



BRIDGEWATER TOWN COUNCIL

Tuesday, May 19, 2020

7:00 p.m.

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

[Link to Join 05/19/2020 Town Council Meeting](#)

To attend via phone, dial: +1 646 876 9923

Meeting ID: 972 5542 4757

MEETING AGENDA

Disclosure: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Bridgewater Town Council will be conducted via 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 Facebook Live.

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 5, 2020

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Darren Boston – *Charter Review Committee*

F. HEARINGS - *None*

G. LICENSE TRANSACTIONS

- a) Petition P-2020-012 New Common Victualler's License - GBC Food Services LLC, dba, Yummi Sushi, 233 Broad Street, Suite 17 (Roche Bros)

H. PRESENTATIONS - *None*

I. TOWN MANAGER'S REPORT

- a) Mitchell School Update (*Standing Item*)
- b) COVID-19 and Budget Impact
- c) CARES Act Grant Funding
- d) Update - Building Maintenance Position
- e) Update – Town Hall on National Register of Historic Places
- f) Update – Central Fire Station Relocation
- g) Update – Comprehensive Zoning Update
- h) Items for Next Meeting:

J. DISCUSSIONS

- a) Town Follow-Up to Citizens Comments - Process (*Carry Over from 5/5/20 Meeting*)
- b) Memorial Building – Preservation Restriction Considerations and Historical Commission Comments (*Councilor Colombotos*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-FY20-008: General Ordinance - Rescind Ordinance D-2012-004 Administration & Fiduciary Oversight of Budget - Ambulance Receipts

At their meeting held 02/25/20, the Budget & Finance Committee voted 3-0 to recommend approval. The Finance Committee voted to recommend approval at their meeting held 4/28/20. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered.

b) O-FY20-053: Transfer Order - Employee Contractual Buyouts

At their meeting held 5/11/20, the Finance Committee voted 5-0 to recommend approval. The Budget & Finance Committee voted 2-0 to recommend approval at their meeting held 5/12/20. This measure may be finally considered this evening.

c) O-FY20-054: Transfer Order - Prior Year Bill

At their meeting held 5/11/20, the Finance Committee voted 5-0 to recommend approval. The Budget & Finance Committee voted 2-0 to recommend approval at their meeting held 5/12/20. This measure may be finally considered this evening.

d) R-FY20-009: A Resolution Aiding and Supporting the Reopening of Businesses Closed by Executive and Public Health Orders

This measure was not referred to any committee. Per Section XVIII of the Council Rules & Procedures, 14 days has elapsed, therefore this measure may be finally considered.

M. OLD BUSINESS

N. NEW BUSINESS

a) Order O-FY20-056: Affix Town Clerk Salary (*Councilor Gallagher*)

b) Order O-FY20-057: Town Council Acceptance of Electronic Signatures by Municipal Boards Recording Standard (*Town Manager*)

FY2021 Budget Orders

c) Order O-FY21-001: Budget Order - FY21 Annual Town Budget (*Town Manager*)

d) Order O-FY21-002: Budget Order - FY21 Water Enterprise Fund Budget (*Town Manager*)

e) Order O-FY21-003: Budget Order - FY21 Sewer Enterprise Fund Budget (*Town Manager*)

f) Order O-FY21-004: Budget Order - FY21 Transfer Station Enterprise Fund Budget (*Town Manager*)

g) Order O-FY21-005: Budget Order - FY21 OSLGC Enterprise Fund Budget (*Town Manager*)

h) Order O-FY21-006: Authorization of Revolving Funds (*Town Manager*)

i) Order O-FY21-007: CPA Reserve Accounts - FY21 (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Petition: P-2020-012

Date Introduced/Public Hearing: May 19, 2020

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A COMMON VICTUALLER LICENSE

- WHEREAS **GBC Food Services LLC, dba, Yummi Sushi** has submitted all applicable documentation as required for a license to operate a food establishment located at 233 Broad Street, Suite 17, Bridgewater, Massachusetts; and

WHEREAS, Bawi Lian will serve as the manager of record and the hours of operation will not exceed:

Monday - Sunday	7:00 a.m. – 7:00 p.m.
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and;

WHEREAS GBC Food Services LLC, dba, Yummi Sushi has complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the Building Code, Fire Codes and Health Department's Food Service Specifications governing the serving of food to the public; 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, Police, and Health 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 2 and section 6 respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of GBC Food Services LLC, dba, Yummi Sushi GYbe granted a license to operate a food establishment within the Town of Bridgewater.

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



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Ordinance: D-FY20-008

Introduced By: Councilor Timothy Fitzgibbons
Date Introduced: February 4, 2020
First Reading: February 4, 2020
Second Reading: May 5, 2020
Third Reading: May 19, 2020
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Ordinance D-FY20-008

GENERAL ORDINANCE - RESCIND ORDINANCE D-2012-004 ADMINISTRATION & FIDUCIARY OVERSIGHT OF BUDGET - AMBULANCE RECEIPTS

WHEREAS, In accordance with the provisions of Section 2-6 of the Bridgewater Home Rule Charter relative to amendments to the Administrative Code, it is therefore;

ORDERED, that the Town Council assembled votes to rescind General Ordinance D-2012-004, Administration and Fiduciary Oversight of Budget – Ambulance Receipts.

Explanation: When Ordinance D-2012-004 was adopted by the Council it attempted to create an “ambulance reserve” out of which money could be transferred to the General Fund to offset the expenses of running an ambulance service, and it generally limited that amount to \$1 million. Unfortunately, the Town’s Auditors have suggested that the fund was not created properly. Now, with proper budgeting practices and annual budget resolutions which better reflect and understand the nature of the ambulance business, the ordinance is not necessary. Consistently the Council has voted to override the Ordinance’s restrictions, and the Budget and Finance Committee has consistently recommended to the Finance Director and the Town Manager that the Ordinance should be rescinded.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• Finance Committee• Budget & Finance Committee• This measure has been duly advertised in the Enterprise and on the Town’s website, therefore may be finally considered this evening.	<ul style="list-style-type: none">• 4/27/20: Vote 6-0 recommend approval.• 2/25/20: Vote 3-0 recommend approval



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Order: O-FY20-053

Introduced By: Town Manager
 Date Introduced: May 5, 2020
 First Reading: May 5, 2020
 Second Reading: May 19, 2020
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY20-053

TRANSFER ORDER - EMPLOYEE CONTRACTUAL BUYOUTS

ORDERED, in accordance with section 6-4 of the Bridgewater Home Rule Charter, that the Town Council assembled vote to appropriate and transfer from the schedule Source of Funds to the Use of Funds below:

Source of Funds	Account No.	GL Account Description	Amount
Employee SLLB Liability	80045-596100	transfer to GF	\$217,807.00
Total:			\$217,807.00
Use of Funds	Account No.	GL Account Description	Amount
Salaries-COA	05415001-519005	Salaries Contractual Pay	\$24,011.00
Salaries-Police	02105001-519005	Salaries Contractual Pay	\$193,796.00
Total:			\$217,807.00

Explanation:
Transfer of contractual Payments in FY2020 for retired employees.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> Budget & Finance Committee Finance Committee 	<ul style="list-style-type: none"> 5/12/20: Vote 2-0 recommend approval 5/11/20: Vote 5-0 recommend approval.

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



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Order: O-FY20-054

Introduced By: Town Manager
 Date Introduced: May 5, 2020
 First Reading: May 5, 2020
 Second Reading: May 19, 2020
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY20-054

TRANSFER ORDER - PRIOR YEAR BILL

ORDERED, in accordance with pursuant to section 6-4 of the Bridgewater Home Rule Charter, that the 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
FMLA MA TOWN SHARE	09145170-517013	FMLA MA TOWN SHARE	\$1,600.00
Total:			\$1,600.00
Use of Funds	Account No.	GL Account Description	Amount
PRIOR YEAR BILL	01235013-530000	PROFESSIONAL SERVICES	\$1,600.00
Total:			\$1,600.00

Explanation:

Transfer of available funds to pay a prior year bill - for Evan Melillo, Contractor for services in implementing Electronic Vehicle Charging Station from last spring -FY2019.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> Budget & Finance Committee Finance Committee 	<ul style="list-style-type: none"> 5/12/20: Vote 2-0 recommend approval 5/11/20: Vote 5-0 recommend approval.



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Resolution: R-FY20-009

Introduced By:	Councilors Rushton and Fitzgibbons
Date Introduced	May 5, 2020
First Reading:	May 5, 2020
Second Reading:	May 19, 2020
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Resolution R-FY20-009

A RESOLUTION AIDING AND SUPPORTING THE RE-OPENING OF BUSINESSES CLOSED BY EXECUTIVE AND PUBLIC HEALTH ORDERS

WHEREAS, on March 24, 2020, the Governor of the Commonwealth of Massachusetts invoking powers pursuant to Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, issued Executive Order *Covid-19 Order No. 30*, which extended the operation of Executive Order *Covid-19 Order No. 13* and effected the closure of certain workplaces and prohibited the gathering of more than 10 persons; and

WHEREAS, on April 28, 2020, the Governor of the Commonwealth, in response to the continuing public health emergency extended the closures certain workplaces and prohibition of the gathering of more than 10 persons from May 4, 2020, to May 18, 2020; and

WHEREAS, pursuant to the declaration of a public health emergency, the Governor of the Commonwealth of Massachusetts has issued several Public Health Emergency Orders, which defined essential businesses and necessitated the closure of “non-essential” businesses; and

WHEREAS, by acting quickly to impose necessary restrictions on citizens and businesses alike, the Governor, The Town of Bridgewater government, and its residents have managed to minimize the incidence and spread of COVID-19 within the Town which may have saved an untold number of lives;

WHEREAS, those businesses designated as “non-essential” businesses include small businesses, restaurateurs, specialty retailers and non-profits that have long been an essential part of the fabric of our Town and our local economy, but also of our nation’s economy by providing necessary services to the public; and

WHEREAS, these businesses and specialty retailers employ, pay wages, and provide health care benefits to a many in our community, and

WHEREAS, on April 28, 2020 the Governor announced plans to convene a Council to advise him on plans to reopen Commonwealth of Massachusetts businesses and communities;

WHEREAS, it is possible to reasonably reopen the economy while maintaining public health; and

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

NOW, THEREFORE, the Town of Bridgewater Town Council fully affirms and endorses Governor Charles D. Baker’s plan to convene a Reopening Advisory Board led by Lt. Gov. Karyn Polito and Housing and Economic Development Secretary Mike Kennealy. The panel will include public health professionals and members of the business community and municipal governments who will develop recommendations for the prudent and phased re-opening of the state’s economy.

BE IT RESOLVED, that the Bridgewater Town Council stands willing to assist and work with other governing bodies to develop guidelines and appropriate restrictions that recognize the differing challenges of this endeavor; and support the development and implementation of a phased-in data driven approach in the reopening of its businesses, including utilizing the full weight of the legislative tools available to it under the Home Rule Charter and applicable laws of the Commonwealth.

FURTHER, that the Bridgewater Town Council urges the Town Manager to propose to the Town Council any ordinance, rule, or regulation, or any suspension thereof if such action would assist Bridgewater businesses in their efforts to reopen.

FURTHER, that the Bridgewater Town Council encourages the Town Manager to bring to bear any and all efforts, staff, and initiatives within the Town’s ability to support the economic recovery of Bridgewater business community.

FURTHER, the Bridgewater Town Council continues to encourage its citizens to be vigilant in their efforts to combat and mitigate the spread of COVID-19 by employing prudent safety measures and maintaining social distancing guidelines. The result of which will allow the safe reopening of small businesses, restaurants, specialty retailers and non-profits and expeditious return to the economy that the Town of Bridgewater citizens once enjoyed, and work to make even more substantial improvements to the economic environment in Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
	<ul style="list-style-type: none">• This measure was not referred to any committee. 14 Days has elapsed per Section XVIII of the Council Rules & Procedures; therefore, this measure may be finally considered this evening.



Bridgewater Town Council

In Town Council, Tuesday, May 19, 2020

Council Order: O-FY20-056

Introduced By:	Councilor Gallagher
Date Introduced	May 19, 2020
First Reading:	May 19, 2020
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Order O-FY20-056

AFFIX TOWN CLERK SALARY

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

“record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers”.

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

NOT FOR ACTION – FIRST READING ONLY

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that beginning in the fiscal year 2021 (July 1, 2020), the salary of the Town Clerk shall be increased by 2% annually consistent with the standard 2% COLA adjustment afforded other Town Staff. The Town Clerk is an elected position and eligible for membership with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

FURTHER ORDERED, that the position of Town Clerk is exempt from the overtime provisions of the FLSA and shall not be entitled to overtime compensations in any form.

Explanation:

Adoption of the aforementioned order will affect a 2% COLA adjustment for the Town Clerk in FY2021

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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