Town of Bridgewater

Town Council

June 6, 2023
7:00 PM
Academy Building
66 Central Square
Council Chambers, 2nd Floor
The Town Council meeting is also aired via Facebook Live:
https://www.facebook.com/bridgewaterma.org

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) May 23, 2023

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Community Preservation Committee - Reappointments

- Carlton Hunt - Reappointment Term 2023 - 2025

b) Conservation Committee - Reappointments

- Eileen Prisco - Reappointment Term 2023 - 2026

c) Disability Commission - Reappointments

- Lorraine Carrozza - Reappointment Term 2023 - 2026

d) Energy Commission - Reappointments

- Carlton Hunt - Reappointment Term 2023 - 2025

F. HEARINGS

a) Ordinance D-FY23-012: General Ordinance - Section 10-D-(5) Flow Neutral Regulation - Sewer Regulations

7:05pm Hearing. *This hearing has been duly advertised in the Enterprise and on the Town's website and may be finally voted this evening.*

G. LICENSE TRANSACTIONS

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

a) High Street Bridge Closure

b) Roadways/Paving Update

c) Parameters for use of Drone Surveillance by the Bridgewater Police Department

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order O-FY23-052: Municipal Electric Aggregation

M. OLD BUSINESS

N. NEW BUSINESS

a) O-FY23-061: Transfer Order - End of Year Transfers

b) O-FY23-062: Transfer Order - WTR High Street Treatment Plant Completion

c) O-FY23-063: Transfer Order - CPA Transfer to Memorial Building Capital Project Fund

d) O-FY23-064: Ratification of 2% COLA Increase of Retirement Benefits

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Town of Bridgewater

Town Council

May 23, 2023
7:00 PM

MEETING MINUTES

CALL TO ORDER

A quorum being duly present, Town Council President Erik Moore called the meeting of the Bridgewater Town Council to order at 7:00pm on Tuesday, May 23, 2023 in the Council Chambers.

PRESENT

Fred Chase, Dr. Kevin Perry, Mark Linde, Shawn George, Dennis Gallagher, Erik Moore, Brad McKinnon, and Paul Murphy Also in attendance was Town Manager Michael Dutton and Town Attorney Jason Rawlins.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) May 9, 2023 Meeting Minutes

Councilor George made a motion to approve the May 9,, 2023 meeting minutes, which was duly seconded. The motion was approved unanimously.

ANNOUNCEMENTS FROM THE PRESIDENT

A moment of silence was held for those in the armed services who have passed away.

PROCLAMATIONS

a) Father William Divine

Dr. Perry read the proclamation into the record.

CITIZEN OPEN FORUM – None

APPOINTMENTS – None

HEARINGS

a) Order O-FY24-006: CPA Reserve Accounts – FY2024

Opened at 7:05

Closed at 7:08

Councilor George motioned to approve O-FY24006 which was duly seconded. The motion was approved unanimously.

b) Order O-FY24-007 Supplemental Appropriation

Opened at 7:08 p.m.

Closed at 7:11 p.m.

Councilor George motioned to approve Order O-FY24-007 which was duly seconded. The motion was approved unanimously.

c) Order O-FY23-056: Capital Plan Transfers

Opened at 7:11 p.m.

Closed at 7:20 p.m.

Councilor George motioned to approve Order O-FY23-056 which was duly seconded. The motion was approved unanimously.

LICENSE TRANSACTIONS

a) Petition P-2023-028: The Granting of One Day Entertainment Permits

Councilor McKinnon motioned to approve P-2023-028 which was duly seconded. The motion was approved unanimously.

b) Petition P-2023-029: Change of Manager – 99 Restaurants of Boston, LLC

Councilor McKinnon motioned to approve P-2023-029 which was duly seconded. The motion was approved unanimously.

PRESENTATIONS

a) Annual Water Department Report

Director Azu Etoniru gave a presentation on the new High Street Water Treatment Facility. The plant officially opened in April 2023 and sets the stage for the implementation of distribution system improvements moving forward as well as allowing aggressive flushing programs to be carried out regularly. The flushing schedule will help remove sediment and debris to improve the quality of the water throughout the town. Discolored water may be present during the flushing, if a main breaks or construction is occurring in the area. All Bridgewater residents should have consistently clear water by October 2023.

TOWN MANAGER'S REPORT

Councilor McKinnon motioned to take the Town Managers report out of order which was duly seconded. The motion was approved unanimously.

High Street Bridge Closure

The timeline for the closure is still slated for June 15th to October 15th, a 4 month timeframe without access. Direct mail to those that will be affected by the closure will be sent out shortly. A website update will also be posted with detour information.

Summer 2023 Roadways Projects

Maple street has been repaved along with the sidewalks. Springhill will get new walkways and paving, Park terrace will be completed by Bridgewater state university, Church St and Union St, Winter St drainage work and rebuilt later summer/early fall, library driveway will be paved and coated, the portion of south street has been deferred due to drainage work that needs to be completed, Flag St also needs drainage work and will be started next year. Deerfield neighborhood has had a survey completed and drainage easements are being researched.

Truck Exclusions

The town is aware of the increased truck traffic and is looking into possibly adopting a truck exclusion with the DOT. This may include the adoption of speed tables and exclusion zones. A traffic study is being considered to target the high traffic areas. Because the MA DOT funds improvements to all town roads, the town must get their approval before any restrictions can be put in place.

DISCUSSIONS – None

COMMITTEE REPORTS – None

LEGISLATION FOR ACTION

a) Order O-FY23-053: Town Clerk's Salary

At the Town Council Budget and Finance Committee meeting, the committee reviewed the surrounding town clerks and found that the grade 13, step 8 would be appropriate for the order as an amendment.

Councilor George motioned to approve the amendment to the O-FY23-053 which was duly seconded. With a vote of 7 yea and 1 councilor abstaining, the motion was approved.

Councilor George motioned to approve Order O-FY23-053 as amended which was duly seconded. With a vote of 7 yea and 1 councilor abstaining, the motion was approved.

b) Order O-FY23-055: Jenkins Pond Dam Removal and Bridge Replacement Grant Acceptance

Councilor George motioned to approve Order O-FY23-055 which was duly seconded. The motion was approved unanimously.

c) Order O-FY23-057: Acceptance of Donation

Councilor George motioned at amend O-FY23-057 to include "A donation of $200" which was duly seconded. The motion was approved unanimously.

Councilor George motioned to approve Order O-FY23-057 as amended which was duly seconded. The motion was approved unanimously.

d) Order O-FY23-058: Transfer Order – Water Enterprise Fund Carver's Pond Filtration

Councilor George Motioned to approve Order O-FY23-058 which was duly seconded. The motion was approved unanimously.

e) Resolution R-FY23-007: A Resolution of the Town Council in Support of Downtown Revitalization Initiative

Councilor George motioned to approve Resolution R-FY23-007 which was duly seconded. The motion was approved unanimously.

OLD BUSINESS- None

NEW BUSINESS

a) Order O-FY23-059: Laying Out and Accepting a Private Way – Trinity Circle

b) Order O-FY23-060: Adoption of a 5-Year Capital Improvement Plan

CITIZEN COMMENT - None

COUNCIL COMMENTS

Councilor Chase – shared comments on the upcoming Memorial Day Celebration and Pride Flag raising on June 1st.

Councilor George – shared comments on the upcoming Memorial Day Celebration.

Councilor Gallagher – shared comments on the upcoming Memorial Day Celebration.

Councilor Perry – shared comments on the proclamation for Father William Divine, the upcoming Memorial Day Celebration and the 4th of July celebration.

Councilor Linde – shared comments on the upcoming Memorial Day Celebration.

Councilor Moore – shared comments on Memorial Day, Juneteenth, and the 4th of July celebration.

Executive Session

a) MGL Chapter 30A, Section 21(a) (3): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; and to adjourn from Executive Session.
Councilor George motioned to move to executive session at 8:35 p.m. which was duly seconded.
A roll call vote was taken:

Chase – Yes, Murphy – Yes, George – Yes, Gallagher – Yes, Moore – Yes, Perry – Yes, McKinnon – Yes, Linde – Yes

ADJOURNMENT

Councilor George made a motion adjourn at 9:25 p.m., which was duly seconded. The motion was approved unanimously.

Bridgewater Town Council

Introduced By:	Kevin Perry, Councilor
Date Introduced:	4/18/2023
First Reading:	4/18/2023
Second Reading:	6/6/2023
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Ordinance D-FY23-012: General Ordinance - Section 10-D-(5) Flow Neutral Regulation - Sewer Regulations

ORDERED, that the Town Council assembled votes to amend the sewer regulations as noted on the attached:

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures	• Meeting 5/25/23

Attachments: 1. 2023-4-11 Flow Neutral Reg DRAFT v.3

VOICE VOTE - REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

.

Section 10-D-(5) - Flow Neutral Regulation for Present and Future Wastewater Treatment Systems/ Sewer Service Areas.

§5-1 Purpose

In order to manage present and future wastewater flows for the purposes of compliance with present and future groundwater quality standards, preserving the environmental qualities of the Town, and supporting broader community wastewater treatment and disposal planning objectives, the Town adopts this Flow Neutral Regulation for Present and Future Wastewater Treatment Systems and Sewer Service Areas. This regulation shall be supplemental to any and all other applicable statutes, regulations, bylaws, rules, and regulations, including, without limitation, the requirements of 310 CMR 15.000: Septic Systems (Title 5), as such may be amended from time to time, or any orders or directives issued pursuant thereto, and nothing herein shall exempt the owner of any property in the Town therefrom.

§ 5-2 Applicability.

This Chapter shall appl to all property located in the Town which is, or shall in the future be, serviced by an on-site wastewater treatment system (OWTS) pursuant to Title 5 or connected to a private or public wastewater treatment system. The present and future wastewater flows to any such OWTS or sewer system shall, pursuant to this regulation, be limited to the flows permitted from such properties as of the effective date of the Bridgewater Comprehensive Wastewater Management Plan (CWMP) May 2020.

§5-3 Mandatory Sewer Connection; Elimination of Septic Systems in Sewer Service Areas.

A. The requirements for mandatory connection of parcels of property located in Town designated sewer service areas to the public sewer system shall be defined in regulations adopted by the Bridgewater Town Council.
B. Within thirty (30) days of a property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Health Department regulations.

§ 5-4 Determination of Wastewater Flow.

For purposes of this Chapter, wastewater flow to onsite sewage disposal systems and to private/public wastewater treatment systems shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15 (Title 5); or 2) water meter data provided by the Bridgewater, as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Bridgewater. Any structure, legally in existence as of May 2020, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, and the number of bedrooms in the Assessor's records as of May 2020, are presumed to be accurate.

The flow allocations for present and future sewer service areas for treatment at the Morris Avenue Wastewater Treatment Plant are as listed in *Appendix S-Wastewater Flow Summary* in Bridgewater's Comprehensive Wastewater Management Plan date May 2020.

(1) Existing Permitted Flow: 1.000 MGD, which is the sum of:

- Areas sewered prior to the Town's 2020 Comprehensive Wastewater Management Plan: 0.851 MGD unspecified flow, and
- 0.150 MGD from Bridgewater State University

(2) Existing Sewer future flow from Infill 0.091MGD

(3) Future Flow from Needs Areas 0.074 MGD

(4) Future Flow from Development/Re-development 0.281 MGD

These flow allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to a comprehensive wastewater management plan, and (3) approval from MA Department of Environmental Protection.

§ 5-5 Modifications to Existing Parcels or Changes in Use in Sewer Service Areas.

A. Single-family residences.

1. Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000 square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms beyond those permitted in Subsection A.l. and 2. above shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

B. Multifamily residences.

1. Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
2. New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right.
3. Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

C. Nonresidential development.

1. Existing development.

   (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of July 1, 2015, by 310 CMR 15 (Title 5) are allowed by right.
   (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C.1.(a) require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.
2. New development.
   (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
   (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Health Department (for on-site disposal systems) or Water Pollution Control Department (for sewer systems) in accordance with §5-6.

§ 5-6 Variances.

A.The Health Department (for on-site disposal systems) or Sewer Department (for sewer systems), after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance from the requirements of this regulation, provided both Subsection A.1 and 2. below are satisfied.

1. Sufficient capacity exists in the treatment facility, as determined by the Health Agent or Water Pollution Control Department, its agent/ designee, as appropriate. If sufficient capacity does not exist, then no variance shall issue.

2. With respect to an on-site Title 5 disposal system, should the Health Department determine sufficient capacity exists the applicant must then demonstrate that a septic system for the total number of bedrooms or nonresidential flow requested meeting the provisions of 310 CMR 15.000 (Title 5), without significant variances, can be sited on the parcel.

B. The Health Department may, at its sole and absolute discretion, issue a variance that, in its judgement, could be granted without substantially derogating from the intent or purpose of this regulation should the applicant fail to satisfy criteria in § 5-6A.2 above.

§ **5-7 Rebuilding a Structure Due to Casualty Loss.**

A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

§ **5-8 Transferability of Flow Capacity.**

The number of bedrooms or permitted flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the determination of number of bedrooms or flow on another parcel or another's right to a sewer connection, unless any such sale, transfer or exchange is authorized by a Health Department or Water Pollution Control Department regulation.

§ **5-9 Severability.**

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

§ **5-10 Violations and Penalties; Enforcement.**

A. Any person found to be violating any provision of this Chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

B. Any person who shall continue any violation beyond the period permitted in Subsection A. shall be subject to a fine in an amount not exceeding fifty dollars ($50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.

The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

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A property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the permitted wastewater flow and number of bedrooms of the structure being replaced.

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The Health Department and Water Pollution Control Department, and their duly authorized agents, shall have the power and authority to enforce the provisions hereof. This section shall in no way limit the Town's power and authority to invoke other remedies at law to enforce and compel compliance with the provisions of this Chapter. Any person violating any of the provisions set forth herein shall be liable to the Town for any expense, loss, or damage incurred by the Town as a result of such violation.

Bridgewater Town Council

Introduced By:	Mark Linde, Councilor Fred Chase, Councilor Dennis Gallagher, Councilor
Date Introduced:	4/4/2023
First Reading:	4/4/2023
Second Reading:	6/6/2023
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY23-052: Municipal Electric Aggregation

ORDERED, that the Town Council assembled vote to,

WHEREAS, Municipal Electric Aggregation is the process by which a town or city purchases electricity in bulk from a competitive supplier on behalf of the residents and businesses within the community; and

WHEREAS, Municipal Electric Aggregation is possible in Massachusetts due to the passage of "*An Act Relative to Restructuring the Electric Utility Industry in the Commonwealth, Regulating the Provision of Electricity and other services, and Promoting Consumer Protections Therein*"; and

WHEREAS, the primary goals of a Municipal Energy Aggregation is to provide residents and businesses with more competitive electricity choices; longer term, stable electricity rates; potentially lower electricity rates; more renewable electricity in the standard and optional products generated by New England renewable energy facilities; and increased consumer protection against unscrupulous retail marketers of electricity; and

WHEREAS, the first step in creating a Municipal Electricity Aggregation is to vote to initiate a Municipal Aggregation Program;

THEREFORE, be it ORDERED, that the Town Council requests that the Town Manager prepare a Feasability Study in consultation with the Department of Energy Resources and if needed, in partnership with a consultant.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)

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Attachments: None

Bridgewater Town Council

In Town Council, Tuesday, June 6, 2023

Council Order: O-FY23-061

Introduced By: Town Manager

Date Introduced: June 6, 2023

First Reading: June 6, 2023

Second Reading:

Amendments Adopted:

Third Reading:

Date Adopted:

Date Effective:

Order O-FY23-061

END OF YEAR TRANSFERS

ORDERED; pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer the amounts from below schedule Source of Funds to below schedule of Use of Funds:

Dept	Dept Description	Group	Amount
Source of Funds			
132	FINANCE RESERVE FUND	2-Expenses	(60,000.00)
182	CED	1-Salary/Wages/Benefits	(40,000.00)
192	TOWN BUILDINGS	1-Salary/Wages/Benefits	(50,000.00)
240	INSPECTIONAL SERVICES	1-Salary/Wages/Benefits	(65,000.00)
303	NORFOLK COUNTY AGRICULTURAL	2-Expenses	(24,572.00)
410	TOWN ENGINEER	1-Salary/Wages/Benefits	(6,000.00)
420	HIGHWAY	1-Salary/Wages/Benefits	(66,539.00)
424	STREET LIGHTING	2-Expenses	(100,000.00)
Source of Funds Total			**(412,111.00)**

Dept	Dept Description	Group	Amount
Use of Funds			
111	TOWN COUNCIL	1-Salary/Wage/Benefits	2.00
111	TOWN COUNCIL	2-Expenses	2,000.00
123	TOWN MANAGER	2-Expenses	20,000.00
141	FINANCE - ASSESSOR	1-Salary/Wage/Benefits	4,000.00
145	FINANCE - TREASURER-COLLECTR	1-Salary/Wage/Benefits	2,500.00
151	LEGAL	1-Salary/Wage/Benefits	300.00
151	LEGAL	2-Expenses	50,000.00
161	TOWN CLERK	1-Salary/Wage/Benefits	2,500.00
161	TOWN CLERK	2-Expenses	25,000.00
192	TOWN BUILDINGS	2-Expenses	80,000.00
220	FIRE	1-Salary/Wage/Benefits	50,000.00
300	B/R REGIONAL DISTRICT	2-Expenses	33,077.00
301	BRISTOL AGRICULTURAL	2-Expenses	3,302.00
410	ENGINEERING	2-Expenses	6,000.00
510	HEALTH	1-Salary/Wage/Benefits	1.00
541	COUNCIL ON AGING	1-Salary/Wage/Benefits	9,000.00
710	DEBT PRINCIPAL	2-Expenses	1.00
830	COUNTY ASSESSMENTS	2-Expenses	1.00
912	WORKERS COMP	1-Salary/Wage/Benefits	3,327.00
913	UNEMPLOYMENT	1-Salary/Wage/Benefits	17,000.00

NOT FOR ACTION - FIRST READING ONLY

919	OTHER BENEFITS - HR	2-Expenses	17,000.00
945	LIABILITY INSURANCE	2-Expenses	12,100.00
950	GAS & OIL	2-Expenses	75,000.00
Use of Funds Total			**412,111.00**
			0.00

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

Bridgewater Town Council

Introduced By: Michael Dutton, Town Manager
Date Introduced: 6/6/2023
First Reading: 6/6/2023
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

O-FY23-062: Transfer Order - WTR High Street Treatment Plant Completion

Ordered, that the Town Council assembled to vote

In accordance with section 6-4 of the Bridgewater Home Rule Charter, vote to appropriate and transfer $980,000 from Water Retained Earnings to WTR Capital Projects Fund 62124-497003

Explanation: For Town Share costs of the High Street Water Treatment Plant amounts not covered byt Special Revolving Fund (SRF) loan proceeds. Costs include change orders, and improvements not originally captured

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
•	•
•	•
•	•

Attachments: None

Bridgewater Town Council

Introduced By:	Michael Dutton, Town Manager
Date Introduced:	6/6/2023
First Reading:	6/6/2023
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

O-FY23-063: Transfer Order - CPA Transfer to Memorial Building Capital Project Fund

Ordered, that the Town Council assembled vote to

In accordance with section 6-4 of the Bridgewater Home Rule Charter, vote to appropriate $95,00.00 from CPA Historic Reserves (Account#2100-324200) to the Memorial Building Capital Project Fund 30034-497000

Explanation: See CPC Recommendation Letter

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•
•	•
•	•

Attachments: 1. Recommendation to TC -Memorial Building Additional Funding

Town of Bridgewater, MA

Community Preservation Committee

66 Central Square, Bridgewater, MA 02324

May 26, 2023

Mr. Michael Dutton, Town Manager
Town of Bridgewater
66 Central Square
Bridgewater, MA 02324

Re: Memorial Building – Request for Additional Funding

Dear Mr. Dutton:

This notification is in response to your revised application dated May 5, 2023, to the CPC requesting additional funding to cover costs of overages and required change orders related to the work the CPC originally funded, due to Covid-related delays, labor cost escalation, and supply chain constraints, and your letter dated May 24, 2023, amending the amount. At the CPC's May 24th meeting, the following motion, made and seconded by Carlton Hunt and Stacy Driscoll, passed unanimously.

> To recommend $95,000 from Historic Preservation, account 324200, for the purpose of covering the CPC's share of additional costs for the Memorial Building as requested, contingent upon a maintenance plan being submitted to the CPC.

Please see that this notification is placed on the next Town Council agenda and that the attached revised application and letter to amend the amount are forwarded to the Council members as backup.

I would appreciate your letting me know when the Council acts on the order and their decision.

As always, feel free to contact me if you have any questions.

Sincerely,

Gina M. Guasconi

Gina M. Guasconi, Chair

cc: Debra Ward, Council Clerk
Erik Moore, Council President
Anthony Sulmonte, Finance Director
Laurie Guerrini, Finance Manager
Dawn Menard, Executive Assistant to the Town Manager's Office
Joshua McGraw, Special Assistant to the Town Manager for Boards and Committees

Bridgewater Town Council

Introduced By:	Michael Dutton, Town Manager
Date Introduced:	6/6/2023
First Reading:	6/6/2023
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

O-FY23-064: Ratification of 2% COLA Increase of Retirement Benefits

Ordered, that the Town Council assembled to vote

to accept Chapter 269 of the Acts of 2022 ("the Act"), a local option which allows a one-time increase to the Cost-of-Living Adjustment (COLA) granted to retirees in FY 2023, from 3% to 5% of the System's $16,000 COLA base.

Explanation: See letter.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•
•	•
•	•

Attachments: 1. 5% COLA LETTER BRIDGEWATER

PLYMOUTH COUNTY RETIREMENT ASSOCIATION
60 Industrial Park Road, Plymouth, MA 02360
P: 508-830-1803 | F: 508-830-1875
www.pcr-ma.org

Retirement Board
Thomas J. O'Brien, *Chairman*
Joseph F. McDonough, *Elected Member*
John F. Sciara, *Elected Member*
James E. Harrington, *Appointed Member*
Pamela J. Avitabile, *Appointed Member*

Padraic P. Lydon, *Executive Director*

May 31, 2023

Erik Moore
President
Bridgewater Town Council
66 Central Square
Bridgewater, MA 02324

RE: 5% Local COLA Option

Dear Sir/Madam:

The Plymouth County Retirement Association Board is respectfully requesting the Select Boards of towns within the Plymouth County Retirement System to accept Chapter 269 of the Acts of 2022 ("the Act"), a local option which allows a one-time increase to the Cost-of-Living Adjustment (COLA) granted to retirees in FY 2023, from 3% to 5% of the System's $16,000 COLA base.

Acceptance of the Act is conditioned upon approval by the Plymouth County Retirement Board, the Plymouth County Commissioners **and** by two-thirds of the System's Select Boards prior to June 30, 2023. The Plymouth County Retirement Board unanimously voted to accept the Act on April 13, 2023, and the Plymouth County Commissioners subsequently unanimously approved as well.

To assist in the Select Boards' review, enclosed please find the Act and a memorandum from the Public Employee Retirement Administration Commission. Please note that the Social Security Administration has granted COLAs of 5.9% in 2022 and 8.7% for 2023, on retirees'

entire social security amount. A substantial majority of Plymouth County Retirement members receive little or no social security benefits.

Pursuant to the statute, Select Boards must vote on or before June 30, 2023, to accept Chapter 269 of the Acts of 2022, and timely notify the Plymouth County Retirement System of any action taken on this request.

If you need further information, please let me know.

Thank you for your consideration and attention to this important matter.

Respectfully submitted,

Padraic P. Lydon

Padraic P. Lydon, Esq.
Executive Director

Enc.
Chapter 269 of the Acts of 2022
PERAC Memorandum #29/2022

Chapter 269

AN ACT RELATIVE TO COST-OF-LIVING ADJUSTMENTS FOR RETIREES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for increased cost-of-living adjustments for retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.

SECTION 2. This act shall take effect on July 1, 2022.

Approved, November 16, 2022.

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chair* JOHN W. PARSONS, ESQ., *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES J. GUIDO | RICHARD MACKINNON, JR. | JENNIFER F. SULLIVAN, ESQ.

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: 5% Local COLA option

DATE: November 18, 2022

On November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment ("COLA") for Fiscal Year 2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103. The approval of the increase can occur at any time during the fiscal year and will take effect as of July 1, 2022.

The local approval mechanism is different than traditional COLA increases and COLA base increases. In order for a system to adopt a COLA increase pursuant to this act, **the retirement board must vote for the increased amount and then it must also receive local approval**.

For purposes of this act, local approval means:

- In a city, the mayor must recommend the increase to the city council and the council must vote in favor.
- In a city having a Plan D or Plan E charter, the city manager must recommend the increase to the city council and the council must vote in favor.
- In a town, the chief executive officer[1] - the select board in nearly all cases - must vote in favor to accept the increase rather than the town meeting as is the case for COLA base increases.
- In a district, or other political subdivision, the governing board, commission or committee must vote in favor to accept the COLA increase.

[1] As defined in G.L. c. 4, § 7, "chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the select board in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

- In a regional system, two-thirds of the cities and towns within the system must approve the increase. This is done in the same fashion as stated above for municipalities: in a city, by the city council upon recommendation by the mayor or, in a city with a Plan D or Plan E charter, the city manager; or, in a town, by approval of the chief executive officer (likely the select board) as defined by G.L. c. 4, § 7.
- In a county, the county commissioners, who normally do not have a role in COLAs nor COLA base increases, must vote to accept **and** two-thirds of the cities and towns within the system must approve the increase in the same manner as stated above for regional systems.

Though many local systems are comprised of multiple units such as housing authorities and districts, the two-thirds language only applies to regional and county systems as the approval specified in the statute only refers to cities and towns as voting political subdivisions.

Section 2 of the act provides that a COLA increase pursuant to this act is retroactive to July 1, 2022. Any COLA increase, in addition to any COLA previously adopted for FY 23, will become part of the fixed amount of a retirees' retirement allowance in the same manner as all COLAs granted pursuant to section 103.

PERAC has already received questions about estimating the cost of the enhanced COLA. PERAC Actuary John Boorack has provided the following formula for a conservative full-cost estimate, not a one-year estimate, to assist boards in their planning:

(0.2) x (COLA base) x (# of retirees/beneficiaries)

If you have any questions about this memo, please contact PERAC's General Counsel, Judith Corrigan, at (617) 591-8904 or at judith.a.corrigan@mass.gov.