



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 November 5, 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, Peter Colombotos (arriving at 7:36 p.m.) and Timothy Fitzgibbons. Town Manager Michael Dutton and Town Attorney Jason Rawlins were also present.

ABSENT:

Councilor Aisha Losche

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- Albert Wood

APPROVAL OF MINUTES

- October 15, 2019

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 7-0 (Councilor Losche absent, Councilor Colombotos not present).

ANNOUNCEMENTS FROM THE PRESIDENT

- President Gallagher provided information on the Tri-Town Veterans Day Parade to be held November 11th in West Bridgewater.

PROCLAMATIONS

CITIZENS OPEN FORUM

- Rebecca Bowings, Spring Hill Avenue Extension: Ms. Bowings' property abuts Fox Run. When it rains, the water collects at the end of the street and into her driveway. Her driveway is now green with mold because of it. She would like to ask the Town to look into correcting the problem.

APPOINTMENTS

HEARINGS -

- Petition P-2019-024: Class II Auto Dealer License - JCC Motor Sales Inc. 808 Bedford Street

**7:36 p.m.: Councilor Colombotos entered meeting.*

President Gallagher opened the hearing at 7:36 p.m.

President Gallagher invited any questions from the public – None

President Gallagher asked if there was anyone speaking in favor - None

President Gallagher asked if there was anyone speaking in opposition - None

President Gallagher entertained any questions from councilors:

Mr. Dutton provided a brief explanation noting the petitioner has met the requirements for a Class II License.

- Councilor George asked about the note that the license will be held until fire inspection. Mr. Dutton responded; he believes it was done today and he has not heard there were any issues.

President Gallagher closed the hearing at 7:38 p.m.

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 8-0.



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- Order O-FY20-014: Transfer Order - High Street Dam & Bridge Preliminary Work
President Gallagher read committee dispositions and history of order.
President Gallagher opened the hearing at 7:39 p.m.
Mr. Dutton explained he has minor amendments to offer which were also recommended by Finance Committee.
He recommended retitling the order to "Transfer Order – High Street Preliminary Engineering Work". Mr. Dutton explained; this transfer pays for the preliminary engineering work being done on the dam removal and bridge replacement.
President Gallagher invited any questions from the public – None
President Gallagher asked if there was anyone speaking in favor - None
President Gallagher asked if there was anyone speaking in opposition - None
President Gallagher entertained any questions from councilors - None
President Gallagher closed the hearing at 7:43 p.m.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Motion: A motion to amend as indicated was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Discussion: It was noted that the Finance Committee also suggested amendments to the explanation. Mr. Dutton stated he will work with the Council Clerk on that correction as the Council is only voting the Order.
A voice vote was taken, and the motion to amend passed 8-0.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Chase – YEA; Wood – YEA; George – YEA; Gallagher – YEA; Rushton – YEA; Losche – ABSENT; Colombotos - YEA; Fitzgibbons - YEA. The motion to approve, as amended, passed 8-0.
- Order O-FY20-023: Loan Order - Community Septic Management Program (CSMP) Loans
President Gallagher read committee dispositions and order history.
President Gallagher opened the hearing at 7:45 p.m.
Mr. Dutton briefly explained the CSMP program was created in the mid-90's. The money originates from the state revolving fund. It means we can provide betterment funds to citizens who wouldn't otherwise be able to afford sewer upgrades.
President Gallagher invited any questions from the public – None
President Gallagher asked if there was anyone speaking in favor - None
President Gallagher asked if there was anyone speaking in opposition - None
President Gallagher entertained any questions from councilors:
 - Councilor Colombotos asked about the funding mechanism; specifically, is there a lien put on the parcel? Mr. Dutton responded; that's correct. Councilor Colombotos asked if the interest/fees be bore by the borrowers or the town? Mr. Dutton explained; we borrow at zero interest. The homeowner pays the administrative cost.
President Gallagher closed the hearing at 7:48 p.m.
Motion: A motion to approve was made by Councilor Sousa. The motion was seconded by Councilor Fitzgibbons.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Colombotos – YEA; Losche – ABSENT; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - YEA. The motion passed 8-0.
- Order O-FY20-026: Free Cash Allocation to Trust Funds
President Gallagher read the committee dispositions and order history.
President Gallagher opened the hearing at 7:48 p.m.



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Mr. Dutton explained; the Free Cash is proposed to be allocated between various funds so it can be further appropriated and outlined the funds and their balances.

President Gallagher invited any questions from the public – None

President Gallagher asked if there was anyone speaking in favor - None

President Gallagher asked if there was anyone speaking in opposition - None

President Gallagher entertained any questions from councilors:

- At Councilor Fitzgibbons' request, Mr. Dutton explained OPEB stating MGL requires municipal employees are offered certain benefits when they retire. OPEB is the town putting money away now; for expenses that will need to be paid later. Mr. Fitzgibbons then asked about General Fund Stabilization. Mr. Dutton explained; this is designed to carry the town through an economic downturn.
- Councilor Rushton asked if there is any mechanism to protect the OPEB Stabilization funds? Mr. Dutton responded; we would not dip into that anytime soon. He pointed out; it would require a vote of the council to move money out. Mr. Rushton then asked how Bridgewater compares with other towns? Mr. Dutton stated almost every town in the state are in the same position.
- Councilor Wood pointed out the Town used to have negative Free Cash. Now we have a very positive number. He briefly asked about Snow & Ice deficit spending.

President Gallagher closed the hearing at 8:01 p.m.

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

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 – ABSENT;
Colombotos - YEA; Fitzgibbons - YEA. The motion passed 8-0.

- Order O-FY20-027: Transfer Order – Capital Transfer Roadway Drainage – Flagg Street

President Gallagher read committee dispositions and order history.

President Gallagher opened the hearing at 8:01 p.m.

Mr. Dutton explained; this is for drainage repair on Flagg Street. The Highway Superintendent did a scope of the drainage on Flagg Street and the report came back that the corrugated pipes are failing. The matter is time sensitive.

President Gallagher invited any questions from the public – None

President Gallagher asked if there was anyone speaking in favor - None

President Gallagher asked if there was anyone speaking in opposition - None

President Gallagher entertained any questions from councilors:

- Councilor Chase extended thanks to the Town Manager for the prompt response in having this dealt with the issue.
- Councilor George asked how this affects other roadway work that needs to be done? Mr. Dutton responded; he doesn't envision it delaying other projects. We will be going out to bid and will be asking for prices for packages of roads. We'll move forward with the engineering for Flagg Street first.
- Councilor Colombotos asked why the funds don't come out of the Capital Improvement? Mr. Dutton responded; we store our capital funds in the capital stabilization. Councilor Colombotos followed up asking; what provisions will be made for sidewalks? Mr. Dutton responded; that will be part of the design process with the engineer.



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- Councilor Gallagher stated his opinion that this is a very large project and he would like to see some of it come out of Chapter 90 or state aide. Mr. Dutton explained; if the drain could be repaired without ripping up the street, he would do that, but the first step is to have the engineer look at it to determine the most cost-effective way to repair. He added; we try to use Chapter 90 funds for maintenance of roads.
- Councilor Wood asked; what the water lines look like under there? Mr. Dutton stated the engineer will be able to let us know.

President Gallagher closed the hearing at 8:23 p.m.

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

Discussion: None

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

Fitzgibbons – YEA; Colombotos – YEA; Losche – ABSENT; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - YEA. The motion passed 8-0.

LICENSE TRANSACTIONS

- Petition P-2019-025: New Common Victualler's License - K&A Enterprises LLC dba Honey Dew 1485 Pleasant Street

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

Discussion: Councilor George asked about the note that the license will be held pending payments of outstanding debts, inspection and DBA. Mr. Dutton responded; the debts have been paid and it was inspected today.

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

- Petition P-2019-026: Change in Officer and Change of Beneficial Interest: The 99 Restaurants of Boston, LLC

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

Discussion: None

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

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:

- Updates:
 - Broad Street
At the last meeting Mr. Dutton reported that we had a verbal discussion with the builder that he was days away from submitting plans. We have not heard from him. The Town is waiting on him to submit to the Planning Board at this point. The Building Inspector has spoken with him. Mr. Dutton stated; there is a mechanism to have them demolished if they were deemed unsafe; however, they are unsightly, but not unsafe.
Councilor George asked when the last time the Building Inspector had been in the building (the former bowling alley). He feels the Building Inspector should be able to do an assessment inside as it could be a public safety issue.
 - Councilor Colombotos asked if we have invoked the vacant and abandoned properties ordinance yet. Mr. Dutton responded; the developer was called into the building inspector's office and read the vacant and abandoned properties ordinance.
 - Councilor Wood asked if the taxes are current? Mr. Dutton responded; the last time checked they were. Councilor Wood followed up asking; if the building is removed, how much tax revenue is lost? Mr. Dutton responded; you'd lose the tax on the assessed building.
- North Street
The Building Inspector has gone out there looking to enforce the removal of tractor/trailer parking which is not permissible. There are also complaints of a firewood cutting operation and contractor yard. Mr. Dutton



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noted; it's a little unclear with the Right To Farm Ordinance whether it's allowable. He is looking to draft amendments with Councilor Sousa.

- *Rainbow's End (Councilor Chase)*

Mr. Dutton stated there is not a lot of new news. The engineering firm has not yet tested. He is not making any promises on a schedule. In terms of future uses; there has been a lot of confusion over who had control over the property. It is still unclear. If the testing comes back that the area can be remediated and parks/recreation wants to use it as another playground, we will reach out to BYSA and the DOC. Councilor Chase asked; if remediation is possible through removal of some soil, how would we know who would do the work and pay for it? Mr. Dutton responded; that's exactly when we'd reach out to BYSA and DOC.

- *Heavy Truck Engine Braking Ordinance Options (Councilor Chase)*

Mr. Dutton stated; he has looked into this and found a handful of towns that have implemented ordinances. He has reached out to MA DOT to clarify the legality of ordinances. They have put together a team for us and we'll be meeting with them. In the meantime; the Highway Superintendent asked me to remind all that Jake-brakes are a safety feature.

- *Town Manager Goals (Town Manager)*

Mr. Dutton provided updates on the following goals:

- Fire Station – a committee has been formed and he hopes to have a meeting before thanksgiving.
- Memorial Building – the application is with the CPC. Mr. Dutton is trying to schedule a joint meeting with CPC and Historic District Commission as they are proposing a historic renovation.
- Regional School Agreement – Mr. Dutton has had no meetings on that recently. He reached out to the Superintendent and counter-parts to try and schedule something.
- Mitchell School – No updates since vote.
- Elm Street – Construction is underway. The DeBartolo building is moving along quickly. The only potential issue may be with Columbia Gas as the state has put a hold on any new installation, so we'll need to apply for a waiver.
- Grant Funding – Spoke about securing funding for cyber security threat training and several other grants in various stages.
- Leveraging Technology – Briefly highlighted permitting software, speaking about OpenGov.
- *Downtown Revitalization Document – Parallel Parking (Councilor Wood)*
Received Road Safety Audit. Mr. Dutton spoke in detail about some of the recommendations, which does include parallel parking. Mr. Dutton stated the benefit of the audit is it allows us to be eligible for federal highway safety improvement funding. It takes a little longer, but the payout is worth it.
- *Status of Mass Cultural Council Grant Award/Implementation (Councilor Colombotos)*
The Town Manager's office is still waiting for the state contract before the funds can be expended. The RFQ for the consultant to do the work on Town Hall is ready to go.
- *Status of Effort to Relocate Fire Station 1 (Councilor Colombotos)*
Members of the committee have been seated and we'll now begin to schedule meeting.
- *Status of Ongoing Traffic Assessment Project (Councilor Colombotos)*
The Highway Safety Audit mentions the corner of Bedford Street and Grove as having a number of accidents, so that will be looked at.
- *My Sister and I Closing (Councilor Colombotos)*
Mr. Dutton stated; his understanding is there is another food service proposing to go in there. President Gallagher stated he has heard the owner of building increased rent to a rate that was unaffordable for them. Councilor Colombotos asked if the business that houses My Sister and I is in the opportunity zone? Mr. Dutton confirmed it is. Councilor Colombotos noted; perhaps the building owner isn't even aware of the opportunity zone.



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Councilor George asked; relative to the regional agreement; have we determined who from each town will sit? Mr. Dutton responded; both towns decided to appoint one member of the Selectmen/Council and a member of the Finance Committee. For Bridgewater it's Councilor Tim Fitzgibbons and Finance Committee Chari, Eric Langone.

- Items for Next Meeting:
Councilor George asked for a Parking Permit Ordinance Update

DISCUSSIONS

- Town Manager Annual Review
Councilor George stated; we have goals and objectives for the Town Manager. Now the committee wants to ask Councilors how they would like to provide feedback. They're going to start the review in December and have a report in January. The committee would like everyone to provide feedback in the same format but need to determine the format.
- Possible Charter Changes – Finance Committee Membership
Mr. Dutton explained; there have been some challenges finding appointees for Finance Committee. If we were to make a change (to their membership), it would require a Charter Change, but this would be done as a stand-alone. Mr. Dutton suggests councilors think about it. You may want to make it a three- or five-member committee. Nine (members) is a challenging number on a committee. Councilors Gallagher and Fitzgibbons agreed it should be looked at. Councilor Fitzgibbons suggested Rules & Procedures Committee take the matter up as a discussion item. Finally, Councilor Wood pointed out; the process is a little different since these are not elected positions.

SUBCOMMITTEE REPORTS:

- Budget & Finance: Committee Chair Wood stated the committee met this evening. The Budget Resolution is on the agenda; but it is basically a cut and paste of last years as a starting point to work with.
- Public Safety: Committee Chair Rushton stated the committee met in August and id-September. They are waiting for pricing on LED solar stop signs. The committee spoke about issues at Grove and Maple. There have also been discussions with BSU about the curb cut at Park Ave. The Town Manager has spoken with Recreation about carefully cutting back some of the trees at Marathon Park to maintain safety.

LEGISLATION FOR ACTION

- Order O-FY20-024: Transfer Order - Capital Sewer Special Purpose Transfer
President Gallagher read the committee dispositions.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Chase.
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 – ABSENT;
Colombotos - YEA; Fitzgibbons - YEA. The motion passed 8-0.
- Order O-FY20-028: Transfer Order - Capital Transfer - FY20 Lease Payments
President Gallagher read the committee dispositions.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Chase.
Discussion: Councilor Fitzgibbons asked why this is not in the budget? Mr. Dutton responded; these are essentially capital items that were approved in the capital plan.
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Colombotos – YEA; Losche – ABSENT; Rushton – YEA; Gallagher – YEA; George – YEA; Wood – YEA; Chase – YEA; Sousa - YEA. The motion
- Order O-FY20-031: Town River Landing Improvements
President Gallagher read the committee dispositions.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Gallagher.
Discussion: Councilor Colombotos explained; the committee voted not to recommend as we felt it was premature and a larger discussion needed to take place.



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Motion: A motion to postpone to the first meeting in May was made by Councilor Wood. The motion was seconded by Councilor Colombotos.

Discussion: Mr. Wood explained he is going to the CPC meeting tomorrow about funding for Styles and Hart. Councilor Gallagher stated he is not opposed to postponing but we have a report from 2014 (Downtown Revitalization Plan) which speaks about this area. Councilor Colombotos stated; the Revitalization plan Mr. Gallagher refers to suggests three different uses for that area. This order takes one of those options and moves forward without any consideration of the other two options. Councilor Fitzgibbons requested Councilor Wood request the matter also be refer back to committee.

- Order O-FY20-032: Declaring the Highway Barn Surplus Property
President Gallagher read the committee dispositions.

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

Motion: A motion to amend as written was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.

Discussion: Councilor Fitzgibbons asked the Town Attorney if the Council can make the amendments. Attorney Rawlins confirmed they could be made. Councilor Colombotos explained; the committee spoke with CED Director. Having more parking on the street is not the best practice. The committee is recommending striking the first paragraph. We were not sure we want to declare it surplus property just yet, but all agree the building should be demolished.

Motion: A motion to amend the amendment was made by Councilor Fitzgibbons to add “the building on Spring Street known as the “Highway Barn at 80 Spring Street” after the words “demolish the” in the second paragraph, second line. The motion was seconded by Councilor Colombotos.

A voice vote was taken, and the motion to amend the original amendment passed 8-0.

A voice vote was taken, and the motion to amend the order passed 8-0.

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 – ABSENT; Colombotos - YEA; Fitzgibbons - YEA. The motion to approve, as amended passed 8-0.

OLD BUSINESS

NEW BUSINESS

- Ordinance D-FY20-002: General Ordinance - Dumpsters in Residential Zoning Districts
This measure was not taken up at the request of the proponent.
- Order O-FY20-033: Acceptance of a Gift – Bridgewater Savings Bank
Motion: A motion to refer to Budget & Finance and Finance Committees was made by Councilor Fitzgibbons. The motion was seconded by Councilor George.
Discussion: None
A voice vote was taken, and the motion passed 8-0.
- Resolution R-FY20-005: FY2021 Budget Resolution
Motion: A motion to refer to Budget & Finance and Finance Committees was made by Councilor Wood. The motion was seconded by Councilor Fitzgibbons.
Discussion: Councilor Fitzgibbons reminded everyone; as Councilor Wood stated this is a cut and past of last year. Councilors should get any suggestions to Council Clerk and she will forward to the committee. Councilor Gallagher stated he hopes people look at this seriously. We really need to look at the Free Cash policy.
A voice vote was taken, and the motion passed 8-0.
- Resolution R-FY20-006: Supporting the Reduction of Underage Vaping in Bridgewater Schools
Councilor Rushton explained; the order references most recent statistics. He is trying to be respectful of the District. This just states we are in support of reducing vaping in schools and would like to see vape detectors in the bathrooms in schools.
This measure was not referred to any committee.

CITIZEN COMMENTS



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- Harry Bailey, Pleasant Street: Regarding heavy truck jake-brakes. It's a town-wide problem. The speed limit in front of his house is 25 MPH; there should be no need for them at that speed, but they continue to be used. Regarding the Town River Landing improvements; he thanked Councilor Wood for extending the order. There are extensive plans going on, but they haven't been fully negotiated yet.

COUNCIL COMMENTS

- Councilor Sousa: None
- Councilor Chase: None
- Councilor Wood: Over last couple of weeks people have noticed the "pumpkin people" on the common. It was a good idea by president of Lions Club. They will be putting up holiday decorations the Saturday after Thanksgiving.
- Councilor George: None
- Councilor Rushton: Spoke about the passing of Richard Sproules and all his volunteer time with BYSA.
- Councilor Losche: Absent
- Councilor Colombotos: Spoke about Richard Sproules and his impact on so many.
- Councilor Fitzgibbons: None
- Councilor Gallagher: Hopes all will come to West Bridgewater for the Veteran's Day Parade.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Fitzgibbons. The motion was seconded by Councilor George. A voice vote was taken, and the motion passed 8-0.

The meeting adjourned at 9:49 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, November 19, 2019, to approve the aforementioned minutes, as submitted by a voice vote (8-0) (Councilor Losche absent).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk