



BRIDGEWATER TOWN COUNCIL

Tuesday, May 19, 2015

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) Caitlin Pestana

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Bridgewater Housing Authority – Board of Commissioners
 - a. Martha Shionis
 - b. Lorraine Carrozza
 - c. Judy Wilson

F. HEARINGS

- a) 7:40 p.m., Petition #P-2015-009: Pole Location - Main St. Pole #17-84
- b) 7:42 p.m., Petition #P-2015-010: Pole Location - Oak St., Pole #1
- c) 7:45 p.m., Petition #P-2015-011: Pole Location - Main St. & Union St.
- d) 7:47 p.m., Petition #P-2015-011: Pole Location - Union St. Pole #16-84
- e) 7:50 p.m., Petition #P-2015-012: Pole Location - Pleasant St. Pole #23

G. LICENSE TRANSACTIONS

- a) Petition #P-2015-013: Common Victualler's License – QNB Foods, Incorporated dba Tedeschi Food Shops #374

H. PRESENTATIONS

- a) FY16 Budget Presentation (Town Manager)

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION - None

M. OLD BUSINESS

- a) Ordinance #D-2015-006: An Ordinance Amended and Codifying A Flood Plain Ordinance for the Town of Bridgewater
This measure is scheduled for a joint public hearing of the Planning Board and Community & Economic Development Committee on 5/18/15. Their dispositions will be provided to the full Council on 5/19/15. This measure requires further advertising, therefore may not be finally considered this evening.

N. NEW BUSINESS

- a) Order #O-2015-016: Authorization of Revolving Funds (Town Manager)
- b) Order #O-2015-017: Library Contract Ratification (Town Manager)

- c) Transfer #T-2015-009: High Street Water Treatment Pilot Study (*Town Manager*)
- d) Transfer #T-2015-010: Vernon Street Rock Well 10 Day Pumping Test (*Town Manager*)
- e) Resolution #R-2015-003: A Resolution Urging the State of Massachusetts to Adopt a Plastic Bag Policy (*Councilor Colombotos*)
- f) Order #O-2015-018: FY15 Capital Plan (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2015

Council Ordinance: D-2015-006

Introduced By:	Town Manager
Date Introduced:	March 17, 2015
First Reading:	March 17, 2015
Second Reading:	May 19, 2015
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-006

In Town Council, , 2015

AN ORDINANCE AMENDING AND CODIFYING A FLOOD PLAIN ORDINANCE FOR THE TOWN OF BRIDGEWATER

WHEREAS, Sections 14.10 through 14.50 of the Town of Bridgewater Zoning By-Laws defines flood plain districts and regulates such districts and uses thereunder;

WHEREAS, Section 10-1 of the Town Charter relative to "Continuation of Existing Laws" provides that all by-laws which were in force at the time the Charter was adopted, not inconsistent with the provisions of the Town Charter, shall continue in full force until amended or repealed.

WHEREAS, the Federal Flood Plain maps have recently been updated some changes made to relevant regulations necessitating an amendment and update to the existing Town of Bridgewater flood plain by-law in order to remain a participating National Flood Insurance Program community; now, therefore,

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

Flood Plain District

14.10 Purposes

- a. The purpose of the Flood Plain District is: To provide that lands in the Town of Bridgewater subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety, of the occupants thereof or of the public generally, or as to burden the public with costs resulting from unwise individual choices of land use.
- b. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety.
- c. To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

14.20 District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Bridgewater designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Bridgewater are panel numbers 25023C0188J, 25023C0189J, 25023C0193J, 25023C0281J, 25023C0282J, 25023C0283J, 25023C0284J, 25023C0292J, and 25023C0301J, dated July 17, 2012; and panel numbers 25023C0302K, 25023C0303K, 25023C0304K, 25023C0306K, 25023C0307K, 25023C0308K, 25023C0311K and 25023C0312K, dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

14.30 Use Regulations

- a. The Flood Plain shall be superimposed on existing Zoning By-law Districts.
- b. In Flood Plain applicable use and provisions of the Zoning By-Law continue in force. All uses permitted in the underlying district are allowed, except mobile homes and trailers.

14.33 BASE FLOOD ELEVATION AND FLOODWAY DATA:

- a. Floodway Data - in Zone A and AE, alone watercourses that have not had a regulatory floodway designated the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- b. Base Flood Elevation Data - in a Zone A, applicants may be required under the Wetland Protection Act, to determine base flood elevation information on engineering calculations. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres; whichever is the lesser, within unnumbered A. Zones.
- c. In floodway, the following provisions apply: All encroachments (fill, construction, etc.) are prohibited unless engineer's certification is provided that such encroachment does not increase flood levels.
- d. In Flood Plain District, NO mobile homes, trailers,

14.34 In Flood Plains no new building shall be erected, altered, enlarged, unless special permit is received from the Board of Appeals.

14.35 Board of Appeals shall issue a permit stating the conditions under which a building may be erected in the Flood Plain.

14.36 All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

14.40 Permit Procedure

- a. Any person undertaking action described in Subsection 14,33B above, within the Flood Plain shall submit six (6) copies of application for permit to the Building Inspector, who transmits to the Board of Appeals, Board of Health, Department of Public Works, Conservation Commission and Planning Board. Application accompanied by plans that conform to existing Rules and Regulations of Subdivision Control.
- b. No permit to be issued by the Board of Appeals until receipt of recommendations from the Planning Board and Conservation Commission.
- c. Board of Appeals to issue permit under this Section if it does not endanger health, safety, welfare of occupants, and Board shall be satisfied:
 1. That floor level elevation is proper.
 2. That other land is protected against detriments.
 3. That safe vehicular and pedestrian passage be provided.
 4. That methods of drainage are adequate.
 5. That methods of filling will assure that the health and safety of occupants is protected.
 6. That the land is not subject to periodic flooding.
 7. That the portion of any lot used to meet the yard and area requirements, does not exceed 50% of the minimum lot area, except in the Residential A/B District, wherein the portion of any lot used to meet the yard and area requirements shall not exceed 50% of the minimum lot requirements.
- d. Nothing in this section limits the authority of the Board of Health in respect to premises in the Flood Plain or the applicability of the Town's Building Code.
- e. Nothing in this section shall limit the applicability of Section 40 of Chapter 131, Massachusetts General Laws.
- f. A permit issued by the Board of Appeals, or a building permit issued by the Building Inspector, shall be deemed to be a permit hereunder provided work is started within six (6) months, or take any other action relative thereto.

14.50 Compliance With Other Regulations

All development in the Flood Plain District including structural and non-structural activities whether permitted by right or special permit must be in compliance with Chapter 131 Section 40, of the Massachusetts General Laws and the following. (where applicable):

- 780 CMR Massachusetts State Building Code,
- 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP)
- 310 CMR 13.00 Inland Wetlands Restriction
- 310 CMR 15, Title V, Minimum Requirements for Subsurface Disposal of Sanitary Sewage (DEP) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedure of these state regulations.
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14.51 Prior to the alteration and/or relocation of any river or watercourse in a riverine situation, notice shall be given to the following:

Adjacent Communities

NFIP State Coordinator,
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist
Federal Emergency Management Agency
Region I,
99 High Street 6th Floor
Boston, MA 02110

Councilor _____

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Community & Economic Development Committee • Referred to Planning Board • This measure requires additional advertising pending any amendments voted by the Council, therefore may not be finally considered this evening.	• 5/18/15: Joint public hearing held with Planning Board. Will present disposition to full council 5/19/15. • 5/18/15: Joint public hearing held with Community & Economic Development Committee



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2015

Council Order: O-2015-016

Introduced By: Town Manager (*at the request of the Town Accountant*)
Date Introduced: May 19, 2015
First Reading: May 19, 2015
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #O-2015-016

AUTHORIZATION OF REVOLVING FUNDS

ORDERED: that the Town Council vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2015, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2016 as follows:

Spending Authority	Fund	Receipts	Expenditures	FY16 Spending Limit
Town Clerk	Street Listing	Sale of street lists; sale of bylaws/zoning bylaws; sale of subdivision rules; sale of zoning maps	Printing and other costs with publications/books sold to public	\$ 5,000
Recreation Director	Recreation	Fees associated with recreation programs	Salaries and benefits of full-time staff, part-time and seasonal staff, recreation programs, facility expenses and other expenses related to programs	\$ 150,000
Building Inspector	After Hours Inspections	Fees charged related to after hour inspections	Personnel costs associated with inspections and other related expenses	\$ 4,000
Police Chief	Police Equipment	Proceeds from sale/auction of Police related equipment and unclaimed property	Purchase, repair/maintenance of police equipment, training of officers related to purchase, repair/maintenance of such equipment	\$ 10,000
Building Inspector/Fire Chief	Ch.148A Fines	Fines assessed per statute	Enforcement, training, equip/tools and education	\$ 4,000
IT Director	Cable Services	License fee	Technology related equipment	\$ 3,000

Animal Control	Animal Control	Fines & Fees	Unreimbursed cost of boarding and veterinary expenses.	\$ 5,000
Health Agent	Compost Bins	Fees from sale of compost bins	Purchase of compost bins	\$ 2,000
Building Inspector	Building	20% of Building Permit Fees	Salaries and benefits of part-time and per-inspection staff, and other expenses related to inspections	\$ 90,000

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, May 19, 2015

Council Order: #O-2015-017

Introduced By: Town Manager

Date Introduced: May 19, 2015

First Reading: May 19, 2015

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #O-2015-017

LIBRARY CONTRACT RATIFICATION

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 with the Library Staff.

Explanation:

The Town Manager negotiated an agreement with the Library Staff. An affirmative vote of the Council will approve the contract as presented.



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2015

Council Transfer: T-2015-009

Introduced By: Town Manager

Date Introduced: May 19, 2015

First Reading: May 19, 2015

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer - #T-2015-009

HIGH STREET WATER TREATMENT PILOT STUDY

ORDERED, in accordance with the Bridgewater Home Rule Charter; that the Town Council votes to appropriate and transfer the sum of \$75,000.00 from Water Retained Earnings Account for High Street Water Treatment Pilot Study Account.

The study to be conduct to determine the type of water treatment plant needed to improve the quality of water from the High St well site.

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Bridgewater Town Council

In Town Council, Tuesday, May 19, 2015

Council Transfer: T-2015-010

Introduced By: Town Manager

Date Introduced: May 19, 2015

First Reading: May 19, 2015

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer - #T-2015-010

VERNON STREET ROCK WELL 10-DAY PUMPING TEST

ORDERED, in accordance with the Bridgewater Home Rule Charter; that the Town Council votes to appropriate and transfer the sum of \$110,000.00 from Water Retained Earnings Account for Vernon Street rock well 10 day pumping test Account.

This test is needed to determine the feasibility of this future well site..