



BRIDGEWATER TOWN COUNCIL

Tuesday, October 4, 2016

7:30 PM

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.

2016 SEP 30 P 12:12

MEETING AGENDA

- A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS
- B. ANNOUNCEMENTS FROM THE PRESIDENT
- C. PROCLAMATIONS
- D. CITIZEN OPEN FORUM
- E. APPOINTMENTS
 - a) Master Plan Committee
 - Carlton Hunt
 - Thomas Hall
- F. HEARINGS
- G. LICENSE TRANSACTIONS
- H. PRESENTATIONS
- I. TOWN MANAGER'S REPORT
 - a) Update on Town Manager Goals
- J. DISCUSSIONS
- K. COMMITTEE REPORTS
 - a) Strategic Planning Committee Update
- L. LEGISLATION FOR ACTION
 - a) Petition P-2016-041: State Election Warrant
 - b) Order O-2016-021: Granting of an Easement – Legion Field
This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council Rules and Procedures, therefore may be finally considered this evening
 - c) Order O-2016-022: Review Existing Plans, Reports and Initiatives Relating to Community & Economic Development
This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council Rules and Procedures, therefore may be finally considered this evening.
 - d) Transfer T-2016-011: Prior Year Invoices – Health Department
The Finance Committee meet 10/3/16. Their disposition will be provided 10/4/16. The Budget & Finance Committee meet 10/4/16 and will provide their disposition to the full Council 10/4/16.
 - e) Resolution R-2016-007: 2017 Town Council Meeting Dates
This measure was not referred to any committee. 14 days has elapsed per Section XVIII of the Council Rules and Procedures, therefore may be finally considered this evening
- M. OLD BUSINESS
 - a) Ordinance D-2016-006: Revocation of General Bylaws and Adoption of Ordinances
This measure was re-referred to the Rules and Procedures Committee for further examination. The Rules and Procedures Committee meets 10/3/16 and will provide their final disposition to the Town Council on 10/4/16. Pending adoption of any proposed amendments, this measure requires further advertising prior to final adoption.
- N. NEW BUSINESS

- a) Order O-2016-023: Acceptance of a Grant – Early Voting Weekend Grant (*Town Manager at the request of the Town Clerk*)

- O. CITIZEN COMMENTS
- P. COUNCIL COMMENTS
- Q. EXECUTIVE SESSION
- R. ADJOURNMENT



Bridgewater Town Council

In Town Council Tuesday, October 4, 2016

Council Petition: P-2016-041

Date Introduced: October 4, 2016

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to: Petition P-2016-035

2016 State Election Warrant

ORDERED: That the Town Council of the Town of Bridgewater, Massachusetts, assembled accepts, as a matter of record, the attached 2016 State Election Warrant as provided by the Town Clerk.

Explanation: *It is required that the Town Council accepts and approves the attached Warrant as a matter of record.*

COMMONWEALTH OF MASSACHUSETTS

**WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR THE STATE ELECTION

Plymouth County SS.

To the Constables of the Town of Bridgewater

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at

PRECINCTS 1, 2, 3, 4, 5, 6 & 7

BRIDGEWATER MIDDLE SCHOOL, 166 MOUNT PROSPECT STREET

on **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT.FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. EIGHTH DISTRICT
COUNCILLOR FIRST DISTRICT
SENATOR IN GENERAL COURT FIRST PLYMOUTH & BRISTOL DISTRICT
REPRESENTATIVE IN GENERAL COURT EIGHTH PLYMOUTH DISTRICT
SHERIFF. PLYMOUTH COUNTY
COUNTY COMMISSIONERS. PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE. BRISTOL-PLYMOUTH DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A NO VOTE would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

ROLL CALL VOTE

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

ROLL CALL VOTE

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2016.
(month)

Town Council of Bridgewater

POSTING WARRANT IN PRECINCTS 1, 2, 3, 4, 5, 6 & 7

_____, 2016.
Constable (month and day)

Warrant must be posted by **November 1, 2016**, (at least *seven days prior* to the **November 8, 2016** State Election).



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2016

Council Order: O-2016-021

Introduced By:	Town Manager
Date Introduced	September 20, 2016
First Reading:	September 20, 2016
Second Reading:	October 4, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order #O-2016-021

GRANTING OF AN EASEMENT – LEGION FIELD

WHEREAS, the Town of Bridgewater, a Massachusetts Municipal Corporation with a usual place of business at 66 Central Square, Bridgewater, MA 02324, Plymouth County, (hereinafter Grantor") in consideration of \$1.00 and other mutual covenants herein contained, hereby grants to Verizon New England, Inc. a New York Corporation having its principal place of business at 125 High Street, Oliver Tower, Floor 7, Boston, Massachusetts 02110, together with their successors and assigns,(herein after call the "Grantee") and Massachusetts Electric Company, a Massachusetts corporation, having its principal place of business at 40 Sylvan Road, Waltham, MA 02451, their successors and assigns as tenants in common (hereinafter called the "Grantee"),an exclusive right, privilege and easement for the sole purpose of locating, relocating, erecting, constructing, reconstructing, installing, operating, maintaining, patrolling, inspecting, repairing, replacing, altering, extending, and/or removing one or more overhead and/or underground telecommunication cables and lines for communication, by electricity and/or fiber optics and any necessary manholes, hand holes; conduit, foundations, transformers equipment, poles, appurtenances and attachments incidental thereto for all the above purposes within, along, under and across the hereinafter described portion of Grantor's land.

NOW THEREFORE, in consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, the Grantor grants to the Grantees, their successors and assigns, with quitclaim covenants, the exclusive and perpetual right and easement to, access, erect, construct, operate, maintain, connect, extend, replace and remove poles 18/50 and 18/51 off Bedford Street - #200, which may be erected at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto for the transmission and/or distribution of electricity and the transmission and/or distribution of telecommunications upon, over and across land as now described and identified by Bridgewater Assessor's parcel Map 48 Lot 86. For Grantor's Title see deed recorded in the Plymouth County District Registry of Deeds in Book 1690, Page 189, recorded on June 8, 1935.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

The location of said pole or line of poles (hereinafter "Easement Area"), which the area is approximately shown on a sketch labeled Exhibit A, is attached hereto and made a part hereof. The location of said facilities are to become permanent upon the placing thereof.

FURTHER, The Grantees shall have the further right to enter said portion of Grantor's land by foot or by vehicle for all of the herein stated purposes and to connect said pole(s), wires and cables with the poles, conduits, cables and wires which are located or which may be placed in parcels of land, public or private ways, adjacent or contiguous to the aforesaid premises. Grantees shall also have the right to cut, trim, and remove such trees, bushes and growth as the Grantees or either of them may from time to time deem necessary for the safe and efficient operation and maintenance of Grantees facilities.

It is also agreed that the Grantees, their successors and assigns, shall have the right to extend their lines on the subject premises from time to time as may be necessary in the judgment of the Grantees, their successors or assigns, to serve customers on the subject premises or on adjoining premises of other parties without incurring any liability to the Grantor, or any successors or assigns.

Grantor shall clean up and remedy any contamination (to the extent required by law or to the extent that it constitutes a health or safety hazard) on the Property and/or the Easement Area to the extent caused by Grantor. Such action shall be performed by Grantor or its' contractors in accordance with applicable laws to the extent necessary to allow the use of the property consistent with the zoning of the property. Indemnification under this paragraph shall include reasonable attorneys' fees and expenses. Should any such situation arise, the indemnifying party shall be entitled to defend, settle and otherwise manage the matter using attorneys of its' choice.

Grantor, its' heirs, successors and assigns shall indemnify, defend, reimburse and hold Grantee harmless from and against all environmental damages arising from the presence of hazardous materials, upon, above or beneath the easement area, or migrating, to or from the easement area or arising in any manner whatsoever out of the violations of any environmental requirements pertaining to the easement area and any activities thereon, which are the result of the Grantor activities after the execution of this easement. Hazardous Materials to be contaminants, oils, asbestos, PCBs, hazardous substances, wastes or other materials as defined by Federal, State or local environmental laws, regulations or administrative orders; the removal of which is required or the maintenance of which is prohibited, regulated or penalized by any Federal, State or local government authority.

ORDERED, that the Town Council of the Town of Bridgewater, Massachusetts, in Town Council assembled approve the petition, as submitted.

Explanation:

Verizon is requesting to execute a utility easement or existing utility poles at Legion Field. These utility poles have been in continuous operation for over three (3) decades, and an easement is necessary for their continued operation and maintenance by Verizon.

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure requires no committee referral. • 14 days has elapsed per section XVII of the Council Rules & Procedures, therefore this measure may be finally considered this evening.	•



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2016

Council Order: O-2016-022

Introduced By:	Councilor Peter Colombotos
Date Introduced	September 20, 2016
First Reading:	September 20, 2016
Second Reading:	October 4, 2016
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Order #O-2016-022

REVIEW EXISTING PLANS, REPORTS AND INITIATIVES RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT

Whereas, over the past several years the town has commissioned numerous reports, drafted numerous plans, and begun numerous initiatives to generate beneficial community and economic development;

Whereas, there is little institutional awareness or familiarity with the aforementioned reports, plans, and initiatives due to significant turnover in hired staff and citizen volunteers involved in development issues;

Whereas, the town has not realized adequate progress in significant, beneficial community and economic development;

Whereas, a review of past efforts is essential to the formulation of a coherent community and economic development policy to guide future efforts to achieve progress;

It is therefore resolved; that the Town Council charge its Community and Economic Development Committee with reviewing existing reports, plans, studies, surveys, and initiatives related to community and economic development and report its findings back to the full Town Council.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- This measure did not require referral to any committee. 14 days has elapsed per Section XVII of the Council Rules and Procedures, therefore this measure may be finally considered this evening.	

ROLL CALL VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday October 4, 2016

Transfer: #T-2016-011

Introduced By: Town Manager
Date Introduced: September 20, 2016
First Reading: September 20, 2016
Second Reading: October 4, 2016
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer: T-2016-011

PAYMENT OF PRIOR YEAR INVOICES – HEALTH DEPARTMENT

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote the sum of \$496.36 to pay for prior fiscal year invoices out of the FY 2017 Health Department Expense Budget.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee • Requires consideration by Finance Committee	• Meeting 10/3/16. Disposition will be provided 10/4/16 • Meeting 10/4/16: Disposition will be provided to full Council

ROLL CALL VOTE: REQUIRES 2/3 OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2016

Council Resolution: R-2016-007

Introduced By: Councilor William Wood
Date Introduced: September 20, 2016
First Reading: September 20, 2016
Second Reading: October 4, 2016
Amendments Adopted:
Date Adopted:
Effective Date:

Resolution #R-2016-007

TOWN COUNCIL MEETING DATES - 2017

WHEREAS: The Bridgewater Town Council Rules and Procedures, Section III Meetings states, "The Town Council will hold regular meetings on the first and third Tuesdays of each month beginning at 7:30 p.m. In the months of June, July and August, the Council will meet monthly on the first Tuesday, following the first Monday"; and

WHEREAS: Adoption of this Resolution, establishes regular meeting dates which are an exception to the aforementioned rule; and

RESOLVED: The following dates are established as regular meetings for the calendar year 2017 and regular meetings will be held either in the Academy Building, Council Chambers, 66 Central Square, Bridgewater MA, beginning at 7:30 p.m., unless otherwise noted.

January 10, 2017*	June 27, 2017*
January 24, 2017*	July 11, 2017*
February 7, 2017	August 8, 2017
February 28, 2017*	September 5, 2017
March 7, 2017	September 19, 2017
March 21, 2017	October 3, 2017
April 4, 2017	October 17, 2017
April 25, 2017*	November 7, 2017
May 9, 2017*	November 21, 2017
May 23, 2017*	December 5, 2017
June 6, 2017	December 19, 2017

*Exceptions to Section III of the Council Rules and Procedures are noted with an asterisk.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was not referred to any committees. • 14 days has elapsed per Section XVII of the Council Rules & Procedures, therefore this may be finally considered this evening.	



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2016

Council Order: O-2016-023

Introduced By: Town Manager
Date Introduced: October 4, 2016
First Reading: October 4, 2016
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Order O-2016-023

ACCEPTANCE OF A GRANT – EARLY VOTING WEEKEND GRANT

ORDERED that pursuant to Massachusetts General Laws, Chapter 44, §53A, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the Early Voting Weekend Hours Incentive Grant of \$1,000.00 from the Commonwealth of Massachusetts, Elections Division and to authorize the Town Manager to expend the grant in accordance with its stated purpose thereof.

Explanation:

The Town Clerk has secured an Early Voting Weekend Hours Incentive Grant from the Commonwealth to defray costs associated with Early Voting Weekend Hours.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•