BRIDGEWATER TOWN COUNCIL

Tuesday, November 4, 2014
7:30 PM
BTV Studios
80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

   a) October 21, 2014

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS

   a) Petition #P-2014-028: New Common Victualler's License – Lou Lou's Café, 2105 Plymouth Street #Unit D

   b) Petition #P-2014-029: Change of Manager for an Alcohol Licensee – Cumberland Farms of Massachusetts, Inc.1001 Pleasant Street

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

   a) Administrative Code – (*President Wood)*

   b) Creation of Departments – Procedures and next steps *(Town Manager)*

   c) Affordable Housing Production – What are the next steps? *(Councilor Colombotos)*

   d) Town Manager Performance Review Update – (*Councilor Whitaker)*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

   a) Resolution #R-2014-006: 2015 Town Council Meeting Dates
   This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council's Rules & Procedures, therefore this measure may be finally considered at this evening's meeting.

M. OLD BUSINESS - None

N. NEW BUSINESS

   a) Resolution #R-2014-007: A Resolution Endorsing the Board Of Health's Tobacco Regulations *(Councilors Wood & Colombotos*)

   b) Order #O-2014-025: Amend Loan Order O-2013-034: Loan Order Academy Building Preservation & Restoration Project *(Town Manager)*

   c) Resolution #R-2014-008: A Resolution Disapproving the Board of Health's Passage of Smoking Regulations *(Councilor Rivers)*

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, November 4, 2014

Council Resolution: R-2014-006

Introduced By:	Councilor William Wood
Date Introduced:	October 21, 2014
First Reading:	October 21, 2014
Second Reading:	November 4, 2014
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution #R-2014-006

TOWN COUNCIL MEETING DATES - 2015

WHEREAS: The Bridgewater Town Council Rules and Procedures, Section III Meetings states, "The Town Council will hold regular meetings on the first and third Tuesdays of each month beginning at 7:30 p.m. In the months of June, July and August, the Council will meet monthly on the first Tuesday, following the first Monday"; and

WHEREAS: Adoption of this Resolution, establishes regular meeting dates which are an exception to the aforementioned rule; and

RESOLVED: The following dates are established as regular meetings for the calendar year 2015 and regular meetings will be held either in the Memorial Building, 25 South Street, Bridgewater, MA or at BTV Studios, 80 Spring Street, Bridgewater MA, beginning at 7:30 p.m., unless otherwise noted.

January 6, 2015	June 23, 2015*
January 20, 2015	July 7, 2015
February 3, 2015	August 4, 2015
February 24, 2015*	September 15, 2015*
March 3, 2015	October 6, 2015
March 17, 2015	October 20, 2015
April 7, 2015	November 3, 2015
April 28, 2015*	November 17, 2015
May 5, 2015	December 8, 2015
May 19, 2015	December 22, 2015
June 2, 2015	

*Exceptions to Section III of the Council Rules and Procedures are noted with an asterisk.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any committee	

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

Bridgewater Town Council

In Town Council, Tuesday, November 4, 2014

Council Resolution: R-2014-007

Introduced By:	Councilors Wood and Colombotos
Date Introduced:	November 4, 2014
First Reading:	November 4, 2014
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution #R-2014-007

ENDORSEMENT OF BOARD OF HEALTH SMOKING REGULATIONS

WHEREAS: On October 21, 2014, the Town of Bridgewater's Board of Health signed into effect additions to the Town's existing Smoking Regulations; and

WHEREAS: The additions adopted by the Board of Health serve to strengthen the Town's current regulations; and

WHEREAS: The Town Council supports the effort to limit the sale of tobacco to persons under the age of 21 and maintain a healthy community;

IT IS THEREFORE,
RESOLVED: The Town Council endorses the Board of Health's efforts to curb teenage smoking. The Council recognizes that the revised tobacco regulations have the weight and enforcement of an Ordinance under the authority of Chapter 111, Section 31 of the Massachusetts General Laws.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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NOT FOR ACTION: FIRST READING ONLY.

Bridgewater Town Council

In Town Council, Tuesday, November 4, 2014

Council Order: O-2014-025

Introduced By:	Town Manager
Date Introduced:	November 4, 2014
First Reading:	November 4, 2014
Second Reading:	
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2014-025

Amend Loan Order O-2013-034: Academy Building Preservation & Resoration Project

ORDERED, That Order #O-2013-034 of the Town Council adopted December 3, 2013 which appropriated $5,150,000 ($750,000 from the Community Preservation Act (CPA) Undesignated Reserve Account, $137,000 from the CPA Historical Reserve Account and $4,263,000 to be borrowed) to pay costs of renovating the Academy Building, so-called, be amended in its entirety to read as follows:

"That $5,150,000 is appropriated to pay costs of renovating the Academy Building, so-called, located at 66 Central Square, Bridgewater, MA, for historic preservation purposes within the meaning of Chapter 44B of the General Laws (the "Community Preservation Act"); that the Town Manager is authorized to contract with an Owner's Project Management firm, an Architectural firm and a General Contractor, and to expend for any reason, including bonding costs, all funds necessary to complete this project; that to meet this appropriation, $250,000 shall be transferred from the Budgeted Reserve Account established under the Community Preservation Act, $120,000 shall be transferred from the Historical Reserve Account established under the Community Preservation Act and the Treasurer, with the approval of the Town Manager, is authorized to borrow $4,780,000 pursuant to the Community Preservation Act, Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town Manager is authorized to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from The Commonwealth of Massachusetts, or the United States of America, under any private, state or federal programs including those in aid of Historic Preservation, and any such grants or gifts received by the Town on account of the project shall be deposited in the Undesignated Community Preservation Fund balance."

Explanation:
The affirmative vote of this measure would affect the necessary amendment to Loan Order O-2013-034.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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NOT FOR ACTION – FIRST READING ONLY

Bridgewater Town Council

In Town Council, Tuesday, November 4, 2014

Council Resolution: R-2014-008

Introduced By:	Councilor William Rivers
Date Introduced:	November 4, 2014
First Reading:	November 4, 2014
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution #R-2014-008

RESOLUTION DISAPPROVING OF THE BOARD OF HEALTH'S PASSAGE OF SMOKING REGULATIONS

WHEREAS: The Board of Health passed "Regulation Affecting Smoking and the Sale and Distribution of Tobacco and Nicotine Delivery Products in the Town of Bridgewater" on September 9th of 2014; and

WHEREAS: The Board of Health hadn't met since April 29th, 2014 prior to its meeting to vote new regulations; and

WHEREAS: The Board of Health held no public hearings prior to its meeting on September 9th; and

WHEREAS: Previous Board of Health agendas listed only a "Discussion changing smoking bylaw to Age 21;" and

WHEREAS: The Board of Health did not post the proposed regulations on the Town of Bridgewater website prior to the meeting on September 9th, 2014; and

WHEREAS: The Board of Health did not post the regulations until October 14th, 2014; and

WHEREAS: There was no manner for the public to ascertain that the Board of Health would be acting on sweeping regulations affecting e-cigarettes and banning a selected subset of businesses from selling tobacco products; and

WHEREAS: The Town Council's Public Safety Subcommittee voted not to recommend the passage of a similar ordinance; and

WHEREAS: Many large retail establishments and supermarkets would fall under the definition of "Health Care Facility," and passage of this law would provide a further barrier to business growth and significantly hamper Bridgewater's ability to attract such establishments;

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED: The Town Council disapproves of the actions of the Board of Health and urges them to rescind the passage of “Regulation Affecting Smoking and the Sale and Distribution of Tobacco and Nicotine Delivery Products in the Town of Bridgewater," and, if desired, restart a process that includes public hearings, input from the community and collaboration with the Town Council.

NOT FOR ACTION: FIRST READING ONLY.