ANNUAL TOWN MEETING
MINUTES

Monday, June 13, 2016 – 7:00 PM
West Bridgewater Junior/Senior High School Auditorium

A meeting in which the inhabitants of the Town qualified to vote in elections and Town
affairs were notified by warrant issued by the Board of Selectmen and posted by Constable,
Bruce L. Holmquist on May 27, 2016.

The Opening Ceremonies began at 6:53 p.m. with Rev Carol Ashton of the First Church
giving the invocation. The Boys Scouts from Troop 25 and the Cub Scouts from Troop 23
presented the colors. The West Bridgewater Girls Scouts lead the Pledge of Allegiance.
Members of the West Bridgewater M/S High School Choir sang the Star Spangled Banner.

A moment of silence was held for deceased members of committees, employees and
former officials.

The sixth annual Victor R. Flaherty, Sr. Civic Award was presented in his memory by
Victor R. Flaherty, Jr. The award was presented posthumously to Grace Holmes. Her daughters,
Gillian Ouellette and Elizabeth Glaspy accepted the award in her honor.

Moderator James E. Benson called the meeting to order at 7:10 p.m. and adjourned to the
Special Town Meeting at 7:11 p.m.

The Annual Town Meeting reconvened at 7:17 p.m. with 137 qualified voters and 26
guests, the meeting proceeded at follows:

The counters for the evening Sandra Irving, Marion Loughman, Frances Deibel and Joan
McAndrew were sworn in by the Town Clerk Anne Iannitelli.

Article 1: To hear reports of all Town Officers and act thereon.

Consent Motion: Articles 1, 2, 3, 4, 5, 6, 7, and 8 are consent articles. Articles and Motions
listed here in the event Consent article is not voted as a whole.

MOVE: That the Town consider Articles 1, 2, 5, 6, 7, 8, and 9, as printed on the
Warrant, as a single “consent” article with:
The upper limit on Article 3 established at $40,000;
The upper limit on Article 4 established at $28,000;
The upper limit on Article 5 established at $4,000;
The upper limit on Article 6 established at $12,000;
The upper limit on Article 7 established at $90,000; and,
The upper limit on Article 8 established at $18,500.
Moved by Jerry Lawrence and seconded. Recommended by the Finance Com: unanimously Recommended by the Board of Selectmen: unanimously Jerry Lawrence spoke to motion. 

PASSED UNANIMOUSLY

Article 2: To see if the Town will vote to authorize the Board of Selectmen to enter into a contract or contracts with the Massachusetts Department of Public Works for the construction and maintenance of public highways for the fiscal year, or take any action relative thereto.

Consent-MOVE: That the Town vote to authorize the Board of Selectmen to enter into a contract or contracts with the Massachusetts Department of Public Works for the construction and maintenance of public highways for the fiscal year beginning July 1, 2016.

Article 3: To see if the Town will vote to approve and authorize, as provided in MGL, Chapter 44, Section 53E ½, the retention of revenue generated by the West Bridgewater Council on Aging Supportive Care Program to be used by the Council for expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make expenditures and which shall have as an annual upper limit an amount of $40,000, or take any action relative thereto.

Consent-MOVE: That the Town vote to approve and authorize, as provided in the Massachusetts General Laws Chapter 44, Section 53 E ½, the retention of revenue generated by the West Bridgewater Council on Aging Supportive Care Program to be used by the Council on Aging for expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make expenditures and which shall have as an upper limit an amount of $40,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

Article 4: To see if the Town will vote to approve and authorize, as provided in MGL, Chapter 44, Section 53E ½, the retention of revenue generated by the West Bridgewater Council on Aging’s Nutrition Program to be used by the Council to purchase supplies needed to run the program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make expenditures and which shall have as an annual upper limit an amount of $28,000, or take any action relative thereto.

Consent-MOVE: That the Town vote to approve and authorize, as provided in Massachusetts General Laws Chapter 44, Section 53E ½, the retention of revenue generated
by the West Bridgewater Council on Aging’s Nutrition Program to be used by the Council on Aging for expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make expenditures and which shall have as an upper limit an amount of $28,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

Article 5: To see if the Town will vote to approve and authorize as provided in MGL, Chapter 44, Section 53E ½, the retention of revenue generated by the West Bridgewater Council on Aging’s Transportation Program to be used by the Council to pay necessary expenses to run the program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make these expenditures and which shall have as an annual upper limit an amount of $4,000, or take any action relative thereto.

Consent-MOVE: That the Town approve and authorize, as provided in the Massachusetts General Laws Chapter 44, Section 53 E ½, the retention of revenue generated by the West Bridgewater Council on Aging’s Transportation Program to be used by the Council on Aging for expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the Director of Elder Services will be authorized to make expenditures and which shall have as an upper limit an amount of $4,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

Article 6: To see if the Town will vote to approve and authorize, as provided in MGL, Chapter 44, Section 53E ½, the retention of fines and fees collected by the West Bridgewater Public Library to be used for general library expenses for said Library and to establish a revolving fund for such a purpose from which the Library Director will be authorized to make expenditures and which shall have as an annual upper limit in FY17 of $12,000, or take any action relative thereto.

Consent-MOVE: That the Town approve and authorize, as provided in the Massachusetts General Laws Chapter 44, Section 53 E ½, the retention of fines and fees collected by the West Bridgewater Public Library to be used for the purpose of general library expenses for said library and to establish a revolving fund for such purpose from which the Library Director will be authorized to make expenditures and which shall have as an upper limit in FY17 an amount of $12,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

Article 7: To see if the Town will vote to approve and authorize, as provided in MGL, Chapter 44, Section 53E ½, the retention of revenue generated by the West Bridgewater Public Schools’ Preschool Program, to be used by the preschool for
expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the School Committee will be authorized to make expenditures and which shall have as an annual upper limit an amount of $90,000, or take any action relative thereto.

**Consent-MOVE:**

That the Town approve and authorize, as provided in the Massachusetts General Laws Chapter 44, Section 53 E ½, the retention of revenue generated by the West Bridgewater Public Schools' Preschool Program to be used by the Preschool for expenses needed to run said program on a year-round basis and to establish a revolving fund for such purpose from which the Superintendent of Schools will be authorized to make expenditures and which shall have as an upper limit an amount of $90,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

**Article 8:**

To see if the Town will vote to approve and authorize, as provided in MGL, Chapter 44, Section 53 E ½, the retention of revenue generated by the West Bridgewater Fire Department Fire Alarm Maintenance Program to be used to maintain the Town's Municipal Fire Alarm System on a year round basis and to establish a revolving fund for such purpose from which the Fire Chief will be authorized to make expenditures and which shall have as an annual upper limit an amount of $18,500, or take any action relative thereto.

**Consent-MOVE:**

That the Town approve and authorize, as provided in the Massachusetts General Laws Chapter 44, Section 53 E ½, the retention of revenue generated by the West Bridgewater Fire Department Fire Alarm Maintenance Program to be used to maintain the Town's Municipal Fire Alarm System on a year round basis and to establish a revolving fund for such purpose from which the Fire Chief will be authorized to make expenditures and which shall have as an annual upper limit an amount of $18,500 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

**Article 9:**

To see if the Town will vote to determine the salaries of the following elected Town Officials for the fiscal year beginning July 1, 2016:

- Moderator
- Board of Selectmen
- Town Clerk
- Board of Health
- Tree Warden
- Board of Assessors
- Water Commissioners

The following officers to serve without pay:

- Library Trustees
- Planning Board
- School Committee
Or take any action relative thereto.

**MOVE:** That the Town vote to determine the salaries of the following elected Town Officers for the fiscal year beginning July 1, 2016:

<table>
<thead>
<tr>
<th>Office</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderator</td>
<td>$338</td>
</tr>
<tr>
<td>Board of Selectmen</td>
<td>$10,375</td>
</tr>
<tr>
<td>Town Clerk</td>
<td>$65,564</td>
</tr>
<tr>
<td>Board of Water Commissioners</td>
<td>$7,295</td>
</tr>
<tr>
<td>Tree Warden</td>
<td>$0</td>
</tr>
<tr>
<td>Board of Assessors</td>
<td>$10,539</td>
</tr>
<tr>
<td>Board of Health</td>
<td>$2,577</td>
</tr>
</tbody>
</table>

Moved by Eldon Moreira and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Eldon Moreira spoke to motion.

**PASSED UNANIMOUSLY**

Motion for consent articles 3 and 4 was read again by Jerry Lawrence, because articles 3 and 4 was left out of first motion.
and seconded

**PASSED UNANIMOUSLY**

**Article 10:** To raise such sums of money as may be necessary to defray Town charges for the fiscal year beginning July 1, 2016 and to make appropriations for the same, or take any action relative thereto.

**MOVE:** That the Town vote to appropriate the sum of $30,903,502 for the maintenance and support of the several departments of the Town and other usual or necessary Town charges as herein specified and requested by the Finance Committee for the Fiscal Year beginning July 1, 2016 for the purposes herein described and further that the sum of $28,186,566 be raised and appropriated and the sum of $2,716,936 be transferred as follows:

| From Estimated Water Revenues to: Water Department (4500) | 1,966,936 |
| From Emergency Medical Services Receipts to: Fire Department (2200) | 400,000  |
| From Free Cash to Offset the Debt Exclusion Borrowing Costs for new Middle/High School: | Total 350,000 |
| TOTAL | 2,716,936 |

Moved by Meredith Anderson and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Discussion was held on hold articles.
Rick Krugger, Assessor Steve McCarthy and Meredith Anderson spoke to budget.
Amendment was made by Rick Krugger.

**Move** that the Assessors’ 1410 lowered from $223,678 to $193,678 and seconded.
Steve McCarthy spoke against amendment.
Denise Harvey-Vinskus, Richard Anderson, Meredith Anderson, Maurice McCarthy and Jeri Screnci spoke.
Jerry Lawrence moved question, seconded **PASSED BY MAJORITY**.
Amendment motion was **DEFEATED BY MAJORITY VOTE**.
Call for counted vote was denied by Moderator because not enough voters to raise.
Denise Harvey-Vinskus made a motion for reconsideration and seconded.
**There was a counted vote 61 yes 59 no.**
**RECONSIDERATION OF VOTE PASSED BY MAJORITY.**
Amendment to the Assessors’ budget was reconsidered and the vote was secret ballot.
**61 yes 58 no**
**AMENDMENT PASSED BY MAJORITY**
New Motion was read with new appropriation sum of **$30,873,502**, the sum of **$28,156,566** to be raised and appropriated and the sum of **$2,716,936** be transferred and seconded. **PASSED UNANIMOUSLY**

**Article 11:** 
To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 and to further accept the provisions of Chapter 126 of the Acts of 1988, which will grant a percentage increase to real estate tax exemptions to persons who are otherwise qualified for such exemptions, or take any action relative thereto.

**MOVE:** 
That the Town accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 and to further accept the provisions of Chapter 126 of the Acts of 1988 which will grant a percentage increase to Real Estate Tax exemptions to persons who are otherwise qualified for such exemptions and further to increase the Real Estate Tax Exemption to persons so qualified by 25% for FY 2017.

Moved by Steve McCarthy and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Steve McCarthy spoke to motion.
**PASSED UNANIMOUSLY**

**Article 12:** 
To see if the Town will vote to borrow a sum of money in anticipation of reimbursement to meet the Town’s share of the cost of work for State Aid Construction and Maintenance or take any action relative thereto.

**MOVE:** 
That the Town borrow $319,168, to be repaid in not more than one year, in anticipation of reimbursement to meet the Town’s share of the cost of work for state aid construction and maintenance as authorized as the Town’s apportionment of Chapter 90 Local Transportation and funding for Fiscal Year 2017 in accordance with the figures released by the Massachusetts Department of Transportation in accordance with Chapter 86 of the Acts of 2008.

Moved by Len Graf and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Len Graf spoke to the motion.
Neil Conley and John Duggan spoke.
PASSED UNANIMOUSLY
Does not require two thirds vote.

Article 13: To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by using the monies repaid to the Town by current outstanding loans that are in excess of amounts due to be repaid to the Massachusetts Water Pollution Abatement Trust or otherwise, or to take any other action relative thereto.

MOVE: That the monies previously repaid through the loan program by the property owners be transferred and appropriated for the purpose of financing additional Water Pollution Abatement Facility projects concerning the repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to reissue those funds for additional Water Pollution Abatement Facility projects that are in excess of amounts due to be repaid to the Massachusetts Water Pollution Abatement Trust; that project and financing costs shall be repaid by the property owners in accordance with the agreements authorized under those statutes and at 2% interest per annum, of which the proceeds from such interest, as well as any amounts received from the homeowner for the repayment of such loans, shall be credited to the “reserve for appropriation – W.P.A.T. Loan Repayment Account”, and shall, with approval of Town Meeting, be used to fund the repayment of any loans granted by the Water Pollution Abatement Trust under this authorization.

Moved by John Cruz and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
John Cruz spoke to motion.
PASSED UNANIMOUSLY

Article 14: To see if the Town will vote to appropriate, or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community debt services, community preservation projects, Open Space, Historic Resources, and Community Housing reserves, and other expenses in fiscal year 2017 with each item to be a separate appropriation or reserve:
Appropriations:
From FY 2017 estimated revenues for Committee Administrative Expenses .................. $ 10,400

Reserves:
From FY 2017 estimated revenues for Historic Resources Reserve:
................................. $ 0
From FY 2017 estimated revenues for Community Housing Reserve:
................................. $18,500
From FY 2017 estimated revenues for Open Space Reserve...
................................. $ 0

From FY 2017 estimated revenues for Budgeted Reserve
(remainder of income) ............ $ 0 or take any action relative thereto.

MOVE: That the Town appropriate from the FY 2017 Community Preservation annual revenues the following amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2017 with each item to be considered a separate appropriation:

Appropriations:
From FY 2017 estimated revenues for Committee Administrative Expenses .................. $ 10,400

Reserves:
From FY 2017 estimated revenues for Historic Resources Reserve:
................................. $ 0
From FY 2017 estimated revenues for Community Housing Reserve:
................................. $18,500
From FY 2017 estimated revenues for Open Space Reserve...
................................. $ 0

From FY 2017 estimated revenues for Budgeted Reserve
(remainder of income) ............ $ 0

Moved by Cheryl Cambria and seconded.
Recommended by the Finance Com.: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Cheryl Cambria spoke to motion.
Neil Conley spoke.
PASSED UNANIMOUSLY

Article 15: To see if the Town will vote to transfer and appropriate from the FY2017 Historic Resources Estimated Revenue portion of the Community Preservation Fund a sum not to exceed $10,000 to be used by the Town Clerk for the preservation of historic vital records, or to take any action relative thereto.
MOVE: That the Town transfer and appropriate from the Historic Resources Reserve portion of the Community Preservation Fund a sum of $10,000 to be expended by the Town Clerk for the preservation of historic vital records.

Moved by Anne Iannitelli and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anne Iannitelli spoke to motion.
PASSED UNANIMOUSLY

Article 16: To see if the Town will vote to transfer and appropriate from the FY2017 Historic Resources Estimated Revenue portion of the Community Preservation Fund a sum not to exceed $8,500, and from the estimated FY2017 Budget Reserve Portion of the Community Preservation Fund, a sum not to exceed $1,500, for a total sum not to exceed $10,000 to be used by the Board of Assessors for the preservation of the permanent historic vital records, or to take any action relative thereto.

MOVE: That the Town transfer and appropriate from the Historic Resources Reserve portion of the Community Preservation Fund a sum of $8,500 and from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund, a sum of $1,500, for a total sum of $10,000 to be expended by the Board of Assessors for the preservation of permanent historic vital records.

Moved by Steve McCarthy and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Steve McCarthy spoke to motion.
Neil Conley and Denise Harvey-Vinskus spoke.
PASSED UNANIMOUSLY

Article 17: To see if the Town will vote to transfer and appropriate from the FY2017 Open Space Estimated Revenue portion of the Community Preservation Fund a sum not to exceed $18,500, and from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum not to exceed $56,500, for a total sum not to exceed $75,000, to be used by the Town of West Bridgewater for the acquisition of the Williams property on River Street together with all flowage rights and easements and subject to all well rights and easements; said land to be managed by the Town of West Bridgewater Conservation Commission; and that the Board of Selectmen be directed to grant a perpetual conservation restriction in said parcel of land meeting the requirements of MGL Chapter 44B, Section 12 and MGL Chapter 184, Sections 31, 32 and 33, and to enter into all agreements and execute any and all instruments as may be necessary to affect said purchase, said funds to be expended by the Conservation Commission and the Community Preservation Committee, or take any other action relative thereto.
MOVE: That the Town transfer and appropriate from the Open Space Estimated Revenue portion of the Community Preservation Fund a sum of $18,500, and from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum of $56,500, for a total sum of $75,000, to be used by the Town of West Bridgewater toward the acquisition of the Williams property on River Street, as shown on Map 45 Lot 46 consisting of approximately 1.35 acres, together with all flowage rights and easements and subject to all well rights and easements; said land to be managed by the Town of West Bridgewater Conservation Commission; and that the Board of Selectmen be directed to grant a perpetual conservation restriction in said parcel of land meeting the requirements of Massachusetts General Law Chapter 4B Section 12 and Massachusetts General Law Chapter 184 Sections 31, 32 and 33, and to enter into all agreements and execute any and all instruments as may be necessary to affect said purchase, said funds to be expended by the Conservation Commission and the Community Preservation Committee.

Moved by Timothy Hay and seconded.
Recommended by the Board of Selectmen unanimously
Finance Committee recommended by majority to refer to voters (5-1, 1 recusal)
Timothy Hay and Meredith Anderson spoke.

PASSED BY MAJORITY VOTE

Article 18: To see if the Town will vote to transfer and appropriate from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum, not to exceed $60,000, to be used for the installation of the 9/11 Memorial Park in front of the Public Safety Building, to be expended by and maintained by the Forestry Department, or take any other action relative thereto.

MOVE: That the Town transfer and appropriate from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum of $60,000 to be used for the installation, expansion, improvement, and preservation of the 9/11 Memorial Park in front of the Public Safety Building, to be expended by the Forestry Department.

Moved by Leonard Hunt and seconded.
Recommended by the Board of Selectmen unanimously
Finance Committee recommended by majority to refer to voters (7-0)
LEONARD HUNT MADE MOTION TO PASS WITHOUT ACTION AND SECONDED.
PASSED UNANIMOUSLY

Article 19: To see if the Town will vote to transfer and appropriate from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum not to exceed $1,100, and a sum not to exceed $33,900 from the Fund Balance portion of the Community Preservation Fund, for a total sum not to exceed $35,000, to be used for the restoration and preservation of the Pleasant Hill Cemetery off West Center Street, and to authorize the Board of Selectmen to
accept an easement for public access on the same, or take any other action relative thereto.

**MOVE:** That the Town transfer and appropriate from the estimated FY2017 Budget Reserve portion of the Community Preservation Fund a sum of $1,100, and a sum of $33,900 from the Fund Balance portion of the Community Preservation Fund, for a total sum of $35,000, to be used for the restoration and preservation of the Pleasant Hill Cemetery off West Center Street, and to authorize the Board of Selectmen to accept an easement for public access on the same.

Moved by Cheryl Cambria and seconded.
Recommended by the Board of Selectmen unanimously
Finance Committee recommended by majority to refer to voters (7-0)
Cheryl Cambria spoke to motion.
Neil Conley and Denise Harvey-Vinskus spoke.
Lauren Delany spoke about the security of the cemetery.

**PASSED UNANIMOUSLY**

Moderator James Benson made a correction to article 17, He declared it passed by two thirds vote as required.

**Article 20:** To see if the Town will vote to authorize the Board of Selectmen to accept and expend any monies received through The Stanton Foundation for the construction of a dog park and related expenses, or to take any action relative thereto.

**MOVE:** That the Town authorize the Board of Selectmen to accept and expend any monies received through The Stanton Foundation for the construction of a dog park and related expenses.

Moved by Jerry Lawrence and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Jerry Lawrence spoke to motion.

**PASSED BY MAJORITY VOTE**

Warren Turner made a Motion to moved articles 45 and article 46 forward to vote and Seconded.

**PASSED BY MAJORITY VOTE**

**Article 45:** To see if the Town will vote to accept the provisions of 310 CMR 16.00 concerning Site Assignment Regulations for Solid Waste Facilities and enforce the regulations as exist and as may be amended from time to time, or to take any other action relative thereto.

**MOVE:** That the Town accept the provisions of 310 CMR 16.00 concerning Site Assignment Regulations for Solid Waste Facilities and enforce the regulations as exist and as may be amended from time to time.
Cameron Hay made motion and seconded.
Recommended by the Finance Com: unanimously (6-0)
Recommended by the Board of Selectmen: unanimously
Cameron Hay spoke to the motion. Several people spoke to the motion.
Motion was made to call for vote and seconded passed unanimously.

PASSED BY MAJORITY VOTE.

Article 46: To see if the Town will vote to accept the provisions of 310 CMR 32.00 Land Application of Sludge and Septage and enforce the regulations as exist and as may be amended from time to time, or to take any other action relative thereto.

MOVE: That the Town accept the provisions of 310 CMR 32.00 Land Application of Sludge and Septage and enforce the regulations as exist and as may be amended from time to time.

Cameron Hay made motion and seconded.
Recommended by the Finance Com: unanimously (6-0)
Recommended by the Board of Selectmen: unanimously
Cameron Hay spoke to motion.
Motion was made to call for vote and seconded passed unanimously.

PASSED BY MAJORITY VOTE.

Article 21: To see if the Town will vote, pursuant to M.G.L. Chapter 44, Section 53E ½ to establish a Revolving Fund to be administered by the Town Administrator’s office in order to utilize monies received by the Town as fees, charges and costs from certain property owners pursuant to an existing Intermunicipal Agreement between the Town and the City of Brockton; which fees, costs and charges are to be collected by the Town from the property owners and to be used to pay to the City of Brockton fees for the utilization of its sewer connection and to reimburse the Town for its expenses pursuant to the said Intermunicipal Sewer Agreement and which shall have as an upper limit an amount of $15,000, or to take any action relative thereto.

MOVE: That the Town vote pursuant to M.G.L. Chapter 44, Section 53E ½ to establish a Revolving Fund to be administered by the Town Administrator’s office in order to utilize monies received by the Town as fees, charges and costs from certain property owners pursuant to an existing Intermunicipal Agreement between the Town and the City of Brockton; which fees, costs and charges are to be collected by the Town from the property owners and to be used to pay to the City of Brockton fees for the utilization of its sewer connection and to reimburse the Town for its expenses pursuant to the said Intermunicipal Sewer Agreement and which shall have as an upper limit of $15,000 unless the expenditure of a greater amount is approved by the Board of Selectmen and the Finance Committee.

Moved by Anthony Kinahan and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anthony Kinahan spoke to motion.

PASSED UNANIMOUSLY

Article 22: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund Other Post Employment Benefits (OPEB) Liability Trust Fund established in accordance with Chapter 32B, Section 20 of the Massachusetts General Laws, or take any other action relative thereto.

MOVE: That the Town to raise and appropriate a sum of $100,000 to fund the Other Post Employment Benefits (OPEB) Liability Trust Fund established in accordance with Chapter 32B, Section 20 of the Massachusetts General Laws.

Moved by John Duggan and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
John Duggan spoke to the motion.

PASSED UNANIMOUSLY

Article 23: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money as the Town’s match for the WEB Task Force Grant in FY2017, or take any action relative thereto.

MOVE: That the Town raise and appropriate the sum of $10,000 as the Town’s match for the WEB Task Force Grant for FY2017.

Moved by Vic Flaherty and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Vic Flaherty spoke to the motion.

PASSED UNANIMOUSLY

Article 24: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Board of Selectmen to equip town-owned vehicles with Global Positioning System (GPS) equipment, or to vote to take any action relative thereto.

MOVE: That the Town transfer from free cash a sum of $25,000 to be expended by the Board of Selectmen to equip town-owned vehicles with Global Position System (GPS) equipment.

Moved by Jerry Lawrence and seconded.
Board of Selectmen recommended by majority (2-1)
Finance Committee recommended by majority (5-2)
Jerry Lawrence spoke to the motion.
Several people spoke to the motion.

MOTION FAILED BY MAJORITY VOTE.

Article 25: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Board of Selectmen to equip town-owned vehicles with hands-free technology to comply with state law banning the use of handheld cell phones, or to take any action relative thereto.

MOVE: That the Town transfer from free cash a sum of $5,000 to be expended by the Board of Selectmen to equip town-owned vehicles with hands-free technology to comply with state law banning the use of handheld cell phones.

Moved by Eldon Moreira and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Eldon Moreira spoke to the motion.

PASSED UNANIMOUSLY

Article 26: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Board of Selectmen to replace the roof at Town Hall, or take any action relative thereto.

MOVE: That the Town transfer from free cash a sum of $66,000 to be expended by the Board of Selectmen to replace the roof at Town Hall.

Moved by Eldon Moreira and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Eldon Moreira spoke to the motion.

PASSED UNANIMOUSLY

Article 27: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Board of Selectmen to renovate the Building Department and adjacent storage closet, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $50,000 to be expended by the Board of Selectmen to renovate the Building Department and adjacent storage closet.

Moved by Anthony Kinahan and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anthony Kinahan spoke to motion.
Neil Conley spoke.

PASSED UNANIMOUSLY
Article 28: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Police Department to purchase portable radios, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $46,000 to be expended by the Police Department to purchase portable radios.

Moved by Vic Flaherty and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Vic Flaherty spoke to the motion.
PASSED UNANIMOUSLY

Article 29: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Forestry Department to purchase a new Wright Stander lawn mower, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $7,000 to be expended by the Forestry Department to purchase a new Wright Stander lawn mower.

Moved by Chris Iannitelli and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Chris Iannitelli spoke to the motion.
PASSED UNANIMOUSLY

Article 30: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Fire Department to replace and install a new repeater and/or portable radios and related equipment, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $80,000 to be expended by the Fire Department to replace and install a new repeater and/or portable radios and related equipment.

Moved by Leonard Hunt and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Leonard Hunt spoke to the motion.
PASSED UNANIMOUSLY

Article 31: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to be expended by the Network Administrator to update wiring and network switches at Town Hall to maintain efficient data transfer, or to take any other action relative thereto.
MOVE: That the Town transfer from free cash a sum of $40,400 to be expended by the Network Administrator to update wiring and network switches at Town Hall.

Moved by Ed Sarro and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Ed Sarro spoke to the motion.
PASSED UNANIMOUSLY

Article 32: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended by the Board of Library Trustees to paint the interior of the library, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $5,800 to be expended by the Board of Library Trustees to paint the interior of the library.

Moved by David Church and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
David Church spoke to the motion.
PASSED UNANIMOUSLY

Article 33: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended by the Board of Library Trustees to create a separate VLAN for private and public subnets for both wireless and wired internet connection, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $8,400 to be expended by the Board of Library Trustees to create a separate VLAN for private and public subnets for both wireless and wired internet connection.

Moved by David Church and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
David Church spoke to the motion.
PASSED UNANIMOUSLY

Article 34: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended by the Town Clerk to purchase two optical scan tabulators to replace the Accuvote machines, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $14,000 to be expended by the Town Clerk to purchase two optical scan tabulators to replace the Accuvote machines.

Moved by Anne Iannitelli and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anne Iannitelli spoke to motion.

PASSED UNANIMOUSLY

Article 35: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended by the Town Clerk to renovate the mail room in Town Hall to provide improved access for early voting services and online payments, or to take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $11,500 to be expended by the Town Clerk to renovate the mail room in Town Hall to provide improved access for early voting services and online payments.

Moved by Anne Iannitelli and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anne Iannitelli spoke to motion.

PASSED UNANIMOUSLY

Article 36: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replace and upgrade the phone system in the Spring Street School, Howard School, Rose L. MacDonald School, Water Department and all other town departments, or take any other action relative thereto.

MOVE: That the Town transfer from free cash a sum of $154,000 to replace and upgrade the phone system in the Spring Street School, Howard School, Rose L. MacDonald School, Water Department and all other town departments.

Moved by Jerry Lawrence and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Jerry Lawrence spoke to motion.
Art Cabral, David Gagne, and Neil Conley spoke.

PASSED UNANIMOUSLY

Article 37: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum to be placed in the Town Stabilization Fund, or to take any action relative thereto.

MOVE: That the Town transfer from free cash a sum of $219,870 or any other sum, to be placed in the Town Stabilization Fund

Moved by Eldon Moreira and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Eldon Moreira spoke to the motion.

PASSED UNANIMOUSLY
Article 38: To see if the Town will vote to transfer a sum from Water Surplus to Article 30 of the June 9, 2014 Annual Town Meeting to purchase water meters and related equipment, or take any action relative thereto.

MOVE: That the Town transfer from Water Surplus a sum of $60,000 to be expended by the Board of Water Commissioners as previously authorized in Article 30 of the June 9, 2014 Annual Town Meeting to purchase water meters and related equipment.

Moved by Hugh Hurley and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Hugh Hurley spoke to the motion.
PASSED UNANIMOUSLY

Article 39: To see if the Town will vote to transfer a sum from Water Surplus to Article 31 of the June 9, 2014 Annual Town Meeting to purchase hydrants and related equipment, or take any action relative thereto.

MOVE: That the Town transfer from Water Surplus a sum of $27,016 to be expended by the Board of Water Commissioners as previously authorized in Article 31 of the June 9, 2014 Annual Town Meeting to purchase hydrants and related equipment.

Moved by Hugh Hurley and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Hugh Hurley spoke to the motion.
PASSED UNANIMOUSLY

Article 40: To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of West Bridgewater have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of West Bridgewater hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.
BE IT THEREFORE RESOLVED that the Town of West Bridgewater hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To authorize the Board of Selectmen to negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further, to take such other action relative hereto as may be appropriate and necessary.

MOVE: That the Town adopt the resolution as printed on the Warrant, publicly declaring its intent to become an aggregator or electric power on behalf of residents and businesses, and authorize the Board of Selectmen to negotiate and enter into contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire.

Moved by Eldon Moreira and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Eldon Moreira spoke to the motion.
Old Colony planning consultant Bernie Lynch spoke.
Neil Conley, Howard Hayward, and Frank Boyd spoke.
PASSED UNANIMOUSLY

Hour 11:05 pm
Motion to continue meeting was made by Jerry Lawrence and seconded.
PASSED BY MAJORITY VOTE

Article 41: That the Town vote to amend the Town's General By-Laws by adding the following new section as proposed:

WEST BRIDGEWATER CONTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW

SECTION 1. PURPOSE AND OBJECTIVES

A. The harmful impacts of soil erosion and sedimentation are:
   1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
   2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat;
4. flooding; and
5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The harmful impacts of increased stormwater runoff are:
   1. damage to public and private property infrastructure;
   2. loss of groundwater recharge;
   3. impairment of surface water quality;
   4. increased flooding of wetlands, streams, rivers, ponds and lakes; and
   5. changes to the public health, public safety and the environment.

C. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development, redevelopment and land uses with potential for increased nonpoint source pollution. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies.

D. The objectives of this bylaw are to:
   1. comply with state and federal statutes and regulations relating to stormwater discharges;
   2. establish the Town of West Bridgewater's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
   3. establish decision-making processes surrounding land development and land use activities that protect the integrity of the watershed and preserve the health of water resources;
   4. require that new development, redevelopment and all land use activity maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
   5. establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
   6. establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land use activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
   7. establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
   8. establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
   9. require the use of nonstructural stormwater management with better site design
practices or “low-impact development practices” such as reducing impervious cover and the preservation of green space and other natural areas to the maximum extent practicable;
10. coordinate new site design plans with existing site plans to utilize natural areas for green space;
11. establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public health and safety;
12. establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;
13. establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans and for the inspection of approved active projects and long-term follow up;
14. establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;
15. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained; and
16. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land sharing a common boundary or corner with the site of the proposed activity in any direction, including the owner(s) of land within 100 feet of the proposed activity and including land located directly across a street, way, creek, river, stream, brook or canal.

ADMINISTRATIVE STORMWATER MANAGEMENT PERMIT (ASMP): A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aqua-cultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTER: Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

APPLICANT: Any person, individual, partnership, association, firm, company, corporation,
trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal Government to the extent permitted by law, requesting a Stormwater Management and Soil Erosion Control Permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Stormwater Authority, its employees or agents designated to enforce this by-law.

BETTER SITE DESIGN PRACTICES: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BIOSOLIDS: Wastewater Septic Treatment Plant sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. Biosolids are further defined in EPA’s "Regulations for the Use and Disposal of Sludge" (40 CFR 503), MA DEP’s 310 CMR 32.00: Land Application Of Sludge And Septage and MDAR’s 330 CMR 31.00: Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A specialist in soil erosion and sediment control who has been certified by a recognized Erosion and Control organization approved by the Stormwater Authority; or who is qualified by demonstrated acceptable evidence of erosion and sediment control education, experience, expertise and continuing professional development courses satisfactory to the Stormwater Authority.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

WEST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW: Also known and referred as the Stormwater Management Bylaw.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil
particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

EPA: United States Environmental Protection Agency.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT PRACTICES: is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

MDAR: Massachusetts Department of Agricultural Resources.

MA DEP: Massachusetts Department of Environmental Protection.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT REGULATIONS: The Stormwater Regulations issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Stormwater Regulations address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping
facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town Of West Bridgewater.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is residential commercial, industrial, institutional, or multi-family residential.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER AUTHORITY: The Town of West Bridgewater Conservation Commission OR its authorized agent(s) who will administer, implement and enforce this bylaw. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

STORMWATER MANAGEMENT BYLAW: Also known and referred as the West Bridgewater Construction Phase Stormwater Management And Soil Erosion Control Bylaw.

STORMWATER MANAGEMENT PERMIT: A permit issued by the Stormwater Authority under this Bylaw.

STORMWATER UTILITY: A special assessment district set up to generate funding specifically for stormwater management. Users within the district pay a stormwater fee, and the revenue thus generated directly supports maintenance and upgrade of existing storm drain systems; development of drainage plans, flood control measures, and water-quality programs; administrative costs; and sometimes construction of major capital improvements.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

VIOLATION: A failure by any person, individual, partnership, association, firm, company, corporation, or trust to comply with an order issued by the Stormwater Authority or an agent of said Authority.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40

SECTION 3. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the
Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34

SECTION 4. APPLICABILITY

No person shall alter land within the Town of West Bridgewater without having obtained a Stormwater Management Permit for the property. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, Special Permit applications, or any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.B) of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit.

Nothing in this Bylaw is intended to replace the requirements of any other Commonwealth of Massachusetts Statute, Code of MA Regulations, West Bridgewater Bylaw or West Bridgewater Regulation that has been or may be adopted by the Town of West Bridgewater. Any activity subject to the provisions of existing or future Commonwealth of Massachusetts Statute, Code of MA Regulations, West Bridgewater Bylaws or West Bridgewater Regulations must comply with the specifications of each in addition to the requirements of this Bylaw.

This bylaw shall apply to all activities that result in land disturbance of more than 5,000 square feet of land that drains to the municipal separate storm sewer system or wetland areas subject to protection under M.G.L. c. 131, § 40. Normal maintenance and improvement of land in agricultural, forestry or aqua-cultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. Land application of any type of biosolids on land in agriculture is not exempt under this by-law unless the person applying the biosolids provides the Stormwater Authority with proof that such use is in compliance with all EPA, MA DEP and MDAR regulations and permits.

SECTION 5. ADMINISTRATION

A. Administrative Authority
The West Bridgewater Conservation Commission, hereinafter referred to as the Stormwater Authority, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

B. Waiver
The Stormwater Authority may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
   1. such action is allowed by federal, state and local statutes and/or regulations,
   2. is in the public interest, and
   3. is not inconsistent with the purpose and intent of this by-law.

C. Rules and Regulations
The Stormwater Authority may adopt, and periodically amend rules and regulations to
effectuate the purposes of this by-law relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be posted on the Stormwater Authority's website and advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, Stormwater Authority may promulgate rules and regulations. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

D. Stormwater Management Manual
The Stormwater Authority will utilize the criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Regulation and/or an approved West Bridgewater equivalent, for execution of the provisions of this Bylaw. This manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Stormwater Management Manual and Regulations may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Administrative Stormwater Management Permit
The Stormwater Authority shall have the authority to develop an Administrative Stormwater Management Permit (ASMP) for small, minimal impact specific types of projects, such as, without limitation, construction of a deck, porch, patio, retaining wall, existing driveway expansion, landscaping expansion, shed, swimming pool, tennis or basketball court and septic system repair. Any such Administrative Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

F. General Stormwater Management Permit
The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for larger substantial impact types of specific projects, such as, without limitation, construction of a new parking lot, expansion of an existing parking lot, residential buildings, municipal buildings, commercial buildings, industrial buildings, access roads, subdivision roads, solar arrays, and construction or repair of any nonresidential septic system. Any such General Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

G. Stormwater Utility
The Stormwater Authority may adopt, through the Regulations authorized by this Stormwater Management Bylaw, a Stormwater Utility pursuant to M.G.L. Chapter 83 Section 16. Any such Stormwater Utility requirements shall be further defined and included as part of any
Stormwater Regulations promulgated as a result of this Bylaw. The Stormwater Authority shall administer, implement and enforce this Utility. Failure by the Stormwater Authority to promulgate such a Stormwater Utility through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 6. PERMITS AND PROCEDURE

A. Application
A completed application for a Stormwater Management Permit shall be filed with the Stormwater Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of 5,000 S.F. or more and where the land application of biosolids is proposed. The Stormwater Management Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors' Office;
3. required number of copies of documents including but not limited to the Stormwater Management Report, the Pre-Development and Post-Development Stormwater Calculations, the Pre-Development and Post-Development Construction Stormwater Operation and Maintenance Plan and a separate plan showing the Erosion and Sediment Control Plan as specified in Section 7. of this bylaw or other documents that may be specified in any Stormwater Regulations promulgated as a result of this Bylaw; and

4. payment of the application and review fees as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

B. Entry
Filing an application for a permit grants the Stormwater Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards
The Stormwater Authority shall give one copy of the application package to the Planning Board, the Board of Health and the Department of Public Works.

D. Public Hearing
The Stormwater Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by the Stormwater Authority by posting a public hearing notice on the Stormwater Authority's Website, by posting the public hearing notice with the Town Clerk and by the applicant sending a public hearing notice by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the West Bridgewater Conservation Commission office.
E. Information requests
The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.

F. Action by Stormwater Authority
The Stormwater Authority may:
1. approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Stormwater Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
3. disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of Stormwater Authority to take final action
Failure of the Stormwater Authority to take final action upon an application within the time specified above, unless such time has been extended by mutual agreement by the Stormwater Authority and the applicant, shall be deemed to be approval of said application. Upon expiration of the time period for taking final action as specified above, with granted extension(s), if any, the Stormwater Management Permit shall be issued by the Stormwater Authority.

H. Fee Structure
Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority as specified in any Stormwater Regulations promulgated as a result of this Bylaw. Applicants shall pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Stormwater Authority on any or all aspects of the Application. Costs of the engineer or the consultant will be the responsibility of the applicant.

I. Project Changes
The permittee, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.
SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are to:
   1. minimize total area of disturbance;
   2. sequence activities to minimize simultaneous areas of disturbance;
   3. minimize peak rate of runoff in accordance with the Massachusetts Stormwater Regulations;
   4. minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
   5. divert uncontaminated water around disturbed areas;
   6. maximize groundwater recharge;
   7. install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer’s specifications and good engineering practices;
   8. prevent off-site transport of sediment;
   9. protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
   10. comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
   11. prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
   12. institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
   13. properly manage on-site construction and waste materials; and
   14. prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content
The plan shall contain the following information:
   1. names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
   2. name of CPESC in charge of the Erosion and Sedimentation Control plan with 24 hour contact information
   3. title, date, north arrow, names of abutters, scale, legend, and locus map;
   4. location and description of natural features including:
      (a) Watercourses and water bodies, wetland resource areas and all floodplain
information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
(b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
(c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
5. lines of existing abutting streets showing drainage and driveway locations and curb cuts;
6. existing soils, volume and nature of imported soil materials;
7. topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
8. surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
9. drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
10. location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
11. path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
12. location and description of industrial discharges, including stormwater discharges;
13. stormwater runoff calculations in accordance with the MA Department of Environmental Protection’s Stormwater Management Regulation;
14. location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
15. a description of construction and waste materials expected to be stored on-site. The plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
16. a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
17. plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sediment Control; and
18. such other information as is required by the Stormwater Authority; and any other requirements as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 8. INSPECTION AND SITE SUPERVISION
A. Pre-construction Meeting
Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant’s technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the West Bridgewater Conservation Commission, to review the permitted plans and their implementation.

B. Stormwater Authority Inspection
The Stormwater Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Stormwater Authority at least two (2) working days before each of the following events:
1. Erosion and sediment control measures are in place and stabilized;
2. site clearing has been substantially completed;
3. rough grading has been substantially completed;
4. final grading has been substantially completed;
5. close of the construction season; and
6. final landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections
The permittee's Certified Professional In Erosion And Sediment Control (CPESC) or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the West Bridgewater Conservation Commission or designated agent in a format approved by the Stormwater Authority.

D. Access Permission
To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY
The Stormwater Authority may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until
the Stormwater Authority has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS
Upon completion of the work, the permittee shall submit a report (including certified as built construction plans) from a Professional Engineer (P.E.), surveyor, and Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter and the as-built construction plans.

SECTION 11. ENFORCEMENT

A. The Stormwater Authority or its authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. Stormwater Authority or an authorized agent may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include:
   (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit;
   (b) maintenance, installation or performance of additional erosion and sediment control measures;
   (c) monitoring, analyses, and reporting;
   (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town Of West Bridgewater through the Stormwater Authority may, at its option, undertake such work, and the property owner shall reimburse the Stormwater Authority expenses.

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Stormwater Authority, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner’s property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as
provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Criminal Complaint and Penalty
Any person who violates any provision of this by-law, regulation, order or permit issued there under, may be penalized by indictment or criminal complaint brought in the Brockton District Court. The penalty shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition
As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and enabling Bylaw of the Town of West Bridgewater, in which case the Stormwater Authority or an agent of the Stormwater Authority shall be the enforcing person under this bylaw. The penalty for the 1st violation shall be a Written Warning specifying the violation and required corrective action. The penalty for the 2nd violation shall be a fine of $150.00. The penalty for the 3rd and subsequent violations shall be a fine of $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The fines issued by the Stormwater Authority under Section 11.D. of this Bylaw shall be final. Further relief of a fine under Section 11.D. of this Bylaw shall be reviewable in the Brockton District Court and if said action was filed within 21 days thereof, in accordance with M.G.L. Ch. 40, §21D.

E. Appeals
The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this Bylaw shall be reviewable in the Superior Court of the applicable jurisdiction and if said action was filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

F. Remedies Not Exclusive
The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. EFFECTIVE DATE
This Bylaw shall take effect 30 days after approval of the 2016 Annual Town Meeting Articles by the Attorney General.

MOVE: That the Town amend the General By Laws by adding a new section entitled "WEST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW as printed on the Warrant.

Tim Hay made motion and seconded. 
Finance Committee recommended by majority to refer to voters (7-0) 
Recommended by the Board of Selectmen: unanimously
Tim Hay spoke to motion. 
Amendment was made to the motion by Tim Hay.
Move to amend Article 41 as written by adding:

Section 13. Severability
The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Moved by Tim Hay and seconded.
AMENDMENT PASSED UNANIMOUSLY.
ORIGINAL MOTION WITH AMENDMENT PASSED UNANIMOUSLY.

Article 42: That the Town vote to amend the Town's General By-Laws by striking out Article 35 in its entirety and replacing it with the following new language as proposed:

WEST BRIDGEWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

Sec. 1 PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of West Bridgewater’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this bylaw are to:

1. Prevent pollutants from entering the Town of West Bridgewater’s municipal separate storm sewer system (MS4);
2. Prohibit illicit connections and unauthorized discharges to the MS4;
3. Require the removal of all such illicit connections;
4. Comply with state and federal statutes and regulations relating to stormwater discharges;
5. Establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement; and
6. Establish the legal authority to prevent pollutants from entering the Town’s MS4 through regulation adopted by the Conservation Commission.

Sec. 2 DEFINITIONS

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Town of West Bridgewater Conservation Commission (Commission), its employees or agents designated to enforce this bylaw.
BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.


DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLEGIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLEGIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 8, of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designated or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of West Bridgewater; which is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency (EPA) or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.
PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: As defined in 40 CFR 122.2 and any element or property of sewage, agricultural, industrial or commercial waste, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) pesticides, herbicides, and fertilizers;

(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;

(7) dissolved and particulate metals;

(8) animal wastes;

(9) rock, sand, salt, soils unless applied for the purpose of public safety during winter conditions;

(10) construction wastes and residues; and

(11) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.
TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE UNITED STATES: As defined under the Clean Water Act.
(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(2) All interstate waters, including interstate wetlands;
(3) The territorial seas;
(4) All impoundments of waters identified in paragraphs (s)(1) through (3) and (5) of this section;
(5) All tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
(6) All waters, including wetlands, adjacent to a water identified in paragraphs (s)(1) through (5) of this section; and
(7) On a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a water identified in paragraphs (s)(1) through (3) of this section.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Sec. 3  APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

Sec. 4  AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.
Sec. 5 RESPONSIBILITY FOR ADMINISTRATION

The Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to employees or agents of the Commission.

Sec. 6 REGULATIONS

The Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

Sec. 7 PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Commission.

Sec. 8 EXEMPTIONS

The following non-stormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Discharge or flow resulting from fire fighting activities.
2. Waterline flushing;
3. Flow from potable water sources;
4. Springs;
5. Natural flow from riparian habitats and wetlands;
6. Diverted stream flow;
7. Rising groundwater;
8. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
9. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
10. Discharge from landscape irrigation or lawn watering;
11. Water from individual residential car washing;
12. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
13. Discharge from street sweeping;
14. Dye testing, provided verbal notification is given to the Commission prior to the time of the test;
15. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
16. Discharge for which advanced written approval is received from the Commission as necessary to protect public health, safety, welfare or the environment.

Sec. 9  EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Commission may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Sec. 10  NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 11  ENFORCEMENT

The Commission or an authorized agent of the Commission shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. the Commission or an authorized agent of the Commission may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of West Bridgewater may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of West Bridgewater including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner’s property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, Section 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Commission may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The penalty for the 1st violation shall be $50.00. The penalty for the 2nd violation shall be $150.00. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonably necessary.

Appeals. The decisions or orders of the Commission shall be final. Further relief shall be to a court of competent jurisdiction.
Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Sec. 12 SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Sec. 13 TRANSITIONAL PROVISIONS

Property owners shall have 30 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

**MOVE:** That the Town amend the General By-Laws by striking out Article 35 entitled "ILlicit DISCHARGE DETECTION AND ELIMINATION BY LAW" in its entirety and replacing it with new language under the heading "WEST BRIDGEWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM" as printed on the Warrant.

Tim Hay made motion and seconded.
Finance Committee recommended by majority to refer to voters (7-0)
Recommended by the Board of Selectmen: unanimously
Tim Hay spoke to motion.
**PASSED UNANIMOUSLY.**

Article 43: To see if the Town will vote to adopt Massachusetts General Laws Chapter 41, Section 110A, to authorize the Town Clerk's office to remain closed on Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing and other matters relating to the Town Clerk services, or take any other action relative thereto.

**MOVE:** That the Town accept Massachusetts General Laws chapter 41, Section 110A, to authorize the Town Clerk's office to remain closed on Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing and other matters relating to the Town Clerk services.

Moved by Anne Iannitelli and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anne Iannitelli spoke to motion.
**PASSED UNANIMOUSLY**
Article 44: To accept MGL Chapter 44, Section 53F 3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, or take any other action relative thereto.

MOVE: That the Town accept General Laws Chapter 44, Section 53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016.

Moved by Anthony Kinahan and seconded.
Recommended by the Finance Com: unanimously (7-0)
Recommended by the Board of Selectmen: unanimously
Anthony Kinahan spoke to motion.
PASSED UNANIMOUSLY

Motion was made to dissolved and seconded.
PASSED UNANIMOUSLY
MEETING WAS DISSOLVED AT 11:15PM

A true copy, Attest: Anne G. Iannitelli, Town Clerk