



BRIDGEWATER TOWN COUNCIL

Tuesday, September 23, 2014

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
- D. CITIZEN OPEN FORUM
- E. APPOINTMENTS
 - a) Charter Review Committee:
 - Aisha Losche
 - Eric Derochers
 - b) Re-appointments – Cultural Council
 - Mark Oliver
 - Angela Dimisorios
 - Matt Putnam
 - Kathryn Golden
- F. HEARINGS
- G. LICENSE TRANSACTIONS
 - a) Petition #P-2014-026: New Common Victualler license – The Brick & Tin, Inc., 10 Summer Street
- H. PRESENTATIONS
 - a) Downtown Plan – *Marilee Hunt, Community Development Advisory Committee*
- I. TOWN MANAGER'S REPORT
- J. DISCUSSIONS
 - a) Administrative Code - *President Wood*
 - b) Finance Department
 - c) Department of Public Works
- K. COMMITTEE REPORTS
- L. LEGISLATION FOR ACTION
 - a) Ordinance #D-2014-005: Zoning Bylaw Amendment – Section 9.60 Planned Development District
A joint public hearing was held by the Community and Economic Development Committee and Planning Board on July 7, 2014. Both committees returned dispositions to recommend the measure. At their meeting held 8/5/14, the Town Council voted to return this measure to the Community & Economic Development committee for reconsideration. After an additional amendment was voted, this measure has been re-advertised in the Enterprise, therefore may be finally considered this evening.
- M. OLD BUSINESS
 - a) Ordinance #D-2014-007: Crosswalk Visibility
This measure was referred to the Council's Public Safety Committee. The Committee is scheduled to meet 9/22/14 and will provide their disposition to the full Council on 9/23/14. This measure requires advertising pending any amendments offered and voted by the Council, therefore may not be finally considered at this evening's meeting.
 - b) Ordinance #D-2014-008: Retail Sales of Tobacco Products

This measure was referred to the Council's Public Safety Committee. The Committee is scheduled to meet 9/22/14 and will provide their disposition to the full Council on 9/23/14. This measure requires advertising pending any amendments offered and voted by the Council, therefore may not be finally considered at this evening's meeting

N. NEW BUSINESS

- a) Resolution #R-2014-004: Endorsement of Downtown Revitalization Plan
- b) Transfer #T-2014-046: Prior Year Invoice for IT Department

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, September 23, 2014

Council Ordinance: D-2014-005

Introduced By:	Councilor Peter Colombotos
Date Introduced:	May 20, 2014
First Reading:	May 20, 2014
Second Reading:	July 8, 2014
Amendments Adopted:	July 8, 2014, September 9, 2014
Third Reading:	August 5, 2014
Fourth Reading:	September 9, 2014
Fifth Reading:	September 23, 2014
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2014-005

ZONING BYLAW AMENDMENT: 9.60 Planned Development District

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, 9.60, Planned Development District as follows:

1. Strike entire definition "Hotel Parcel" from section 9.63
2. Section 9.632 #3 Hotels add language "(exceeding a minimum setback of 200 feet on Route 104)"
3. Edit Section 9.632 #6 as follows:

*The project area shall include a **50'** minimum depth buffer adjacent to public ways so as to substantially screen the uses of the premises from adjacent properties. No buffer strip shall be required where the project abuts an interstate highway or access ramp. No building shall be located within 200 feet of Route 104.*

Explanation: *These changes will effectively 1) eliminate any specific Hotel Parcel and allow a hotel anywhere in the Planned Development District, 2) allow five story hotel building 200 feet off Route 104, 3) create a 50 foot buffer off of Route 104 in which no improvements can be built, 4) allow parking more the 50' off of Route 104, and 5) prevent any buildings within 200' of Route 104.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Planning Board • Referred to Community & Economic Development Committee • Joint Public Hearing duly advertised in Enterprise on 6/23 and 6/30 for 7/7/14 hearing date. • Referred back to Community & Economic Development Committee for further review. • Measure has been duly advertised in Enterprise and may be finally considered this evening. • After additional amendment voted 9/9, measure has been duly advertised and may be finally considered.	• 7/7/14: Joint Public Hearing by Planning Board and Community & Economic Development Committee. Both committees voted unanimously to recommend approval with correction of scrivener's errors.



Bridgewater Town Council

In Town Council, Tuesday, September 23, 2014

Council Ordinance: D-2014-007

Introduced By:	Councilor Wood
Date Introduced:	August 5, 2014
First Reading:	August 5, 2014
Second Reading:	September 23, 2014
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2014-007

Crosswalk Visibility

WHEREAS, the Town of Bridgewater is concerned with public safety;

WHEREAS, the current style of crosswalks within the Central Business District can be confusing to vehicle traffic and result in the loss of right-of-way for pedestrians;

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

Amend Bridgewater General By-Laws article 10 – Streets and Sidewalks, with,
Section 15

A ladder style crosswalk shall be defined as a set of parallel lines marking the boundary of the crosswalk with perpendicular lines connecting the parallel lines to make the whole pattern appear to be similar to a ladder.

The Central Business District is an overlay defined elsewhere by the Town of Bridgewater that includes Central Square, Broad Street, and parts of Main and Summer Streets.

Crosswalks contained within the Central Business District, and within 100 feet of the Central Business District, shall be painted in a ladder style pattern to make the crosswalk highly visible to vehicle traffic.

When the crosswalk is adjacent to a legal parking space, the gap between the crosswalk and the parking space shall be filled with a pattern so that no one shall confuse the gap with legal parking.

Explanation:

Enactment of this ordinance will establish criteria within the bylaw strengthening public safety standards for crosswalks.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Public Safety Committee	Public Safety Committee meeting 9/22/14. Will provide disposition to full council 9/23/14.



Bridgewater Town Council

In Town Council, Tuesday, September 23, 2014

Council Ordinance: D-2014-008

Introduced By:	Councilors Wood, Perry and Wright
Date Introduced:	August 5, 2014
First Reading:	August 5, 2014
Second Reading:	September 23, 2014
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2014-008

Retail Sales of Tobacco Products

WHEREAS, Tobacco use is a known health risk¹;

WHEREAS, the Surgeon General of the United States has identified health risks associated with smoking²;

WHEREAS, surveys strongly suggest that raising the minimum age to purchase Tobacco Products would reduce youth smoking rates^{3 4};

WHEREAS, statistics show that communities that raising the legal age to buy Tobacco Products reduce the number of youth smoking⁵;

WHEREAS, the Bridgewater-Raynham High School District has defined a Tobacco and Smokeless Tobacco Policy that prohibits their use on school grounds⁶;

WHEREAS, Bridgewater State University prohibits smoking and tobacco use on all university property⁷;

WHEREAS, the Town of Bridgewater prohibits smoking in public places and workplace⁸;

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

Regulation of the Retail Sale of Tobacco Products

Section 1 – Definitions

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any

¹ http://www.cdc.gov/tobacco/basic_information/health_effects/index.htm

² <http://www.surgeongeneral.gov/initiatives/tobacco/index.html>

³ <http://tobaccocontrol.bmj.com/content/10/4/323.full>

⁴ <http://www.nyc.gov/html/doh/downloads/pdf/smoke/tobacco21.pdf>

⁵ <http://www.needhamma.gov/DocumentCenter/Home/View/1868>

⁶ <http://www.bridge-rayn.org/Bridgewater-Raynham.cfm?subpage=1874966>

⁷ <http://www.handbook.bridgew.edu/PoliciesProcedures/TobaccoFreePolicy.cfm>

⁸ Article 44 of the General By-Laws of Bridgewater

liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Health Care Facility: any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including, but not limited to, rehabilitation hospitals or other clinics, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist, pharmacies, drug stores, any entity subject to licensing by the Massachusetts Department of Public Health under M.G.L. c. 112 and all specialists within these professions.

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Tobacco product: any product in any form containing tobacco, including, but not limited to, cigarettes, chewing tobacco, snuff, dip, cigars, pipe tobacco, blunt wraps and bidis.

SECTION 2: RETAIL SALE OF TOBACCO PRODUCTS

2.1 No person shall sell tobacco products or Nicotine Delivery Products or permit tobacco products or Nicotine Delivery Products to be sold to any person under the age of twenty-one (21) or not being the recipient's parent or legal guardian, give tobacco products or Nicotine Delivery Products to any person under the age of twenty-one (21).

2.2 In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Bridgewater Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

2.3 In addition to the notice required under Section 2.2, notices provided by the Bridgewater Health Department shall also be posted by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail: (a) Such notice shall state that the sale of tobacco products to persons under age 21 is illegal; (b) The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage that discloses current referral information about smoking cessation; (c) The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating "The sale of nicotine delivery products to minors under 21 years of age is prohibited."; and (d) The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating, "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at, or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 or greater than 9 feet from the floor.

2.4 Each person selling or distributing tobacco products or Nicotine Delivery Products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is twenty-one (21) years or older. Verification is required for any person under the age of 27.

2.5 All retail sales of tobacco or Nicotine Delivery Products must be face-to-face between the seller and the buyer.

2.6 No person or entity selling tobacco products or Nicotine Delivery Products shall allow anyone under twenty one (21) years of age to sell cigarettes, other tobacco products or Nicotine Delivery Products.

2.7 No health care facility, as per regulations, located in the Town of Bridgewater shall sell or cause to be sold tobacco products and Nicotine Delivery Products. Additionally, no retail establishment that operates or has a health care facility within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products and Nicotine Delivery Products.

SECTION 3: VIOLATIONS

3.1 It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco or Nicotine Delivery Products. Any permit holder, proprietor(s) or other persons(s) in charge of a place covered by this regulation or his or her business agent or designee who fails to comply with this regulation shall be subject to the following:

a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for seven (7) consecutive business days.

b. In the case of a second violation within 24 months of the date of the first violation, a fine of two hundred dollars (\$200) and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for 12 months.

c. In the case of three or more violations within a 24-month period, a fine of three hundred dollars (\$300) and the Tobacco Sales and Nicotine Delivery Products Permit shall be suspended for 12 months.

SECTION 4: ENFORCEMENT

4.1 Enforcement of this regulation shall be by the Bridgewater Board of Health, Health Agent, or the Bridgewater Police.

4.2 Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Bridgewater or its designated agent(s) and the Board shall investigate.

SECTION 5: SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 6: EFFECTIVE DATE

The effective date of this regulation will be January 1st, 2015.

Explanation: The Zoning Bylaws currently include no definition for this kind of facilities.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Public Safety Committee	Public Safety Committee meeting 9/22/14. Will provide disposition to full council 9/23/14.



Bridgewater Town Council

In Town Council, Tuesday, September 23, 2014

Council Resolution: #R-2014-004

Introduced By:	Town Manager
Date Introduced:	September 23, 2014
First Reading:	September 23, 2014
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

A RESOLUTION - ENDORSEMENT OF DOWNTOWN REVITALIZATION PLAN

WHEREAS, the Town Council recognizes that there is a significant need for the revitalization of the downtown area of Bridgewater, Massachusetts;

WHEREAS, In the Spring of 2014, the Town initiated a planning process to develop strategies for the economic development and revitalization of Bridgewater, with special focus on the South and Broad Street areas, typically referenced as the "Downtown";

WHEREAS, the effort, spearheaded by the Community Development Action Committee (CDAC), sought to vision, prioritize goals, develop targeted strategies and establish a clear action plan.

WHEREAS, by incorporating input from varied constituent groups and stakeholders, the Town has a special opportunity to shape and prioritize the specific recommendations in the Downtown Revitalization Plan (Plan). The Plan will guide the Town's future downtown policy and investment decisions and will help provide a competitive advantage for additional grant awards.

WHEREAS, the Town engaged a planning and development consultant - The Cecil Group – to draft a comprehensive plan to accomplish this goal;

WHEREAS, the Plan will be used as a flexible framework to further downtown redevelopment efforts. Property owners, developers, and residents will be encouraged to follow the initiatives as property improvements are made. Town staff will utilize the principles of the plan in proposing future courses of action and Town Council will evaluate proposals from all sources by considering the relevance of proposals to the principles of the plan.

WHEREAS, the endorsement of this resolution is in principle and does not preclude variations or exceptions;

NOW, THEREFORE, BE IT RESOLVED:

RESOLVED, that the Town Council assembled endorse and support the Downtown Revitalization Plan and associated efforts to improve the economic base of the Town of Bridgewater.



Bridgewater Town Council

In Town Council, Tuesday, September 23, 2014

Council Transfer Order: # T-2014-046

Introduced By:	Town Manager
Date Introduced:	September 23, 2014
First Reading:	September 23, 2014
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer: T-2014-046

PAYMENT OF PRIOR YEAR INVOICE FOR TRANSFER STATION

ORDERED, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate the amount of \$5,471.00 from available funds in the FY15 MIS/Computer Network 101 operating budget accounts to Information Technology operating 102 budget account *Other Charges/Expenses* to pay for a prior fiscal year invoice in the amount of \$5,471.00; or take any other action relative thereto.

Explanation: This payment is for the prior year invoice related to the procurement of phones and related equipment necessitated by the move of town departments from the Academy Building to various locations in town.