



BRIDGEWATER TOWN COUNCIL

Tuesday, February 2, 2016

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) January 5, 2016
- b) January 19, 2016 (Joint Meeting)

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) **7:35 PM HEARING** - P-2016-002: New Class II Auto Dealer - Benedictions Energy, Inc. dba New England Auto Services, 724 Bedford Street
- b) Petition #P-2016-003: Change of Manager, Wine & Malt Package Store – Cumberland Farms

H. PRESENTATIONS

- a) Skips Liquors Update
- b) Mid-Year Financial Update (*Town Manager*)
- c) Golf Report (*Town Manager*)

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Resolution R-2016-001: Plastic Bag Reduction
This measure was introduced 1/19/16 and was not referred to any committee. 14 days has elapsed per Rules & Procedures section XVII, therefore may be finally considered this evening.

M. OLD BUSINESS

- a) Ordinance D-2015-012: Zoning Amendment – Remove Section 5-6 from Zoning Bylaws
The Community & Economic Development Committee and Planning Board held a joint public hearing 2/1/16. The Community & Economic Development Committee will provide their disposition to the full Council on 2/2/16. This measure requires advertising, therefore may not be finally considered this evening.

N. NEW BUSINESS

- a) Ordinance D-2016-004: Wireless Communications Facilities License Ordinance
- b) Order O-2016-002: VFW Post 2125 Lease Ratification (*Town Manager*)
- c) Order O-2016-003: Presidential Primary Warrant (*Councilors Perry and Losche*)
- d) Resolution R-2016-002: Energy Aggregation Resolution (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Petition: P-2016-02

Date Introduced/Public Hearing: February 2, 2016

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A CLASS II USED AUTO DEALERS LICENSE

WHEREAS, Benedictions Energy, Inc dba New England Auto Services, 724 Bedford Street, has submitted all applicable documentation as required for a license to operate an auto dealer establishment at 724 Bedford Street, Bridgewater, Massachusetts; and

WHEREAS, Chaudhry M. Tawaqul Nazir will serve as the establishment's manager of record; and

WHEREAS, Benedictions Energy, Inc. dba New England Auto Services proposes to operate the business during the following hours:

Monday - Saturday	9:00 a.m. – 4:00 p.m.
Sunday	closed

and;

WHEREAS, Benedictions Energy, Inc. dba New England Auto Services have complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the zoning requirements, Building and Fire Codes governing the operation of such licenses; and

WHEREAS, Benedictions Energy, Inc. dba New England Auto Services will operate with the following stipulations that (1) Number of on site display vehicles is limited to ten (10) at one time; (2) Hours of operation of shall be Monday – Saturdays 9:00 AM to 4:00 PM, Sundays: Closed. (3) No waivers of applicable rules and regulations shall be authorized unless formally voted for and approved in writing by the applicable town authority; 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 Bridgewater Building Inspector with consensus from the Fire and Police Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Benedictions Energy, Inc. dba New England Auto Services be granted a license to operate as a Class II - Used Car Dealer within the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Petition: P-2016-003

Date Introduced/Public Hearing: February 2, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

CHANGE OF MANAGER OF AN ALCOHOL ESTABLISHMENT

WHEREAS, the Cumberland Farms Inc. dba Cumberland Farms #2318 has petitioned to change the manager of the alcohol establishment from Sean William O'Brien to Herbert Berry; and

WHEREAS, Approval of such request is required by Massachusetts General Law – Chapter 138 prior to the final submission to the Commonwealth's Alcohol Beverages Control Commission who must ratify such appointment; and

WHEREAS, Cumberland Farms Inc. dba Cumberland Farms #2318 has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such local licensing authority and with affirmative recommendation from Police Department, it appears that the public good so requires such petition be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of Cumberland Farms Inc. dba Cumberland Farms #2318 to change its manager from Sean William O'Brien to Herbert Berry as requested.



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Resolution: R-2016-001

Introduced By: Councilor William Wood

Date Introduced: January 19, 2016

First Reading: January 19, 2016

Second Reading: February 2, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Resolution R-2016-001

A RESOLUTION SUPPORTING PLASTIC BAG REDUCTION IN MASSACHUSETTS

WHEREAS: The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.; and,

WHEREAS: A growing number of communities are adopting reduction legislation, and,

WHEREAS: Establishing a formal, state-wide standard ensures a consistent message to businesses and consumers across the state and offers maximum reduction benefits

IT IS THEREFORE RESOLVED; that the Town of Bridgewater be placed on record as being in support of the House Bill H.663 An Act To Reduce Plastic Bag Pollution.

FURTHERMORE: Be It Resolved that the Town of Bridgewater goes on record in supporting programs and businesses that encourage residents and visitors to utilize reusable grocery bags and/or recycled paper bags, compostable plastic bags or marine degradable plastic bags..

BE IT FUTHTER RESOLVED: That the Town request that our state representatives, state senators and our Governor support and vote in favor of House Bill H.663.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
This measure was not referred to any committee. 14 days has elapsed per Council Rules & Procedures section XVII, therefore may be finally considered this evening.	



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Ordinance: D-2015-012

Introduced By: Councilor Peter Colombotos
Date Introduced: December 8, 2015
First Reading: December 8 2015
Second Reading: February 2, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-2015-012

ZONING BYLAW AMENDMENT: REMOVE SECTION 5-6 FROM ZONING BYLAWS

Whereas, as written, Section 5-6 of the Bridgewater Zoning By-laws directly undermines the guiding language of Section 5, *Non-conforming Buildings and Uses*, which states that any “change, extension or alteration [of a non-conforming building or use] shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.”

Whereas, constructing commercial parking lots in residential neighborhoods makes the non-conforming use more detrimental to those neighborhoods.

ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaw, by striking section 5.60 in its entirety.

Explanation: Section 5.6 was apparently conceived to address one particular non-conforming use without regard for its impact throughout the town. Passage of this ordinance will correct this issue.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board. • Requires advertising pending any amendments.	• A joint meeting will be held 2/1/16. The CEDC will provide their disposition to the full Council 2/2/16. • Joint public hearing to be held 2/1/16



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Order: #O-2016-002

Introduced By:	Town Manager
Date Introduced	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2016-002

AN ORDER APPROVING A LONG-TERM LEASE

WHEREAS, the Town is a home rule municipality with all powers granted by the Commonwealth Massachusetts;

WHEREAS, the Acts of 2015 House Bill no. 3360 of the Commonwealth Massachusetts states:

"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 40 of the General Laws, the city known as the town of Bridgewater, acting by and through its town council, may lease the property at 40 Orange street, which is the site of the former Prattown School, to the Bridgewater Veterans of Foreign Wars Post 2125, Inc. The term of the lease shall be for not more than 20 years and any other terms and conditions of such lease shall be approved by a vote of the town council and such terms and conditions shall be subject to section 2.

SECTION 2. Subsections (a), (b) and (g) of section 16 of chapter 30B of the General Laws shall apply to the lease authorized in section 1. The parcel described in section 1 shall not be assigned to another or sublet by a lessee without the prior written approval of the town council. Any further disposition of the parcel, other than that authorized by this act, shall be subject to chapter 30B of the General Laws, section 3 of chapter 40 of the General Laws and any other applicable General Law.

SECTION 3. This act shall take effect upon its passage. ~ Approved, September 3, 2015."

WHEREAS, the Town Council hereby finds and determines that the procedures for approval of a long-term lease agreements are a matter of purely local concern;

WHEREAS, the Town has carefully reviewed the options and requirements.

WHEREAS, The Town Manager is authorized to execute and deliver on behalf of the Town the Agreement and all other documents necessary to implement the Agreement set forth, and is further authorized to negotiate and approve on behalf of the Town such revisions to these documents as

NOT FOR ACTION – FIRST READING ONLY

necessary or desirable for the protection of the Town, so long as the essential terms and conditions of the Agreement are not altered.;

WHEREAS, the Town is entering a long-term Municipal Lease Agreement ("Lease") dated the ___ day of February, 2016, with the Bridgewater Veterans of Foreign Wars Post 2125, Inc; and

NOW, THEREFORE, BE IT ORDERED THAT THE TOWN COUNCIL OF THE BRIDGEWATER, MASSACHUSETTS, APPROVED THE ATTACHED LEASE AS SUBMITTED.



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Order: O-2016-003

Introduced By:	President Kevin Perry and Vice President Aisha Losche (At the request of the Town Clerk)
Date Introduced	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order O-2016-003

2016 PRESIDENTIAL PRIMARY WARRANT

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the attached Warrant for the 2016 Presidential Primary 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.



COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN SECRETARY OF THE COMMONWEALTH WARRANT FOR PRESIDENTIAL PRIMARY

Plymouth County SS.

To either of the Constables of the Town of Bridgewater

GREETING:

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 Primaries to vote at

Precincts 1,2,3,4,5,6 & 7
Bridgewater Middle School, 166 Mt. Prospect Street

on **TUESDAY, THE FIRST DAY OF MARCH, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE FOR THIS COMMONWEALTH
STATE COMMITTEE MAN FIRST PLYMOUTH & BRISTOL SENATORIAL DISTRICT
STATE COMMITTEE WOMAN FIRST PLYMOUTH & BRISTOL SENATORIAL DISTRICT
WARD OR TOWN COMMITTEE TOWN OF BRIDGEWATER

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 _____, 2016.
(month)

Town Council of BRIDGEWATER

Posting in seven precincts in the Town of Bridgewater
(Indicate method of service of warrant.)

_____, 2016.
Constable (month and day)

Warrant must be posted by **February 23, 2016**, (at least *seven days prior* to the **March 1, 2016**, Presidential Preference Primary).



Bridgewater Town Council

In Town Council, Tuesday, February 2, 2016

Council Resolution: R-2016-002

Introduced By: Town Manager
Date Introduced: February 2, 2016
First Reading: February 2, 2016
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Resolution R-2016-002

A RESOLUTION SUPPORTING ENERGY AGGREGATION EFFORTS

WHEREAS, the citizens of the Town of Bridgewater are supportive of alternative energy initiatives; and

WHEREAS, many residents are unable to avail themselves of solar power; and

WHEREAS, high energy costs are a drag on commercial investment and economic development; and

WHEREAS, energy costs are a burden to seniors as well as low and moderate income families in the Town of Bridgewater; and

WHEREAS, the Town Council is focused on reducing energy consumption for the Town of Bridgewater, and

WHEREAS, the Town of Bridgewater is a recognized Green Community; and

WHEREAS, Solstice Energy is providing an opportunity for opt-in energy aggregation; and

WHEREAS, Old Colony Planning Council is actively pursuing an opt-out energy aggregation agreement;

NOW THEREFORE IT IS RESOLVED, that the Town Council of Bridgewater encourages energy aggregation efforts and similar programs that reduce energy costs for tax payers, citizens and businesses.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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