



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, December 5, 2017

CALL TO ORDER:

A quorum being duly present, Town Council President Timothy Fitzgibbons called the meeting of the Bridgewater Town Council to order at 7:30 pm, on December 5, 2017 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Aisha Losche, William Wood, Kevin Perry, Edward Haley, Timothy Fitzgibbons, Francis Sousa (participating remotely), Dennis Gallagher, Peter Colombotos (arriving at 7:38 p.m.), and Shawn George. Town Manager Michael Dutton and Town Attorney Jason Rawlins were also present.

ABSENT: *No Councilors were absent.*

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

A moment of silence was held for all veterans who have passed since the last meeting.

ANNOUNCEMENTS FROM THE PRESIDENT

- President Fitzgibbons announced that Councilor Sousa could not be present for the meeting, but requested remote participation per Order O-016-028. Mr. Fitzgibbons read the requirements for approval of remote participation. President Fitzgibbons then issued his finding that Mr. meets the required criteria and he has been approved to participate remotely. President Fitzgibbons noted to the Council Clerk and Town Manager the need to ensure Mr. Sousa had access to hear and be heard as well as access to all meeting materials. He further noted all votes must be taken by roll call.
- President Fitzgibbons also reminded all that the meeting is being recorded and televised by BTV.
- President Fitzgibbons announced the joint meeting with Town Council, Finance Committee, School Committee Chair, Town Manager is being scheduled for Tuesday, January 9, 2018.

APPROVAL OF MINUTES –

- November 21, 2017

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

Discussion: None

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – Not Present; George – YEA. The motion passed 8-0.

PROCLAMATIONS - None

CITIZENS OPEN FORUM –

- William Scannell, 60 Stoneybrook Drive: Attorney Scannell read a portion of letter he sent to the Town Attorney into the record (letter attached to minutes). Attorney Scannell stated he writes this letter as a concerned citizen, a member of Bridgewater Cares and as the attorney for Bridgewater Cares. The allotted three minute speaking time elapsed, therefore Mr. Scannell was unable to complete the reading of the letter.
- Pat Neary, Lakeside Drive: Ms. Neary thanked the Town Council for agreeing that a Marijuana ban is good for the community. Ms. Neary encouraged the Council to move forward without the amended language.
- Taylor Sullivan, Norlan Park: Thanked the Town Council for their hard work. Ms. Sullivan feels the amendment (to the Marijuana Ban Ordinance) is not legal. She called the Attorney General's office, and they confirmed it's not legal. Ms. Sullivan asked that the Town Council makes the right decision. Finally, Ms. Sullivan reminded the Town Council that the Town voted no on question 4, which includes cultivation.
- Evan Maras, 80 Ledgewood Drive: Mr. Maras finished reading the remainder of Attorney Scannell's letter (letter attached to minutes).



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- Janet Hanson, Pleasant Street: Mrs. Hanson asked why the Council felt the need to include the amendment to the ban. She also asked how the state looks at it. Mrs. Hanson feels the town could have gotten by just fine without the amendment and wants an explanation as to why the amendment is needed. Finally, Mrs. Hansen noted her opinion that it seemed as though it was done behind the scenes.
- Dr. Fred Kern, 77 South Street: Dr. Kern expressed appreciation for the work done. He reminded the Council of the numerous people who have come forward to speak for the ban. He also reminded the Council of the poignant testimony brought to the meetings.
- Matt Putnam, Pleasant Street: Mr. Putnam asked the Council to remove the cultivation amendment. He expressed his opinion that it appears to be illegal and won't do anything good for the town.
- Amy Sumner, Old Cedar Village: Ms. Sumner supports previous comments. She was very surprised by the amendment. Ms. Sumner expressed her opinion that it doesn't seem to be a legal amendment and has spoken with an attorney at the State House who agreed. She reminded the Council they were elected by the citizens. The citizens who voted against marijuana.
- Town Manager, Michael Dutton addressed the Council stating it is the Town Manager's job to respond to Councilors and at no time has the Town Manager advocated or endorsed any amendment on this issue at all.

**7:59 p.m. President Fitzgibbons called a recess in response to an outburst by some citizens in attendance protesting Brendon Pollock's request to speak.*

**8:00 p.m. President Fitzgibbons called the meeting back to order.*

Motion: A motion was made by Councilor George to allow Mr. Pollock to speak as a business owner in town. The motion was seconded by Councilor Wood.

Discussion: Councilors George and Wood both acknowledged that Mr. Pollock is a business owner in town and should be allowed to speak.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche – YEA. The motion passed 9-0.

- Brandon Pollock – Mr. Pollock referenced the letter read by Attorney Scannell stating it insinuates their company would violate a regulation or state law to sell recreational cannabis without proper permitting or licensing. Mr. Pollock stated that is completely untrue and they would never act in violation of state law. He doesn't know where those comments are coming from.

APPOINTMENTS

HEARINGS -

- Order O-FY18-010: FY2018 Classification Tax Allocation – Adoption of Residential Factor
President Fitzgibbons opened the hearing at 8:03 p.m.
Shelley McAuley, Chief Assessor explained the financials which support the recommended residential factor of "1" and explained the Town's role.
President Fitzgibbons invited any questions from the public – None came forward.
President Fitzgibbons asked if there was anyone speaking in favor – None came forward.
President Fitzgibbons asked if there was anyone speaking in opposition – None came forward.
President Fitzgibbons entertained any questions from councilors:
 - Councilor Wood asked if the town is almost forced to have a rate of "1" because our business base is so small. Ms. McAuley responded; yes and explained the town is at 89% residential now.



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- President Fitzgibbons pointed out other town's tax rates and noted they have a more diverse commercial base. He then asked what the average tax bill would be. Ms. McAuley responded; the average residential tax bill would be \$5,508 which is an increase of \$217. The average commercial tax bill would be \$9,978 which is an increase of \$102.

President Fitzgibbons closed the hearing at 8:13 p.m.

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

Discussion: Councilor Wood noted the Budget & Finance Committee recommended approval 3-0.

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed unanimously.

Motion: A motion was made by Councilor Wood to authorize the Assessor to sign on the Council's behalf the LA-5 Tax Recap. The motion was seconded by Councilor Haley.

Discussion: None

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Skips:

President Fitzgibbons opened the license violation hearing at 8:14 p.m.

President Fitzgibbons read the pertinent parts of the notification letter to Skips Liquors.

President Fitzgibbons asked the licensee to approach the podium and explain their violations:

- Attorney Robert Pellegrini came forward explaining he is the Attorney for Skips. Attorney Pellegrini walked through the timeline from the purchase of Skips until today, noting the various issues which have arisen during that time.
- Yogi Patel added he believes they will be in the building and open for business by mid-March at the very latest. He explained the amount of money, time and effort invested in the project.
- Attorney Pellegrini also noted the ABCC usually starts the clock ticking as of the date of the letter and asked for the Council's consideration with respect to the fact that Mr. Patel has invested just under a million dollars into the project. Finally, Attorney Pellegrini noted Mr. Patel owns two other establishments with no violations.

President Fitzgibbons asked the Councilors for any questions for the Licensee:

- Councilor Wood stated the timeline outlined skips several years. The Town Council was told the upper space was going to be office space not apartment space. He further noted regular updates were supposed to be received by the Council and were not. Mr. Wood also pointed out the property was a safety hazard when the foundation was left to fill with water and the fence was taken down. Attorney Pellegrini responded; for upper floor of the building to be commercial would require an elevator, which is not economically feasible. Mr. Pellegrini can't speak to what happened before Mr. Patel owned the building. Mr. Patel stated he has answered every email request sent to him to provide updates and has attended meetings.
- Councilor Colombotos asked when Mr. Patel purchased the property. Mr. Patel responded, December, 2015.
- Councilor George asked when they anticipate completion. Mr. Patel responded; they should finish at the end of February, but open at the end of March 2018. Councilor George restated for clarity and the record we will not be back here at the end of March getting an update that you will have not opened, based on what's in your direct control. Mr. Patel stated; correct.
- Councilor Wood asked about when the property was actually purchased. Mr. Patel explained, when they applied for the license transfer, ABCC took almost a year to approve the transfer, but it was approved in 2015. He further explained his original intent was to buy just the business, but in September 2015, the previous owner offered to sell him the property. During the winter, the building was damaged, costing \$100,000 in repairs, so Mr. Patel decided to simply demolish the building rather than renovate.



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- Councilor Gallagher stated he appreciates the update and does not think this should be a revocation hearing. Councilor Gallagher confirmed Mr. Patel expects to be open by end of March. Mr. Patel confirmed. At Councilor Gallagher's request, Attorney Pellegrini explained the 2nd floor is a 3 bedroom, 1 unit apartment. Mr. Patel further explained the target was to open the store first, but the Building Inspector advised there should only be one occupancy permit.
- Councilor Haley noted; now that there's progress, it's been pretty rapid.

President Fitzgibbons asked the Licensee if it has any closing statement. They offered no closing statement. President Fitzgibbons closed the hearing at 8:33 p.m.

Motion: A motion was made by Councilor Perry to find that no violation has occurred. The motion was seconded by Councilor Gallagher.

Discussion: Councilor Perry stated he can see Mr. Patel has run into some issues. For someone who has invested almost \$1MM, it would be tough for him to lose his license and ability to recoup the money he has lost. Councilor Gallagher stated he thinks Mr. Patel has come to all the meetings he's been asked to attend and has no interest in revoking the license. Councilors Wood and George stated the licensee needs to be more communicative. If there are going to be additional delays, they request an update. Councilor Colombotos noted his only concern is the possibility of sending the wrong message to other business owners; however, he does not oppose this motion. President Fitzgibbons asked Mr. Dutton about notification should they not be up and running by end of March. Mr. Dutton advised; anytime you give notice on a license revocation notice it's a 30 day notice period. Mr. Fitzgibbons agreed with Councilors Wood and George; stating if you're not going to hit the end of March deadline, let the Council know.

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

LICENSE TRANSACTIONS

- Petition P-2017-031: Annual License Renewals – Antiques

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

Discussion: Councilor Wood hopes everyone supports this license renewal.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Petition P-2017-032: Annual License Renewals - Auto Dealers

President Fitzgibbons noted the scrivener's error in the number of total businesses needed to be corrected to 21.

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

Discussion: None

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Petition P-2017-033: Annual License Renewals - Second Hand Gold

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

Discussion: Councilor Colombotos noted he is aware one of the applications sometimes puts up temporary signs. That is in violation of our sign bylaw.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Petition P-2017-034: Annual License Renewals - Taxi's

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

Discussion: None



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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Petition P-2017-035: Annual License Renewals - Auto Amusements

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

Discussion: None

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Petition P-2017-036: Annual License Renewals - Lodging Houses

Motion: A motion to approve was made by Councilor Haley. The motion was seconded by Councilor Perry.

Discussion: Councilor Perry asked if there have been any issues in past year. Mr. Dutton responded, no.

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Petition P-2017-037: Annual License Renewals - Annual Entertainment (No Alcohol)

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

Discussion: None

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

PRESENTATIONS

- Capital Plan

Mr. Dutton referenced a handout (included in materials). He reminded the Council that we have never had a full, robust Capital Plan. Mr. Dutton then introduced Finance Director, Tony Sulmonte who spoke about the process of gathering and understanding the capital needs in the departments. He noted the list before the Council is very high level. There is one report for the General Fund and one for Enterprise Funds. He pointed out there is quite a backlog of items and noted the big question will be how do you fund these types of items.

Councilor Questions:

- President Fitzgibbons pointed out – you mention \$88MM, which is huge, and \$60MM for the Mitchell School. Mr. Fitzgibbons pointed out that hasn't been determined yet and we don't know what the state reimbursement will be. He asked that number be taken off so not to scare people. Mr. Sulmonte pointed out along those lines, there is also \$70MM for the Fire Station, but the intent was to have this be a full container of what might come up.
- Councilor Colombotos asked if this list is unfiltered, you threw it all in, correct? Mr. Dutton responded; yes and no. We have whittled down and taken out things that weren't realistic, but this is the full list of everything we think we do need. We know we won't get everything. Councilor Colombotos asked about the Highway needs and if they fit with the Complete Streets. Mr. Dutton responded, we put in what was in the Complete Streets recommendation as a place holder. At Councilor Colombotos' request, Mr. Dutton and Mr. Sulmonte confirmed the reports capture everything. Councilor Colombotos also asked if ambulance receipts will be used. Mr. Sulmonte responded no funding sources were put in so we could have a collaborative process.
- Councilor Perry asked what the process for picking and choosing. Mr. Dutton responded; we will present in a more detailed fashion to Finance Committee and Budget & Finance Committee. The objective for Finance Committee is for them to be thinking more long term.
- Councilor Sousa had no comments or questions.
- Councilor George asked about the Golf Course. Mr. Dutton responded; up until now, the Golf Course has traditionally funded their Capital needs through their operating budget. As they pay off their debt, they will



begin to have a capital list. Mr. Sulmonte added they will need to have their equipment leases funded. He noted the Transfer Station does need some upgrades.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: Mr. Dutton provided a brief update on the three 40B applications in the works (Duxburrow Estates, VIVA at Claremont and Burrill Place). Mr. Dutton offered kudos to the Finance Team for bringing us up to speed with our financial data and welcomed Scott Bois as Treasurer/Collector. He thanked Angela Chandler for her work here. The roadways department advises that their salting/sanding could be affected due to lack of contractors to do the job. The Sewer Department started work on their 10-year permit. Water Department is moving ahead with two of their major projects: water meter project and High Street water treatment plant. The Water Department is flushing pipes. The areas being done are posted on the website. The Town Clerk reports the annual census is going out sometime around 12/11. Dog license renewals are included with the census. Mr. Dutton reminded all the penalty for not licensing dogs is significant. Green communities reports we've seen a 19% decrease in building energy use since 2009. The Town Manager's office is looking at a state & National Grid program to convert street lights to LED lights. The Planning Board denied special permit for proposed solar farm off Auburn Street, however the Conservation Commission is going forward with their hearing. Mr. Dutton has asked Mass Housing for advice on the one RFP submission received for the McElwain.

Councilor Questions:

- Councilor Wood asked why the solar farm was denied. Mr. Dutton responded; they felt they couldn't meet site plan eligibility. Councilor Wood spoke about the lighting on Plymouth Street noting his opinion that it isn't very well lit. Mr. Dutton recounted that he had put in a request 2 years ago to increase the lighting. He will reach out to BSU and maybe jointly we can reach out to National Grid.
- Councilor Perry asked what the compliance is on dog licenses and what the procedure is for collecting. Mr. Dutton responded he could find out the compliance rate. Regarding the collection of fees, the Town Clerk's office has tried a few things: PSA's and pointing out the penalties. Finally, Councilor Perry asked how quickly Mass Housing can look at the response to the McElwain RFP. Mr. Dutton responded, they committed to a quick turnaround. He also intends to also get peer review advice.
- Councilor Gallagher noted he has heard people mentioning the lights look dull. Mr. Dutton explained; there are two types of lights in Central Square; the regular street lights and the decorative lamps. There is some type of electrical issue with the decorative lamps, which may be the reason for the dimness.
- Councilor George asked about Mr. Dutton's meeting with BSU about the former Town Hall. Mr. Dutton explained; BSU has expressed interest in past years, so he gave them a tour. Mr. Dutton has an RFP ready to go for advertisement on 12/12 pending tonight's discussion.

DISCUSSIONS

- Progress on Town Hall – Emptying the Building and Placing on the National Register of Historic Building
Mr. Dutton provided a brief update; stating the historic register process starts with the local Historic Commission, then goes to the Mass Historic Commission. Mr. Dutton explained the second floor holds mostly junk. Most of the Town paper files are on the first floor. They're in the process of being sorted and cataloged. We have engaged the state to look at what's there and given us recommendations. We have mostly been doing the work with employee extra time, so progress has been slow. He then gave a brief update on an issue with the water heater. Regarding the second floor, Mr. Dutton has asked the Department of Corrections (DOC) to help. They will come to do some demolition work when Senior Center work is complete.
Councilor Colombotos asked if we should look for CPA funds to get the registration? Mr. Dutton responded; yes.

SUBCOMMITTEE REPORTS

LEGISLATION FOR ACTION

- D-FY18-005: Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana
Motion: A motion to approve was made by Councilor Gallagher. The motion was seconded by Councilor Perry.
Discussion: Councilor Gallagher acknowledged everyone on the Council received Attorney Scannell's letter. To clarify the origination and intent of the amendment, Councilor Gallagher explained; his intent was not to interfere



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with the Medical Marijuana businesses operation. He asked the Town Manager to draft the amendment so as not to disturb what they were approved to do. However, after reading it, he thought the amendment was giving them more. Mr. Gallagher attended the (committee) meeting. Councilor Losche presented the amendment to the committee that night. Since then it was changed again. Councilor Gallagher expressed concerned around the legality. Attorney Rawlins responded; this is a zoning ordinance. It has nothing to do with how the businesses operate. Your ordinance is a prohibition on marijuana establishments, which you are authorized to do under 94G. You then carve out cultivation, testing and marijuana product manufacturers as an exception to your general prohibition. Attorney Rawlins pointed out the legislation does not state what zoning districts these exceptions can operate in. 94G is extremely specific on this. What you have before you is not illegal. 94G says the Town Council may prohibit the operation of one or more types of marijuana establishments within the town, which is exactly what you're doing. Councilor Gallagher followed up asking; if we approve this there should be no backlash from the Attorney General's office? Attorney Rawlins responded; you're following the law to a "t". Councilor Gallagher thinks it (the ordinance) meets the objective and is comfortable with this as amended. Councilor Perry asked about medical versus cultivators? Attorney Rawlins responded; that's a licensing item. Councilor Perry then explained; he is on the CEDC and was unable to make the discussion. He is in support of the amendment. He doesn't want to see retail marijuana stores in Bridgewater, but doesn't believe we should tie their hands to do their business. Councilor Wood will be voting against the ban, stating the black market for pot is alive and well in Bridgewater. Mr. Wood stated; this ban will only make that stronger and proceeded to explain his reasoning. Finally, Councilor Sousa stated he agrees with Councilor Gallagher and will be supporting.

Motion: A motion was made by Councilor Fitzgibbons to amend by adding a period after the word "Bridgewater" in the second line after "zoning Districts of the Town of Bridgewater" and striking the rest of the sentence. The motion was seconded by Councilor Losche.

Discussion: Councilor Fitzgibbons explained the amendment and his intention. Councilor Losche agreed. Councilor George expressed his concern for the potential to adversely affect business. Doing it this way, down the road could hurt us much more. Councilor Perry agreed with Mr. George noting; he would be in support of the amendment if we didn't already have medical marijuana facilities in town. Councilor Gallagher stated his support of the amendment. Councilor Wood briefly reminded all how zoning ordinances are approved and accepted, noting Ordinances do not need the approval of the Attorney General in a Council form of government.

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

Losche – YEA; Wood – NAY, Perry – NAY; Haley – NAY; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – NAY; George - YEA. The motion passed 5-4.

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

Discussion: Councilor George stated this seems like a very simplistic statement that has a lot of complexity. Councilor Gallagher stated he doesn't think this needs to be re-advertised. Discussion followed briefly around whether advertising was required. President Fitzgibbons stated he felt it was prudent to be very diligent on this. A roll call vote was taken with results recorded as follows:

George – YEA; Colombotos – YEA; Gallagher – NAY; Sousa – NAY; Fitzgibbons – YEA; Haley – YEA; Perry – NAY; Wood – YEA; Losche - NAY. The motion passed 5-4.

**10:09 p.m.: President Fitzgibbons called a brief recess.*

**10:13 p.m.: President Fitzgibbons called the meeting back to order.*

- Order O-FY18-012: Transfer Order – General Fund Transfer to Transfer Station

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

Discussion: None

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Order O-FY18-013: Free Cash Allocation

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



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Discussion: Councilor Wood noted Budget & Finance Committee met and recommended approval 3-0.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Order O-FY18-007: Transform Town Hall into an Arts and Commerce Center

Motion: A motion was made by Councilor Colombotos to withdraw this measure. The motion was seconded by Councilor Perry.

Discussion: Councilor Colombotos stated based on the earlier discussion, he feels this makes sense.

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Resolution R-FY18-001: Directing the Town Manager to Explore Acquiring Specific Land – Summer Street

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

Discussion: Councilor Colombotos reported the Community & Economic Development Committee agreed with this in principle and will expect to hear back from the Town Manager. Councilor Wood pointed out making this legislation an Order would have been better to create accountability.

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

George – YEA; Colombotos – ABSTAIN; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 8-0-1

- Resolution R-FY18-003: Bridgewater's FY2019 Budget Policy Guidelines

Councilor Wood stated this measure is still in committee and should be postponed to the next meeting.

OLD BUSINESS

- Ordinance D-FY18-002: Zoning Ordinance – Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana

Motion: A motion was made by Councilor Wood to send this measure to advertising. The motion was seconded by Councilor Haley.

Discussion: Councilor Wood stated his opinion; regardless of what we do with the ban, we should have this. At Councilor Perry's request, Attorney Rawlins advised you cannot have both. Discussion followed briefly as councilors expressed opinions. Finally, President Fitzgibbons stated he is completely against this as the majority of citizens who were in attendance had just left the meeting and advertising this would cause confusion. Councilor Wood withdrew his motion.

This measure was postponed to the next meeting.

- Ordinance D-FY18-008: Zoning Ordinance - Elm Street Retail Overlay Usage

President Fitzgibbons declared this measure continued to the next meeting without objection.

- Ordinance D-FY18-009: General Ordinance – Amend Tax Fees Table – Retail Tax on Marijuana Sales

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

Discussion: Councilor Wood stated his opinion that there is really no harm in moving this forward to committee.

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

Losche – NAY; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – NAY; Colombotos – YEA; George - YEA. The motion passed 7-2

- Ordinance D-FY18-003: Zoning Ordinance – Rezone Lots on Easy Street to Residential A/B

Motion: A motion was made by Councilor Perry to approve for advertising as amended. The motion was seconded by Councilor George.



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Motion: A motion was made by Councilor George to amend by excluding map 39, lot 3 and map 39, lot 4 and to add the same to the resultant Industrial A list. The motion was seconded by Councilor Colombotos.

Discussion: Councilor George explained this will prevent any further possibility of subdividing the land for residential building.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

A roll call vote was taken on the main motion to advertised as amended with results recorded as follows:

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Order O-2017-039: Zoning Consultant

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

Discussion: Councilor Sousa stated he had recommended making a volunteer committee to review the zoning, rather than to order another report. Councilor Colombotos encourages someone to do an analysis on this.

Councilor Losche explained to Mr. Sousa that the vote is to refer to committee.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – NAY; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion Passed 8-1

NEW BUSINESS

Motion: A motion was made by Councilor Perry to suspend the rules to take up agenda item N: New Business. The motion was seconded by Councilor Gallagher.

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

Losche – NAY; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – NAY; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 7-2.

- Ordinance D-FY18-011: Zoning Ordinance – Amend Elm Street Retail Overlay (ERO) District
President Fitzgibbons declared this item continued to the next meeting without objection.

- Ordinance D-FY18-012: Amend General Ordinance – Vacant and Abandoned Properties

Councilor Colombotos briefly explained this ordinance comes out of the Community & Economic Development Committee and simplifies the matter of incorporating commercial properties into the existing ordinance.

Motion: A motion was made by Councilor Colombotos to send to advertising as amended. The motion was seconded by Councilor George.

Discussion: Councilor Colombotos stated this makes sense as the legislation originated in committee.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Order O-FY18-015: Transfer Order – Temporary Consulting Services – Community & Economic Development
Mr. Dutton briefly explained this transfer could fund a temporary consultant until a Community & Economic Development Director is hired.

Motion: A motion was made by Councilor Wood to refer to Budget & Finance and Finance Committees. The motion was seconded by Councilor Losche.

Discussion: None

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

- Order O-FY18-016: Acceptance of Gift(s) Legion Field Gazebo Renovations



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Motion: A motion was made by Councilor George to refer to the Budget & Finance and Finance Committees. The motion was seconded by Councilor Wood.

Discussion: None

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 9-0.

- Order O-FY18-017: Town Council Acceptance of Housing Production Plan
Mr. Dutton briefly explained the Housing Production Plan and the referrals necessary.

Motion: A motion was made by Councilor Haley to refer to the Planning Board and Community & Economic Development Committee. The motion was seconded by Councilor George.

Discussion: None

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

Motion: A motion was made by Councilor Wood to take up agenda item “O: Citizen Comments” after 10:30 p.m. The motion was seconded by Councilor Haley.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – NAY; Haley – YEA; Perry – YEA; Wood – YEA; Losche - NAY. The motion passed 7-2.

CITIZEN COMMENTS - None

Motion: A motion was made by Councilor Wood to take up agenda item “P: Council Comments” after 10:30 p.m. The motion was seconded by Councilor George.

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – NAY; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 8-1.

COUNCIL COMMENTS

- Councilor George: Pass
- Councilor Colombotos: Pass
- Councilor Gallagher: Thanked BBA for Christmas on the Common and parade.
- Councilor Losche: Thanked all volunteers for Christmas Parade and Christmas on the Common.
- Councilor Haley: Enjoyed Christmas on the Common.
- Councilor Perry: Enjoyed Christmas on the Common. Welcomed Scott Bois. Dr. Perry announced; as of December 15th, he is moving to another prescient and will have to step down from the Council. Dr. Perry is still in support of a ban. He thanked fellow councilors and stated how much he has enjoyed his time on the Council.
- Councilor Wood: Stated it was a great job by the BBA on Christmas on the Common.
- Councilor Sousa: Thanked everyone for the opportunity to participate remotely. Thanked Councilor Perry for his service.
- Councilor Fitzgibbons: Thanked Councilor Sousa for participating remotely and thanked everyone who came out today.

Motion: A motion was made by Councilor Haley to take up agenda item “R: Executive Session” after 10:30 p.m. The motion was seconded by Councilor Losche.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – NAY; Haley – YEA; Perry – YEA; Wood – YEA; Losche - YEA. The motion passed 8-1.

EXECUTIVE SESSION

Motion: A motion was made by Councilor Losche to move into Executive Session under MGL, Chapter 30A, Section 21(a)(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting



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may have a detrimental effect on the negotiating position of the public body and to adjourn from Executive Session. The motion was seconded by Councilor George.

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

Losche – YEA; Wood – YEA; Perry – YEA; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 9-0.

ADJOURNMENT

Open session adjourned at 10:57 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 19, 2017, to approve the aforementioned minutes, as submitted by a voice vote (8-0) (1 Councilor Vacancy).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk