



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 25, 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 7:32 pm, on June 25, 2019 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Francis Sousa, Fred Chase, William Wood, Shawn George, Dennis Gallagher, Matthew Rushton, Aisha Losche, Peter Colombotos and Timothy Fitzgibbons. 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 including:

- David E. Cox
- James D. Lucas
- George "Buck" Jordan

APPROVAL OF MINUTES

- June 4, 2019

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

Discussion: None.

A voice vote was taken and the motion passed 7-0-2 (Councilors Losche and Gallagher abstained).

ANNOUNCEMENTS FROM THE PRESIDENT

- President Gallagher read an announcement asking for volunteers for Meals on Wheels.

PROCLAMATIONS

CITIZENS OPEN FORUM - None

APPOINTMENTS

- Open Space Committee – Eileen Hiney

Mr. Dutton spoke on Ms. Hiney's behalf and encouraged the Council to ratify the appointment.

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

Discussion: Councilor Colombotos spoke highly of Ms. Hiney's experience.

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

- Cultural Council – Karen Peabody

Mr. Dutton spoke on Ms. Peabody's behalf and encouraged the Council to ratify the appointment.

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

Discussion: None

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

- Planning Board, Alternate Member – William Akins

Mr. Dutton spoke on Mr. Akins' behalf and encouraged the Council to ratify the appointment.

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

Discussion: None.

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



HEARINGS -

- **7:35 p.m.:** Order O-FY19-059: Loan Order – Amend Loan order O-FY19-041

President Gallagher opened the hearing at 7:35 p.m.

President Gallagher read the legislative history.

Budget & Finance Committee Chair Wood stated the committee voted 3-0 to recommend.

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

Mr. Dutton explained the amendment which is for an additional \$1MM. They had the bid opening; the lowest two bids came in at just below the appropriation. This increase will accommodate any contingencies and is paid for through the DIF program.

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.

President Gallagher entertained any questions from councilors:

- At Councilor Colombotos' request, Mr. Dutton explained; only the taxes paid upon improvements made within the DIF District will be used to fund the bond for the Elm Street project. Councilor Colombotos followed up asking; – if revenue from new growth exceed projections, we put it to the general fund? Or pay off the bond? Mr. Dutton responded; the option is ours based on what makes the most financial sense. He noted; the general rule is if the tax revenue from new growth (after the date of the DIF) exceed the amount needed to pay off the bond, it flows into the general fund.
- At Councilor Sousa's request, Mr. Dutton clarified the language in the ordinance passed by the Council previously.

President Gallagher closed the hearing at 7:43 p.m.

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

Discussion: None.

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

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

- **7:40 p.m.:** Order O-FY19-060: Order of Taking – Property on Elm Street

President Gallagher opened the hearing at 7:44 p.m.

Read the legislation history.

Mr. Dutton explained; this is a friendly taking involving property on the corner of Pleasant and Elm Street. It will be used to extend out and create turn lanes. The Town has been working closely with National Grid on this.

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.

President Gallagher entertained any questions from councilors:

- Councilor Colombotos asked if the “friendly” taking is a process of eminent domain? Mr. Dutton responded; it is an eminent domain process, but this is a friendly process.

President Gallagher closed the hearing at 7:47 p.m.

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

Discussion: None.

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

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

LICENSE TRANSACTIONS



PRESENTATIONS

- Branding and Wayfinding Presentation – Julia Gazzara
Community & Economic Development Director, Jennifer Burke came forward; provided a brief history of the branding and wayfinding work that's been going on over the last 18 months. She then introduced Julia Gazzara; who came forward. Ms. Gazzara introduced herself as a graduate of BSU and BR.
 - * 7:51 p.m. President Gallagher called a brief recess to address technology issues.
 - * 7:53 p.m. President Gallagher called the meeting back to order.
Ms. Gazzara began her presentation with the Town Seal and walked through her thought process in creating the proposed new logo. She then showed the logo and explained her methodology.
- Councilor Questions:**
- Councilor Colombotos asked where the new branding items would be used? Ms. Gazzara showed several ideas of where the logo would be used including: letterhead, business cards, and signs around town. Councilor Colombotos asked what are the next steps? Ms. Burke responded; they would first like the Council's support, then would look to establish the first sign at the Academy Building.
 - President Gallagher asked if they were suggesting changing the Town Seal? Ms. Burke responded; no, the Town Seal is protected. Mr. Gallagher then asked if there is for a small seal on the new materials?
 - Councilor Colombotos suggested incorporating some suggestions of the seal?

TOWN MANAGER'S REPORT

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

- McElwain School Update and Timeline
The ZBA approved the McElwain project and issued their decision, which has been recorded. The developers are submitting their final application for funding from DHCD. Mr. Dutton has been told the project scores very well on DHCD scale. They are looking at end of year for a decision, then there would be three – five months of design development, then 16-18 months of construction.

Questions:

Councilor George asked who owns the property now? Mr. Dutton responded; the Town owns the property until the closing, which he guesses would be in 2020. Councilor Colombotos suggested maybe a sign of some sort announcing the project? Mr. Dutton responded; he will look into it.

- Excise Tax Demands Update & What Citizens Should Do
Mr. Dutton explained; of the 22,000 bills that go out, approximately 650 were not received by the vehicle owner. They ended up receiving a demand which included an additional charge. The Treasurer/Collector's office will waive the fine/additional charge and have issued refunds for overpayments. However; there aren't a lot outstanding. There is no abatement needed; if anyone receives a demand without having received a bill, they can call the Treasurer's office. Mr. Dutton pointed out; if someone gets a new license plate they need to update the information.

Questions:

Councilor George asked if we know why this happened and what assurances that it won't happen again? Mr. Dutton responded; the problem is specific to people who signed up for online billing. He believes there was a timing issue. We've been assured by the vendor, we've seen the fix and internally, we're very sure it won't happen again because they've changed their tracking. Ms. Losche pointed out she was affected by the issue and found the town to be very quick to respond and help.

- Update on Consultants
Mr. Dutton projected a spreadsheet which detailed consultants, the project being worked on, the cost and funding, Team leader and status of project. He explained each project.

Questions:

- Councilors Losche and Colombotos would like access to the document.



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- Councilors Fitzgibbons and George would also like included: who drove the decision to start the project and do we have in house expertise to do this? Is it a requirement? What can be expected in cost savings or revenue generation.
- Councilor Wood pointed out some of the listed names are really contractors; not consultants.
- President Gallagher thanked Mr. Dutton and noted; he too would like to see some of the suggestions incorporated.
- North Street Business Update
Mr. Dutton explained; there is a piece of property on North Street that is used for a slaughter house. The taxes are current. There is another business operating off that property that owes a 2014 tax, but it is not substantial. There was a letter issued by the Building Inspector from 2010 pointing out there was a use on the property that wasn't permitted, asking the owner to stop the particular use. Since then the Council has passed a Right to Farm Ordinance, so the use may be allowable. It sits in a Residential A/B district.
- Councilor Sousa stated; there is a tree cutting business – it's a business that has nothing to do with farming. Is that the proper use of the property?
- Councilor Fitzgibbons stated; he is not comfortable discussing one property during Tow Manager's report and exited; the meeting at 9:04 p.m. Mr. Dutton advised; there is a remedy under the Right to Farm ordinance to file a grievance with himself or with Zoning Enforcement Officer. Mr. Sousa explained his concerns with going directly to the Zoning Enforcement Officer.

Attorney Rawlins stepped in and advised; the discussion has moved off topic is not appropriate to Town Manager's report. Discussion followed with Councilors asking for clarification on what is appropriate and the best methods for making inquiries. Finally, Councilor Sousa stated he was simply looking for information and was not trying to force any issues inappropriately.

Councilor Fitzgibbons returned at 9:15 p.m.

- Mr. Dutton reminded the Councilors; he is always available to any councilor who wants to speak with him.
- Items for Next Meeting:
 - o Councilor George would like an update on the properties on Broad Street (Friendly's, Bowling Alley) including efforts to reach out to property owners.

DISCUSSIONS

- Standing Discussion Item:
 - i. Mitchell School Update – Town Manager
Mr. Dutton stated the process is coming to a close. On July 11th, all materials have to be sent to MSBA. They review and decide whether or not to fund a portion of a new school by August 28th. The town then has 120 days after that to make the appropriation and debt exclusion vote. The committee will be asking the Council for an election date in October. They are also anticipating a first reading for appropriation/bond August meeting, then the second reading/hearing would be back before the Council at a meeting in September. The School Building Committee met June 17th and did a review of project costs. They also had two public sessions, one was an interactive workshop and the other was a presentation. They meet again Monday July 8th.
 - At Councilor Fitzgibbons' request, Mr. Dutton confirmed that although he spoke about readings, etc., nothing is final until the voters decide by a vote?
 - Councilor Wood asked about the high school size basketball court in the schematic - is it a revenue generator? Mr. Dutton responded; he believes it's for community use.

SUBCOMMITTEE REPORTS:

- Budget & Finance Committee: Committee Chair Wood stated the order for CPA reserve accounts has not been voted by CPC and recommended postponing until 7/9.



- Strategic Planning Committee: Committee Chair Losche stated the committee met and are working on a six-month goal review for the Town Manager. The Council is also creating a Review Committee which should provide continuity. The Town Manager will be reviewing the goals outlined by the committee and providing feedback.

LEGISLATION FOR ACTION

- Order O-FY19-058: Transfer Order - Other One-Time Unforeseen Expenses
This measure was not taken up and will be moved to the next agenda.
- Order O-FY19-061: Transfer Order - Notice of Intent Municipal Separate Storm Sewer System (MS4)
It was noted that the Budget & Finance Committee voted 3-0 to recommend this measure.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Losche.
Discussion: None
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Chase – YEA; Wood – YEA; George – YEA; Gallagher – YEA; Rushton – YEA; Losche – YEA; Colombotos – YEA; Fitzgibbons - YEA. The motion Passed 9-0.
- Order O-FY19-062: Transfer Order - Funding for Clearing Out Town Hall and Highway Barn
It was noted that Budget & Finance Committee voted 3-0 to recommend.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Losche.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Colombotos – YEA; Losche – YEA; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - YEA. The motion passed 9-0.
- Order O-FY19-063: Transfer Order - FY19 End of Year Transfers
It was noted that Budget & Finance Committee voted 3-0 to approve.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Losche.
Discussion: None.
Motion: A motion to accept amendments was made by Councilor Losche. The motion was seconded by Councilor Fitzgibbons.
Discussion: None
A voice vote was taken and the motion to amend passed unanimously.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Chase – YEA; Wood – YEA; George – YEA; Gallagher – YEA; Rushton – YEA; Losche – YEA; Colombotos – YEA; Fitzgibbons - YEA. The motion to approve, as amended, passed 9-0.
- Order O-FY19-064: Accept Permanent Easement - Elm Street
Mr. Dutton explained, this is a formality. The easements need to be accepted for the work on Elm Street.
Motion: A motion was made by Councilor Losche to approve orders FY19-064 – 071. The motion was seconded by Councilor George.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Colombotos – YEA; Losche – YEA; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - YEA. The motion passed 9-0.
- Order O-FY19-065: Accept Permanent Easement - Elm Street
This measure was approved per motion above.
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This measure was approved per motion above.

- Order O-FY19-069: Accept Permanent Easement - Elm Street

This measure was approved per motion above.

- Order O-FY19-070: Accept Permanent Easement - Elm Street

This measure was approved per motion above.

- Order O-FY19-071: Accept Permanent Easement - Elm Street

This measure was approved per motion above.

- Order O-FY19-072: Transfer Order - Elm Street Land Taking

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

Discussion: None

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

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

OLD BUSINESS

- Ordinance D-FY19-003: Zoning Ordinance – Amend Table of Uses – Cultivation, Manufacturing and Testing – Recreational Marijuana

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

Discussion: Councilor Asked if the Special Permit criteria ordinance had passed. Councilor Losche confirmed it had.

A voice vote was taken and the motion passed unanimously.

NEW BUSINESS

- Order O-FY19-073: Transfer Order - Drain Replacement - Hayward Street

Motion: A motion was made by Councilor Losche to refer FY19-073, 074, and 075 to the Budget & Finance and Finance Committees. The motion was seconded by Councilor Fitzgibbons.

Discussion:

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

- Order O-FY19-074: Transfer Order - Employment Contractual Obligation
Referred to Budget & Finance and Finance Committees per motion above.

- Order O-FY19-075: Transfer Order - Cultural Council Grant Match
Referred to Budget & Finance and Finance Committees per motion above.

- Order O-FY19-076: Laying Out and Accepting a Private Way – Rolling Pines Drive

Motion: A motion was made by Councilor Fitzgibbons that the Council intends to lay out the way. The motion was seconded by Councilor Chase.

Discussion: At the Council's request, Attorney Rawlins explained the motion above is just part of the procedure. A voice vote was taken and the motion passed unanimously.

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

Discussion:

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

CITIZEN COMMENTS – *No citizens came forward.*

COUNCIL COMMENTS

- Councilor Sousa: Advised - sometimes the water department needs to add an antenna to the meter.
- Councilor Chase: Wished all a Happy 4th of July. Noted the 99 Restaurant is hosting a fundraising event for the 4th events. He hopes residents don't host their own personal fireworks display.



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- Councilor Wood: Spoke about Bob Sterns stating he knew him through the Lions Club. He always made sure the Lions always sponsored a team. David Cox was sudden to us, Mr. Wood knew him for a long time. He was active on the Recreation Commission.
- Councilor George: The 99 event is tomorrow night. Has attended two events for fundraising for the 4th.
- Councilor Rushton: Spoke about Bob Sterns and his dedication. Noticed on the Town's Facebook page acknowledgement of employees around town and really appreciates that.
- Councilor Losche: Encouraged people to donate to the 4th of July committee.
- Councilor Colombotos: Nothing
- Councilor Fitzgibbons: Echoed comments about Bob Sterns and David Cox. Thanked President Gallagher for allowing him to speak at the dedication.
- Councilor Gallagher: Echoed comments of Councilors. Looking forward to July 4th celebration. Next meeting 7/9.

EXECUTIVE SESSION

Motion: A motion was made by Councilor Fitzgibbons 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 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 Losche.

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

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

ADJOURNMENT

Open session adjourned at 9:42 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, July 9, 2019, to approve the aforementioned minutes, as submitted by a voice vote (8-0) (Councilor Sousa not present).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk