



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, December 3, 2019

CALL TO ORDER:

A quorum being duly present, Town Council President Dennis Gallagher called the meeting of the Bridgewater Town Council to order at 7:30 pm, on December 3, 2019 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Fred Chase, William Wood, Shawn George, Dennis Gallagher, Matthew Rushton, Aisha Losche (arriving at 7:33 p.m.), and Peter Colombotos. Town Manager Michael Dutton and Town Attorney Jason Rawlins were also present.

ABSENT:

Councilor Francis Sousa
Councilor Timothy Fitzgibbons

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

A moment of silence was held for all veterans who have passed.

President Gallagher announced the meeting was being aired live and recorded.

APPROVAL OF MINUTES

- November 19, 2019

Motion: A motion to approve was made by Councilor Chase. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed 6-0.

ANNOUNCEMENTS FROM THE PRESIDENT

PROCLAMATIONS

CITIZENS OPEN FORUM

- Harry Baily, 302 Pleasant Street: Mr. Baily is here in support of item G: License Transactions. He is also here in support of item L: (a) CPC funding for Broad Street project.

APPOINTMENTS

- Library Director – Jed T. Phillips

Mr. Dutton spoke on behalf of Mr. Phillips and encouraged ratification of the appointment.

Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed 7-0.

- Historic District Commission – *Judith Gabriel (Reappointment)*

Mr. Dutton briefly noted this is a reappointment and encouraged Ms. Gabriel's reappointment.

Councilor Colombotos asked if there are required professions for the Historic District Commission? Mr. Dutton responded; he believes there's a desire to have an architect. Councilor Colombotos encouraged the effort to find someone within that profession.

Motion: A motion to approve was made by Councilor George. The motion was seconded by Councilor Chase.

Discussion: None

A voice vote was taken, and the motion passed 7-0.

HEARINGS -

- **7:35 p.m.:** O-FY20-019: Laying Out and Accepting a Private Way - Colonial Drive

**7:37 p.m. Councilor Rushton and Town Attorney Rawlins recused themselves and left the room.*

President Gallagher opened the hearing at 7:37p.m.

President Gallagher pointed out Mr. Rushton left the room. He has recused himself as an abutter.



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President Gallagher asked if the petitioner was here. No petitioner was present, therefore President Gallagher asked Mr. Dutton if he would like to speak on the matter. Mr. Dutton recapped; originally the committees voted not to recommend as there were items incomplete. The items have been taken care of to the satisfaction to the respective department heads. There are now no objections.

President Gallagher invited any questions from the public – None came forward.

President Gallagher asked if there was anyone speaking in favor – None came forward.

President Gallagher asked if there was anyone speaking in opposition – None came forward.

At President Gallagher's request, Mr. Dutton outlined the options before the Council stating there is no reason not to proceed. The Council can opt to postpone or close the hearing and defer the vote.

President Gallagher entertained any questions from councilors:

- Councilor Wood referenced the updated email from the Town Engineer and expressed concern about the process in bringing these items before the Council. He asked if the Planning Board can continue their discussion if there are outstanding issues as he the negative disposition can look confusing to the public. Mr. Dutton responded; we have been changing the process based on recommendation from our Town Attorney. He will suggest we incorporate some type of process where the Planning Board isn't giving negative feedback to meet a deadline (i.e., possibly accept pending certain conditions being met). Councilor Colombotos noted; the Community & Economic Development Committee was generally in favor except for the recommendation of the Town Engineer. He suggested going forward there could be a notation that it could be a conditional recommendation.

President Gallagher closed the hearing at 7:46 p.m.

Motion: A motion to find that the laying out is required by common convenience and necessity was made by Councilor Chase. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed 6-0.

Motion: A motion to approve laying out the way was made by Councilor Wood. The motion was seconded by Councilor Chase.

Discussion: None

A roll call vote was taken with results recorded as follows:

Sousa – ABSENT; Chase – YEA; Wood – YEA; George – YEA; Gallagher – YEA; Rushton – RECUSED; Losche – YEA; Colombotos – YEA; Fitzgibbons – ABSENT. The motion passed 6-0.

**7:50 p.m., Councilor Rushton and Town Attorney Rawlins returned to the meeting.*

LICENSE TRANSACTIONS

- Petition P-2019-028: New Common Victualler's License – Bridgewater Brunch Inc., dba Summer Street Café, 10 Summer Street

Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: Councilor Wood appreciates there is a new business going into his district. Now we have to figure out the shared parking model for downtown.

A voice vote was taken, and the motion passed 7-0.

PRESENTATIONS

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included:

- Mitchell School Update (Standing Item)
Reminded all that School Building Committee meets on the 2nd and 4th Monday of the month here in Council Chambers. President Gallagher asked if the committee was a full compliment. Mr. Dutton responded; there is no set number of members, but he had just appointed three new members. If there were a councilor who would like



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to sit on the committee, he'd be happy to forward that along. President Gallagher would like to see a councilor step forward.

- New Education Funding Law (Councilor Fitzgibbons)

Mr. Dutton clarified; there seems to be some misinformation out there that there is going to be a lot of money moving into the district. The objective is to close the "impediment gaps" and make some policy changes to how school funding operates. Calls for an additional \$1.5 billion in spending over the next seven years. Though there is no funding associated with the bill. The law will address four areas: special education, employee health insurance, educational programs for low income students and educational programs for English as a second language learners. For Chapter 70 funding it establishes a \$30/per student floor for minimum aide increase. The impact will vary from district to district. The new law is essentially a policy statement. The challenge will be in funding the first year and for all districts to generate a plan to identify gaps.

- Broad Street Update

No update since last report. President Gallagher asked if there is any way we can request they remove the graffiti from the building.

- Update on DOT Discussion re: Engine Braking Restrictions

Mr. Dutton had a discussion with Mass DOT. They do not restrict the use of engine brakes on state roadways because engine brakes are now a required safety function on newer commercial vehicles. Therefore, any local ordinances restricting the use would not be enforceable by the police.

Local law or ordinance would not be enforceable. Jake brakes are a required safety feature. We could install the signs as an indication that we don't want the jake-brakes used in certain areas, but it would not be enforceable. Councilor Chase would like to look at other alternatives to curb that intrusion. Mr. Dutton suggested; one of the things we can do is reach out to the local trucking companies and ask them to ask their employees and subcontractors to ease up. We have a good relationship with them. Councilor Colombotos suggested perhaps enforcing the speed limit would reduce the need to use them.

- High Street Dam & Bridge Replacement

This is a possible state project spearheaded by the State Department of Environmental Restoration in conjunction with the Nature Conservancy. Mr. Dutton realized the only permitting would be with the Conservation Commission. He feels it deserves more public airing, therefore has asked Nature Conservancy and DER to hold a public forum. Mr. Dutton provided a brief explanation on how this potential project began.

- Items for Next Meeting

- Councilor Wood requested an update on limited resources for snow removal

DISCUSSIONS

SUBCOMMITTEE REPORTS:

- Budget & Finance: Committee Chair Wood stated the committee met this evening and recommend all items included under Legislation for Action.
- Rules & Procedures: Committee Chair Wood explained the committee met 11/26/19 and wrapped up proposed amendments for Council Rules which will come up later in the agenda.
- Strategic Planning: Committee Chair Losche advised the committee met yesterday and reviewed suggestions received from councilors on the Town Manager's review process. They will be getting the template out to you.

LEGISLATION FOR ACTION

- Order O-FY20-029: Transfer Order - CPC Funding for Broad Street Property Purchase

Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: Councilor Wood recapped the history of this project which started about six years ago. It's five acres of wooded property that leads into Styles and Hart and briefly spoke about access points. Councilor Wood noted; this is why we need a Park Steward to maintain the grounds. Hopes the council will support this. Councilor George confirmed with Mr. Dutton the cost to the Town is \$149,000. Councilor Colombotos asked Mr. Dutton how assured we are of receiving state funding. Mr. Dutton responded; once this is voted he can sign the contract. A roll call vote was taken with results recorded as follows:



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Fitzgibbons – ABSENT; Colombotos – YEA; Losche – YEA; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - ABSENT. The motion passed 7-0.

- Order O-FY20-033: Acceptance of a Gift - Bridgewater Savings Bank

Motion: A motion to approve was made by Councilor Chase. The motion was seconded by Councilor Losche.

Discussion: Councilor George asked Mr. Dutton if \$2,500 is enough for the mailbox/dropbox. Mr. Dutton confirmed it was.

A roll call vote was taken with results recorded as follows:

Sousa – ABSENT; Chase – YEA; Wood – YEA; George – YEA; Gallagher – ABSTAIN; Rushton – YEA; Losche – YEA; Colombotos - YEA; Fitzgibbons - ABSENT. The motion passed 6-0-1.

- Order O-FY20-034: Transfer Order - Collective Bargaining Agreement Obligation - United Steelworkers

**8:23 Councilor Rushton recused himself and left the room.*

It was noted that the Budget & Finance Committee voted in favor of this item.

Motion: A motion to approve was made by Councilor George. The motion was seconded by Councilor Losche.

Discussion: Councilor Wood noted the Finance Director explained the numbers and it was all in order.

A roll call vote was taken with results recorded as follows:

Fitzgibbons – ABSENT; Colombotos – YEA; Losche – YEA; Rushton – RECUSED; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - ABSENT. The motion passed 6-0.

- Order O-FY20-035: Transfer Order - Collective Bargaining Agreement Obligation -Bridgewater Firefighters Association

Motion: A motion to approve was made by Councilor Losche. The motion was seconded by Councilor George.

Discussion: None

A roll call vote was taken with results recorded as follows:

Sousa – ABSENT; Chase – YEA; Wood – YEA; George – YEA; Gallagher – YEA; Rushton – RECUSED; Losche – YEA; Colombotos - YEA; Fitzgibbons - ABSENT. The motion passed 6-0.

**8:25 Councilor Rushton returned to the meeting.*

- Order O-FY20-036: Transfer Order - Collective Bargaining Agreement Obligation - Bridgewater Administrators Association

President Gallagher read the dispositions.

Motion: A motion to approve was made by Councilor George. The motion was seconded by Councilor Wood.

Discussion: Councilor Wood asked Mr. Dutton to explain the funding source Overlay Surplus. Mr. Dutton explained; it's money that's set aside outside of the yearly budget process to fund abatements or tax title properties. Once the year has passed and the outstanding monies due us have been resolved, overlay becomes surplus. The assessors release the overlay and it's available to spend.

A roll call vote was taken with results recorded as follows:

Fitzgibbons – ABSENT; Colombotos – YEA; Losche – YEA; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - ABSENT. The motion passed 7-0.

OLD BUSINESS

- Ordinance D-FY19-007: Creation of a "Review Committee"

Motion: A motion to table was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: Councilor Wood explained; Rules and Procedures met and voted on amendments to the Rules and Procedures document. This is included it as standing committee as part of the amendments.

A voice vote was taken, and the motion passed 7-0.

NEW BUSINESS

- Ordinance D-FY20-003: General Ordinance – Town Council Adoption of Amendments to Rules and Procedures Document



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Councilor Wood explained; the rules have been in committee for quite a while now and have gone through several edits. The committee did the final recommendation last week. If we adopt amendments tonight, we can send the amended document to advertise as amended. There is no need to send back to committee.

Motion: A motion to adopt amendments was made by Councilor Losche. The motion was seconded by Councilor Wood.

Discussion: None

A voice vote was taken, and the motion passed unanimously.

Motion: A motion to send to advertising was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed unanimously.

- Order O-FY20-038: Contract Ratification - AFSCME

Motion: A motion to refer to Budget & Finance and Finance Committee was made by Councilor Gallagher. The motion was seconded by Councilor George.

A voice vote was taken, and the motion passed 7-0.

- Order O-FY20-039: Contract Ratification - Library

Motion: A motion to refer to Budget & Finance and Finance Committee was made by Councilor Gallagher. The motion was seconded by Councilor George.

A voice vote was taken, and the motion passed 7-0.

- Order O-FY20-040: Transfer Order - Funding of AFSCME Contractual Settlement

Motion: A motion to refer to Budget & Finance and Finance Committee was made by Councilor Gallagher. The motion was seconded by Councilor George.

A voice vote was taken, and the motion passed 7-0.

- Order O-FY20-041: Transfer Order - Funding of Library Contractual Settlement

Motion: A motion to refer to Budget & Finance and Finance Committee was made by Councilor Gallagher. The motion was seconded by Councilor George.

A voice vote was taken, and the motion passed 7-0.

- Order O-FY20-042: Transfer Order - Funding of Non-Union

Motion: A motion to refer to Budget & Finance and Finance Committee was made by Councilor Gallagher. The motion was seconded by Councilor George.

A voice vote was taken, and the motion passed 7-0.

- Order O-FY20-043: Construction Vehicle Restriction on Wally Kreuger Way

Motion: A motion to refer to Public Safety was made by Councilor Wood. The motion was seconded by Councilor George.

Discussion: Councilor George understands the rationale behind this and asked if the Planning Board needs to take this into consideration? Can we make this decision? Attorney Rawlins suggested moving this item to another meeting so he could review more thoroughly. Mr. Dutton explained; he reached out and the project manager indicated he was already contemplating adding language to that effect to the contract. Attorney Rawlins revisited the previous question stating, as long as the order is adopted prior to Planning Board making their determinations, it will not be considered impeding. Discussion continued as several councilors expressed concern over the restriction and possible other consequences. Councilor Wood explained the thinking behind drafting the order was over concern for the Senior Center activities. Finally, Councilor Rushton stated he understands Councilor Wood's issue and feels the Public Safety committee can get all interested parties in a room.

A voice vote was taken, and the motion passed 6-1 (Councilor Losche in the dissent).

CITIZEN COMMENTS

- Harry Bailey: Thanked the Council for approving the Common Victualler's license. He also thanked everyone for all the work that went into Styles and Hart. Mr. Bailey then spoke about jake-brakes stating; if the trucks are doing speed limit, there's no need to hit the jake-brake. Nobody does speed limit past his home.



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COUNCIL COMMENTS

- Councilor Fitzgibbons: Absent
- Councilor Colombotos: Nothing
- Councilor Losche: Thanked everyone for Christmas on the Common and the parade.
- Councilor Rushton: None
- Councilor George: Thanked everyone who put together Christmas on the Common.
- Councilor Wood: Thought the band sounded great and the vendors were great. He encouraged all to support the local businesses.
- Councilor Chase: Hopes everyone fared well during snow storm. He witnessed a lot of neighbors helping neighbors and thanked his own neighbor for the help.
- Councilor Sousa: Absent
- Councilor Gallagher: Thanked those who put together Christmas on the Common. Thanked the Town Manager and staff for the decorations on Academy Building. Mr. Gallagher attended the recent Parkland meeting. There are a lot of interesting ideas.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor George. The motion was seconded by Councilor Losche. A voice vote was taken, and the motion passed 7-0.

The meeting adjourned at 8:49 p.m.
Minutes submitted by: Ann Holmberg

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, December 17, 2019, to approve the aforementioned minutes, as submitted by a voice vote (6-0-2) Councilors Sousa and Fitzgibbons abstained, Councilor Colombotos not present).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk