Town of Bridgewater Town Council FY11 Ordinances

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In Town Council, Tuesday, March 1, 2011

Council Ordinance: 2011-001

Introduced By:

Councillor Michael Berolini

Date Introduced/Public Hearing:

January 25, 2011 (b)

Second Reading:

February 8, 2011

Third Reading:

March 1, 2011

Amendments Adopted:

none

Date Adopted:

March 1, 2011

Date Effective:

March 31, 2011

Ordinance #2011-001

Be it ordained by the Town Council of the Town of Bridgewater as follows:

CITIZENS ADVISORY COMMITTEE

ORDERED That the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote that the Citizens Advisory Committee will be comprised of five (5) members, each to serve for a term of three years and until their successor is qualified. The initial terms of office shall be determined by the Town Manager in his initial appointments. The purpose of said committee, pursuant to Section 4-3b of the Town Charter, is to provide assistance to the Town Manager in the evaluation and selection of those members of the community under consideration for appointment to committees, boards and commissions in the Town of Bridgewater.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, March 1, 2011, to approve the aforementioned ordinance by a unanimous roll call vote (9-0).

ATTEST:

Renald R Adams



In Town Council, Tuesday, July 5, 2011

Council Ordinance: 2011-003

Introduced By:

Councilor Berolini at the request of the Town Treasurer/Collector

Date Introduced/Public Hearing:

June 14, 2011

Date of Advertisement:

June 21, 2011

Second Reading:

July 5, 2011

Amendments Adopted:

None

Date Adopted:

July 5, 2011

Date Effective:

August 5, 2011

Ordinance #2011-003

INCREASE FEE FOR COLLECTOR'S DEMAND

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, pursuant to Chapter 60, Section 15 of the Massachusetts General Laws, vote to increase the amount of the fee that may be charged for issuing a written demand for payment of delinquent taxes due to the Town from \$5.00 to \$20.00, effective as of August 1, 2011; or otherwise act thereon.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, July 5, 2011, to approve the aforementioned ordinance by a unanimous roll call vote (8-0).

A TRUE COPY ATTEST:



In Town Council, Tuesday, September 6, 2011

Council Ordinance: 2011-005

Introduced By:

Councilor Peter Colombotos

Date Introduced/Public Hearing:

August 2, 2011

Second Reading:

September 6, 2011

Third Reading:

None

Amendments Adopted:

None

Date Adopted:

September 6, 2011

Date Effective:

October 6, 2011

Ordinance #2011-005

STRETCH ENERGY CODE

Be it ordained by the Town Council of the Town of Bridgewater:

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to implement a Stretch Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

STRETCH ENERGY CODE

[Adopted 9-6-2011]

- § ____-1 Definitions
- § ____-2 Purpose
- § -3 Applicability
- § ____-4 Authority
- § ____-5 Stretch Code

§ ____-1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

§ ____-2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ ____-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

§ ____-4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§ ____-5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Bridgewater General Bylaws, Chapter 105. The Stretch Code is enforceable by the Building Inspector.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, September 6, 2011, to approve the aforementioned Ordinance by a unanimous roll call vote (9-0).

A TRUE COPY ATTEST:



In Town Council, Tuesday, September 20, 2011

Council Ordinance: 2011-006

Introduced By:

Councilor Wood

Date Introduced/Public Hearing:

August 2, 2011

Second Reading:

September 6, 2011

Third Reading:

September 20, 2011

Amendments Adopted:

September 6, 2011

Date Adopted:

September 20, 2011

Date Effective:

October 20, 2011

Ordinance #2011-006

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF BUDGET

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish a procedure for the Administration and Fiduciary Oversight of the Budget.

WHEREAS, the Bridgewater Home Rule Charter, Section 6-5 states, "The Town Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.";

WHEREAS, no ordinance for Section 6-5 currently exists;

WHEREAS, a new fiscal year has begun;

Be It Ordained by the Town Council of the City known as the Town of Bridgewater that -

By the tenth business day of each month, two reports will be emailed from the Town Manager to each Town Council detailing the prior months accounting summaries for: 1) Actual Expenditures to Budget; 2) Actual Revenues to Estimated Revenue. The reports are expected to be provided as a PDF document, but may be requested by individuals in editable spreadsheet format.

At the end of each accounting month, the Council Clerk shall be provided a copy of the full accounting system general ledger management report. The report shall be delivered in hardcopy form.

Actual Expenditures to Budget

The Actual Expenditures to Budget report is a summation of the accounting systems generated management report. It is an extract of annual budget information and shows subtotals by personal services, other expenses, and department total. The presentation shall show month-by-month activity, quarterly totals, and year-to-date totals. This report will not show articles/orders and prior year encumbrance appropriations.

Actual Revenues to Estimated Revenue

The Actual Revenues to Estimated Revenue report is a summation of the accounting systems generated management report. It identifies the receipt category and general ledger number in the first two columns. The activity is grouped by type: taxes, local receipts, state aid, et cetera. The report displays the estimated revenue (as presented on the tax recapitulation sheet). Similar to the expenditure report, it displays month-by-month information, quarterly and YTD totals.

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, September 20, 2011, to approve the aforementioned ordinance by a unanimous roll call vote (9-0).

A TRUE COPY ATTEST:

Town Council Clerk



In Town Council, Tuesday, November 8, 2011

Council Ordinance: 2011-007

Introduced By:

Town Manager – At the request of the Assessor's Office

Date Introduced/Public Hearing:

August 2, 2011

Second Reading:

November 8, 2011

Third Reading:

None

Amendments Adopted:

None

Date Adopted:

November 8, 2011

Date Effective:

December 8, 2011

Ordinance #2011-007

PROPERTY TAX EXEMPTION FOR VETERANS ORGANIZATIONS

ORDERED that, pursuant to G.L. c. 4, § 4, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to accept a new local option clause, G.L. c. 59, § 5, Fifth C. a property tax exemption for Veterans Organizations:

Fifth C, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of \$1,500,000, if used and occupied by such association, and if the net income from the property is used for charitable purposes, but the estate shall not be exempt for any year in which the association, or the trustees holding for the benefit of the association, willfully fails to file with the assessors the list and statement required by section 29. This clause shall take effect upon its acceptance by any city or town. In a city or town which accepts this clause, clauses Fifth, Fifth A and Fifth B shall not be applicable.

Explanation: Adds a new local option clause, G.L. c. 59, § 5, Clause 5C, that if accepted, provides a property tax exemption of \$1,500,000 worth of real and personal property owned by or held in trust for veterans organizations. Unlike charitable organizations exempt under G.L. c. 59, § 5, Clause 3, veterans organizations are not fully exempt from local taxes on real and personal property owned by or held in trust for them and used for their organization's charitable purposes. The exemption is limited to a certain amount of the fair cash value of the organization's property. The basic exemption is for \$200,000 worth of property (G.L. c. 59, § 5, Clause 5). A community can give a higher exemption benefit by accepting local option Clauses 5A (\$400,000 exemption) or Clause 5B (\$700,000). The new local option Clause 5C allows communities to provide relief to organizations that are now receiving tax bills because the valuation of their property has increased beyond the exemption amount currently allowed under the other local option clauses. Currently, the exemption in the Town of Bridgewater is \$700,000.

Committee Referrals and Dispositions:

	Referral(s)		Disposition(s)	
•	Referred to Budget Committee 8/2/11	•	Vote 2-0 recommend	
•	Referred to Finance Committee 8/2/11	•	Vote approve (7-0) 1 recusal.	
•	This measure has been advertised.			

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, November 8, 2011, to approve the aforementioned Ordinance by a roll call vote (8-0) Councilor Callahan not present.

A TRUE COPY ATTEST:



In Town Council, Tuesday, July 17, 2012

Council Ordinance: #2011-008

Introduced By:

Councilor Pitta

Date Introduced/Public Hearing:

September 6, 2011

Second Reading:

January 17, 2012

Third Reading:

February 15, 2012

Fourth Reading:

March 6, 2012

Fifth Reading:

March 29, 2012

Sixth Reading:

June 5, 2012

Seventh Reading:

July 17, 2012

Amendments Adopted:

January 17, 2012, March 6, 2012, June 5, 2012

Date Adopted:

July 17, 2012

Date Effective:

August 17, 2012

Ordinance #2011-008

Pawn Shops

Ordered that, Dealers in Junk, Second-Hand Articles, Gold, Silver, and other precious metals and Pawnbrokers, no person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Bridgewater for purchasing or purchasing and selling, either gold, silver, other precious metals, including catalytic converters, other precious or semi-precious gemstones, jewelry, computers and computer equipment, video equipment, audio equipment, cameras, other electronic devices such as video game systems, games, software, shall engage in such business or open such place of business unless duly licensed by the Town of Bridgewater.

Definitions:

A Second Hand Dealer is a person or business who makes an outright purchase of personal property that has been used.

A Pawnbroker is a person or business, who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this Ordinance, Pawnbrokers shall be licensed as a Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers.

Application for license:

Each application for a license under this section shall set forth the name and address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant and such findings shall be forwarded to the Town Manager. The Town Manager may refuse to issue a license to a principal(s) who is deemed "unsuitable" to operate such business or whose registration has been revoked for violation of this Ordinance previously, or who has been convicted of a felony. The license shall be in force until the 1st day of January unless sooner revoked.

Record of Purchases

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of purchase, the detailed description of each item purchased including serial numbers(s) if present, the price paid for the item, the name, date of birth, current residence, giving a street and number of the person from whom the purchase was made. Such name, date of birth, and residence obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport, or out of state driver's license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record.

An electronic photograph of each item purchased, clearly showing the item shall be taken of each item along with the identification presented. Each dealer or keeper of the shop shall also take a photograph of the person presenting such item and ID which will also be maintained for the permanent record, and available for inspection by the Chief or his designee. No Entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved by the Chief of Police and shall be in duplicate form. The original and a copy of the electronic photograph shall be delivered, either electronically or by hand, to the Chief of Police or his designate by the opening of business on the nearest Monday and Thursday following said purchase. The duplicate copy shall be kept in some suitable place by the licensee for a period of three (3) years. Video game systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the seller's information has been properly recorded.

Every licensee, at his expense, will be required to record all such information on a form prescribed or participate in an electronic database for recording and transmitting such data immediately, including color pictures, to the Chief of Police or his designee. All items purchased must be photographed individually or separated in a singular photograph so they can be easily identified.

Articles Purchased to be Kept for 21 Days Before Resale or Removal From Town

No such item purchased or received by any dealer or keeper of a shop shall be removed from the Town or sold or otherwise disposed of, nor its identity changed for at least twenty one (21) days from its date of purchase or acquisition unless permission in writing has been obtained from the Chief of Police or his designee. Games for Video Game Systems may be released after five (5) days. Per MGL c.140 §71, any item taken in by a Pawnbroker or Pawn shop must be retained by them for a period of no less than four months from time of deposit.

Purchase From Persons Under Eighteen Years of Age Prohibited No licensee or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

Display of License

Each such dealer or keeper of a shop shall have conspicuously displayed his lecense at the place where he does business.

Reason to Believe Items are Stolen

Every dealer, clerk, agent or other person in charge of such premises shall immediately report to the Bridgewater Police Department any persons and items they have reason to believe may have stolen or be in possession of stolen items.

Repeat Sales

Every dealer, clerk, or agent shall be required to report to the Chief of Police or his designee any person who offers for sale any such items defined above on three (3) or more occasions in any 30 day period, or four (4) or more occasions in a 60 day period.

Revocation of License

A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The Town Manager, may at any time, revoke said license for cause following notice and an opportunity to be heard.

Penalty for Violation of Article

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty (\$20.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Per MGL c140 §55, \$20 is max fine.

Examination and Inspection of Records, Articles and Merchandise

The Chief of Police or his designee shall at all times have the authority to inspect or examine all books, records, photographic images, articles and merchandise therein as required to be maintained in compliance with this Ordinance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
This measure was referred to the Public	No action taken
Safety Committee on 9/6/11	Two detroit direct
This measure was relieved from the	
Public Safety Committee by a	
unanimous vote of the Council on	
1/3/12	
Amendments voted at 1/17/12 Council	
Meeting	
This measure has been duly advertised.	
Further amendments to be considered on	
3/6/12.	
• Amendments voted at 3/6/12 meeting.	
Final review/advertising approval	
3/20/12	
 Measure not taken up 3/20/12. Final 	
review/advertising approval 3/29/12	
 This measure has been duly advertised. 	
 Measure included on 4/24/12 agenda, 	
but not taken up.	
• 5/1/12: Measure postponed to 5/8/12.	
• Postponed to 5/15/12	
• 5/15/12: postponed to 5/22 (sponsor	
absence).	
• 5/22/12: postponed to 6/5/12 (sponsor	
absence)	
• Amendments approved at 6/5/12	
meeting.	
Measure duly advertised in Enterprise	
6/28/12.	

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, July 17, 2012 to approve the aforementioned Ordinance by roll call vote (9-0).

A TRUE COPY ATTEST:



In Town Council, Tuesday, November 8, 2011

Council Ordinance: 2011-011

Introduced By:

Councilor Michael Demos

Date Introduced/Public Hearing:

October 4, 2011

Second Reading:

November 8, 2011

Third Reading:

None

Amendments Adopted:

None

Date Adopted:

November 8, 2011

Date Effective:

December 8, 2011

Ordinance #2011-011

ANNUAL INDEPENDENT AUDIT

ORDERED that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled, vote to establish an audit committee.

Whereas, the Bridgewater Home Rule Charter, Section 6-8 states, "The Town Council shall designate no fewer than 3 of its members to serve as an audit committee."

Be It Ordained by the Town Council of the City known as the Town of Bridgewater that:

The three (3) council members serving on the Town Council Budget and Finance Committee shall also be designated to serve as the audit committee.

Explanation: This measure meets the charter requirement for the council to designate an audit committee to "lead the process of selecting an independent auditor; direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and receive the report of the internal auditor and present that report to the town council with any recommendations from the committee."

Committee Referrals and Dispositions:

	Referral(s)				Disposition(s)			
•	Referred to 10/4/11	o Rules	and	Procedures	Committee	•	Voted 3-0 to return to Council as is.	
•	This measur	e has be	en adv	vertised				

Inaccordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, November 8, 2011, to approve the aforementioned Ordinance by a roll call vote (8-0) Councilor Callahan not present.

ATRUE COPY ATTEST:



In Town Council, Tuesday, December 6, 2011

Council Ordinance: 2011-012

Introduced By:

Town Manager (at request of Treasurer/Collector)

Date Introduced/Public Hearing:

October 18, 2011

Second Reading:

December 6, 2011

Third Reading:

None

Amendments Adopted:

None

Date Adopted:

December 6, 2011

Date Effective:

January 6, 2011

Ordinance #2011-012

CHAPTER 200A – ABANDONED PROPERTY, SECTION 9A

ORDERED that, pursuant to Chapter 4, Section 4 of the Massachusetts General Laws, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to accept MGL Chapter 200A Abandoned Property, effective December 7, 2011; or otherwise act thereon.

Explanation: This is to speed up the processing for abandoned checks (Tailings) which have been an audit issue. The intent is to fulfill due diligence in locating parties who have received checks (mostly A/P checks) from the town but have not cashed them. It is a process with several requirements including posting on the website and in the newspaper and various waiting periods depending on the size of the check. There will obviously be claims and we will reissue checks after verification. When completed any money still unclaimed can be cleared to the general fund

Committee Referrals and Dispositions:

Referral(s)			Disposition(s)		
•	Referred to Budget Committee 10/18/11	•	11/3/11: Deferred pending Finance		
			Committee		
			11/17/11: Recommend unanimously		
•	Referred to Finance Committee 10/18/11		11/9/11: Voted favorably recommend (7-0)		
•	This ordinance has been duly advertised.				

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, December 6, 2011, to approve the aforementioned Ordinance by a unanimous roll call vote (9-0).

A TRUE COPY ATTEST:



In Town Council, Tuesday, January 3, 2011

Council Ordinance: 2011-014

Introduced By:

Councilor Wood

Date Introduced/Public Hearing:

December 20, 2011

Second Reading:

January 3, 2012

Third Reading:

None

Amendments Adopted:

December 6, 2012

Date Adopted:

January 3, 2012

Date Effective:

January 3, 2012

Ordinance #2011-014

TOWN COUNCIL MEETING DATES - 2012

ORDERED that pursuant to The Bridgewater Home Rule Charter section 2-6 (c), the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled; vote to establish the following schedule of regular meeting dates for the year 2012. Regular meetings will be held in the Memorial Building, 25 South Street, Bridgewater, MA beginning at 7:30 p.m., unless otherwise noted.

January 3, 2012	July 10, 2012
January 17, 2012	August 7, 2012
February 7, 2012	September 4, 2012
February 28, 2012	September 18, 2012
March 6, 2012	October 2, 2012
March 20, 2012	October 16, 2012
April 3, 2012	November 13, 2012
April 24, 2012	November 27, 2012
May 1, 2012	December 4, 2012
May 15, 2012	December 18, 2012
June 5, 2012	

Explanation: In accordance with the Bridgewater Home Rule Charter section 2-6 (c): "Regular meetings of the town council shall be held at a time and place fixed by ordinances but shall be at least monthly".

Committee Referrals and Dispositions:

	Referral(s)		Disposition(s)	
•	This Measure was not referred to any	•	N/A	
	committees.			
	This Measure has been advertised.			

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, January 3, 2012, to approve the aforementioned Ordinance by a unanimous roll call vote (8-0) (President Pitta was not present).

A TRUE COPY ATTEST: