:** Petition #P-2014-028: Petition For New Pole Location (*Pole 52/9S on Cross Street*)

H. PRESENTATIONS

- a) Olde Scotland Links Golf Course – *Town Manager*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Administrative Code - *President Wood*
- b) Town Code: Parks and Recreation – *Town Manager*
- c) Town Manager Performance Review Update – *Councilor Colombotos*
- d) Town Website – *Councilor Colombotos*
- e) Meeting of the General Public – Tuesday, November 4, 2014 - *President Wood*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance #D-2014-007: Crosswalk Visibility
This measure was referred to the Council's Public Safety Committee. The Committee met 9/22/14 and voted 3-0 to recommend approval. This measure has been duly advertised, therefore may be finally considered at this evening's meeting.
- b) Transfer #T-2014-042: Payment of Prior Year Invoice – Police Department
This measure was referred to the Council's Budget & Finance Committee and the Finance Committee. On 9/24/14, the Finance committee voted 5-0 to approve the measure. The Budget & Finance Committee meets 10/7/14 and will provide their disposition to the full Council.
- c) Transfer #T-2014-043: Payment of Prior Year Invoice – Treasurer/Tax Collector
This measure was referred to the Council's Budget & Finance Committee and the Finance Committee. On 9/24/14, the Finance committee voted 5-0 to approve the measure. The Budget & Finance Committee meets 10/7/14 and will provide their disposition to the full Council.
- d) Transfer #T-2014-044: Re-appropriation of Project Funds – Water/Sewer Department
This measure was referred to the Council's Budget & Finance Committee and the Finance Committee. On 9/24/14, the Finance committee voted 5-0 to approve the measure. The Budget & Finance Committee meets 10/7/14 and will provide their disposition to the full Council.
- e) Transfer #T-2014-045: Payment of Prior Year Invoices – Transfer Station

This measure was referred to the Council's Budget & Finance Committee and the Finance Committee. On 9/24/14, the Finance committee voted 5-0 to approve the measure. The Budget & Finance Committee meets 10/7/14 and will provide their disposition to the full Council

f) **Transfer #T-2014-046: Payment of Prior Year Invoices – IT Department**

This measure was referred to the Council's Budget & Finance Committee and the Finance Committee. On 9/24/14, the Finance committee voted 5-0 to approve the measure. The Budget & Finance Committee meets 10/7/14 and will provide their disposition to the full Council.

M. OLD BUSINESS

a) **Ordinance #D-2014-008: Retail Sales of Tobacco Products**

This measure was referred to the Council's Public Safety Committee. The Committee met 9/22/14 and voted 2-1 to not to recommend approval. On 9/23/14 the Council voted to postpone the measure to the meeting of 10/7/14. This measure requires advertising pending any amendments offered and voted by the Council, therefore may not be finally considered at this evening's meeting.

N. NEW BUSINESS

a) **Order #O-2014-023: Power Purchase Agreement – TJA Solar**

b) **Order #O-2014-024: State Election Warrant**

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Petition: P-2014-027

Date Introduced/Public Hearing: October 7, 2014

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: #P-2014-027

Relative to:

CHANGE OF HOURS FOR PACKAGE STORE LICENSEES

WHEREAS, Effective October 23, 2014, off-premises retail alcoholic beverages licensees (M.G.L. c. 138, §15) will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. Although under the law, these licensees are entitled as a matter of right to open at 10:00 a.m. and as such do not need the approval of the Local Licensing Authorities, licensees must notify the Local Licensing Authorities about the change of hours;

WHEREAS, the following licensees have advised the Town in writing that they will extend their operating hours on Sunday by opening two hours earlier at 10:00 a.m. as permitted by MGL c. 136, §6(52) as amended;

WINE & MALT ONLY

- 20 Broad Street, Inc. dba Pages III, Campus Plaza, 233 Broad Street
- MPG Corporation dba 7-Eleven, 155 Broad Street
- Assinippi Liquors, Bedford Street

ALL ALCOHOL

- Bridgewater Discount Liquors, Inc., 25 Broad Street
- Peter E. Bernier dba A.L. Bernier's Grocery Store, 905 Plymouth Street

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority acknowledge and affirm these notifications from the aforementioned licensees;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 136, section 6(52) as amended of the Massachusetts General Law (MGL), acknowledge that these so called "package store" license holders will be permitted to sell alcoholic beverages, beginning at 10 A.M. on Sundays as of October 23, 2014.



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Petition: P-2014-028

Date Introduced/Public Hearing: October 7, 2014

Amendments Adopted:

Date Adopted:

Date Effective:

Petition: P-2014-028

Relative to:

PETITION FOR NEW POLE LOCATION (Pole 52/9S on Cross Street)

Whereas, Notice having been given and a public hearing held, as provided by law,

Whereas, Verizon New England Inc. and Massachusetts Electric Company have petitioned that they be granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies as submitted.

Whereas, All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked - VZ N. E. Inc. No. **2014-24** in a package Dated **07/29/14** filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Place One (1) New Pole

This petition proposes to place new Pole 52/9S on Cross Street.

This pole is required to provide support to the pole line on the southeast side of Cross Street thus allowing for the removal of a dead tree.

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Whereas, the petitioner has complied with the requirements of the Town of Bridgewater and applicable state laws; and

Whereas, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Highway Superintendant which has oversight authority, it appears that the public good so requires such license be granted;

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



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Ordinance: D-2014-007

Introduced By:	Councilor Wood
Date Introduced:	August 5, 2014
First Reading:	August 5, 2014
Second Reading:	September 23, 2014
Amendments Adopted:	None
Third Reading:	October 7, 2014
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2014-007

Crosswalk Visibility

WHEREAS, the Town of Bridgewater is concerned with public safety;

WHEREAS, the current style of crosswalks within the Central Business District can be confusing to vehicle traffic and result in the loss of right-of-way for pedestrians;

Be it ordained by the Town Council of the Town of Bridgewater:

Amend Bridgewater General By-Laws article 10 – Streets and Sidewalks, with,
Section 15

A ladder style crosswalk shall be defined as a set of parallel lines marking the boundary of the crosswalk with perpendicular lines connecting the parallel lines to make the whole pattern appear to be similar to a ladder.

The Central Business District is an overlay defined elsewhere by the Town of Bridgewater that includes Central Square, Broad Street, and parts of Main and Summer Streets.

Crosswalks contained within the Central Business District, and within 100 feet of the Central Business District, shall be painted in a ladder style pattern to make the crosswalk highly visible to vehicle traffic.

When the crosswalk is adjacent to a legal parking space, the gap between the crosswalk and the parking space shall be filled with a pattern so that no one shall confuse the gap with legal parking.

Explanation:

Enactment of this ordinance will establish criteria within the bylaw strengthening public safety standards for crosswalks.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Referred to Public Safety Committee - This measure has been duly advertised and may therefore be finally considered.	9/22/14: Vote 3-0 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Transfer: #T-2014-042

Introduced By: Town Manager
Date Introduced: September 9, 2014
First Reading: September 9, 2014
Second Reading: October 7, 2014
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2014-042

PAYMENT OF PRIOR YEAR INVOICE FOR POLICE DEPARTMENT

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate from available funds in FY15 operating account *Medical Services* the sum of \$2,010.00 to pay for a prior fiscal year invoice or take any other action relative thereto.

Explanation: This payment is for new applicant physicals and drug screenings for eight (8) candidates that were conducted in May 2014.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Budget & Finance Committee • Referred to Finance Committee.	• Budget & Finance Committee meet 10/7. Will provide disposition to full council. • 9/24/14: vote 5-0 approve

ROLL CALL VOTE: REQUIRES 2/3 OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Transfer: #T-2014-043

Introduced By: Town Manager
Date Introduced: September 9, 2014
First Reading: September 9, 2014
Second Reading: October 7, 2014
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2014-043

PAYMENT OF PRIOR YEAR INVOICE FOR TREASURER/TAX COLLECTOR

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate from available funds in the FY15 Treasurer department operating budget account *Other Charges/Expenses* the sum of \$220.00 to pay for a prior fiscal year invoice or take any other action relative thereto.

Explanation: This payment is for the repair of time stamp clock in the Treasurer/Collector's office.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Budget & Finance Committee • Referred to Finance Committee.	• Budget & Finance Committee meet 10/7. Will provide disposition to full council. • 9/24/14: vote 5-0 approve

ROLL CALL VOTE: REQUIRES 2/3 OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Transfer Order: # T-2014-044

Introduced By: Town Manager
Date Introduced: September 9, 2014
First Reading: September 9, 2014
Second Reading: October 7, 2014
Amendments Adopted:
Date Adopted:
Date Effective:

Transfer Order #T-2014-044

RE-APPROPRIATION OF PROJECT FUNDS (WATER/SEWER DEPARTMENTS)

Whereas: the Town Council approved Order #T-2012-003 allowing for the use of funds for the preparation and equipping of future administrative offices of the Water & Sewer Departments at the Highway Building on High Street; and

Whereas: The Town utilized a portion of the approved funding for this purpose; and

Whereas: The Water & Sewer departments move to the Highway Barn will not be completed for an additional 18 months. The Department of Revenue guidance provides that all project funding be expended for its intended purpose, be re-appropriated for another purpose or be returned to its original funding source within an reasonable timeframe; and

Whereas: The Water/Sewer Superintendent and the IT Director have identified a necessary Geographic Information System (GIS) project that will archive data; which will assist Bridgewater's customers and department personnel by providing GIS information, research data, facility prints, water and sewer location cards, as-built and other relevant Street Log, Webpage, and Arcview information concerning the Town's systems.

Now, therefore, it is hereby:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to re-appropriate and transfer the sum of \$32,567.80 from Water & Sewer Communication Systems account to Water Capital & Sewer Capital GIS Mapping project, for the purposes to invest, improve or upgrade the GIS systems and hire a consultant to accomplish associated project work; and that the Town Manager is authorized to take any other action necessary or convenient to carry out this project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Budget & Finance Committee • Referred to Finance Committee.	• Budget & Finance Committee meet 10/7. Will provide disposition to full council. • 9/24/14: vote 5-0 approve

ROLL CALL VOTE: PASSAGE REQUIRES 9/10 OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Transfer Order: # T-2014-045

Proposed Amendments

Introduced By: Town Manager
Date Introduced: September 9, 2014
First Reading: September 9, 2014
Second Reading: October 7, 2014
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2014-045

PAYMENT OF PRIOR YEAR INVOICE FOR TRANSFER STATION

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate the amount of \$17,528.22 from available funds in the FY15 Transfer Station operating budget accounts to Transfer Station enterprise account *Trash Removal* to pay for ~~two prior fiscal year invoices in the amount of \$10,928.45 and \$4,825.00 respectively~~ seven prior fiscal year invoices in the amount of \$10,928.45, \$98.23, \$600.00, \$875.00, \$58.89, \$143.10, and \$4,825.00 respectively; or take any other action relative thereto.

Explanation: This payment is for the prior year invoices for waste disposal services to SEMASS \$10,928.45 and EOMS Recycling \$4,825.00 and four other vendors.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to the Council's Budget & Finance Committee	Budget & Finance Committee meet 10/7. Will provide disposition to full council.
Referred to Finance Committee.	9/24/14: vote 5-0 approve

ROLL CALL VOTE: REQUIRES 2/3 OF THOSE PRESENT AND VOTING (AFTER PROPOSED AMENDMENTS ACCEPTED)



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Transfer Order: # T-2014-046

Introduced By: Town Manager
Date Introduced: September 23, 2014
First Reading: September 23, 2014
Second Reading: October 7, 2014
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2014-046

PAYMENT OF PRIOR YEAR INVOICE FOR IT DEPARTMENT

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate the amount of \$5,471.00 from available funds in the FY15 MIS/Computer Network 101 operating budget accounts to Information Technology operating 102 budget account *Other Charges/Expenses* to pay for a prior fiscal year invoice in the amount of \$5,471.00; or take any other action relative thereto.

Explanation: This payment is for the prior year invoice related to the procurement of phones and related equipment necessitated by the move of town departments from the Academy Building to various locations in town.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Budget & Finance Committee • Referred to Finance Committee.	• Budget & Finance Committee meet 10/7. Will provide disposition to full council. • 9/24/14: vote 5-0 approve

ROLL CALL VOTE: REQUIRES 2/3 OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Ordinance: D-2014-008

Introduced By:	Councilors Wood, Perry and Wright
Date Introduced:	August 5, 2014
First Reading:	August 5, 2014
Second Reading:	September 23, 2014
Amendments Adopted:	
Third Reading:	October 7, 2014
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2014-008

Retail Sales of Tobacco Products

WHEREAS, Tobacco use is a known health risk¹;

WHEREAS, the Surgeon General of the United States has identified health risks associated with smoking²;

WHEREAS, surveys strongly suggest that raising the minimum age to purchase Tobacco Products would reduce youth smoking rates^{3 4};

WHEREAS, statistics show that communities that raising the legal age to buy Tobacco Products reduce the number of youth smoking⁵;

WHEREAS, the Bridgewater-Raynham High School District has defined a Tobacco and Smokeless Tobacco Policy that prohibits their use on school grounds⁶;

WHEREAS, Bridgewater State University prohibits smoking and tobacco use on all university property⁷;

WHEREAS, the Town of Bridgewater prohibits smoking in public places and workplace⁸;

Be it ordained by the Town Council of the Town of Bridgewater:

Regulation of the Retail Sale of Tobacco Products

Section 1 – Definitions

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any

¹ http://www.cdc.gov/tobacco/basic_information/health_effects/index.htm

² <http://www.surgeongeneral.gov/initiatives/tobacco/index.html>

³ <http://tobaccocontrol.bmj.com/content/10/4/323.full>

⁴ <http://www.nyc.gov/html/doh/downloads/pdf/smoke/tobacco21.pdf>

⁵ <http://www.needhamma.gov/DocumentCenter/Home/View/1868>

⁶ <http://www.bridge-rayn.org/Bridgewater-Raynham.cfm?subpage=1874966>

⁷ <http://www.handbook.bridgew.edu/PoliciesProcedures/TobaccoFreePolicy.cfm>

⁸ Article 44 of the General By-Laws of Bridgewater

liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Health Care Facility: any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including, but not limited to, rehabilitation hospitals or other clinics, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist, pharmacies, drug stores, any entity subject to licensing by the Massachusetts Department of Public Health under M.G.L. c. 112 and all specialists within these professions.

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Tobacco product: any product in any form containing tobacco, including, but not limited to, cigarettes, chewing tobacco, snuff, dip, cigars, pipe tobacco, blunt wraps and bidis.

SECTION 2: RETAIL SALE OF TOBACCO PRODUCTS

2.1 No person shall sell tobacco products or Nicotine Delivery Products or permit tobacco products or Nicotine Delivery Products to be sold to any person under the age of twenty-one (21) or not being the recipient's parent or legal guardian, give tobacco products or Nicotine Delivery Products to any person under the age of twenty-one (21).

2.2 In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Bridgewater Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

2.3 In addition to the notice required under Section 2.2, notices provided by the Bridgewater Health Department shall also be posted by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail: (a) Such notice shall state that the sale of tobacco products to persons under age 21 is illegal; (b) The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage that discloses current referral information about smoking cessation; (c) The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating "The sale of nicotine delivery products to minors under 21 years of age is prohibited."; and (d) The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating, "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at, or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 or greater than 9 feet from the floor.

2.4 Each person selling or distributing tobacco products or Nicotine Delivery Products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is twenty-one (21) years or older. Verification is required for any person under the age of 27.

2.5 All retail sales of tobacco or Nicotine Delivery Products must be face-to-face between the seller and the buyer.

2.6 No person or entity selling tobacco products or Nicotine Delivery Products shall allow anyone under twenty one (21) years of age to sell cigarettes, other tobacco products or Nicotine Delivery Products.

2.7 No health care facility, as per regulations, located in the Town of Bridgewater shall sell or cause to be sold tobacco products and Nicotine Delivery Products. Additionally, no retail establishment that operates or has a health care facility within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products and Nicotine Delivery Products.

SECTION 3: VIOLATIONS

3.1 It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco or Nicotine Delivery Products. Any permit holder, proprietor(s) or other persons(s) in charge of a place covered by this regulation or his or her business agent or designee who fails to comply with this regulation shall be subject to the following:

a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for seven (7) consecutive business days.

b. In the case of a second violation within 24 months of the date of the first violation, a fine of two hundred dollars (\$200) and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for 12 months.

c. In the case of three or more violations within a 24-month period, a fine of three hundred dollars (\$300) and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for 12 months.

SECTION 4: ENFORCEMENT

4.1 Enforcement of this regulation shall be by the Bridgewater Board of Health, Health Agent, or the Bridgewater Police.

4.2 Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Bridgewater or its designated agent(s) and the Board shall investigate.

SECTION 5: SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 6: EFFECTIVE DATE

The effective date of this regulation will be January 1st, 2015.

Explanation: The Zoning Bylaws currently include no definition for this kind of facilities.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Public Safety Committee • 9/23/14: Council vote to postpone to 10/7/14.	• 9/22/14: vote 2-1 not to recommend approval.



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Order: O-2014-023

Introduced By: Town Manager
Date Introduced: October 7, 2014
First Reading: October 7, 2014
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2014-023

SOLAR PILOT AGREEMENT

ORDERED: Pursuant to MGL Ch. 59 §38H, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to approve or ratify the tax agreement between TJA Solar 2, LLC with the Town of Bridgewater.

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday, October 7, 2014

Council Order: O-2014-024

Introduced By: President William Wood and Vice President Sheila Whitaker
(At the request of the Town Clerk)

Date Introduced: October 7, 2014

First Reading: October 7, 2014

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2014-024

2014 STATE ELECTION WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for the 2014 State Election .

Explanation:

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

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR STATE ELECTION

Plymouth County, SS.

To the Constables of the Town of Bridgewater

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at

Precincts 1,2,3,4,5,6 & 7
(precinct numbers)

Bridgewater Middle School, 166 Mount Prospect Street
(polling location)

On **TUESDAY, THE FOURTH DAY OF NOVEMBER, 2014**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS FOR THIS COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR . . . FOR THIS COMMONWEALTH
ATTORNEY GENERAL FOR THIS COMMONWEALTH
SECRETARY OF STATE FOR THIS COMMONWEALTH
TREASURER FOR THIS COMMONWEALTH
AUDITOR FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. EIGHTH CONGRESSIONAL DISTRICT
COUNCILLOR FIRST COUNCILLOR DISTRICT
SENATOR IN GENERAL COURT FIRST PLYMOUTH SENATORIAL DISTRICT
REPRESENTATIVE IN GENERAL COURT EIGHTH PLYMOUTH REPRESENTATIVE DISTRICT
DISTRICT ATTORNEY. PLYMOUTH COUNTY DISTRICT
REGISTER OF PROBATE. PLYMOUTH COUNTY
COUNTY TREASURER PLYMOUTH COUNTY
COUNTY COMMISSIONERS. PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE BRISTOL-PLYMOUTH DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A YES VOTE would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

A NO VOTE would make no change in the laws regarding the gas tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was $2\frac{1}{4}$ cents as of September 2013, to $3\frac{1}{2}$ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to $3\frac{1}{2}$ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of “illegal gaming” under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee’s child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee’s child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee’s dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee’s exercise of earned sick time rights, and from retaliating based on an employee’s support of another employee’s exercise of such rights.

The proposed law would not override employers’ obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A NO VOTE would make no change in the laws regarding earned sick time.

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 this _____ day of _____, 2014.
(month)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Town Council of Bridgewater

POSTING SEVEN PRECINCTS IN TOWN OF BRIDGEWATER

_____	_____, 2014.
Constable	(month and day)

Warrant must be posted by **October 28, 2014**, (at least *seven days prior* to the **November 4, 2014** State Election).