



BRIDGEWATER TOWN COUNCIL

Tuesday, May 21, 2019

7:30 p.m.

Academy Building

66 Central Square

Council Chamber, Room 203

Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) May 7, 2019
- b) May 14, 2019

B. ANNOUNCEMENTS FROM THE PRESIDENT

- a) Committee Assignments

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

- a) Finance Committee – Julie Soleparis

F. HEARINGS

G. LICENSE TRANSACTIONS

- a) Petition P-2019-007: Three one-day alcohol & Entertainment Licenses - Portuguese Festival
- b) Petition P-2019-008: One-Day Entertainment License - Block Party Fundraiser
- c) Petition P-2019-009: Five One-Day Alcohol & Entertainment Licenses - 49ers Club

H. PRESENTATIONS

I. TOWN MANAGER'S REPORT

- a) MA Cultural Council Grant Update
- b) Relocation of Fire Department
- c) Overall Debt Load (outstanding bonds and when satisfied)
- d) Town Hall – Status of National Historic Places Registration and Cleanout
- e) Private Business Lot/Direction Striping

J. DISCUSSIONS

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION

- a) Ordinance D-FY19-005: Zoning Ordinance - Establish Special Permit Criteria - Cultivation, Manufacturing and Testing - Adult Use Marijuana
A duly noticed joint public hearing of the Community & Economic Development Committee and Planning Board was conducted and closed on 4/17/19. At the conclusion of the hearing, the Community & Economic Development Committee voted 3-0 to recommend this ordinance and the Planning Board voted 4-0-1 to recommend. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.
- b) Ordinance D-FY19-006: General Ordinance - Acceptance of MGL c. 44, s53 3/4 Concerning PEG Access & Cable Related Fund
At their meeting held 4/29/19, the Budget & Finance Committee voted 3-0 to recommend approval of this measure. The Finance Committee voted 6-0 to approve at their meeting held 4/29/19. This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.
- c) Order O-FY19-054: Transfer Order - Sewer Reserve Special Purpose
The Budget & Finance Committee voted 2-0 to recommend approval of this measure with proposed amendments at their meeting held 5/14/19. The Finance Committee voted 5-0 to approve this measure with proposed amendments on 5/13/19. This measure may be finally considered this evening pending the consideration of proposed amendments.

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA.
2019 MAY 17 A 11:54

M. OLD BUSINESS

N. NEW BUSINESS

- a) Ordinance D-FY19-007: Creation of a "Review Committee" (*Councilor Losche*)
- b) Order O-FY19-058: Transfer Order - Other One-Time Unforeseen Expenses (*Town Manager*)

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

RECEIVED
TOWN CLERKS OFFICE
BRIDGEWATER, MA
2019 MAY 17 A 11: 54



Bridgewater Town Council

In Town Council Tuesday, May 21, 2019

Council Petition: P-2019-007

Date Introduced: May 21, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of Three (3) One-Day Alcohol & One Day Entertainment Permits

WHEREAS, the Portuguese Holy Ghost Society of Bridgewater has petitioned for three (3) One-day Alcohol and three (3) One-day entertainment permits for the following club sponsored events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Annual Holy Ghost Feast	June 14, 2019	6:00 p.m. - 12:00 a.m.	Up to 300
2	Annual Holy Ghost Feast	June 15, 2019	6:00 p.m. - 12:00 a.m.	Up to 300
3	Annual Holy Ghost Feast	June 16, 2019	12:00 p.m. - 10:00 p.m.	Up to 300

;and,

WHEREAS, the Portuguese Holy Ghost Society 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, 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 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of the Portuguese Holy Ghost Society be granted three (3) one day alcohol and three (3) one day entertainment permits for the aforementioned events to be held on the grounds of the club at 352 Broad Street.



Bridgewater Town Council

In Town Council Tuesday, May 21, 2019

Council Petition: P-2019-008

Date Introduced: May 21, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of One Day Entertainment Permit

WHEREAS, Donald Sullivan and Kimberly Stevens have petitioned for one (1) One-day entertainment permit for the following event:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Block Party Fundraiser	June 8, 2019	1:00PM-6:00PM	Up to 200

;and,

WHEREAS, Donald Sullivan and Kimberly Stevens have 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 Don Sullivan and Kimberly Stevens to be granted one (1) one day entertainment permit for the aforementioned event to be held on Arrowhead Drive.



Bridgewater Town Council

In Town Council Tuesday, May 21, 2019

Council Petition: P-2019-009

Date Introduced: May 21, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

The Granting of One-Day Alcohol & One-Day Entertainment Permits

WHEREAS, the Forty Niners Club, Inc. has petitioned for five (5) One-day Alcohol and five (5) One-day entertainment permits for the following club sponsored events:

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE	NOTES
1	Robby's Rib Party	May 18 th , 2019	1:00 p.m. – 6:00 p.m.	65	Live music
2	Chicken Barbecue	June 8 th , 2019	1:00 p.m. – 6:00 p.m.	70	Live Music
3	Pig Roast	July 13 th , 2019	1:00 p.m. - 6:00 p.m.	70	Live music
4	Annual Outing	August 17 th , 2019	1:00 p.m. - 6:00 p.m.	70	Live music
5	Clam Boil	September 21 st , 2019	1:00 p.m. - 6:00 p.m.	70	Live music

;and,

WHEREAS, the Forty Niners Club, 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, 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 138 - section 14 and Chapter 140- Section 183A respectively of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of the Forty Niners Club, Inc. be granted five (5) one-day alcohol and five (5) one-day entertainment permits for the aforementioned events to be held on the grounds of the club at 161 High Street.

VOICE VOTE – REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, May 21, 2019

Council Ordinance: D-FY19-005

Introduced By:	Councilor Aisha Losche
Date Introduced:	March 12, 2019
First Reading:	March 12, 2019
Second Reading:	April 23, 2019
Amendments Adopted:	None
Third Reading:	May 21, 2019
Date Adopted:	
Date Effective:	

Proposed Ordinance D-FY19-005

ZONING ORDINANCE – ESTABLISH SPECIAL PERMIT CRITERIA – CULTIVATION, MANUFACTURING AND TESTING – ADULT USE MARIJUANA

ORDERED, In accordance with MGL, Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, vote to amend the Bridgewater Zoning Bylaw by establishing the following Special Permit criteria for allowable adult use marijuana.

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.

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.

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

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.

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

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

All applicants are encouraged to contact the Community and Economic Development Director to schedule a pre-application meeting.

In addition to all the application requirements related to special permits the applicant shall include the following at the time of application:

- 1) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.
- 2) 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.
- 3) 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.

- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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:

Adoption of this ordinance will establish special permit criteria for cultivation, manufacturing and testing of adult use marijuana.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> • Community & Economic Development Committee • Planning Board • 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"> • 4/17/19: At the conclusion of a duly noticed joint public hearing, the CEDC voted 3-0 to recommend acceptance. • 4/17/19: At the conclusion of a duly noticed joint public hearing, the Planning Board voted 4-0-1 to recommend.



Bridgewater Town Council

In Town Council, Tuesday, May 21, 2019

Council Ordinance: D-FY19-006

Introduced By: Councilor Wood
Date Introduced: April 23, 2019
First Reading: April 23, 2019
Second Reading: May 7, 2019
Third Reading: May 21, 2019
Amendments Adopted: None
Date Adopted:
Effective Date:

Ordinance D-FY19-006

GENERAL ORDINANCE - ACCEPTANCE OF MGL C. 44, S53 3/4 CONCERNING PEG ACCESS & CABLE RELATED FUND

ORDERED that the pursuant to Article II, Section 2-6 of the Bridgewater Town Charter, the Town Council accept the provisions of MGL c.44 Section 53F ¾ and further authorize the Town Manager to carry out the provisions contained therein including the creation of a "Receipts Reserved for Appropriation" Fund to reserve the franchise fees and other cable related revenues for appropriation to support PEG access services, monitor compliance with the franchise agreement or prepare for license renewal.

Explanation: *Due to the Municipal Modernization Act, the DLS Bureau of Accounts recommends that this new section is the most appropriate method to account for these revenues.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none">• Budget & Finance• 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">• 4/29/19: Vote 3-0 recommend approval.• 4/29/19: Vote 6-0 approve.



Bridgewater Town Council

In Town Council, Tuesday, May 21, 2019

Council Order: O-FY19-054

Proposed Amendments

Introduced By: Town Manager
 Date Introduced: March 26, 2019
 First Reading: March 26, 2019
 Second Reading: May 21, 2019
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY19-054

TRANSFER ORDER - SEWER RESERVE SPECIAL PURPOSE

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
			\$ 106,710.57
SWR Reserved for Special Purpose	6100-358000	SWR Reserved Special Purpose	\$ 50,441.57
Total:			\$ 106,710.57
Use of Funds	Account No.	GL Account Description	Amount
SwrReline CW 14-17	61125-530050	Contracted Services	\$ 50,441.57
			\$ 106,710.57
Total			\$ 106,710.57

Explanation: This transfer will close out Sewer Reline project by paying for the overages rather than financing it through the MWPAT.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> • Budget & Finance • Finance Committee 	<ul style="list-style-type: none"> • 4/9/19: Vote 3-0 take no action. • 5/14/19: Vote 2-0 recommend approval with proposed amendments • 5/13/19: Vote 5-0 approve with proposed amendments.

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



Bridgewater Town Council

In Town Council, Tuesday, May 21, 2019

Council Ordinance: D-FY19-007

Introduced By: Councilor Aisha Losche
Date Introduced: May 21, 2019
First Reading: May 21, 2019
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Ordinance D-FY19-007

CREATION OF A "REVIEW COMMITTEE"

WHEREAS, In accordance with the provisions of Section XXXVII of the Town Council Rules and Procedures relative to amendments to the Rules and Procedures, it is therefore;

ORDERED, that the Town Council assembled votes to amend the Town Council Rules and Procedures, Section XXVI Committees; by adding the following new standing committee established by rule:

- Review Committee

Explanation: Creation of a committee to focus on the performance reviews of staff under the prevue of the Town Council will aide in more efficient, timely and quality evaluations.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•



Bridgewater Town Council

In Town Council, Tuesday, May 21, 2019

Council Order: O-FY19-058

Introduced By: Town Manager
 Date Introduced: May 21, 2019
 First Reading: May 21, 2019
 Second Reading:
 Amendments Adopted:
 Third Reading:
 Date Adopted:
 Date Effective:

Order O-FY19-058

TRANSFER ORDER - OTHER ONE-TIME UNFORESEEN EXPENSES

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 as intended:

Source of Funds	Account No.	GL Account Description	Amount
Other One Time Stabilization	80135-596100	Transfer to GF	\$ 65,000.00
Total:			\$ 65,000.00
Use of Funds	Account No.	GL Account Description	Amount
Professional Services	01755013-530000	Professional Services	\$ 65,000.00
Total			\$ 65,000.00

Explanation: To engage the services of a data analytical company to provide Bridgewater with a data driven, proactive approach to have the best understanding of our market's true economic development potential. The data will be used to position Bridgewater in the best light possible in attracting new businesses as well as help the Town's existing local businesses ensure growth. In addition, the data can also be used for other Town initiatives including grant writing and financial projections

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•