



BRIDGEWATER TOWN COUNCIL

Tuesday, August 3, 2021

7:00 p.m.

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://zoom.us/j/91253871193>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 912 538 711 93

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting of the Town Council for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Zoom or Facebook Live.

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) July 13, 2021

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

- a) **7:05 PM:** Petition P-2021-011: Cumberland Farms of Massachusetts, Inc. dba Cumberland Farms for a Change of Beneficial Interest and Change of Officer (*Continued*)
- b) **7:10 PM:** Ordinance D-FY21-007: General Ordinance – Amend Admin Code PT III CH157
At their meeting held on 6/16/21, the Rules and Procedures Committee voted to recommend approval as amended. 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

- a) P-2021-015: One Day Entertainment - Black Hat Brew Works, 25 Scotland Blvd, August 14, 2021 & August 28, 2021

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

- a) Mitchell School Update (*Standing Item*)
- b) COVID-19 Update

J. DISCUSSIONS

- a) Sidewalk Improvements (*Councilor Colombotos*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY21-054: Acceptance of Federal Funds ARPA – CLFRF Funds
At their meeting held on 7/20/21, the Budget and Finance Committee voted to recommend approval. The Finance Committee voted to recommend approval at their meeting on 7/12/2021. This measure may be finally considered this evening.
- b) Order O-FY21-056: MOA - Town of Bridgewater and Local 1700 AFSCME Council 93
The Budget and Finance Committee meet 8/3/2021, their disposition will be provided upon receipt. The Finance Committee voted to recommend approval at their meeting held on 7/12/21. This measure may be finally considered this evening upon receipt.

c) Order O-FY22-008: Acceptance of a Gift – BSU Donation of \$55,000

At their meeting held on 7/20/2021, the Budget and Finance Committee voted to recommend approval. The Finance Committee voted to recommend approval at their meeting on 7/21/2021. This measure may be finally considered this evening.

d) Ordinance D-FY21-011: General Ordinance - Amend Article II Section 2-1 of Town Charter

At their meeting held on 7/20/2021, the Rules and Procedures Committee voted to recommend approval as amended. This measure may not be finally considered this evening as it requires advertising.

e) Ordinance D-FY21-012: General Ordinance - Admin Code Change Part II CH. 1 Article II Section 2

At their meeting held on 7/20/21, the Rules and Procedures Committee voted to recommend approval as amended. This measure may not be finally considered this evening as it requires advertising.

M. OLD BUSINESS

N. NEW BUSINESS

a) Order O-FY22-009: Acceptance of Mitigation Payment (*Town Manager*)

b) Order O-FY22-010: Transfer for downtown charrette & plan agreement (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Ordinance: D-FY21-007

Introduced By:	Councilor Fred Chase
Date Introduced:	April 6, 2021
First Reading:	April 6, 2021
Second Reading:	July 13, 2021
Third Reading:	August 3, 2021
Amendments Adopted:	(1) – July 13, 2021
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY21-007

GENERAL ORDINANCE - AMEND ADMINISTRATIVE CODE, PART III, CHAPTER 157

WHEREAS, In accordance with the provisions of the Bridgewater Home Rule Charter relative to amendments to the Administrative Code, it is therefore;

ORDERED, that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Administrative Code, Part III, Chapter 157, by adoption of the following:

ARTICLE II. Flag Raising on Town Property

Section 1. Flag Raising

The Town of Bridgewater, acting through its Town Council, may allow the raising of a flag on the flagpole located at the Academy Building in observance of an event or occasion, subject to this ordinance (the "Ordinance") and the attached rules appended to this Ordinance (the "Rules"), each as may be amended by the Town Council from time-to-time.

1. Request Procedure. An organization or individual (in either case being resident in the Town of Bridgewater) may request that the Town raise a particular flag by written request presented to the Town Council Clerk. Such request must be received by the Town Council Clerk sufficiently in advance of a regularly scheduled meeting of the Town Council to conform with public notice requirements. The requested period of display (the "Period of Display") may commence no sooner than thirty (30) days following receipt of the request by the Town Council Clerk.

The Town Council will consider approval of the request in accordance with all rules and procedures applicable to matters before the Town Council. A decision to approve or deny the raising of a flag is made in the sole and complete discretion of the Town Council.

2. Appropriate Events. The events and occasions for which a request pursuant to this Ordinance may be considered are limited to events or occasions designated within a formal proclamation duly issued by a governmental authority, as follows:
 - a) A Proclamation issued by the President of the United States;
 - b) A Proclamation issued by the Congress of the United States;
 - c) A Proclamation issued by the Governor of the Commonwealth of Massachusetts; or
 - d) A Proclamation issued by the Town Council of Bridgewater, Massachusetts.

ROLL CALL VOTE – REQUIRES MAJORITY OF FULL COUNCIL (5)

3. Period of Display. The Period of Display of a flag to commemorate an event or occasion above-described shall be limited in the following manner:
 - a) A flag raising intended to coordinate with a proclamation designating one (1) day of honor, recognition, celebration or remembrance shall be limited in duration to one (1) day of public display to take place on the date set-forth within the proclamation;
 - b) A flag raising intended to coordinate with a proclamation designating one week of honor, recognition, celebration or remembrance shall be limited in duration to one (1) week of public display to commence and cease in accordance with the dates specified within the proclamation, or as closely thereto as practicable; and
 - c) A flag raising intended to coordinate with a proclamation designating one (1) month of honor, recognition, celebration or remembrance shall be limited in duration to no less than one (1) week and no longer than (1) month of public display, such period to commence in accord with the earliest date set-forth within the proclamation, or as closely thereto as practicable.
4. Flag of the United States. During any Period of Display, a flag approved for public display in the manner permitted hereby shall be flown beneath the flag of the United States in a manner consistent with the United States Code (4 U.S.C. §7).

Section 2. Rules Governing Flag Raising

The Flag Raising Ordinance of the Town of Bridgewater (the "Ordinance") shall be administered in accordance with the following rules (the "Rules"):

1. At no time will the Town of Bridgewater display a flag deemed to be inappropriate or offensive in nature, or a flag supporting discrimination, prejudice or reference to any religious movement. A determination of impropriety in this regard shall be rendered by the Town Council in its sole discretion.
2. A flag proposed for public display shall be considered for approval which features words, symbols, designs or colors customarily associated with the event or occasion to be commemorated and which does not otherwise, in the determination of Town Council, convey or suggest policies, positions or proposals beyond the intended scope of the proclamation with which it is purported to correspond.
3. A photograph of the actual flag proposed for display under this Ordinance shall be provided to the Town Council Clerk together with the written request for display and shall be deemed to constitute a necessary component of the request.
4. A flag proposed for display under this Ordinance shall be clean and serviceable, and corresponding in size with the flag of the United States beneath which it will be flown.
5. Flag raisings must occur on a normal business day during regular business hours as may be determined appropriate by Town administration. Requests outside of normal business days hours cannot be accommodated.
6. A flag delivered for public display must be presented to the Town Council Clerk during normal business days and regular business hours and, following the Period of Display, promptly retrieved from the Town Council Clerk. Neither the Town nor the Town Council Clerk shall bear responsible for flags not promptly retrieved.
7. If the President or other appropriate authority orders that the U.S. Flag be flown at half-staff, no other flag may be flown therewith during the pendency of such order.
8. The Town of Bridgewater shall bear no responsibility for the loss of or any damage to a flag presented for public display under this Policy.
9. The Town Council may amend or rescind this Policy or the Rules hereunder at any time and any authorization for

ROLL CALL VOTE – REQUIRES MAJORITY OF FULL COUNCIL (5)

display made pursuant to this policy may be amended or withdrawn upon appropriate action by the Town Council for any reason.

Explanation:
Town officials have from time-to-time received requests seeking display upon Town premises of various flags intended to promote or celebrate events or causes of widely recognized societal, humanitarian, educational, patriotic, or environmental importance. This Ordinance is intended to establish parameters by which such requests may be considered for approval and to set-forth specific rules governing the administration of the Ordinance.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedures Committee	Vote: 3-0 recommend for approval as amended



Bridgewater Town Council

In Town Council Tuesday, August 3, 2021

Council Petition: P-2021-015

Date Introduced: August 3, 2021

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of a One-Day Alcohol & One Day Entertainment Permit

WHEREAS, Black Hat Brew Works of Bridgewater has petitioned for a One-day Alcohol and One-day Entertainment permit for the following (2) events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Live Entertainment: Band	August 14, 2021	3:00-10:00 p.m.	120
2	Live Entertainment: Band	August 28, 2021	3:00-10:00 p.m.	200

;and,

WHEREAS, Black Hat Brew Works have complied with the requirements of the Town of Bridgewater; and,

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector, Fire and Police Departments who have oversight authority, it appears that the public good so requires such license be granted;

WHEREAS, this license is being issued under the most current state guidelines which could be revoked or changed such that the applicant will have to abide by any new state or local requirements;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Black Hat Brew Works to be granted two (2) one-day alcohol and one-day entertainment permits for the aforementioned event to be held on the grounds of 25 Scotland Blvd.

APPLICANT: Black Hat Brew Works

- 1) Fire and Building will do final inspections of tents prior to release.
- 2) License fees to be collected before issuance.
- 3) License is subject to all state and local regulations, if the guidance is changed due to COVID numbers event may need to be canceled or altered.



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Order: O-FY21-054

Introduced By:	Town Manager
Date Introduced	June 29, 2021
First Reading:	June 29, 2021
Second Reading:	August 3, 2021
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY21-054

Acceptance of Federal Funds ARPA – CLFRF Funds

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:

“An officer ... of any city or town ... may accept grants or gifts of funds from ... from the commonwealth ... or an agency thereof, ... and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;” and

WHEREAS: The Town of Bridgewater has applied for Federal American Rescue Plan Act (ARPA) Funds for Coronavirus Local Fiscal Recovery Funds (CLFRF), therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the applied for funds of \$2,890,842 in Federal grant Funds from US Treasury, and in accordance with stated purpose thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget and Finance Committee - Finance Committee	- Vote 2-0 to recommend approval. - Vote 7-0 to recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Order: O-FY21-056

Introduced By: Town Manager
Date Introduced: June 29, 2021
First Reading: June 29, 2021
Second Reading: August 3, 2021
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY21-056

Contract Ratification – Local 1700 AFSCME Council 93

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement covering July 1, 2020, through June 30, 2022, with the Local 1700 AFSCME Council 93.

Explanation:

The Town Manager negotiated an agreement with the Local 1700 AFSCME Council 93. An affirmative vote of the Council will approve the contract as presented. A subsequent transfer request will fund the appropriation thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget and Finance Committee - Finance Committee	- Disposition to be provided upon receipt 7-0 vote to recommend approval



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Order: O-FY22-008

Introduced By:	Town Manager
Date Introduced	July 13, 2021
First Reading:	July 13, 2021
Second Reading:	August 3, 2021
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY22-008

Acceptance of Gift – Donation of \$55,000

ORDERED, that the Town Council assembled vote to:

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:

“An officer ... of any city or town ... may accept grants or gifts of funds from ... from the commonwealth ... or an agency thereof, ... and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;” and

WHEREAS: The Town of Bridgewater has received annual gift of \$55,000, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the grant of \$55,000 from The Bridgewater State University and in accordance with stated purpose thereof.

Explanation:

see attached letter from BSU President Clark

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget and Finance Committee - Finance Committee	- Vote 2-0 to recommend approval. - Vote 7-0 to recommend approval.

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



Bridgewater Town Council

In Town Council, August 3, 2021

Council Ordinance: D-FY21-011

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	June 29, 2021
First Reading:	June 29, 2021
Second Reading:	August 3, 2021
Third Reading:	
Amendments Adopted:	(1)
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY21-011

General Ordinance - Amend Article II Sec 2-1. Composition; Eligibility; Term of Office

WHEREAS, an amendment to Article II, Section 2-1 of the Bridgewater Town Charter;

ORDERED, that the Town Council assembled votes to amend the Town Charter, Article II, Section 2-1 to read as follows:

There shall be a Town Council consisting of **nine (9) members** which shall exercise the legislative powers of the town. ~~XXX of these members are to be known as district councilors, shall be nominated and elected by and from the voters of the XXX districts into which the town is divided and XXX of the members to be known as councilors at large, shall be nominated and elected by and from the voters at large.~~ **Each of the districts into which the town is divided shall have a single member to be known as a district councilor, whom shall be nominated and elected by and from the voters of their respective districts. The remaining members shall be known as councilors-at-large and shall be nominated and elected by and from voters at large.**

EXPLANATION:

This begins the process of what we know will be some change in the makeup of the precincts in Bridgewater due to the recent census. The Town Clerk will make a recommendation to the Council as to what the makeup should be, but the Council will have the final say. This puts the issue in committee so discussions can begin to take place as the timeline for this process will be tight.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedure Committee	Vote 2-0 to recommend approval as amended.



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Ordinance: D-FY21-012

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	June 29, 2021
First Reading:	June 29, 2021
Second Reading:	August 3, 2021
Third Reading:	
Amendments Adopted:	(1)
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY21-012

General Ordinance – Admin Code Change: Part II, CH. 1 Article II, Section 2

WHEREAS, In accordance with the provisions of the Bridgewater Home Rule Charter relative to amendments to the Administrative Code, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Administrative Code, Part II, CH. 1 Article II, Section 2 to read as follows:

There shall be **nine (9) members** of the Bridgewater Town Council, one Councilor elected from each district and the remaining elected at-large. ~~The total councilors shall be an uneven number.~~ The Bridgewater Town Council shall exercise all the legislative powers of the Town.

Explanation:

This would put the admin code in line with the charter change.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Rules and Procedures Committee	Vote 2-0 recommend approval as amended



Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Order: O-FY22-009

Introduced By: Town Manager
Date Introduced: August 3, 2021
First Reading: August 3, 2021
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY22-009

Acceptance of Mitigation Payment

ORDERED, that the Town Council assembled vote to:

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:

“An officer ... of any city or town ... may accept grants or gifts of funds from ... from the commonwealth ... or an agency thereof, ... and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;” and

WHEREAS: The Town of Bridgewater has received this payment, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the grant of \$11,600 from SLV Bridgewater PO LLC and in accordance with stated purpose thereof.

Explanation:

see attached ZBA Decision and Agreement

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, August 3, 2021

Council Order: O-FY22-010

Introduced By: Town Manager

Date Introduced: August 3, 2021

First Reading: August 3, 2021

Second Reading:

Amendments Adopted:

Third Reading:

Date Adopted:

Date Effective:

Order O-FY22-010

Transfer for Downtown Charette and Plan Agreement

ORDERED, that the Town Council assembled vote to:

WHEREAS: 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 \$55,000 from Other One Time Stabilization to an account number to be determined.

Explanation:

Current balance in the One Time Stabilization is \$194,156

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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