

BRIDGEWATER TOWN COUNCIL

Tuesday, July 9, 2019

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.

2019 JUL -5 P 12:24

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) June 25, 2019

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Annual Re-Appointments

- 1) Patrick Driscoll - Affordable Housing Trust
- 2) William Callahan - Affordable Housing Trust
- 3) David Anderson - Agricultural Commission
- 4) Scott Rubin - Board of Assessors
- 5) Joseph Gillis - Cable Advisory Committee
- 6) Michael Flaherty - Citizens Advisory Committee
- 7) Marilyn MacDonald - Conservation Commission
- 8) Harry Bailey - Conservation Commission
- 9) Henry Goldsmith - Disabilities Commission
- 10) Anna Nakouzi - Disabilities Commission
- 11) David Frim - Elder Affairs Commission
- 12) Sandra Alley - Elder Affairs Commission
- 13) Nicholas Bagas - Elder Affairs Commission
- 14) Bridget Boyle - Elder Affairs Commission
- 15) Lorraine Carrozza - Housing Authority
- 16) Gina Guasconi - Parks & Recreation Commission
- 17) James Campbell - Parks & Recreation Commission
- 18) Kevin Mandeville - Open Space Committee
- 19) Lorraine Carrozza - SAVE Committee

b) Appointments

- 1) Carlton Hunt - Community Preservation Committee

F. HEARINGS

- a) **7:35 p.m.:** Order O-FY19-073: Transfer Order - Drain Replacement - Hayward Street
The Budget & Finance Committee meet 7/8/19 and will provide their disposition to the full Council. The Finance Committee meet 7/8/19. Their disposition will be provided upon receipt. This measure has been duly advertised in the Enterprise and on the Town's website for a public hearing. This measure may be finally considered at the conclusion of the hearing pending dispositions from the Budget & Finance and Finance Committees.

G. LICENSE TRANSACTIONS

- a) Petition P-2019-011: Three (3) One-Day Entertainment Licenses - The Bridge Center

H. PRESENTATIONS

- a) Town Debt Update - Anthony Sulmonte, Finance Director
- b) 80 Spring Street - Sandra Wright & Hope for Heroes

I. TOWN MANAGER'S REPORT

- a) Update on Broad Street Properties
- b) Consultants

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2019 JUL -5 P 12:24

J. DISCUSSIONS

a) Standing Discussion Item:

- 1) Mitchell School Update

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-FY19-003: Zoning Ordinance - Amend Table of Uses - Cultivation, Manufacturing and Testing - Recreational Marijuana

The Community & Economic Development and Planning Board conducted a duly advertised joint public hearing on June 19, 2019. At the conclusion of the hearing, the Community & Economic Development Committee voted 2-0 to recommend approval and the Planning Board voted unanimously to recommend acceptance. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.

- b) Order O-FY19-056: Chapter 61B - Intent not to Exercise Right to Purchase Land

At their meeting held 6/21/19, the Community & Economic Development committee voted unanimously to recommend this measure. 14 days has elapsed per Section XVIII of the Council Rules & Procedures, therefore may be finally considered this evening.

- c) Order O-FY19-057: Directing the Town Manager to Create a Special Reserve Fund

At their meeting held 5/13/19, the Finance Committee voted 4-0-1 to recommend this measure. The Budget & Finance Committee meet 7/8/19. Their disposition will be provided to the full Council upon receipt.

- d) Order O-FY19-058: Transfer Order - Other One-Time Unforeseen Expenses

At their meeting held 6/10/19, the Finance Committee voted 5-0 to recommend this measure. At their meeting held 6/25/19, the Budget & Finance Committee postponed this measure to 7/8/19. Their disposition will be provided to the full Council upon receipt.

- e) Order O-FY19-074: Transfer Order - Employment Contractual Obligation

The Budget & Finance Committee meet 7/8/19. Their disposition will be provided to the full Council 7/9/19. The Finance Committee meet 7/8/19. Their disposition will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures; therefore, this measure may be finally considered this evening pending dispositions from Budget & finance and Finance Committees.

- f) Order O-FY19-075: Transfer Order - Cultural Council Grant Match

The Budget & Finance Committee meet 7/8/19. Their disposition will be provided to the full Council 7/9/19. The Finance Committee meet 7/8/19. Their disposition will be provided upon receipt. 14 days has elapsed per Section XVIII of the Council Rules & Procedures; therefore, this measure may be finally considered this evening pending dispositions from Budget & finance and Finance Committees.

- g) Order O-FY20-007: CPA Reserve Accounts - FY20

The Finance Committee voted 5-0 to recommend this measure at their meeting held 4/10/19. The Budget & Finance Committee postponed voting on this measure pending a disposition from the CPC. On 6/26/19 CPC voted 5-0 to recommend this measure. Budget & Finance Committee meet 7/8/19 and will provide their disposition to the full Council 7/9/19. Pending their disposition, this measure may be finally considered this evening.

- h) Order O-FY20-008: Transfer Order - Capital Water Special Purpose Transfer

At their meeting held 4/16/19, the Budget & Finance Committee voted 2-0 to recommend this measure. The Finance Committee voted 5-0 to recommend approval at their meeting held 5/13/19. This measure may be finally considered this evening.

- i) Order O-FY20-009: Transfer Order - Capital Sewer Special Purpose Transfer

At their meeting held 4/16/19, the Budget & Finance Committee voted 2-0 to recommend this measure. The Finance Committee voted 5-0 to recommend approval at their meeting held 5/13/19. This measure may be finally considered this evening.

M. OLD BUSINESS

N. NEW BUSINESS

- a) Ordinance D-FY20-001: General Ordinance - Stormwater Ordinance (Councilor Aisha Losche)
b) Order O-FY20-011: Contract Ratification - United Steel Workers (Town Manager)
c) Order O-FY20-012: Contract Ratification - Firefighters Association (Town Manager)
d) Order O-FY20-013: Contract Ratification - Bridgewater Administrative Association (Town Manager)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, June 25, 2019

Council Order: O-FY19-073

Introduced By: Town Manager
Date Introduced: June 25, 2019
First Reading: June 25, 2019
Second Reading/Public Hearing: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-073

TRANSFER ORDER - DRAIN REPLACEMENT - HAYWARD STREET

ORDERED, in accordance with Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer and appropriate the following funds for the purposes as intended:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Fund	80105-596110	Transfer to Capital Projects	\$154,800.00
Total:			\$ 154,800.00
Use of Funds	Account No.	GL Account Description	Amount
Highway Capital	10420219-584002	O-FY19-XXX DRAINAGE REPAIR	\$ 154,800.00
Total			\$ 154,800.00

Explanation: Water line installation on Hayward Street uncovered dramatic failure of the drainage system. The potential adverse impact to residential property was imminent, so the project was deemed an emergency. This transfer will pay for the drainage portion of the project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•

ROLL CALL VOTE -



Bridgewater Town Council

In Town Council Tuesday, July 9, 2019

Council Petition: P-2019-011

Date Introduced: July 9, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of Three (3) One-Day Alcohol & One Day Entertainment Permits

WHEREAS, The Bridge Center of Bridgewater has petitioned for three (3) One-day Alcohol and three (3) One-day entertainment permits for the following club sponsored events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Summer Series	July 23, 2019	5:00 p.m. - 8:00 p.m.	100-200
2	Summer Series	August 6, 2019	5:00 p.m. - 8:00 p.m.	100-200
3	Summer Series	September 17, 2019	5:00 p.m. - 8:00 p.m.	100-200

;and,

WHEREAS, The Bridge Center has 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, Police, and Health Departments who have oversight authority, it appears that the public good so requires such license be granted;

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 the The Bridge Center be granted three (3) one day alcohol and three (3) one day entertainment permits for the aforementioned events to be held on the grounds of the The Bridge Center at 470 Pine Street.

VOICE VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.

Meeting Date: July 9, 2019

APPLICANT: The Bridge Center, 470 Pine Street

	EVENT	DATE	TIME	ATTENDANCE	NOTES
1	Summer Series	23-Jul-19	5:00 p.m. - 8:00 p.m.	100-200	
2	Summer Series	6-Aug-19	5:00 p.m. - 8:00 p.m.	100-200	
3	Summer Series	17-Sep-19	5:00 p.m. - 8:00 p.m.	100-200	

Town Documents

- 1 ✓ One-Day Alcohol Applications
All Alcohol X or Wine & Malt
- ✓ One-Day Entertainment Applications
- 2 Waived - Town License Fees

Recommendations

- 3 ✓ Fire Department
- 4 ✓ Police Department
- 5 ✓ Building Department
- 6 ✓ Health Department

NOTES:

1) Favorable recommendations received from all departments.



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Ordinance: D-FY19-003

Introduced By: Councilor Aisha Losche
Date Introduced: November 27, 2018
First Reading: November 27, 2018
Second Reading: March 12, 2019
Third Reading: April 23, 2019
Fourth Reading: June 25, 2019
Fifth Reading: July 9, 2019
Amendments Adopted: March 12, 2019, April 23, 2019
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

10. 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	IND E	PD DIST	MHEC DIST
N	N	N	N	SP	SP	N	N	SP	SP	SP	SP	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)
- Community & Economic Development Committee - Planning Board	1/16/19: Duly advertised joint public hearing conducted and closed. Discussions continued. 2/20/19 – CEDC voted 2-1 to recommend approval with proposed amendments. 4/17/19 – At the conclusion of a duly noticed joint public hearing, the CEDC voted 2-1 not to recommend approval. 1/16/19: Duly advertised joint public hearing conducted and closed. Discussions continued.

ROLL CALL VOTE – REQUIRES 2/3 FULL COUNCIL (6)

• At their meeting held 4/23/19, the Town Council adopted further amendments and the matter was re-referred to the Planning Board and CEDC for a required public hearing. • Community & Economic Development Committee • Planning Board • This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally voted this evening.	2/20/19 – Planning Board voted unanimously not to recommend approval. The Planning Board provided their reasons in the attached letter. 4/17/19 – At the conclusion of a duly noticed joint public hearing, the Planning Board voted unanimously not to recommend. • 6/19/19: Duly advertised joint public hearing conducted and closed. Community & Economic Development Committee voted 2-0 to recommend adoption. • 6/19/19: Duly advertised joint public hearing conducted and closed. Planning Board voted unanimously to recommend.
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Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY19-056

Introduced By: Town Manager
Date Introduced: April 23, 2019
First Reading: April 23, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-056

CHAPTER 61B - INTENT NOT TO EXERCISE RIGHT TO PURCHASE LAND

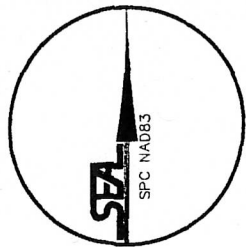
ORDERED: That pursuant to MGL Chapter 61B, Section 9 the Town Council of Bridgewater, Massachusetts in Town Council assembled vote not to exercise the right to purchase a Portion (3.29 ± acres) of land shown as Lot 39 on Map 111 "Parcel ID No. 111-39".

Explanation:

Pending sound recommendations by appropriate Boards and Committees, the Town does not seek to exercise its right under MGL 61B, Chapter 94 to purchase the land.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Community & Economic Development Committee	6/21/19: Vote 3-0 recommend approval.



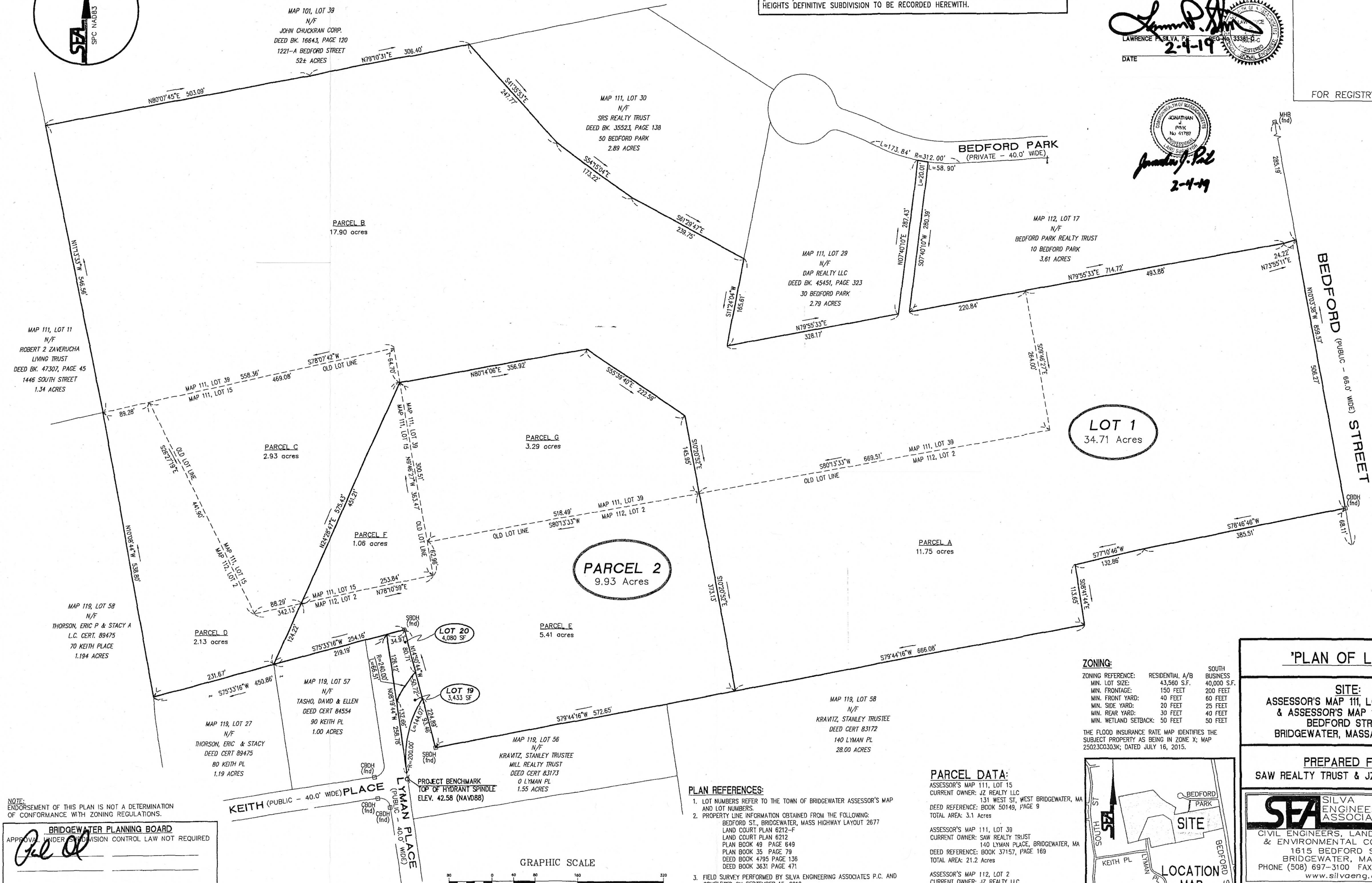
THE INTENT OF THIS PLAN IS TO RECONFIGURE ASSESSOR'S MAP 112, LOT 2, ASSESSOR'S MAP 111, LOT 15 AND LOT 39 INTO LOT 1 AND A NON-BUILDABLE PARCEL 2, AS SHOWN HEREON. PARCEL 2 AND LOTS 19 AND 20 (LAND COURT PLAN #6212-F) WHEN COMBINED FORM CRIMSON WAY AND 8 BUILDABLE LOTS. SEE CRIMSON HEIGHTS DEFINITIVE SUBDIVISION TO BE RECORDED HERewith.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS, OF THE COMMONWEALTH OF MASSACHUSETTS.

Lawrence P. Silva, P.E.
REG. NO. 33381-C
DATE 2-4-19

FOR REGISTRY USE

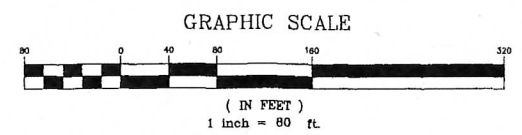
Jonathan J. Paul
2-4-19



NOTE: ENDORSEMENT OF THIS PLAN IS NOT A DETERMINATION OF CONFORMANCE WITH ZONING REGULATIONS.

BRIDGEWATER PLANNING BOARD
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED

Paul D.
DATE 2/20/19



- PLAN REFERENCES:**
- LOT NUMBERS REFER TO THE TOWN OF BRIDGEWATER ASSESSOR'S MAP AND LOT NUMBERS.
 - PROPERTY LINE INFORMATION OBTAINED FROM THE FOLLOWING:
BEDFORD ST., BRIDGEWATER, MASS HIGHWAY LAYOUT 2677
LAND COURT PLAN 6212-F
LAND COURT PLAN 6212
PLAN BOOK 49 PAGE 649
PLAN BOOK 35 PAGE 79
DEED BOOK 4795 PAGE 136
DEED BOOK 3631 PAGE 471
 - FIELD SURVEY PERFORMED BY SILVA ENGINEERING ASSOCIATES P.C. AND COMPLETED ON SEPTEMBER 15, 2016.
 - A DEFINITIVE SUBDIVISION CRIMSON HEIGHTS; PREPARED FOR P.J. CINCOTTA, INC.; PREPARED BY SILVA ENGINEERING ASSOCIATES; DATED AUGUST 28, 2018. APPROVED BY BRIDGEWATER PLANNING BOARD ON AUGUST 1, 2018.

PARCEL DATA:

ASSESSOR'S MAP 111, LOT 15
CURRENT OWNER: JZ REALTY LLC
131 WEST ST, WEST BRIDGEWATER, MA
DEED REFERENCE: BOOK 50149, PAGE 9
TOTAL AREA: 3.1 Acres

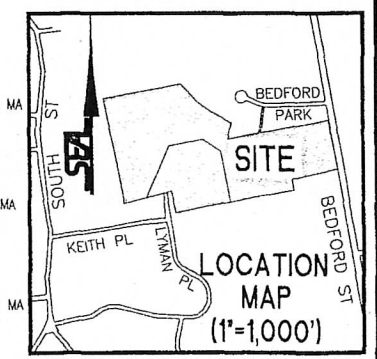
ASSESSOR'S MAP 111, LOT 39
CURRENT OWNER: SAW REALTY TRUST
140 LYMAN PLACE, BRIDGEWATER, MA
DEED REFERENCE: BOOK 37157, PAGE 169
TOTAL AREA: 21.2 Acres

ASSESSOR'S MAP 112, LOT 2
CURRENT OWNER: JZ REALTY LLC
131 WEST ST, WEST BRIDGEWATER, MA
DEED REFERENCE: BOOK 47229, PAGE 42
TOTAL AREA: 19.3 Acres

ZONING:

ZONING REFERENCE:	RESIDENTIAL A/B	SOUTH BUSINESS
MIN. LOT SIZE:	43,560 S.F.	40,000 S.F.
MIN. FRONTAGE:	150 FEET	200 FEET
MIN. FRONT YARD:	40 FEET	60 FEET
MIN. SIDE YARD:	20 FEET	25 FEET
MIN. REAR YARD:	30 FEET	40 FEET
MIN. WETLAND SETBACK:	50 FEET	50 FEET

THE FLOOD INSURANCE RATE MAP IDENTIFIES THE SUBJECT PROPERTY AS BEING IN ZONE X; MAP 25023C0303K; DATED JULY 16, 2015.



'PLAN OF LAND'

SITE:
ASSESSOR'S MAP 111, LOTS 15 & ASSESSOR'S MAP 112, LOT 1
BEDFORD STREET
BRIDGEWATER, MASSACHUSETTS

PREPARED FOR:
SAW REALTY TRUST & JZ REALTY LLC

SILVA ENGINEERING ASSOCIATES, P.C.
CIVIL ENGINEERS, LAND SURVEYORS & ENVIRONMENTAL CONSULTANTS
1615 BEDFORD STREET
BRIDGEWATER, MA. 02322
PHONE (508) 697-3100 FAX (508) 697-3101
www.silvaeng.com

SCALE	DRAWN	DATE	ACAD FILE
1" = 80'	MGB/RAB	2/4/19	15024FormA2



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY19-057

Introduced By:	Councilor Fitzgibbons
Date Introduced	May 7, 2019
First Reading:	May 7, 2019
Second Reading:	July 9, 2019
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-057

DIRECTING THE TOWN MANAGER TO CREATE A SPECIAL RESERVE FUND

WHEREAS, the Academy Building is a recently renovated building and a great asset to the Town.

WHEREAS, ongoing maintenance is essential to the preservation and long-term upkeep of the building.

IT IS THEREFORE ORDERED, that the Town Council assembled vote to direct the Town Manager to establish a separate reserve fund for said maintenance on the Academy Building.

Explanation:

The town should always have an identified source of funds for expensive and ongoing large maintenance projects.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	7/8/19: 5/13/19: Vote 4-0-1 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY19-058

Introduced By: Town Manager
Date Introduced: May 21, 2019
First Reading: May 21, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-058

TRANSFER ORDER - OTHER ONE-TIME UNFORESEEN EXPENSES

ORDERED, in accordance with Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer and appropriate the following funds for the purposes as intended:

Source of Funds	Account No.	GL Account Description	Amount
Other One Time Stabilization	80135-596100	Transfer to GF	\$ 65,000.00
Total:			\$ 65,000.00
Use of Funds	Account No.	GL Account Description	Amount
Professional Services	01755013-530000	Professional Services	\$ 65,000.00
Total			\$ 65,000.00

Explanation: To engage the services of a data analytical company to provide Bridgewater with a data driven, proactive approach to have the best understanding of our market's true economic development potential. The data will be used to position Bridgewater in the best light possible in attracting new businesses as well as help the Town's existing local businesses ensure growth. In addition, the data can also be used for other Town initiatives including grant writing and financial projections

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	6/25/19: Vote 3-0 continue to next meeting. 7/8/19: 6/10/19: Vote approve 5-0.

ROLL CALL VOTE – REQUIRES 2/3 OF FULL COUNCIL (6).



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY19-074

Introduced By: Town Manager
Date Introduced: June 25, 2019
First Reading: June 25, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-074

TRANSFER ORDER - EMPLOYMENT CONTRACTUAL OBLIGATION

ORDERED, in accordance with Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer and appropriate the following funds for the purposes as intended:

Source of Funds	Account No.	GL Account Description	Amount
Employee Liability Fund (SLBB)	80045-596100	Transfer to GF	\$ 65,000.00
Total:			\$ 65,000.00
Use of Funds	Account No.	GL Account Description	Amount
Contractual Buyout	01235001-519005	Contractual Buyout	\$ 65,000.00
Total			\$ 65,000.00

Explanation: This transfer funds a severance payment under an employment contract as recommended by labor counsel. The source of funds is an employee liability fund and does not affect the Town's financial footing.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	7/8/19: 7/8/19:

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



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY19-075

Introduced By: Town Manager
Date Introduced: June 25, 2019
First Reading: June 25, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-075

TRANSFER ORDER - CULTURAL COUNCIL GRANT MATCH

ORDERED, in accordance with Section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to transfer and appropriate the following funds for the purposes as intended:

Source of Funds	Account No.	GL Account Description	Amount
One-Time Stabilization Fund	80135-596010	Transfer to Capital Projects	\$ 30,000.00
Total:			\$ 30,000.00
Use of Funds	Account No.	GL Account Description	Amount
Cultural Council Town Grant	10123219-584000	Site Improvements	\$ 30,000.00
Total			\$ 30,000.00

Explanation: The Town recently secured a grant from the MA Cultural Council to study the feasibility of cultural / community use of the old Town Hall. This transfer funds the Town's required match.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	7/8/19: 7/8/19:

ROLL CALL VOTE – REQUIRES 2/3 FULL COUNCIL (6).



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order O-FY20-007

Introduced By:	Town Manager (at the Request of the Finance Director)
Date Introduced:	April 9, 2019
First Reading:	April 9, 2019
Second Reading:	July 9, 2019
Date Adopted:	
Date Effective:	

Order O-FY20-007

CPA RESERVE ACCOUNTS FY2020

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 from the *Community Preservation Fund* FY2020 estimated annual revenues the sum of **\$31,700** to meet the administrative expenses, and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020;

And further,

To reserve for future appropriation from the *Community Preservation Fund* FY2020 estimated annual revenues the sum of **\$80,000** for the acquisition, creation and preservation of open space; **\$80,000** for acquisition, preservation, restoration and rehabilitation of historic resources; and **\$80,000** for the acquisition, creation, preservation and support of community housing;

And further,

To appropriate **\$378,600** for the payment of debt related to the Academy Building renovation from FY2020 estimated revenues and/or available fund;

And further,

To appropriate **\$43,580** for the payment of debt related to the Keith Homestead purchase from FY2020 estimated revenues;

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	7/8/19: 4/10/19: Vote 5-0 recommend approval.



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY20-008

Introduced By: Town Manager (*at the request of the Finance Director*)
Date Introduced: April 9, 2019
First Reading: April 9, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY20-008

TRANSFER ORDER – CAPITAL WATER SPECIAL PURPOSE TRANSFER

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
WTR Reserved for Special Purpose	6200-358000	WTR Reserved for Special Purpose	\$ 225,000.00
Total:			\$ 225,000.00
Use of Funds	Account No.	GL Account Description	Amount
Water Capital	62005434-580000	Purchase of Equipment	\$ 150,000.00
Water Capital	62005434-580000	Maint/Repair to Plant Equipment	\$ 75,000.00
Total:			\$ 225,000.00

Explanation: This transfer will fund the capital expenses associated with the purchase of a backhoe to be used at worksites and the outsourced sandblasting and painting of the filters at the water treatment plant.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	4/16/19: Vote 2-0 recommend approval. 5/13/19: Vote 5-0 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY20-009

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: April 9, 2019
First Reading: April 9, 2019
Second Reading: July 9, 2019
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY20-009

TRANSFER ORDER – CAPITAL SEWER SPECIAL PURPOSE TRANSFER

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
SWR Reserved for Special Purpose	6100-358000	SWR Reserved Special Purpose	\$ 110,000.00
Total:			\$ 110,000.00
Use of Funds	Account No.	GL Account Description	Amount
Sewer Capital	61105-586001	Purchase of Vehicle	\$ 50,000.00
Sewer Capital	61105-586002	Purchase of Vehicle	\$ 60,000.00
Total:			\$ 110,000.00

Explanation: This transfer will fund the capital expense associated with replacing a 2009 F150 pickup truck and a 2006 F350 pickup truck which are beyond their useful life expectancy.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	4/16/19: Vote 2-0 recommend approval. 5/13/19: Vote 5-0 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Ordinance: D-FY20-001

Introduced By: Councilor Aisha Losche

Date Introduced: July 9, 2019

First Reading: July 9, 2019

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Ordinance D-FY20-001

GENERAL ORDINANCE – STORMWATER ORDINANCE

Whereas the National Discharge Elimination System (NPDES) program now requires changes to municipalities' Stormwater Management Ordinances, and

Whereas, the Town of Bridgewater desires to remain in compliance with the requirements of the NPDES program,

ORDERED, pursuant to Bridgewater Town Charter, Section 2-2, that the Town Council assembled votes to amend Article XIII (Municipal Separate Storm Sewer System (MS4)) of the Town of Bridgewater General Ordinances by deleting said Article in its entirety and replacing it as follows and authorize the Town Manager to conform the text to the numbering conventions of the Town's General Ordinances.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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STORMWATER MANAGEMENT ORDINANCE

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SECTION I – GENERAL PROVISIONS

Part 1. Purpose

- A. The purpose of this ordinance is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
 - (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration and/or destruction of aquatic and wildlife habitat;
 - (5) Overloading and/or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B. The objectives of this ordinance are to:
 - (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
 - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
 - (7) Ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.

Part 2. Definitions

Definitions applicable to this ordinance are as follows:

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance

Permit for proposed land-disturbance activity.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of the Stormwater Management Ordinance.

ILLICIT DISCHARGE - Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article II §D(2). The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II §D(1) of the Stormwater Management Ordinance.

IMPERVIOUS SURFACE - Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL): Land uses or

activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Bridgewater.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGE - Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source into waters of the Commonwealth.

OWNER: A person with a legal or equitable interest in property.

PERSON - An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point

or nonpoint source, that is or may be introduced into any storm sewer, water works or waters of the commonwealth. Pollutants shall include but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

RECHARGE - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER AUTHORITY: Town of Bridgewater Conservation Commission or its authorized agent(s).

STORMWATER MANAGEMENT PLAN (SWMP): A plan required as part of the application for a Land Disturbance Permit.

TOXIC OR HAZARDOUS MATERIAL OR WASTE: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic

chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WASTEWATER - Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

WATERCOURSE - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, vernal pools, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS: As specifically defined in the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131 and its Regulations, 310 CMR 10.00 and the Town of Bridgewater Wetlands Protection Bylaw but generally include tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps & bogs.

Part 3. Authority

This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

Part 4. Responsibility for administration

- A. The Stormwater Authority shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to any employees or agents of the Town.

Part 5. Waivers

- A. Following a public hearing on a waiver request, in accordance with the Stormwater Regulations, the Stormwater Authority may waive strict compliance with any requirement of this ordinance or the rules and regulations promulgated hereunder, where:
 - (1) such action is allowed by federal, state and local statutes and/or regulations; and
 - (2) is in the public interest; and
 - (3) is not inconsistent with the purpose and intent of this ordinance.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the ordinance does not further the purposes or objective of this ordinance.

- C. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Part 6. Compliance with EPAs General Permit for MS4s in Massachusetts

This ordinance is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning storm water discharges in the Town of Bridgewater, including but not limited to the requirements of the United States Environmental Protection Agency's most recent General Permit for MS4s, and nothing in this ordinance is intended to limit or restrict the authority of any board, commission or officer of the Town to act in accordance with any federal, state and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements will control.

Part 7. Regulations

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Ordinance by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two successive weeks, the first publication being at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Ordinance.

Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this ordinance. Administrative review approval shall comply with all other provisions of this Ordinance.

Part 8. Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Part 1. Applicability

Article II of this ordinance shall apply to all discharges of water entering the municipally owned storm drainage system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this ordinance or where the Stormwater Authority has issued a waiver in accordance with Section I, Part 5.

Part 2. Prohibited Activities; Exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.
- D. Exemptions.
 - (1) Discharge or flow resulting from fire-fighting activities.
 - (2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources, with the exception of landscape irrigation and lawn watering;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit

and applicable laws and regulations to be issued by the Stormwater Authority;

- (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
- (i) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (j) Discharge from street sweeping;
- (k) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (l) Nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (m) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

Part 3. Additional Prohibited Pollutants

- A. Pet Waste: Dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations see Bridgewater Town Code Part III, Chapter 14, Article 1, Sections 1-7.

Part 4. Emergency Suspension of Storm Drainage System Access

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that present imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Part 5. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has

information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Part 6. Enforcement

The Stormwater Authority or its authorized agent shall enforce this ordinance, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this Ordinance or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief. If a person violates the provisions of this ordinance, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.
 - (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this ordinance or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Performance of monitoring, analyses, and reporting;
 - (c) That unlawful discharges, practices, or operations shall cease and desist;
 - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
 - (e) Remediation of contamination in connection therewith.
 - (2) Said orders shall specify a deadline by which the required action shall be completed and the Stormwater Authority or its designee may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole costs and expense, that it deems necessary to protect public health, safety and welfare.
 - (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the

costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the 31st day at which the costs first become due.

- C. Criminal penalty. Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- D. Non-Criminal Disposition. Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as set forth in MGL c. 40, § 21D and in the Bridgewater Town Code Part III, Chapter 1, Article 2, Sections 1-3. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- E. Entry to perform duties under this ordinance. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- F. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.

Part 7. Transitional Provisions

Residential property owners with illicit discharges, connections and/or obstructions to the MS4 shall have a period of 30 days from the effective date of this ordinance to remove such discharges, connections and/or obstructions, unless immediate removal is required for the protection of public health, safety, welfare or the environment. The Stormwater Authority may extend the time for compliance by regulation or by waiver in accordance with Part 6 of this Ordinance.

SECTION III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

Part 1. Applicability

A. Section III of this Ordinance shall apply to all activities that result in disturbance of 5,000 square feet of land or more that drains to the municipal separate storm sewer system (MS4). Except as authorized by the Stormwater Authority or as otherwise provided in this Ordinance, no person shall perform any activity that results in disturbance of 5,000 square feet of land or more. There are two levels of reviews based on the amount of proposed land to be disturbed as part of a single project and they are as follows:

- (1) Land Disturbance Review is required for projects disturbing between 5,000 square feet and one-half acre (21,780 square feet) of land.
- (2) A Land Disturbance Permit is required for disturbance of greater than one-half acre (21,780 square feet) of land or for a proposed use that is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards.

B. Exemptions:

- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single or two family dwellings conducted in such a way as not to cause a nuisance;
- (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (3) Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
- (4) Normal maintenance and improvement of land in agricultural or aquacultural use; and

The Stormwater Authority is authorized to enact regulations to effectuate the purposes of this ordinance, including but not limited to regulations outlining the application requirements for the different levels of review specified in Section A hereof. Any person that fails to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Stormwater Management Regulations shall be in violation of the Town of Bridgewater Ordinances.

Part 2. Approval and/or Permit

An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this ordinance and in regulations adopted by the Stormwater Authority. Approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Stormwater Management Regulations.

Part 3. Entry

Entry to perform duties under this ordinance. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

Part 4. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections of the work subject to this Ordinance to verify and document compliance with the Ordinance and regulations and orders of the Stormwater Authority.

Part 5. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Part 6. Final Reports

Administrative Land Disturbance Review: Upon completion of the work, the applicant shall submit a written notice to the Stormwater Authority with photographic evidence that the work was completed in accordance with the plan.

Land Disturbance Permit: Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Massachusetts Professional Engineer (P.E.), or Massachusetts Professional Land Surveyor (PLS) as applicable as determined by the Stormwater Authority, certifying that all erosion and sedimentation control devices, and approved changes or modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. Any discrepancies shall be noted in the cover letter.

Part 7. Enforcement

The Stormwater Authority or its authorized agent shall enforce this ordinance, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this Ordinance or enjoin

violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Civil relief. If a person violates the provisions of this ordinance, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this ordinance or any regulations thereunder, which may include:
 - (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the ordinance and provisions of the Land Disturbance Permit
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

Said orders shall specify a deadline by which the required action shall be completed and the Stormwater Authority or its designee may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole cost and expense, that it deems necessary to protect public health, safety and welfare.

- C. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.
- D. Criminal Penalty. Any person who violates any provision of this ordinance, regulation, permit, approval or order issued there under, may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- E. Non-Criminal Disposition. Any person who violates any provision of this ordinance, regulation, order or permit issued thereunder may be penalized by non-criminal

disposition as an alternative to criminal prosecution or civil action, the Town of Bridgewater may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D and in Bridgewater Town Code Part III, Chapter 1, Article 2, Sections 1-3. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- F. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY20-011

Introduced By: Town Manager

Date Introduced: July 9, 2019

First Reading: July 9, 2019

Second Reading:

Amendments Adopted:

Third Reading:

Date Adopted:

Date Effective:

Order O-FY20-011

CONTRACT RATIFICATION - UNITED STEEL WORKERS

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, 2018 through June 30, 2021 with the United Steel Workers.

Explanation:

The Town Manager negotiated an agreement with the United Steel Workers. 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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY20-012

Introduced By: Town Manager

Date Introduced: July 9, 2019

First Reading: July 9, 2019

Second Reading:

Amendments Adopted:

Third Reading:

Date Adopted:

Date Effective:

Order O-FY20-012

CONTRACT RATIFICATION - FIREFIGHTERS ASSOCIATION

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, 2019 through June 30, 2022 with the Bridgewater Firefighters Association.

Explanation:

The Town Manager negotiated an agreement with the Bridgewater Firefighters Association. 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)
•	•



Bridgewater Town Council

In Town Council, Tuesday, July 9, 2019

Council Order: O-FY20-013

Introduced By: Town Manager
Date Introduced: July 9, 2019
First Reading: July 9, 2019
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY20-013

CONTRACT RATIFICATION - BRIDGEWATER ADMINISTRATIVE ASSOCIATION

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, 2018 through June 30, 2021 with the Bridgewater Administrative Association.

Explanation:

The Town Manager negotiated an agreement with the Bridgewater Administrative Association. 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)
•	•