



BRIDGEWATER TOWN COUNCIL

Tuesday, November 27, 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) November 13, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - *None*

F. HEARINGS - *None*

G. LICENSE TRANSACTIONS - *None*

H. PRESENTATIONS - *None*

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Open Q&A with State Representative Angelo D'Emilia
- b) January 8, 2019 - Joint Budget Meeting of Town Council, Town Manager, and School Committee Chair or Designee – *President Haley*
- c) Rainbow's End Playground – *Councilor Gallagher*

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY19-029: FY2019 OSLGC Enterprise Fund Balance - FY2019 Revised Budget
The Finance Committee meet 11/26/18. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/27/18 and will provide their disposition to the full Council.
- b) Order O-FY19-031: Transfer Order - Transportation Engineering Services
The Finance Committee meet 11/26/18. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/27/18 and will provide their disposition to the full Council.
- c) Order O-FY19-032: Transfer Order - Digital Document Storage Project
The Finance Committee meet 11/26/18. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/27/18 and will provide their disposition to the full Council
- d) Order O-FY19-033: Transfer Order - Contractual Employee Sick Leave Buyback (SLBB)
The Finance Committee meet 11/26/18. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/27/18 and will provide their disposition to the full Council
- e) Order O-FY19-034: Rescind Prior Years' Authorized & Unissued Loan Order Debt
The Finance Committee meet 11/26/18. Their disposition will be provided upon receipt. The Budget & Finance Committee meet 11/27/18 and will provide their disposition to the full Council

M. OLD BUSINESS - *None*

N. NEW BUSINESS

- a) Ordinance D-FY19-003: Zoning Ordinance – Amend Table of Uses – Cultivation, Manufacturing and Testing of Recreational Marijuana – *Councilor Aisha Losche*
- b) Resolution R-FY19-002: FY2020 Budget Resolution (*Councilor Wood*)
- c) Resolution R-FY19-003: Air Rights Resolution – *Town Manager (At the Request of the Master Plan Committee)*

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O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

Pursuant to MGL Chapter 30A, Section 21(a) (2): To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Order: O-FY19-029

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: November 13, 2018
First Reading: November 13, 2018
Second Reading: November 27, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-029

FY2019 OSLGC ENTERPRISE FUND BALANCE - FY2019 REVISED BUDGET

ORDERED, pursuant to Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled to vote to reduce OSLGC Enterprise receipts by **\$93,734.34** and to reduce the original budget of **Other expenses** by **\$734.34** and reduce original budget of **Transfer to Trust Funds** by **\$93,000**.

Explanation: The revenues in FY2019 need to be reduced to at least the actuals received in FY2018, and therefore the expenses. This is necessary to balance the budget and set the tax rate for FY2019.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">Budget & Finance Committee	<ul style="list-style-type: none">Meet 11/27/18. Disposition will be provided to full Council.
<ul style="list-style-type: none">Finance Committee	<ul style="list-style-type: none">Meet 11/26/18. Disposition will be provided upon receipt.



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Order: O-FY19-031

Introduced By: Town Manager
 Date Introduced: November 13, 2018
 First Reading: November 13, 2018
 Second Reading: November 27, 2018
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY19-031

TRANSFER ORDER - CAPITAL TRANSFER – TRANSPORTATION ENGINEERING SERVICES

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 **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fund	\$ 150,000.00
Total:			\$ 150,000.00
Use of Funds	Account No.	GL Account Description	Amount
FY 2019 Capital Items 2019	tbd	tba	\$ 150,000.00
Total			\$ 150,000.00

Explanation: Transfer of Funding for transportation planning and engineering services to assist the Town in addressing critical transportation challenges within the community. The traffic safety points of interest include:

- *Central Square and Town Common Circulation Improvements*
- *Bedford St at Grove St Intersection Safety Improvements*
- *Route 18/Broad St Corridor Traffic Signal upgrades*
- *School Access issues for BMS/ Mitchel Elementary and Williams Intermediate School*

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 11/27/18. Disposition will be provided to full Council. • Meet 11/26/18. Disposition will be provided upon receipt.

ROLL CALL VOTE – REQUIRES 9/10 OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Order: O-FY19-032

Introduced By: Town Manager
 Date Introduced: November 13, 2018
 First Reading: November 27, 2018
 Second Reading:
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY19-032

TRANSFER ORDER - CAPITAL TRANSFER – DIGITAL DOCUMENT STORAGE PROJECT

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 **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fund	\$ 75,000.00
Total:			\$ 75,000.00
Use of Funds	Account No.	GL Account Description	Amount
FY 2019 Capital Items 2019	tbd	tba	\$ 75,000.00
Total			\$ 75,000.00

Explanation: The Town is limited in its physical storage and is required legally to maintain records per state and federal records retention requirements as well as public request records. This will put in place sophisticated efficient storage needs of a long overdue project

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 11/27/18. Disposition will be provided to full Council. Meet 11/26/18. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Order: O-FY19-033

Introduced By: Town Manager *(at the request of the Finance Director)*
 Date Introduced: November 13, 2018
 First Reading: November 13, 2018
 Second Reading: November 27, 2018
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY19-033

TRANSFER ORDER - CONTRACTUAL EMPLOYEE SICK LEAVE BUY-BACK (SLBB) 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 **from** below schedule Source of Funds **to** below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Employee SLBB Liability	80045-596100	Transfer to General Fund	\$ 236,768.00
Total:			\$ 236,768.00
Use of Funds	Account No.	GL Account Description	Amount
Sick Leave Buy Back - Fire Employee	02205001-519005	Fire Sick/Vac Payout	\$ 17,184.00
Sick Leave Buy Back - Fire Employees	02205001-519005	Fire Sick/Vac Payout	\$ 124,943.00
Sick Leave Buy Back - Afscome Employee	04205001-519005	Hwy Sick/Vac Payout	\$ 22,051.00
Sick Leave Buy Back - Police Employee	02105001-519005	Police Sick/Vac Payout	\$ 72,590.00
Total			\$ 236,768.00

Explanation: Funding of Contractual payments sick/vacation payments in FY2019 & FY2020 (Estimates for beginning of FY2020 as payments paid over 2 fiscal years)

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 11/27/18. Disposition will be provided to full Council. Meet 11/26/18. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Order: O-FY19-034

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: November 13, 2018
First Reading: November 13, 2018
Second Reading: November 27, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-034

RESCIND PRIOR YEARS' AUTHORIZED & UNISSUED LOAN ORDER DEBT

ORDERED, in accordance with MGL c.44, section 7 and Section 6 of the Bridgewater Home Rule Charter, that the Town Council assembled vote the following Prior Year Authorized Unissued Debt:

- To rescind Septic Repair Article A17 voted 11/13/00 unissued balance of \$8,182
- To rescind Golf Course Clubhouse Article 3 voted 4/16/02 unissued balance of \$1,401,000
- To rescind Water Main Replacement Article 14 voted 5/5/08 unissued balance of \$8,006
- To rescind Water Resource Mgt Plan Article 16 voted 5/3/10 unissued amount \$250,000
(this loan was recently voted for paydown to MCWT in O-FY19-016 voted 10/23/2018)

Explanation: Housekeeping order to clear prior years of authorized loans remaining balances not needed for borrowing. These balances currently continue to show on the Town's Statement of Indebtedness Annual Reports This will be helpful to the Town of Bridgewater's future bond rating and future borrowing.

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 11/27/18. Disposition will be provided to full Council.• Meet 11/26/18. Disposition will be provided upon receipt.

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



Bridgewater Town Council

In Town Council, Tuesday, November 27, 2018

Council Ordinance: D-FY19-003

Introduced By: Councilor Aisha Losche
 Date Introduced: November 27, 2018
 First Reading: November 27, 2018
 Second Reading:
 Third Reading:
 Amendments Adopted:
 Date Adopted:
 Date Effective:

Ordinance D-FY19-003

ZONING ORDINANCE – AMEND TABLE OF USES – CULTIVATION, MANUFACTURING AND TESTING OF RECREATIONAL MARIJUANA

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 amending Section 6.30 Table of Use Regulations by adding G. Industrial Wholesale and Transportation Uses, 10. Cultivation, Manufacturing and Testing of Recreational Marijuana.

G. Industrial Wholesale and Transportation Uses

110. Cultivation, Manufacturing and Testing of Recreational Marijuana.

Res. A/B	Res. C	Res. D	CBD	SBD	BUS B	Gate -way	E.Gate -way	IND A	IND B	PD DIST	MHEC DIST
N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N

Explanation: The Zoning Table of Uses requires updating based upon the passage of D-FY18-005 Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday November 27, 2018

Council Resolution: R-FY19-002

Introduced By:	Councilor William Wood
Date Introduced:	November 27, 2018
First Reading:	November 27, 2018
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Effective Date:	

Resolution R-FY19-002

BRIDGEWATER'S FY 2020 BUDGET POLICY GUIDELINES

WHEREAS: A methodical and disciplined approach to the operating budget is warranted.

RESOLVED: Pursuant to establishing guidelines and priorities for the Town Manager to develop the Annual Budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to adopt the following Policy Guidelines for the Town Manager to use in creating the FY 2020 Budget:

The Town Council is adopting these budget policy guidelines pursuant to Section 6-1 of the Bridgewater Home Rule Charter. Based on these guidelines, the Town Manager will develop budgetary goals and the Town Budget for Fiscal Year 2020.

Introduction

The following financial principles set forth the framework for our overall fiscal planning and management of the Town of Bridgewater's resources and are designed to ensure the Town's sound financial condition, now and in the future.

Sound Financial Condition is defined as:

- Cash Solvency - the ability to pay bills in a timely fashion
- Budgetary Solvency - the ability to annually balance the budget
- Long Term Solvency - the ability to pay for future costs
- Service Level Solvency - the ability to provide needed and desired services
- Reserve Solvency – the ability to adapt and respond to economic conditions
- Bond Rating-AA

To this end we will adhere to the following financial policies.

Financial Policies and Guidelines:

The Town will adopt their Multi-Year forecast for fiscal years 2019-2023, prior to the submission of the FY Town Managers FY 2020 Budget. This will give the Town, a broader more forwarding looking perspective to better understand the budgetary cost drivers and our revenue capacity.

- Cost drivers outpacing our revenue capacity determines our ability to deliver town services into the future.
- Projecting forward allows us to foresee where a structural deficit may exist - structural deficit: where the towns cost drivers increase at a pace which exceeds our revenue growth.

These are a valuable component of sound long-term financial estimating practices.

The Town will maintain the historical data and a clear chronology of the budgeted to actual estimates and results. **The following guidelines will be applied in preparing the FY 2020 Budget.**

1. The town will avoid budgetary practices that balance current expenditures at the expense of meeting future year's expenses, **such as postponing maintenance and upkeep of our facilities and equipment.**
2. Recurring operating costs will be funded by recurring sources of revenue. In addition, to budget prudently and plan for contingencies the town sets the following **reserve objectives for FY 2020:**
 - a. **Unreserved Fund Balance** (free cash) for FY 2020 (07/01/2020) will be targeted at **1.75% of the 2020** operating budget and used only for one-time expenditures such as capital improvements, capital equipment, unexpected or extraordinary expenses such as unbudgeted snow and ice removal expenses and/or to meet the stabilization reserve policy objectives.
 - b. The Town will maintain a **Stabilization Fund** as its main financial reserve in the event of an emergency, unforeseen circumstances or an extraordinary need. It shall be the goal of the town to achieve and maintain a balance in the Stabilization Fund equal to **10% of its operating budget.**
3. **Revenue:** Our Revenue objectives will address the need for diversification and stabilization, revenue estimating, user fee methodology and taxes.
 - a. Revenue Estimating: the revenues will be estimated conservatively, using an objective analytical approach. The goal is to predict revenues as accurately as possible while erring on the side of caution, for FY 2020 we set the projected revenue surplus to be 1.75% of the 2020 operating budget. Methodologies established that best fit the accuracy of forecasting, different methods for different revenue types: **Property Tax, Local Aid, Local Receipts, and Other Available Funds.**
4. **Expenditures:**
 - a. The budget should consider impact of fixed costs including health insurance, retirement, sick leave buyback, transportation, COLA adjustments/Contractual Step Increases, and other costs and should be treated on a consistent basis with all departments for comparison purposes. **These cost drivers must not outpace our projected revenue growth.**
 - b. Maintenance of Capital Assets: The Town will maintain capital assets and infrastructure at a sufficient level to protect the Town's investment, minimize future replacement and maintenance costs, and to continue service levels.

5. Program Review/Prioritization: The Town encourages delivery of services by other public and private organizations whenever and wherever greater efficiencies and effectiveness can be expected. In addition, develop and use technology and productivity advancements that will help reduce or avoid personnel and related overhead costs. The intent is to control these costs as a proportion of the total budget, to more productively and creatively use available resources, and avoid duplication of effort and resources.

FY 2020 Town Manger’s Budget Objectives

1. Continue the Town’s efforts within all departments to obtain grant funding from federal, state, and other sources, including the implementation of internship programs.
2. Review cost implication of contracted services vs. staffing in various departments.
3. Continue to enhance the Town’s website and use other technologies as cost effective means for delivering information and services, increasing public awareness, and encouraging public feedback.
4. Submit a budget which maintains the Towns current service level & a budget which will meet the Town Managers service priorities.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday November 27, 2018

Council Resolution: R-FY19-003

Introduced By: Town Manager (*at the request of the Master Plan Committee*)
Date Introduced: November 27, 2018
First Reading: November 27, 2018
Second Reading:
Amendments Adopted:
Date Adopted:
Effective Date:

Resolution R-FY19-003

AIR RIGHTS RESOLUTION

WHEREAS, the Master Plan Committee (“MPC”) is responsible for facilitating the Bridgewater Comprehensive Master Plan of the Town of Bridgewater, Massachusetts¹, dated November 2002, as updated from time to time (the “Master Plan”); and

WHEREAS Chapter 8 - The Transportation System of the Master Plan specifically sets forth that the purpose of transportation planning in the Master Plan is to proactively address issues brought on by residential and commercial growth in the community²; and

WHEREAS - the Town has been approached by parties proposing transportation systems in the Town involving the lease of air rights; and

WHEREAS the MPC has made a preliminary evaluation of the Town’s ability to lease such rights and found that:

1. Any city or town by the adoption, amendment or repeal of local ordinances or by-laws, may exercise any power, or function which the general court has power to confer upon it, which is not inconsistent with powers reserved to the general court by Section 8 of Article 89 of the Amendments to the Constitution³;
2. Nothing in this article shall be deemed to grant to any city or town the power to... (2) levy, assess and collect taxes ... (4) dispose of parkland... however, the forgoing power may be granted by the general court in conformity with the constitution. 4
3. The principle that air rights are held by a land owner extends to English Common Law, “Cojus est solum ejus est usque ad coelum et ad inferos - to whomever the soil belongs, he also owns to the sky and to the depths.” 5
4. In 1963 the Commonwealth of Massachusetts enacted Chapter 81A, Section 15 of the Massachusetts General Laws restricting the Boston Redevelopment Authority’s use of the air rights, proving in the negative that such rights run to any Municipal Entity controlling the subject land.⁶
5. That Cities have all the powers of towns in the Commonwealth⁷ and that the town council shall have control over real estate property of a town⁸
6. That the Town’s exercise of its powers in this regard are more likely to survive a challenge if the Town establishes empowerment and consistent treatment of such power prior to the need to exercise such power.

THEREFORE, the MPC recommends that:

- 1) The Town Council adopt such resolutions as:
 1. Specifically grant the Town Council the ability to lease the air rights in any public right of ways, easements, or property over which it has control, or
 2. That the transfer of such air rights be treated in conformity with the Town’s ability to dispose of its interests in any other real estate property.

1 Town of Bridgewater Administrative Code, 2014, Ch. 1, Article III, 20(b)

2 Comprehensive Master Plan, 2002, Ch. 8

3 MGL, Ch.43B, §13

4 MA Article 89, §7

5 American Society of Planning Officials, Information Report No. 186, May 1964

6 The Development of Roadway Air Rights: Boston's Future, A Slave to its Past, §II, Schulte, Andrew, Boston College Environmental Law Review,

7 MGL Ch. 40, §1

8 MGL Ch. 40, §3