

BRIDGEWATER TOWN COUNCIL

Tuesday, October 23, 2018

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2018 OCT 19 A 11:49

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) October 9, 2018

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - None

F. HEARINGS

- a) **7:35 p.m.:** Order O-FY19-023: Transfer Order - General Fund Free Cash Allocation to Trust Funds
At their meeting held 10/9/18 the Budget & Finance Committee voted 3-0 to recommend approval of this measure. On 10/15/18, the Finance Committee voted 5-0 to approve this measure. This measure has been duly advertised in the Enterprise and on the Town's website for a public hearing and may be finally considered at the conclusion of the hearing.
- b) **7:40 p.m.:** Order O-FY19-024: Transfer Order - Capital Plan 2019-1 - Town Clerk Voting Booths
At their meeting held 10/9/18 the Budget & Finance Committee voted 3-0 to recommend approval of this measure. On 10/15/18, the Finance Committee voted 5-0 to approve this measure. This measure has been duly advertised in the Enterprise and on the Town's website for a public hearing and may be finally considered at the conclusion of the hearing.
- c) **7:45 p.m.:** Ordinance D-FY18-008: Zoning Ordinance - Elm Street Recreational Usage Overlay
After joint hearings held by the Community & Economic Development Committee and Planning Board on 4/17/18 and 6/20/18, both committees voted to recommend with proposed amendments. At their meeting held 6/26/18 this measure was referred to the Community & Economic Development Director for further review & recommendation regarding testing facilities. Amendments were adopted 9/11/18. The Planning Board reviewed the updated ordinance and re-affirmed their support of the original proposed amendments on 10/17/18. This measure has been duly advertised for a public hearing and final consideration in the Enterprise and on the Town's website; therefore, may be finally considered this evening.

G. LICENSE TRANSACTIONS

a) Petition P-2018-019: One-Day Entertainment License – CNT, Inc, 350 Bedford Street

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY19-015: Transfer Order - Capital Transfer - LED Light Conversion
The Budget & Finance Committee voted 3-0 on 9/11/18 to recommend approval. The Finance Committee voted 5-0 to approve at their meeting held 10/15/18. The Town Council conducted a duly advertised public hearing 10/9/18. This measure may be finally considered this evening pending the adoption of amended account numbers.
- b) Order O-FY19-016: Transfer Order - Sewer & Water Reserve Special Purpose for Loan Paydown
The Budget & Finance Committee voted 3-0 on 9/11/18 to recommend approval. The Finance Committee voted 5-0 to approve at their meeting held 10/15/18. This measure may be finally considered this evening pending the adoption of amended account numbers.
- c) Order O-FY19-017: Transfer Order - Town Manager Special Account to Capital Funds
The Budget & Finance Committee voted 3-0 on 9/11/18 to recommend approval. The Finance Committee voted 5-0 to approve at their meeting held 10/15/18. This measure may be finally considered this evening pending the adoption of amended account numbers.
- d) Order O-FY19-018: Transfer Order - Appropriation for Street Assessment

The Budget & Finance Committee voted 3-0 on 9/11/18 to recommend approval. The Finance Committee voted 5-0 to approve at their meeting held 10/15/18. The Town Council conducted a duly advertised public hearing 10/9/18 therefore, this measure may be finally considered this evening.

e) Order O-FY19-022: Transfer Order – Bridgewater Police Association Contract Settlement Funding

The Budget & Finance Committee voted 3-0 on 9/25/18 to recommend approval. The Finance Committee voted 4-0-1 to approve at their meeting held 10/15/18. This measure may be finally considered this evening pending the adoption of amended account numbers.

f) Order O-FY19-025: Transfer Order - Water Reserve Transfer for Carver's Pond Treatment Plant Roof Repairs

The Budget & Finance Committee voted 3-0 on 9/25/18 to recommend approval. The Finance Committee voted 5-0 to approve at their meeting held 10/15/18. This measure may be finally considered this evening pending the adoption of amended account numbers.

g) Order O-FY19-026: Transfer Order - Sewer Enterprise Capital Special Purpose – RBC

The Finance committee voted 5-0 to approve at their meeting held 10/15/18. The Budget & Finance Committee meet 10/23/18 and will provide their disposition to the full Council.

h) Order O-FY19-027: Transfer Order - CPC Funding for McElwain School Redevelopment

The Finance committee voted 5-0 to approve at their meeting held 10/15/18. The Budget & Finance Committee meet 10/23/18 and will provide their disposition to the full Council.

i) Ordinance D-FY19-002: General Ordinance - Amend Administrative Code - Temporary Repair to Private Ways

At their meeting held 10/1/18, the Rules & Procedures committee voted 3-0 to recommend approval of this measure. This measure has been duly advertised in the Enterprise and on the Town's website for final consideration; therefore, may be finally voted this evening.

j) Ordinance D-FY18-013: General Ordinance – Recreational Marijuana Establishments Forbidden and Exceptions

The Rules & Procedures Committee voted 2-1 to recommend this measure with amendments at their meeting held 10/1/18. This measure has been duly advertised in the Enterprise and on the Town's website for final consideration; therefore may be finally considered this evening.

M. OLD BUSINESS - None

N. NEW BUSINESS

a) Resolution R-FY19-001: 2019 Town Council Meeting Dates (*Councilor Losche*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-023

Introduced By: Town Manager (*at the request of the Finance Director*)
Date Introduced: September 25, 2018
First Reading: September 25, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-023

TRANSFER ORDER – GENERAL FUND FREE CASH ALLOCATION TO TRUST FUNDS

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	GL Account Description	Amount
GF UNDESIGNATED FUND BALANCE	09905990-596120	UNDESIGNATED FB TRANSFER OL	\$ 3,634,080.00
Total:			\$ 3,634,080.00
Use of Funds	Account Org	GL Account Description	Amount
EMPLOYEE LIABILITY TRUST FUND	80044-497000	TRANSFER FROM GENERAL FUND	\$ 217,219.00
GF STABILIZATION TRUST FUND	80054-497000	TRANSFER FROM GENERAL FUND	\$ 1,832,798.00
CAPITAL STABILIZATION TRUST FUND	80104-497000	TRANSFER FROM GENERAL FUND	\$ 1,158,199.00
OPEB STABILIZATION TRUST FUND	80114-497000	TRANSFER FROM GENERAL FUND	\$ 100,000.00
ONE TIME UNFORESEEN TRUST FUND	80134-497000	TRANSFER FROM GENERAL FUND	\$ 325,864.00
Total			\$ 3,634,080.00

Explanation: Recommended Allocation of the General Fund Undesignated Fund Balance (Certified Free Cash) to the established Trust Funds as noted above.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee - This measure has been duly advertised for a public hearing and may be finally considered at the conclusion of the hearing.	10/9/18: Vote 3-0 recommend approval 10/15/15: Vote 5-0 approve

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-024

Introduced By: Town Manager (*at the request of the Finance Director*)
Date Introduced: September 25, 2018
First Reading: September 25, 2018
Second Reading/Public Hearing: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-024

TRANSFER ORDER – TOWN CLERK VOTING BOOTHS -CAPITAL PLAN 2019-1

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	GL Account Description	Amount
CAPITAL STABILIZATION FUND	80105-596110	CAPITAL STABILIZATION TRANSFE	\$ 26,467.00
Total:			\$ 26,467.00
Use of Funds	Account Org	GL Account Description	Amount
FY 2019 CAPITAL ITEMS 2019-1	10161219-585000	TOWN CLERK VOTING BOOTHS	\$ 26,467.00

Explanation: Presentation of FY 2019-1 Capital Plan forthcoming; Due to Early Voting in October, Town Clerk requested voting booth purchase asap.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee - This measure has been duly advertised for a public hearing and may be finally considered at the conclusion of the hearing.	10/9/18: Vote 3-0 recommend approval. 10/15/18: vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Ordinance: D-FY18-008

Introduced By:	Councilor Aisha Losche
Date Introduced:	November 7, 2017
First Reading:	November 7, 2017
Second Reading:	June 26, 2018
Third Reading:	September 11, 2018
Fourth Reading:	October 23, 2018
Amendments Adopted:	June 26, 2018, September 11, 2018
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-008

ZONING ORDINANCE – ELM STREET RECREATIONAL OVERLAY USAGE

WHEREAS, MGL Chapter 94G Section 3 allows local control; and

WHEREAS, the Elm Street Retail Overlay was established to allow Bridgewater to limit and restrict Retail Marijuana businesses to the location of the Medical Marijuana Establishments; and

WHEREAS, MGL 94G Section 3(2)(a)(iii) allows local control to limit the number of Recreational Locations equal to the number of Medical Locations, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by adding Marijuana Cultivation **and**, Marijuana Product Manufacturing, as uses allowed by Special Permit to the Elm Street Retail Overlay (ERO) District and No for all other zones in the Use Table and to limit the number of special permits allowed to two (2), and to allow no more than two (2) marijuana establishments per special permit as allowed by MGL 94G Section 3(2)(a)(iii) **and to add Marijuana Testing Facility as a use allowed by Special Permit to the Following Districts: CBD, SBD, BUS B, Gateway Business, East Gateway Business, IND A, IND B and IND E and No for all other zones in the Use Table with no limit to the number of special permits allowed for Marijuana Testing Facilities**; also to add the following definitions :MARIJUANA: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or

(iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

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

MARIJUANA TESTING FACILITY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

And that the Town Council assembled votes to amend the Bridgewater Amend Zoning By-Laws by adding the following criteria:

Administration

Special Permit Granting Authority (SPGA) shall be the Planning Board.

Use Regulations

1. No special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The 500-foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.
2. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.
3. No outside storage of marijuana, marijuana products, or related supplies is permitted.
4. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.
5. The Marijuana Establishment shall provide for adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises.
6. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

Dimensional Requirements

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

1. A Marijuana Establishment shall comply with the dimensional controls set forth in The Town of Bridgewater Zoning By-laws.

Abandonment or Discontinuance of Use

1. A special permit grant under this section shall lapse if not exercised within one year of issuance.
2. A Marijuana Establishment shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.
3. The SPGA may require the Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.

Special Permit Approval Criteria

1. After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of other Town departments, the SPGA, may grant such a special permit provided that it finds that:
 - a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.
 - b) The application information submitted is adequate for the SPGA to consider approving the special permit request.
 - c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.
 - d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
 - e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
 - f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

Application Requirements

1. All applicants are encouraged to contact the Community and Economic Development Director to schedule a pre- application meeting.
2. In addition to all the application requirements related to special permits the applicant shall include the following at the time of application:
 - (a) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.
 - (b) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.

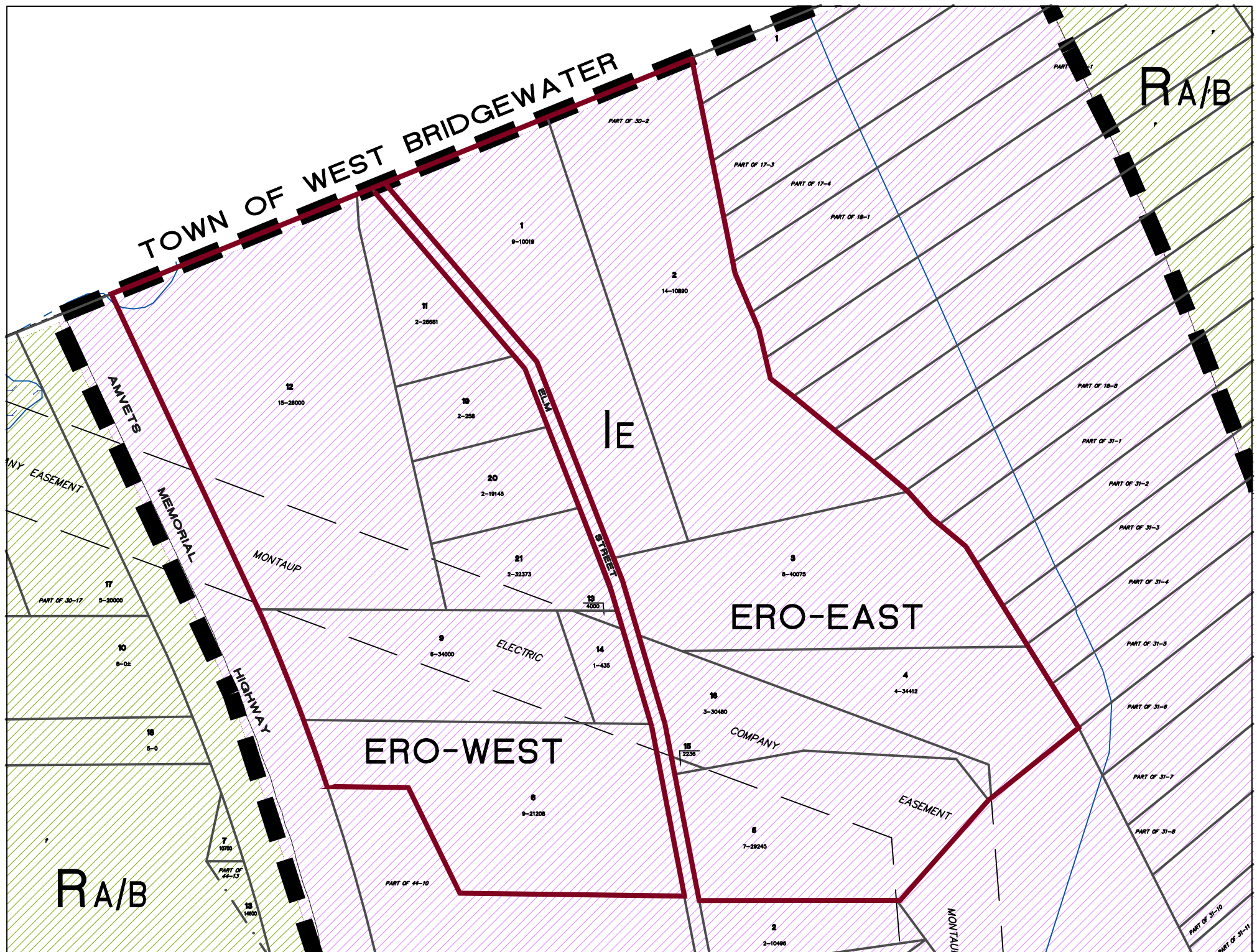
- (c) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.
- (d) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.
- (e) Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.
- (f) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.
- (g) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- (h) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

Explanation:

1. *This measure is in keeping with the original strategy discussed in the Council and implements limits and controls.*
2. *Prior to the intervention of the State for Question 4, Question 4 allowed local control over the location and number of Retail Stores. Local control can be established by the Town Council since we are a City and not a Town form of government.*
3. *Should the Council decide to allow the Town to vote on a Ban, as now allowed by the revised Question 4 language, and should the ban fail, this measure will protect Bridgewater from having too many shops in unrestricted areas (e.g. Downtown)*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Community & Economic Development Committee • Planning Board • 6/26/18: Town Council votes to change sponsor to and have CED Director assess testing facilities and councilor comments. • This measure has been duly advertised for a public hearing and final consideration, therefore may be finally considered at the conclusion of the hearing.	• Hearings Conducted 4/20/18 and 6/20/18. At the conclusion of 6/20/18 hearing, vote 3-0 recommend ordinance with proposed amendments. • Hearings Conducted 4/20/18 and 6/20/18. At the conclusion of 6/20/18 hearing, vote 3-0 recommend ordinance with proposed amendments.





Bridgewater Town Council

In Town Council Tuesday, October 23, 2018

Council Petition: P-2018-019

Date Introduced: October 23, 2018

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of One Day Entertainment Permit

WHEREAS, CNT, Inc of Bridgewater has petitioned for one (1) One-day entertainment permit for the following event:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Private Reception for London Bullion Market Association	October 27th	12:00PM-7:00PM	Up to 120

;and,

WHEREAS, CNT, Inc. 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 and Police 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 140- Section 183A of Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of CNT, Inc. to be granted one (1) one day entertainment permit for the aforementioned event to be held on the grounds of the company at 350 Bedford Street.



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-015

Amend Account Numbers

Introduced By: Town Manager
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading/Public Hearing: September 25, 2018, October 9, 2018
Amendments Adopted:
Third Reading: October 23, 2018
Date Adopted:
Date Effective:

Order O-FY19-015

TRANSFER ORDER - CAPITAL TRANSFER – LED LIGHT CONVERSION PROJECT

ORDERED pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer **from** below schedule Source of Funds to below schedule of Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Trust Fund	80105-596010	Transfer to GF Capital Project Fur	\$ 39,000.00
Total:			\$ 39,000.00
Use of Funds	Account No.	GL Account Description	Amount
FY 2019 Capital Items 2019	10123219-530000	LED Streetlight Design Work	\$ 39,000.00
Total			\$ 39,000.00

Explanation: Transfer of Funding for the Town's Portion of LED Project

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee - This measure has been advertised for a public hearing to be held on 9/25/18. The hearing was opened and continued to 10/9/18 pending a disposition from Finance Committee. 10/9/18 – Hearing conducted. Vote postponed to 10/23 pending Finance Committee disposition. - This measure may be finally voted this evening pending the adoption of amended account numbers.	9/11/18: Vote 3-0 recommend approval 10/15/18: Vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday October 23, 2018

Council Order: O-FY19-016

Amend Account Numbers

Introduced By: Town Manager
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-016

TRANSFER ORDER – SEWER & WATER RESERVE SPECIAL PURPOSE FOR LOAN PAYDOWN

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	\$ 60,396.00
WTR Reserved for Special Purpose	6200-358000	WTR Reserved Special Purpose	\$ 120,794.00
Total:			\$ 181,190.00
Use of Funds	Account No.	GL Account Description	Amount
SWR MCWT 12-06 Paydown	61005910-591087	SWR MCWT 12-06 Paydown	\$ 60,396.00
WTR MCWT 12-06 Paydown	62005910-591088	WTR MCWT 12-06 Paydown	\$ 120,794.00
Total			\$ 181,190.00

Explanation: Payoff of Storm water MCWT Project which is necessary for MCWT to close out loan.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	9/11/18: Vote 3-0 recommend approval. 10/15/18: Vote 5-0 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday October 23, 2018

Council Order: O-FY19-017

Amend Account Numbers

Introduced By: Town Manager
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-017

TRANSFER ORDER – TOWN MANAGER SPECIAL ACCOUNT TO CAPITAL FUNDS

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
GF TM SPECIAL ACCOUNT	01235013-530050	T-2015-023 CARVERS ENGINEERIN	\$ 80,800.00
GF TM SPECIAL ACCOUNT	01235013-530505	O-2016-029 STRATEGIC PLAN	\$ 15,000.00
Total:			\$ 95,800.00
Use of Funds	Account No.	GL Account Description	Amount
CAPITAL FUND 1000	10123219-530050	Carver's Engineering	\$ 80,800.00
CAPITAL FUND 1000	10123219-530505	Strategic Plan	\$ 15,000.00
Total			\$ 95,800.00

Explanation: To properly segregate special or capital related accounts that historically has been encumbered in the General Fund in the Town Manager's Department.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	9/11/1: Vote 3-0 recommend approval. 10/15/18: Vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-018

Introduced By: Town Manager *(at the request of the Finance Director)*
Date Introduced: August 7, 2018
First Reading: August 7, 2018
Second Reading/Public Hearing: September 25, 2018, October 9, 2018
Amendments Adopted:
Third Reading: October 23, 2018
Date Adopted:
Date Effective:

Order O-FY19-018

TRANSFER ORDER – APPROPRIATION FOR STREET ASSESSMENT

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 of obtaining a town-wide street assessment.

Source of Funds	Account No.	GL Account Description	Amount
Capital Stabilization Fund	80105-596110	Transfer to Capital Projects	\$ 65,000.00
Total:			\$ 65,000.00
Use of Funds	Account No.	GL Account Description	Amount
General Fund Capital	10420219-530000	Roadway & Sidewalk Assessment	\$ 65,000.00
Total			\$ 65,000.00

Explanation:

Approval of the above transfer will fund a detailed town-wide street and sidewalk assessment. In addition, it will map all storm drains, manholes, signage, and provide software to track and document street repairs and conditions, as well as document complaints concerning road conditions. The initial work will provide all the information and reporting by November 1 pursuant to the Council's order #0-FY18-031 Roadway and Sidewalk Maintenance and Improvement Plan.

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee • Finance Committee • This measure has been advertised for a public hearing to be held on 9/25/18. The hearing was opened and continued to 10/9/18 pending a disposition from Finance Committee. • 10/9/18 – Hearing conducted. Vote postponed to 10/23 pending Finance Committee disposition. • This measure may be finally voted this evening.	• 9/11/18: Vote 3-0 recommend approval • 10/15/18: Vote 5-0 approve.



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-022

Introduced By: Town Manager
Date Introduced: September 11, 2018
First Reading: September 11, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-022

BPA POLICE UNION CONTRACT FUNDING 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	GL Account Description	Amount
OOTS (OTHER ONE TIME STABILIZATION)	80135-596100	TRANSFER TO GF	\$ 92,514.00
Total:			\$ 92,514.00
Use of Funds	Account Org	GL Account Description	Amount
FY 2019 BPA Police Union Contract	02105001	SALARIES & BENEFITS	\$ 92,514.00
Total			\$ 92,514.00

Explanation: Funding of the Police Union Contract Settled and approved 8/7/18 Order O-FY19-010 in the FY2019 CY Budget.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	9/25/18: Vote 3-0 recommend approval. 10/15/18: Vote 4-0-1 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-025

Introduced By: Town Manager (*at the request of the Finance Director*)
Date Introduced: September 25, 2018
First Reading: September 25, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY19-025

TRANSFER ORDER – WATER RESERVE TRANSFER FOR CARVERY POND TREATMENT PLANT ROOF

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	GL Account Description	Amount
WTR Reserved for Special Purpose	6200-358000	WTR Reserved for Special Purpos	\$ 55,000.00
Total:			\$ 55,000.00
Use of Funds	Account Org	GL Account Description	Amount
WTR CAPITAL FUND	62105-584000	CARVER'S POND WTP ROOF	\$ 55,000.00
Total			\$ 55,000.00

Explanation: for Replacement of Roof at Carver's Pond Water Treatment Plant

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	9/25/18: Vote 3-0 recommend approval. 10/15/18: Vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-026

Introduced By:	Town Manager <i>(at the request of the Finance Director)</i>
Date Introduced	October 9, 2018
First Reading:	October 9, 2018
Second Reading:	October 23, 2018
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY19-026

TRANSFER ORDER – SEWER ENTERPRISE CAPITAL SPECIAL PURPOSE - RBC

ORDERED, pursuant to Section 6-4 of the of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer the sum of **\$450,000**

- from SWR Reserved Special Purpose -Capital account# **6100-358000**
- to SWR ROTATING BIOLOGICAL CONTACTOR (RBC) account# **61105-583005**

Explanation:

Replacement of RBC#2, RBC#6, and RBC#7 – Original Equipment installed in 1988 and repairs are not feasible due to the cost and age. These are the final remaining three units are scheduled for replacement this fall. The engineers believe that this same treatment process will continue to be used for the new facility.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Budget & Finance Committee	• Meet 10/23/18. Disposition will be provided to full council..
• Finance Committee	• 10/15/18: Vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Order: O-FY19-027

Introduced By: Town Manager
Date Introduced: October 9, 2018
First Reading: October 9, 2018
Second Reading: October 23, 2018
Amendments Adopted:
Date Adopted:
Date Effective:

Order O-FY19-027

CPC TRANSFER – PRESERVATION TRANSFER – McELWAIN SCHOOL REDEVELOPMENT PROJECT

WHEREAS: On September 17, 2018 the joint venture of Capstone Communities and MPZ Development submitted an application for Community Preservation Act funding for their McElwain redevelopment project, and;

WHEREAS: The Community Preservation Committee heard the application at its meeting on September 26, 2018, and;

WHEREAS: The Bridgewater Community Preservation Committee has recommended the funding of affordable housing and open space at the McElwain School site at 250 Main Street, Bridgewater, MA.

ORDERED, pursuant to Section 6-4 of the Town of Bridgewater Charter, that the Town Council vote to appropriate as required by Massachusetts General Laws, chapter 44B, and to meet this appropriation, transfer the sum of \$1,345,000 from the Community Preservation Fund, and make the distribution of funds subject to agreement between the Town Manager and the joint venture of Capstone Communities and MPZ Development.

Source of Funds	Account No	GL Account Desc	Amount
CPC RESERVES	2100-324300	FB - CPA RESERVE FOR COMMUNITY HOUSING	(726,885.00)
CPC RESERVES	2100-324100	FB - CPA RESERVE FOR OPEN SPACE	(135,000.00)
CPC UNDESIGNATED FUND BALANCE	2100-359000	FB - CPA UNDESIGNATED FUND BALANCE	(483,115.00)
Total			(1,345,000.00)
Use of Funds	Account No	GL Account Desc	Amount
MCELWAIN SCHOOL REDEVELOPMENT	21005-589000	MCELWAIN SCHOOL REDEVELOPMENT PROJECT	1,345,000.00
Total			1,345,000.00

Explanation: The Community Preservation Committee unanimously approved the application of MPZ Development LLC and Capstone Communities Development LLC for Community Preservation Funds. This vote will appropriate the funds and subject their distribution to an agreement with the Town Manager and the joint venture.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Budget & Finance Committee - Finance Committee	- Meet 10/23/18. Disposition will be provided to full Council. 10/15/18: Vote 5-0 approve.

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



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Ordinance: D-FY19-002

Introduced By:	Councilor Frank Sousa
Date Introduced:	September 11, 2018
First Reading:	September 11, 2018
Second Reading:	October 9, 2018
Third Reading:	October 23, 2018
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY19-002

GENERAL ORDINANCE – AMEND ADMINISTRATIVE CODE - TEMPORARY REPAIRS ON PRIVATE WAYS

WHEREAS, In accordance with M.G.L. c40, Section 6N, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Bridgewater Town Code by adding the following:

Chapter 260, Article XVI.
Temporary Repairs on Private Ways

Section 1. General

The maintenance and repair of all public and private ways being of utmost importance to the economic development of the Town; to the control of pollutants entering Town waters; to the preservation of Town property; and to the accessibility of public safety vehicles from public ways to residences, Town facilities, and conservation land; the Department of Public Works is authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years.

Section 2. Type and Extent of Repairs

The repairs made must be temporary in nature, such as filing, grading, patching and surface coating, and may include such repairs to drainage swales or structures, installation of water or sewer, and conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway. The temporary repair shall have a minimum expected life equal to twenty (20) years. Temporary repairs may be undertaken in a way subject to this ordinance, or to a continuous portion of such way, which portion begins and ends at an intersection or conjunction with another way.

Section 3. Petition

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

Two-thirds of the ownership interests on a private way may petition for temporary repair under this ordinance. Each lot abutting the private way shall count as one ownership interest, unless the Town Manager finds it is impractical, in which case the Town Manager is authorized to waive or amend this calculation.

Section 4. Betterment Charges

The owners of such land abutting such private way who derive benefit from said repairs shall be assessed betterment charges by the Town Manager. Betterment charges, in an amount of 100% of the aggregate cost of the planning, preparation, and repair of the private way shall be assessed on a per lot basis or on the proportion of lot frontage on the way or portion of the way to be repaired, or other proportional method as may be required by the Town Manager.

The Town may be considered an abutter if property under care, custody and control of the Town abuts said way to be repaired.

Section 5. Status of Way

This ordinance does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.

The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being “maintained and used as a public way” under Massachusetts Subdivision Control Law.

Any private way repaired under the provisions of this ordinance need not be brought up to full Town standards and may continue to remain a private way.

Section 6. Liability

The Town of Bridgewater, in making repairs under this section, shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

Section 7. Indemnity Agreement

No repair of a private way shall be undertaken until the Town Manager and the abutting two-thirds of the property owners have executed agreements holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a. The Town assumes no liability to such owners by making the repairs;
- b. Jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorney’s fees and other costs of defense;
- c. That should the town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d. That such repairs shall not constitute “maintenance” of such way, so as to give the way the status of a way “maintained and used as a public way” under Massachusetts Subdivision Control Law, and;

- e. That if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over a number of years of the expected lifetime of the repair to be determined by the Town Manager.

Section 8. Continuous Public Use

The indemnity agreement required in Section 7 shall provide that any private way for which repairs and maintenance are performed and maintenance are performed pursuant to the ordinance shall remain open to public use for a period not less than the expected lifetime of the repair as determined by the Town Manager.

Reference, M.G.L. c. 40, section 6N

Explanation:

Adoption of the above ordinance will amend the Bridgewater Administrative Code by adding Section XVI to Chapter 260. Historically, the Town has improved private ways (most commonly with the installation of water and sewer) and has usually charged assessments to the abutters to cover the expenditures. However, through the work with the First Street property owners to sewer that area, staff has determined that there is not the proper blanket authority to do such work. This ordinance would resolve this issue now and for all future projects.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Rules & Procedures Committee - This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.	10/1/18: Vote 3-0 recommend approval.



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Ordinance: D-FY18-013

Introduced By:	Councilor Dennis Gallagher
Date Introduced:	December 19, 2017
First Reading:	December 19, 2017
Second Reading:	October 9, 2018
Amendments Adopted:	October 9, 2018
Third Reading:	October 23, 2018
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY18-013

GENERAL ORDINANCE – RECREATIONAL MARIJUANA ESTABLISHMENTS FORBIDDEN AND EXCEPTIONS

ORDERED, that the Town Council assembled votes to amend the Bridgewater General Ordinances to include the following:

Chapter 160. Peace and Good Order

Article VIII. Prohibition of Marijuana Establishments.

Section 1. Prohibition. The operation of any marijuana establishment, as presently and subsequently defined in G.L. c. 94G, Section 1, , with the exception of marijuana cultivators, marijuana product manufacturers and marijuana testing facilities, as also presently and subsequently defined in G.L. c. 94G §1 and any Town of Bridgewater Ordinance, within the Town of Bridgewater is prohibited. This Prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Rules & Procedures Committee - This measure has been duly advertised; therefore, may be finally considered this evening.	10/1/18: Vote 3-0 to recommend with proposed amendments.



Bridgewater Town Council

In Town Council, Tuesday, October 23, 2018

Council Resolution: R-FY19-001

Introduced By: Councilor Aisha Losche
Date Introduced: October 23, 2018
First Reading: October 23, 2018
Second Reading:
Amendments Adopted:
Date Adopted:
Effective Date:

Resolution R-FY19-001

TOWN COUNCIL MEETING DATES - 2019

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 2019 and regular meetings will be held in the Academy Building, Council Chambers, 66 Central Square, Bridgewater MA, beginning at 7:30 p.m., unless otherwise noted.

January 8, 2019*	June 25, 2019*
January 22, 2019*	July 9, 2019*
February 5, 2019	August 6, 2019
February 26, 2019*	September 3, 2019
March 12, 2019*	September 17, 2019
March 26, 2019*	October 1, 2019
April 9, 2019*	October 15, 2019
April 23, 2019*	November 5, 2019
May 7, 2019	November 19, 2019
May 21, 2019	December 3, 2019
June 4, 2019	December 17, 2019

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

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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