



BRIDGEWATER TOWN COUNCIL

Tuesday, January 23, 2018

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) December 19, 2017
- b) January 9, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Master Plan Committee – *Matthew Gerritsen*
- b) Zoning Board of Appeals – *Anna Klimas*
- c) Elder Affairs Commission – *Debra Heckbert*
- d) Planning Board (Alternate) – *Michael MacDonald*

F. HEARINGS

G. LICENSE TRANSACTIONS - *None*

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-2017-039: Procure Services for a Zoning Consultant
This measure was referred to the Strategic Planning Committee, who return the measure to the Town Council for further discussion on 12/5/17. This measure was then referred to the Budget & Finance and Finance Committees. At their meeting held 12/19/17, the Budget & Finance Committee voted 3-0 to recommend approval. Finance Committee meets 1/22/18. Their disposition will be provided upon receipt. This measure requires advertising and a public hearing, therefore may not be finally considered this evening.
- b) Order O-FY18-018: Affix Town Clerk Salary
The Budget & Finance Committee meet 1/22/18 and will provide their disposition to the full Council. Finance Committee meet 1/22/18. Their disposition will be provided upon receipt

M. OLD BUSINESS

- a) Ordinance D-FY18-009: General Ordinance – Amend Tax Fees Table – Retail Tax on Marijuana Sales
At their meeting held 12/19/17, the Budget & Finance Committee voted 2-1 to recommend approval when appropriate. Finance Committee meets 1/22/18. Their disposition will be provided upon receipt. This measure requires advertising, therefore may not be finally considered this evening.
- b) Order O-FY18-015: Transfer Order - Temporary Consulting Services - Community & Economic Development
At the meeting of 1/9/18, this measure was withdrawn by the Town Manager. This measure was requested to be reconsidered. This measure requires consideration by Finance Committee.

N. NEW BUSINESS

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2018 JAN 19 A 11:09



Bridgewater Town Council

In Town Council, Tuesday January 23, 2018

Council Order: O-2017-039

Introduced By: Town Manager
 Date Introduced: June 27, 2017
 First Reading: June 27, 2017
 Second Reading: December 5, 2017
 Third Reading: January 23, 2018
 Amendments Adopted:
 Date Adopted:
 Date Effective:

Proposed Order O-2017-039

PROCURE SERVICES FOR ZONING CONSULTANT

WHEREAS, the Town has not had a comprehensive review of the existing zoning bylaws;

WHEREAS, the Town Manager has recommended that a consultant be hired to guide the review of the Town’s current zoning bylaws, review of the Town’s current zoning map, and develop a process and to rewrite the Town’s zoning ordinances and develop a new Town-wide zoning map and;

WHEREAS, the services of a consultant are not expected to cost more than \$125,000;

ORDERED; that, the Town Council authorize the transfer of \$125,000 from “Free Cash” (Undesignated Fund Balance) once certified for FY2018 to hire a consultant, and that the Town Manager move forward with the procurement process in accordance with MGL relative hereto.

Explanation:

The general purpose of this project is a comprehensive rewrite of the Town of Bridgewater’s Zoning Ordinances making it more reflective of the character of the community; and that is also consistent with the Town’s goals and objectives. The Town through its Request for Proposals (RFP) will seek qualified planning and zoning consultants, multi-disciplinary firms or teams to undertake this zoning ordinance rewrite project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> • Strategic Planning Committee • Referred to Budget & Finance Committee • Requires consideration by Finance Committee 	<ul style="list-style-type: none"> • 11/6/17: Vote 3-0 return to full Council for further consideration • 12/19/17: Vote 3-0 recommend approval. • Meet 1/22/18. Disposition will be provided upon receipt.

NOT FOR ACTION: REQUIRES ADVERTISING AND A PUBLIC HEARING.



Bridgewater Town Council

In Town Council, Tuesday, January 23, 2018

Council Order: O-FY18-018

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	December 19, 2017
First Reading:	December 19, 2017
Second Reading:	January 23, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY18-018

AFFIX TOWN CLERK SALARY

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

“record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers”.

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

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

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that beginning in the fiscal year 2019, the salary of the Town Clerk shall be increased to \$66,625.00 annually. The Town Clerk is an elected position and eligible for membership with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• Budget & Finance Committee• Finance Committee	<ul style="list-style-type: none">• Meet 1/9/18. Will provide disposition to full Council. Postponed in Committee pending Finance Committee review.• Meet 1/22/19. Disposition will be forwarded upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, January 23, 2018

Council Ordinance: D-FY18-009

Introduced By: Councilor William Wood
 Date Introduced: November 7, 2017
 First Reading: November 7, 2017
 Second Reading: November 21, 2017, December 5, 2017, January 23, 2018
 Amendments Adopted:
 Date Adopted:
 Date Effective:

Proposed Ordinance D-FY18-009

GENERAL ORDINANCE – AMEND TAX FEES TABLE – RETAIL TAX ON MARIJUANA SALES

WHEREAS, MGL c. 94G, Section 3 allows for local control; and

WHEREAS, MGL c. 64N, Section 3(a); and

WHEREAS, the maximum local tax allowed by law is three percent; and

WHEREAS, a tax on retail sales is used for the General Fund and School Assessment, it is therefore;

ORDERED, that the Town Council assembled votes to establish the maximum local sales tax of three (3) percent of the total sales price received from the retail sales of marijuana or marijuana products, or any additional amount as approved by the Commonwealth.

Explanation:

- 1. The State allows local municipalities to tax Retail sales of marijuana up to three percent. The State also allows the local municipalities to negotiate with any proposed retail outlet an additional tax of three percent, for a total possible tax of 6%.*
- 2. Many estimates put the per store sales of retail marijuana at \$2.6 million dollars. There is a proposal to limit the number of shops to two, making the total sales about \$5.2 million dollars in Bridgewater. Six percent of \$5.2M is \$312,000. That is a shareable revenue stream of which approximately \$156,000 would go to the schools in each budget year.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> This measure was postponed to 11/15/17 to consider dispositions from CEDC and Planning Board’s consideration of Ordinances D-FY18-002 and D-FY18-005 This measure was postponed to 12/5/17 	
<ul style="list-style-type: none"> Referred to Budget & Finance Committee Finance Committee 	<ul style="list-style-type: none"> 12/19/17: Vote 2-1 recommend Council approve when appropriate. Meet 1/22/18. Disposition will be provided upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, January 23, 2018

Council Order: O-FY18-015

Introduced By: Town Manager
 Date Introduced: December 5, 2017
 First Reading: December 5, 2017
 Second Reading: January 9, 2018
 Amendments Adopted:
 Third Reading: January 23, 2018
 Date Adopted:
 Date Effective:

Order O-FY18-015

TRANSFER ORDER – TEMPORARY CONSULTING SERVICES – COMMUNITY & ECONOMIC DEVELOPMENT

ORDERED, in accordance with section 6-4(d) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer funds to allow the Town Manager to contract for consulting services.

Source of Funds	Account No.	GL Account Description	Amount
	01755001-510000	FULL TIME SALARIES	\$ 15,000.00
Total:			\$ 15,000.00
Use of Funds	Account No.	GL Account Description	Amount
	01755013-530000	PROFESSIONAL SERVICES	\$ 15,000.00
Total			\$ 15,000.00

Explanation:

The hiring of a new Community and Economic Development Director is anticipated, but the Town Manager may have to hire a consultant to accomplish some planning matters which he deems to be pressing. The money is coming out of the C&ED Department salary line and will not adversely impact the ability to hire a new C&ED Director/Planner.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> Budget & Finance Committee Finance Committee 	<ul style="list-style-type: none"> 12/19/17: Postpone to next meeting. Meeting scheduled for 1/9/18. Support Town Manager request to withdraw. Meeting 1/22/19. Disposition will be forwarded upon receipt.

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