Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, May 9, 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 May 9, 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, Dennis Gallagher, Peter Colombotos (arriving at 7:34 p.m.), and Shawn George. Town Manager Michael Dutton and Town Attorney Mark Gildea (arriving at 7:40 p.m.) 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 our last meeting.

APPROVAL OF MINUTES

- April 25, 2017

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

  Discussion: None

  A voice vote was taken and the motion passed 8-0.

ANNOUNCEMENTS FROM THE PRESIDENT

- Bridgewater TRIAD presents Elder Law Program – Medicaid Asset Protection Program, Tuesday May 16, 2017 at 12:45 p.m.
- Housing Production Plan Community Meeting – June 1, 2017 at 6:30 p.m. in the Academy Building, Council Chambers
- President Fitzgibbons read a statement outlining the 4th of July events and noting the 4th of July Committee asks for continued help with fundraising and is seeking committee volunteers

PROCLAMATIONS -

- Preeclampsia Awareness Month
  President Fitzgibbons read a proclamation declaring May Preeclampsia Awareness month. The Proclamation was presented to Beth Ann Bligh

CITIZENS OPEN FORUM –

- Sam Baumgarten, 60 Short Street: Mr. Baumgarten thanked the Town Council and Town Manager for their support with Bridgewater Citizens for Civility and Respect proclamation. Mr. Baumgarten spoke about the budget; noting his suggestion that the school district hire a Health and Fitness Director, however that wasn't in the budget. Mr. Baumgarten is happy to see salary adjustments being made for many administrative people, but is disappointed the Town Clerk's salary was not changed.
- Norman Chipman, 75 Ashted Road: – Mr. Chipman spoke on behalf of 4th of July committee. Mr. Chipman spoke about the food at the 4th of July celebration noting they are still looking for food vendors. They are also still fundraising. Efforts include a raffle. The winner gets to push the button to start the fireworks. They are also still accepting T-shirt designs, which helps to raise money. Mr. Chipman stated donations can be sent to PO box 390, Bridgewater Ma and there's a paypal link through the website www.bridgewaterma4th.com.
- Keith Buohl, 10 Fieldcrest Drive: Mr. Buohl stated social media is playing a part in the Mitchell school financing. He asked that the Town make sure the information is getting out and is correct. People have already started to use the word "override", and don't understand it's not an override. They will be trying to put together a BTV forum. Mr. Buohl then spoke about Charter Changes; specifically elected vs. appointed Town Clerk, referencing

the former Town Clerk's passionate speech to keep the position elected. Finally, Mr. Buohl spoke on behalf of the 4th of July Committee.

Motion: A motion was made by Councilor Gallagher to take agenda item F: Hearings out of order. The motion was seconded by Councilor Sousa.

A voice vote was taken and the motion passed 9-0.

HEARINGS - ***(Taken out of order)***

- **7:40 p.m. HEARING (*continued from 4/25/17*):** Order O-2017-008: Laying out and Accepting a Private Way – Hartswood Way and Doe Brook Circle

  President Fitzgibbons re-convened the hearing at 7:51 p.m.

  Town Manager Dutton explained; the Highway Superintendent has verified the work has been finished to the satisfaction of the Highway Superintendent.

  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: No Councilor questions.

  President Fitzgibbons closed the hearing at 7:53 p.m.

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

  Discussion: None

  A voice vote was taken and the motion passed 9-0.

  Motion: A motion to approve was made by Councilor Perry. 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 – YEA; George - YEA. The motion passed 9-0.

- **7:50 p.m. HEARING**: FY2018 Annual Town Budget

  President Fitzgibbons opened the hearing at 7:55 p.m.

  Mr. Dutton explained the FY2018 General Fund order. Councilor Wood stated we have had an exceptionally good process this year. Tonight, the Council votes expenses. Mr. Wood explained the process of meeting jointly with the Finance Committee and the School District has worked well.

  Motion: A motion was made by Councilor Losche to take questions from the general public. The motion was seconded by Councilor Gallagher.

  A voice vote was taken and the motion passed 9-0.

  President Fitzgibbons invited questions from the public

  - Keith Buohl, 10 Fieldcrest Drive: Regarding the Highway Department; Mr. Buohl stated that department needs as much help as we can give it and asked if there no other room to add staff. Councilor Wood responded; referencing the budget resolution. He also addressed Free Cash, explaining it's not really available for spending. It's very difficult to find additional money when we may need to loan money to the golf course and we're trying to build reserves as recommended by the auditors. Mr. Buohl asked if money became available, would it go to the Highway Department? He also asked about an increase for the Town Clerk noting his opinion that the communication from that office is stellar.

  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 questions from councilors:

- Councilor Gallagher spoke briefly about the budget addressing some of the salary inequities among employees reminding all that there was an HR study done. He hopes there will be a good discussion about the Town Clerk's salary.
- At Councilor Colombotos' request, Mr. Dutton confirmed the Community Preservation Fund $26,000 transfer is for the Housing Coordinator and the CPC will vote on their budget at their next meeting and send the recommendation on to the Council. Councilor Colombotos commented he agrees the Highway Department is underfunded, which is obvious. He also feels Planning and the Community & Economic Development Department are underfunded.
- Councilor Wood pointed out the town is getting SAFER grant to fund positions in the Fire Department. They're listed in the budget as zero now. In a couple of years the town will need to fund some of these positions.
- At Councilor Sousa's request, Mr. Dutton explained part of the grant is that it funds these eight positions and the strategy is to incorporate as many of those 8 as possible into the department.

President Fitzgibbons closed the hearing at 8:18 p.m.

Return to regular order of business (Appointments)

APPOINTMENTS

- Retail Marijuana Advisory Ad Hoc Committee:
  1. Eric Desrochers
  2. Erving Smith
  3. Peter Robillard
  4. Patricia Neary
  5. Linda Carp
  6. Patrick Hohman
  7. Karen Peabody
  8. Betsy Chouinard
  9. Matthew Rushton
  10. Edward Haley

Motion: A motion was made by Councilor Gallagher to approve all appointments. The motion was seconded by Councilor Perry.

Discussion: Councilors thanked all who volunteered.

A voice vote was taken and the motion passed 9-0.

LICENSE TRANSACTIONS

- Petition P-2017-011: One Day Entertainment License - VFW 2125, Orange Street

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

Discussion: None

A voice vote was taken and the motion passed 9-0.

PRESENTATIONS - *None*

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: Everyone will receive a copy of the Open Space and Recreational Plan. Mr. Dutton thanked all on the committee. MBTA and Mass DOT are holding a second meeting in Taunton on the South Coastal Rail. State website is: www.mass.gov/southcoastrail. Mr. Dutton stated the town will submit written comments. He intends to submit comment that asks MBTA and Mass DOT visit each affected town. The Duxboro 40B hearing is continued to Wednesday May 24th in the Council Chambers. We are losing a long time member of the ZBA and will be looking to replace the seat. Mr. Dutton noted briefly that many of the street lines will be painted. He reminded all

that BSU graduation is this weekend. In light of the Complete Streets presentation confusion, the consultants will be at the 5/23 Town Council Meeting. Finally, Mr. Dutton provided an update on the Mitchell School; The Superintendent has put together the School Building Committee which is made up of roughly 30 members. The Council voted a June 10th election to "debt exclude" $800,000. A debt exclusion is not an override. Debt exclusions are paid for over the term of the debt. Mr. Dutton noted the $800,000 includes: hiring a project manager, architectural firm, conducting comprehensive analysis of the school district and space needs, establishing design parameters, developing all of the possible alternatives for the school. The town has to vote the debt exclusion. The Council has to vote the appropriation. The state does reimburse our expenditures. We could be reimbursed roughly half our expenses. If the 800,000 does pass, Town voters will have a chance to vote at a later date on the preferred solution to the building.

Council Questions:

- At Councilor Perry's request, Mr. Dutton explained that the $800,000 could cost each tax payer $.90/ month If it's rolled into 25 – 30 year period, If the voters decide we don't want to do anything with the Mitchell School then we have to pay back whatever portion we spent over a five year period.
- Councilor Wood asked about Skips Liquors. Mr. Dutton responded, he believes the owner has a new contractor.
- Councilor Colombotos asked about the engineered report that had been done previously. Mr. Dutton responded, that's a critical piece of information. Councilor Colombotos noted the document is still on the districts website.

DISCUSSIONS - *None*

SUBCOMMITTEE REPORTS:

- Rules & Procedures: Councilor Losche stated the committee met last week. There are two pieces of work on the agenda tonight and she hopes everyone has had a chance to review.

LEGISLATION FOR ACTION

Motion: A motion was made by Councilor Gallagher to take item D: (Order O-2017-016: Affix Town Clerk's Salary) out of order. The motion was seconded by Councilor Haley.

A voice vote was taken and the motion passed 8-1 (Councilor Wood in the minority)

- Order O-2017-019: Affix Town Clerk's Salary *(Taken out of order)*

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

  Discussion: Councilor Gallagher explained his reasoning; stating, this matter has been discussed for hours. Mr. Gallagher thinks, historically, we have paid a little less than average on some positions. The matter was not resolved in Budget & Finance Committee. Mr. Gallagher feels the position should be paid a fair wage.

  Motion: A motion was made by Councilor Wood to amend the salary to $56,160. The motion was seconded by Councilor Fitzgibbons.

  Discussion: The Councilors discussed, at length, the merits of the main motion and the proposed amendment. Councilor Wood explained his reason for the amendment is that $65,000 is a 25% increase over one year. The order came up very late in the budget process, after much of the work was done. His proposed amendment is an 8% increase. He is unsure the budget can support the full increase and wonders if the town shouldn't consider adding a forestry position if there was another $13,000. Mr. Wood reminded all that he has said he would support market value if the position was appointed. With the elected position, you don't always know what you're getting. Councilor Gallagher pointed out the salary history of the position once the new Town Clerk was elected, noting there was an initial 40% reduction. Mr. Gallagher also pointed out the Compensation Survey recommended a salary of $64,700. Councilors George, Colombotos and Perry expressed the opinion that the Town Clerk should be paid competitively. Councilor Colombotos stated he is not in support of the amendment, but will be supporting the main motion. Councilor Perry asked what the Finance Committee's disposition was. Mr. Dutton responded they tabled the matter. At Councilor Perry's request, the Town Manager confirmed; should the Council vote the main motion, there would be a funding source. Because of the recently passed Municipal Modernization Act, we will not have to make a payment to another town for the insurance and retirement obligations, which provides $10,000, then it would be the remaining $3,000, Could be in the same line item.

  A voice vote was taken and the motion to amend failed 1-8 (Councilor Wood in the minority).

Discussion (main motion cont'd): Councilor Wood asks that the next time this subject comes up; it comes up early in the budget cycle. Councilor Fitzgibbons noted; though he is not against the motion, he has to wonder what $20,000 might do for the school.

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

Return to regular order of business – FY2018 Budget Orders.

FY2018 Budget Orders:

- Order O-2017-013: Budget Order – FY18 Annual Town Budget

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

  Motion: A motion to amend as follows: amend line item 161 – Town Clerk's Salary to read $177,000, line item 161 Total to read, $217,323, line item 914 Medical/Life/FICA, to read $2,971,041 was made by Councilor Gallagher. The motion was seconded by Councilor Wood.

  Discussion:

  A voice vote was taken and the motion to amend passed 9-0.

  Motion: A motion was made by Councilor Wood to approve Ambulance Receipts separately. The motion was seconded by Councilor Perry.

  Discussion: Councilor Wood explained this requires a 2/3 vote.

  A voice vote was taken and the motion passed 9-0.

  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 to approve, as amended, passed 9-0
- Order O-2017-014: Budget Order – FY18 Sewer Enterprise Fund Budget

  President Fitzgibbons read the order for the record.

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

  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-2017-015: Budget Order – FY18 Water Enterprise Fund Budget

  President Fitzgibbons read the order for the record.

  Motion: A motion to approve was made by Councilor Wood. 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 – YEA; George - YEA. The motion passed 9-0.
- Order O-2017-016: Budget Order – FY18 Transfer Station Enterprise Fund Budget

  President Fitzgibbons read the order for the record.

  Motion: A motion to approve was made by Councilor Wood. 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.
- Order O-2017-017: Budget Order – FY18 Olde Scotland Links Golf Course Enterprise Fund Budget

  President Fitzgibbons read the order for the record.

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

Discussion: Councilor Wood noted there are amendments to this order.
Motion: A motion was made by Councilor Wood to amend as presented. The motion was seconded by Councilor Losche.
Discussion: At Councilor Wood's request, Mr. Dutton explained; this should fund the budget completely without needing a transfer. This is booked by the Accountant as a loan and is repaid in FY19 and 20. It's recorded as such in the recap. Mr. Dutton confirmed the bond expires in FY2018.
A voice vote was taken and the motion to amend passed 9-0.
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 to approve, as amended, passed 9-0.

- Order O-2017-018: Authorization of Revolving Funds
  President Fitzgibbons read the order for the record.
  Motion: A motion to approve was made by Councilor Wood. 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.

OLD BUSINESS

- Ordinance D-2017-002: Amend General Ordinances - Illegal Dumping
  Motion: A motion was made by Councilor Losche to relieve the Rules & Procedures Committee of the order. The motion was seconded by Councilor Fitzgibbons.
  Discussion: Councilor Losche explained the Rules & Procedures Committee has had people come in to answer questions, but believes the measure is best vetted in the Community & Economic Development.
  A voice vote was taken and the motion passed unanimously.
  Motion: A motion was made by Councilor Losche to refer to Community & Economic Development Committee. The motion was seconded by Councilor Gallagher.
  Discussion: Councilor Colombotos would like any suggestions the Rules and Procedures had come up with.
  A voice vote was taken and the motion passed 9-0.
  A voice vote was taken and the motion passed 9-0.
- Order O-2016-027: Acceptance of Changes to Bridgewater Home Rule Charter
  Motion: A motion was made by Councilor Losche to accept the Charter. The motion was seconded by Councilor Gallagher.
  Motion: A motion was made by Councilor Losche to amend as presented. The motion was seconded by Councilor Wood.
  Discussion: Councilor Losche began the discussion; explaining the history and advised this is not the final vote. This will ultimately be voted by the citizens. Councilor Wood stated the committee did a good job noting, many people came to the meetings to offer feedback and make suggestions. Councilor Perry asked if the citizens will be voting all amendments in one (ballot question)? Councilor Losche responded, "yes". Discussion followed as Councilors expressed opinions on the proposed amendments and the possibility of breaking the ballot question out into two separate parts. One question to address the proposed amendment to change the Town Clerk's position from elected to appointed; and a second question to adopt all other proposed changes. Councilor Gallagher expressed his opinion that the Town Clerk going from elected to appointed is a concern for people and he believes the whole thing will fail if it's not two separate questions. Attorney Gildea advised; it's up to the Council to determine how it's broken out and the decision must be made before advertising. President Fitzgibbons suggested it can wait another couple of weeks. He knows elected vs appointed (Town Clerk) is an

issue for people. Discussion continued briefly and it was decided the legislation would return to the Rules & Procedures Committee for additional consideration. The main motion and second were withdrawn.
withdrawn

- Order O-2017-021: Loan Order – Massachusetts School Buildings Association Feasibility Study
  Mr. Dutton briefly explained the order and the advertising requirement.
  Motion: A motion was made by Councilor George to send to advertising. The motion was seconded by Councilor Gallagher.
  Discussion: None
  A voice vote was taken and the motion passed 9-0.

NEW BUSINESS

Mr. Dutton explained the Finance Director has changed how we do things a bit to make them more transparent. Items c and f do not need to be considered this evening.
President Fitzgibbons stated he would like to combine discussion on items, a, d, e, and g-n.
Motion: A motion was made by Councilor Wood to refer items a, d, e and g – n to Budget & Finance Committee and Finance Committee. The motion was seconded by Councilor Gallagher.
Discussion: None
A voice vote was taken and the motion passed 9-0.

- Order O-2017-022: Loan Order – Massachusetts Clean Water Trust for High Street Water Treatment Facility
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-023: Add Bridgewater Town Hall to Register of Historic Places
  Councilor Colombotos read the order for the record.
  Motion: A motion was made by Councilor Colombotos to amend as follows: third whereas: "can earn federal tax credits, second whereas; delete word "building". The motion was seconded by Councilor Haley.
  Discussion: Councilor George asked if this would impose any restrictions on who could lease or buy the Town Hall. Councilor Colombotos responded he believes not.
  A voice vote was taken and the motion passed 9-0.
- Order O-2017-024: Capital Plan Items
  This measure was not taken up at the request of the Town Manager.
- Order O-2017-025: Rescind – Senior Center Trust
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-026: Rescind and Reduce – Sewer Reline Appropriation
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-027: CPA Annual Budget
  This measure was not taken up at the request of the Town Manager.
- Order O-2017-028: General Fund Year End Transfer Adjustments
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-029: Community Preservation Transfer: Year End Transfer Adjustments
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-030: Water & Sewer Transfer Adjustments
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-031: Water & Sewer Transfer of Undesignated Fund Balance
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-032: General Fund Transfer of Undesignated Fund Balance
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-033: General Fund Transfer Contractual Bargaining Adjustments (CBA)
  Referred to Budget & Finance Committee and Finance Committee per motion above.
- Order O-2017-034: General Fund CBA Retroactive Settlement Transfer

Referred to Budget & Finance Committee and Finance Committee per motion above.

- Order O-2017-035: Employee SLBB Liability Transfers
  Referred to Budget & Finance Committee and Finance Committee per motion above.

CITIZEN COMMENTS – *None*

COUNCIL COMMENTS

- Councilor Losche: Regarding the Charter – if there are any questions, people can email Mrs. Losche and/or attend the next Rules & Procedures Committee meeting.
- Councilor Wood: Mr. Wood stated; voting the budget on May 9th, proves the budget cycle works. This is one of the earliest times we've adopted the budget.
- Councilor Perry: Thanked everyone involved in the budget. Thanked Councilor Losche for work on the Charter. Thanked all on the Marijuana committee and the 4th of July Committee
- Councilor Haley: Thanked the Rules & Procedures committee for the work on the Charter and spoke briefly about the budget process. Finally, Mr. Haley spoke about the school buildings stating he wants everyone educated on the school.
- Councilor Sousa: Thanked everyone for the work on the budget. Thanked the Rules and Procedures committee for their work on the Charter.
- Councilor Gallagher: Mr. Gallagher stated on May 21st there will be a spring cleanup. He congratulated all the BSU graduates.
- Councilor Colombotos: Thanked all involved in the budget. Applaud the Town Manager for getting Complete Streets back before the Council.
- Councilor George: Thanked the Budget and Finance committee for their work on the budget. Mr. George thinks there's a lot of misinformation on the school and suggests people look at the district's website to see the engineering report. Mr. George mentioned he had received some feedback on a noise ordinance.
- Councilor Fitzgibbons: Mr. Fitzgibbons stated the Mitchell School vote is really to keep the option of having the MSBA funding in the picture. If we don't vote for the feasibility study, we cannot have the grant money.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Losche. The motion was seconded by Councilor Haley.
A voice vote was taken and the motion passed 9-0.

The meeting adjourned at 10:07 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, May 23, 2017, to approve the aforementioned minutes, as submitted, by a Voice Vote (7-0) (Councilors Colombotos and Perry not present).

A TRUE COPY ATTEST:

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Ann M. Holmberg
Town Council Clerk