



BRIDGEWATER TOWN COUNCIL

Tuesday, February 15, 2022

7:00 p.m.

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/89027846540>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 890 2784 6540

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting of the Town Council for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Zoom or Facebook Live.

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) January 18, 2022
- b) February 1, 2022

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition P-2022-012: Change of Manager – Cumberland Farms

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

- a) Mitchell School Update
- b) COVID-19 Update
- c) 2023 Budget Update
- d) 311 Feasibility

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Order O-FY22-038: Capital Plan Fall 2022 (*Town Manager*)
At their meeting held on 1/24/22 the Budget and finance Committee voted 3-0 to recommend approval. The Finance Committee voted 4-2 to approve on 1/12/22.
- b) Order O-FY22-046: Annual Town Website Content Clean-Up (*Moore*)
This Order was not referred to any committee. 14 days have elapsed, therefore it may be finally considered this evening.

M. OLD BUSINESS

N. NEW BUSINESS

- a) Order O-FY22-047: Loan Order – Fire Stations

- b) Order O-FY22-048: Acceptance of Grant COA
- c) Order O-FY22-049: Transfer Order Non-Union
- d) Ordinance D-FY22-019: Acceptance of Local Tax Option – Retail Marijuana Tax

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

- a) To discuss strategy with respect to litigation where discussing the matter in open meeting will have a detrimental effect on the bargaining or litigating position of the public body.

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, February 15, 2022

Council Petition: P-2022-012

Date Introduced/Public Hearing: February 15, 2022

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

CHANGE OF MANAGER OF AN ALCOHOL ESTABLISHMENT

WHEREAS, the Cumberland Farms Inc. dba Cumberland Farms #2318 has petitioned to change the manager of the alcohol establishment from Christopher Choquette to Richard Falabella-Freden; and

WHEREAS, Approval of such request is required by Massachusetts General Law – Chapter 138 prior to the final submission to the Commonwealth’s Alcohol Beverages Control Commission who must ratify such appointment; and

WHEREAS, Cumberland Farms Inc. dba Cumberland Farms #2318 has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such local licensing authority and with affirmative recommendation from Police Department, it appears that the public good so requires such petition be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 of the Massachusetts General Law (MGL), in Town Council assembled approve the petition of Cumberland Farms Inc. dba Cumberland Farms #2318 to change its manager from Christopher Choquette to Richard Falabella-Freden as requested.

PETITION: ALCOHOL ESTABLISHMENT - CHANGE OF MANAGER

APPLICANT: Cumberland Farms, 1001 Pleasant Street

State Documents

- 1 Form 43 - LLA Certification (Completed after approval)
- 2 ✓ \$200 fee via ePay
- 3 ✓ Monetary Transmittal Form
- 4 ✓ Change of Manager Application
- 5 ✓ CORI Authorization
- 6 ✓ Vote of the Entity Board
- 7 ✓ Proof of Citizenship

Town Documents

- 10 ✓ \$150.00 - Town Application Fee
- 12 ✓ Delinquent Tax Certification
- 13 ✓ State Tax Affidavit
- 14 ✓ Workmans' Compensation Insurance Affidavit

Recommendations

- 15 ✓ Tax Office
- 16 N/A Fire Department
- 17 ✓ Police Department
- 18 N/A Building Department
- 19 N/A Health Department *(If applicable - For transfer of Common Victualler Licenses only)*

NOTES:

1) Cumberland Farms wishes to change its manager from Christopher Choquette to Richard Falabella-Freden

2) Chief Delmonte recommends approval of the attached application.

3) The Tax Collector's Office has reported no outstanding tax obligationsfor this establishment.



Bridgewater Town Council

In Town Council, Tuesday, January 4, 2022

Council Order: O-FY22-038

Introduced By:	Town Manager
Date Introduced	January 4, 2022
First Reading:	January 4, 2022
Second Reading:	February 1, 2022
Amendments Adopted:	
Third Reading:	February 15, 2022
Date Adopted:	
Date Effective:	

Order O-FY22-038

Capital Plan Fall 2022

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:

FUND		SOURCES OF FUNDING		Amount
8010	Capital Stabilization	Capital Stabilization Trust Funds		\$ 2,502,315.61
			Total	\$ 2,502,315.61
PROJECT	DEPT.	ASSET TYPE	USES OF FUNDING	AMOUNT
155.22	IT	Software	PeopleGIS: Software for Town GIS	\$ 19,500.00
155.28	IT	Mach/Equip/Vehicles	PD Cruiser Computers Replacement	\$ 20,000.00
155.33	IT	Mach/Equip/Vehicles	Memorial Building Renovation - Technology Improvements	\$ 75,000.00
155.35	IT	Software	Software Integration and Implementation	\$ 75,000.00
155.37	IT	Mach/Equip/Vehicles	Video System for Town Common	\$ 34,409.00
155.40	IT	Software	HRIS Software	\$ 80,000.00
155.41	IT	Mach/Equip/Vehicles	Fire Apparatus Computer Upgrade	\$ 10,000.00
161.05	CLERK	Mach/Equip/Vehicles	New Precinct Voting Equipment	\$ 17,355.00
192.16	B & M	Infrastructure	Taking of Mobil Station 46 Summer Street	\$ 245,000.00
192.19	B & M	Infrastructure	80 Spring Street Paving & Parking Project	\$ 50,000.00
192.24	B & M	Bldgs. & Property	Senior Center - Roof Repairs	\$ 20,000.00
192.25	B & M	Bldgs. & Property	Library - Roof Repairs	\$ 30,000.00
192.26	B & M	Infrastructure	Library - Parking Lot Repairs and Repave	\$ 50,000.00
192.27	B & M	Bldgs. & Property	Library - Carpet Replacement	\$ 25,000.00
192.54	B & M	Mach/Equip/Vehicles	Electric Vehicle Leased EV#2 Buyout	\$ 18,101.15
192.54	B & M	Mach/Equip/Vehicles	Electric Vehicle Leased EV#3 Buyout	\$ 18,189.35
192.54	B & M	Mach/Equip/Vehicles	Electric Vehicle Leased EV#4 Buyout	\$ 12,233.50
192.55	B & M	Mach/Equip/Vehicles	Garage Heaters - Fire Station 1	\$ 12,300.00
210.09	POLICE	Mach/Equip/Vehicles	Replace Fire Arms Simulator - 2 of 5	\$ 41,403.73
210.10	POLICE	Mach/Equip/Vehicles	Replace One Police Vehicles (1 4WD)	\$ 75,000.00
210.11	POLICE	Mach/Equip/Vehicles	Replace Firearms	\$ 95,000.00
210.15	POLICE	Mach/Equip/Vehicles	Replace All Issued Tasers (1 of 5)	\$ 25,000.00
210.20	POLICE	Mach/Equip/Vehicles	Body Worn Camera System (1 of 5)	\$ 65,318.00
220.12	FIRE	Mach/Equip/Vehicles	Fire Engine (E2) Lease 3 of 5	\$ 137,491.80
220.15	FIRE	Mach/Equip/Vehicles	Radio Equipment Upgrades: Vehicle Mounted & Portable (1 of 5)	\$ 100,000.00
220.16	FIRE	Mach/Equip/Vehicles	Ballistic Equipment: Armored Vest / Helmets / Protective Shields	\$ 24,000.00
220.29	FIRE	Mach/Equip/Vehicles	SUV/Command Vehicle (VIN 4567)	\$ 56,331.00
220.41	FIRE	Mach/Equip/Vehicles	Engine 3	\$ 59,000.00
300.19	B-R	Mach/Equip/Vehicles	DW 59.97% 4x4 Plow Truck with Utility Body	\$ 27,586.20
300.27	B-R	Infrastructure	HS 59.97% Replace Track	\$ 509,745.00
300.35	B-R	Bldgs. & Property	HS 59.97% Replace PVI Hot Water Tank No. 1	\$ 50,974.50
300.36	B-R	Bldgs. & Property	HS 59.97% Replace PVI Hot Water Tank No. 2	\$ 50,974.50
300.54	B-R	Bldgs. & Property	WIS Rebuild 2 of the 4 Boilers	\$ 80,000.00
300.55	B-R	Bldgs. & Property	WIS Replace Steamer	\$ 20,000.00
300.56	B-R	Mach/Equip/Vehicles	DW 59.97 % 3-D Printer	\$ 6,648.27
410.01	ENG	Engineering	Engineering Plotting Plan & Survey	\$ 80,000.00
420.07	HW	Mach/Equip/Vehicles	No. 2 - 17 Freightliner - Lease Payment 4 of 5	\$ 47,136.61
420.13	HW	Mach/Equip/Vehicles	No. 2 - 24 Six Wheeler - Lease Payment 1 of 5	\$ 48,700.00
420.14	HW	Mach/Equip/Vehicles	No. 2 - 18 Six Wheeler - Lease Payment 1 of 5	\$ 48,700.00
420.17	HW	Mach/Equip/Vehicles	Sidewalk Plow - Lease Payment - 4	\$ 41,218.00
			Total	\$ 2,502,315.61

Explanation: This transfer will fund the Capital Plan Projects as outlined in the Capital Plan

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• FinCom	<ul style="list-style-type: none">• 1/12/22: Voted 4-2 to approve
<ul style="list-style-type: none">• B&F	<ul style="list-style-type: none">• 1/24/22: Voted 3-0 to recommend



Bridgewater Town Council

In Town Council, Tuesday, February 1, 2022

Council Order: O-FY22-046

Introduced By: Councilor Moore
Date Introduced: February 1, 2022
First Reading: February 1, 2022
Second Reading/Hearing: February 15, 2022
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY22-046

ANNUAL TOWN WEBSITE CONTENT CLEAN-UP

ORDERED: The Town Council assembled vote that the Town Manager shall ensure that all Town of Bridgewater departments, boards, committees, councils, and roles that share information with the public via the Town's official www.bridgewaterma.org website shall review their published content and drive compliance with the following guidelines on or before Monday May 2, 2022.

- (1) all contact information and membership rosters on the website must be current and accurate
- (2) all available agendas and meeting minutes from 2021 and 2022 must be uploaded to the website
- (3) all website menu links must be functional and accurate
- (4) all department or area pages must have accurate and current content

Explanation:

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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This Resolution was not referred to any committee. 14 days has elapsed, therefor it may be finally considered this evening.

ROLL-CALL VOTE: REQUIRES MAJORITY OF THOSE PRESENT AND VOTING



Bridgewater Town Council

In Town Council, Tuesday, February 15, 2022

Council Order: O-FY22-047

Introduced By: Town Manager
Date Introduced: February 15, 2022
First Reading: February 15, 2022
Second Reading/Hearing:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY22-047

LOAN ORDER – FIRE STATIONS

ORDERED: that \$23,000,000 is appropriated to finance the following projects, including all costs incidental and related thereto: (i) constructing and equipping a new fire station, in the approximate amount of \$21,000,000, and (ii) renovating Fire Station 2, in the approximate amount of \$2,000,000; that to meet this appropriation the Treasurer with the approval of the Town Manager is authorized to borrow an aggregate amount of \$23,000,000 and issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority; that the Town Manager and Treasurer are authorized to contract for and expend any aid, grants or gifts available for the projects; and that the Town Manager and Treasurer are authorized to take any other action necessary or convenient to carry out these projects; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by Chapter 59, Section 21C of the General Laws (Proposition 2 and 1/2).

Explanation: *This appropriation and loan order pays for the building of a new fire station/headquarters as well as the renovations to Fire Station II contingent on a positive debt-exclusion vote by the voters of Bridgewater.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, February 15, 2022

Council Order: O-FY22-048

Introduced By: Town Manager
Date Introduced: February 15, 2022
First Reading: February 15, 2022
Second Reading/Hearing:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY22-048

ACCEPTANCE OF GIFT COA

ORDERED: that the Town Council assembled vote to

WHEREAS: Massachusetts General Laws, Chapter 44, §53A, states as follows:

“An officer ... of any city or town ... may accept grants or gifts of funds from ... from the commonwealth ... or an agency thereof, ... and may expend such funds for the purposes of such grant or gift ... with the approval of the city manager and city council...;” and

WHEREAS: The Town of Bridgewater has received a gift award from the Bridgewater Fire Union members, Now, therefore, in accordance with Chapter 44, §53A of the Massachusetts General Laws, the Town Council votes to take the following action:

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to accept the grant of \$1,000.00 from the Bridgewater Fire Union, to expend the grant in accordance with stated purpose thereof.

Explanation:

The Fire Department has generously donated \$1,000.00 to the Senior Center for the purposes of contributing towards a replacing the tent which was destroyed in the Noreaster.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, February 15, 2022

Council Order: O-FY22-049

Introduced By: Town Manager
Date Introduced: February 15, 2022
First Reading: February 15, 2022
Second Reading/Hearing:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY22-049

TRANSFER ORDER NON- UNION

ORDERED: that the Town Council assembled vote to

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 Use of Funds:

Source of Funds	Account No.	GL Account Description	Amount
OTHER ONE TIME STABILIZATION FUND	80135-596100	TRANSFER TO GF	\$ 26,643.78
Total:			\$ 26,643.78
Use of Funds	Account No.	GL Account Description	Amount
Salaries Town Council	01115001-510000	Salary & Wages Full Time	\$ 1,067.10
Salaries Town Manager	01235001-510000	Salary & Wages Full Time	\$ 1,594.04
Salaries Finance Accounting	01355001-510000	Salary & Wages Full Time	\$ 11,001.88
Salaries Finance Treas/ Coll/Payr	01455001-510000	Salary & Wages Full Time	\$ 2,027.74
Salaries Town Clerk	01615001-510000	Salary & Wages Full Time	\$ 1,412.84
Salaries CED	01825001-510000	Salary & Wages Full Time	\$ 2,096.88
Salaries Town Building	01925195-510000	Salary & Wages Full Time	\$ 1,165.03
Salaries Animal Control	02925001-510000	Salary & Wages Full Time	\$ 984.16
Salaries DPW	04105001-510000	Salary & Wages Full Time	\$ 1,171.71
Salaries Transfer Station	64005001-510000	Salary & Wages Full Time	\$ 828.23
Salaries Veterans	05435001-510000	Salary & Wages Full Time	\$ 808.69
Salaries Library	06105001-510000	Salary & Wages Full Time	\$ 2,485.48
Total			\$ 26,643.78

Explanation:

Funding of the Non-affiliates compensation FY22 to be in alignment with settlements of other Town Bargaining Units

Committee Referrals and Dispositions:

NOT FOR ACTION – FIRST READING

Referral(s)	Disposition(s)
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Bridgewater Town Council

In Town Council, Tuesday, February 15, 2022

Council Ordinance: D-FY22-019

Introduced By: Councilor Wood
Date Introduced: February 15, 2022
First Reading:
Second Reading:
Third Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY22-019

General Ordinance – Acceptance of Local Tax Option – Retail Marijuana Tax

WHEREAS, The Town Council voted in 2016 to establish the Elm Street Retail Overlay for the zoning of medical marijuana treatment centers, also known as Registered Marijuana Dispensaries (RMD); and

WHEREAS, the Town of Bridgewater has two RMD's; and

WHEREAS, both RMD's bought their properties on Elm Street in 2016; and

WHEREAS, both RMD's received Planning Board Decision Letters for site approval in 2016; and

WHEREAS, both RMD's have Community Benefit Agreements (Host Agreements) signed with the Town prior to 1-July-2017; and

WHEREAS, both RMD's have licensing from the State prior to 1-July-2017; and

WHEREAS, M.G.L. Chapter 94G, Section 3, states that, "except that zoning ordinances or by-laws shall not operate to: (i) prevent the conversion of a medical marijuana treatment center licensed or registered not later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity...", and

WHEREAS, when there is a conflict between local ordinances and State Law, State Law has preemption; and

WHEREAS, in their judgment (SJC-13029, 30-Aug-2021), the Massachusetts Supreme Judicial Court (SJC) found unanimously in favor of CommCan in their lawsuit against the Town of Mansfield, which was attempting to prevent CommCan, a medical marijuana dispensary, to become a Retail Marijuana Establishment; and

WHEREAS, the SJC, in their decision, said that CommCan was covered by the exclusion as defined in M.G.L Chapter 94G, Section 3, and that Mansfield could not prevent the conversion to a Retail Marijuana establishment; and

WHEREAS, both of Bridgewater RMD's satisfy the requirements as stated in SJC-13029, making them eligible for licensing as a Marijuana Retailer; and

NOT FOR ACTION – FIRST READING ONLY

WHEREAS, at least one of the RMD's in the Town of Bridgewater has begun the effort to obtain a Retail Marijuana license;

NOW THEREFORE, the Town Council assembled votes to accept M.G.L, Chapter 64N, Marijuana Tax, Section 3, Local Tax Option, and sets the tax rate to be 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•