



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, November 7, 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 7:34 pm, on November 7, 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 7:36 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 including:

- Joseph Cruza, Sr.
- Robert A. Parris
- Mitchell C. Wolski
- Grace Fox Jordan
- Patricia Ann Goss
- Walter L. Bump

Motion: A motion was made by Councilor George to take item G: License Transactions out of order. The motion was seconded by Councilor Haley.

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

LICENSE TRANSACTIONS (*Taken Out of Order*)

- Petition P-2017-029: Aarna Corporation dba Bridge Mart 169 Spring Street -Application for Annual Package Store Wine & Malt Beverage License

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

The attorney from Demakis Law Offices, introduced Rakesh Patel and Smit Patel; the Principles of Aarna Corporation.

Mr. Dutton reminded the everyone that the Council voted to accept the only applicant and proceed through the licensing process.

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 -

- Kevin Prosper, came forward and spoke against the license because within a five-mile area there are five licenses for beer and wine. It's right near the college. Mr. Prosper also has a concern about parking. Finally, Mr. Prosper asked if there is a limit for licenses by population per mile?
- Janesh Patel – Owns Go Gas Station, 155 Broad Street – Mr. Patel provided maps to council (included in materials). Mr. Patel cited advice from his attorney stating; for a license e to be issued there needs to be a public need. Mr. Patel feels this area has more licenses than it needs. He further noted parking is already an issue at Mary Lou's. Mr. Patel also included an article from the Town of Wilmington who recently denied a license due to inadequate parking. Finally, Mr. Patel expressed concern that adding another liquor store would only add to the potential of underage alcohol sales.
- The attorney explained; the petitioners have owned several liquor stores for many years and have never had an issue with selling to minors. He then spoke about other stores they own and addressed the proximity of other establishments; noting Skips is not even open. The GO Gas station is ½ mile down the road.

President Fitzgibbons entertained questions from councilors:

- At Councilor Colombotos' request, Mr. Dutton confirmed this would be the sixth license for the Town.



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President Fitzgibbons closed the hearing at 7:48 p.m.

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

Discussion: Councilor Gallagher stated he understands the concerns brought forward but doesn't see a legitimate reason to deny the license. Further, he doesn't really think it will affect the businesses. Councilors Wood and Colombotos also suggested they would support approval of the license.

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

- Petition P-2017-030: Pole Location Request – Verizon New England Inc., and Massachusetts Electric Company – Pole 11S and Pole 12S on Aldrich Road

President Fitzgibbons opened the hearing at 7:51p.m.

The representative from Verizon came forward and explained this is to place two guy poles on Auburn Street.

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:

- At Councilor Perry's request, the Verizon representative confirmed the pole is not in the proximity of anyone's driveway. He further stated he visited the site himself.

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

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

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.

Return to regular order of business (Minutes)

APPROVAL OF MINUTES

- October 17, 2017

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT

- President Fitzgibbons read information on the Tri-Town Veteran's Day Parade
- President Fitzgibbons announced Christmas on The Common will be held December 3rd from 12:00 p.m. – 4:00 p.m. The Common will be closed to North/South bound traffic from 10:00 a.m. – 5:00 p.m.

PROCLAMATIONS - None

CITIZENS OPEN FORUM

- Marilee Hunt, 80 Austin Street – Town Clerk Hunt showed a copy of the newly printed Annual Town Report and explained she would provide hard copies to those Councilors who requested one. She thanked Rebecca Cordeiro for her assistance with the project.
- Sam Baumgarten, Short Street – Mr. Baumgarten stated his opposition to all smoking, noting the town has strong non-smoking laws in place. Opening a retail pot shop goes against what Mr. Baumgarten believes. He urged the Council to vote for the ban when it comes before them for the vote.
- Joe Gillis, Town Line Circle – Mr. Gillis spoke about the proposed tobacco ban, stating they are viable businesses in town. Mr. Gillis expressed concern about the proposed legislation, then spoke about the legislation relative to the



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McElwain RFP. Finally, Mr. Gillis mentioned the former mail slot in the Town Hall, asking if one could be provided for the Academy Building.

- Dr. Hunt, 80 Austin Street – Dr. Hunt has a number of questions on legislation on the agenda this evening, but will wait to hear the discussion before asking.
- Matt Putnam, Pleasant Street – Mr. Putnam pointed out the town voted against Question 4 last year, therefore the town can opt out of allowing retail marijuana sales. Mr. Putnam then provided statistics on marijuana and urged the council to respect the vote of the town.
- Anthony Ellis, 14 Beal Road - Mr. Ellis referenced various historical events then, spoke against the proposed tobacco ban, citing several reasons for his opinion.
- Taylor Sullivan, Norlen Park – Ms. Sullivan voiced opposition to recreational marijuana in the Elm Street area or in the Town at all. She is also opposed to allowing the medical marijuana facilities to sell recreational marijuana. Finally, Ms. Taylor stated her belief that the proposed tobacco ban is a distraction.
- John Mattos, Concetta Drive – Mr. Mattos attended the 11/1 meeting and was very proud of the way the meeting was conducted. Based on the meeting it is clear that the citizens do not want marijuana shops. Mr. Mattos then spoke about the two new ordinances under New Business (Elm Street and Retail Marijuana Tax) expressing his opposition to both, noting he feels they are premature.

After several requests for the public to refrain from applause and outbursts, President Fitzgibbons declared another outburst will prompt him to call a 10 minute recess

- Amy Sumner, Old Cedar Village – Ms. Sumner spoke previously when there was a proposal to zone Elm Street. Ms. Sumner spoke against allowing recreational marijuana to be sold. Ms. Sumner expressed her opposition to the zoning of Elm Street for the sales of retail marijuana.
- Sam Sterling, Old Cedar Village – Mr. Sterling works in law enforcement and has spoken previously in opposition to the Elm Street zoning. Mr. Sterling pointed out that retail sales of marijuana is dangerous and reminded all that there currently is no field sobriety test for driving under the influence of marijuana..
- Greg Carlstrom, Cherry Street – Mr. Carlstrom is a Veteran. He explained; the number one problem facing veterans is addiction. Bringing pot shops into the community will only enable the problems.
- Pat Neary, 225 Lakeside Drive – Ms. Neary stated; the original ballot question was written by marijuana proponents. Ms. Neary reminded the Council they have the right to vote no and honor the citizens votes. Finally, Ms. Neary voiced her opposition to the Elm Street ordinance.
- May George, Old Forge Road – Ms. George spoke about the character of the community, stating this type of industry can have a detrimental effect on the character of the community. The Town Council is here to serve and protect and guide the citizens.
- Victor Delmonte, Fieldstone Circle – Mr. Delmonte stated, the new ordinances about marijuana make no sense. It's putting the cart before the horse. Mr. Delmonte pointed out the town voted no on Question 4 and referenced other towns who have voted to ban and urged the Council to do the same.

APPOINTMENTS

- Kevin Bligh – Energy Committee
Town Manager Dutton spoke on Mr. Bligh's behalf.
Motion: A motion to approve was made by Councilor Gallagher. The motion was seconded by Councilor Losche.
Discussion: Several Councilors thanked Mr. Bligh for his service to the town.
A voice vote was taken and the motion passed 9-0.

HEARINGS - None

PRESENTATIONS



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- Presentation on Marijuana – Jody Hensley

Ms. Hensley provided a handout (included in materials) is visiting from Westborough to speak about marijuana legalization and the Town of Westborough; who opted out. Ms. Hensley spoke about her history and the factors that brought her to study the impacts of marijuana commercialization. Ms. Hensley explained that they have learned that where the supply and availability of the drug goes up in a community and the perception of harm goes down, we see usage rates go up and addition rise. The drug is still illegal under federal law. The Supreme Court has ruled that federal law preempts state law. Ms. Hensley then spoke about Precautionary Principal in Public Policy. She explained the principle suggests local decision makers should act to do the least harm. Ms. Hensley spoke about how a community could opt out. In the town of Westborough, they had a ballot referendum, then took it to the Town Meeting floor and voted on a Zoning bylaw and a General Bylaw. They strategically opted out early as they knew marijuana facilities would be putting pressure on communities. Ms. Hensley spoke about the many risk factors.

Questions:

- Councilor Wood asked about the town's surrounding Westborough who may have been "yes" towns and where Ms. Hensley thinks they'll go with their process and what that means for Westborough. Ms. Hensley responded; if they don't do comprehensive legislation, they're much more susceptible to becoming marijuana center. Mr. Wood stated Framingham was a "yes" town and pointed out the ban in Westborough does not make it impossible for people to bring marijuana into the town. Ms. Hensley responded; they were very realistic about that.
- Councilor Gallagher asked; of the 91 communities that voted "no" do you know any that went back to a ballot? Ms. Hensley responded, no. Mr. Gallagher then asked; of the "yes" communities are any going back to a ballot? Ms. Hensley stated there are 100 communities that voted moratorium.

Motion: A motion was made by Councilor Colombotos to take agenda item N: New Business out of order. The motion was seconded by Councilor George.

Discussion: None

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

NEW BUSINESS (Taken Out of Order)

OLD BUSINESS

- Ordinance D-2017-001: Amend General Ordinances – Vacant & Abandoned Commercial Properties

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

Discussion: Councilor Colombotos explained he will put forward a new ordinance which will simplify things. A voice vote was taken, and the motion passed unanimously.

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

8:54 p.m.: *President Fitzgibbons called a brief recess.*

9:03 p.m.: *President Fitzgibbons called the meeting back to order.*

Councilor Wood explained he is in favor of a town-wide vote. He explained his reasons for sponsoring this ordinance as part of a four-stage plan. Mr. Wood recapped the history of the vote on recreational marijuana. Councilor Gallagher raised a point of order stating we haven't had a chance to talk about the ban at the council. President Fitzgibbons ruled the discussion was out of order.

Councilor Wood explained; this ordinance is a safety net and spoke about what question 4 allows. This is part of a larger plan to put a moratorium in place then go back to a ballot vote. This ordinance would ensure if the ban fails, this would ensure pot shops couldn't pop up just anywhere.

Motion: A motion was made by Councilor Wood to refer the measure to the Community & Economic Development Committee and Planning Board for a joint hearing. The motion was seconded by Councilor Haley.

Discussion: Councilor Haley noted; this is on the agenda for the Ad Hoc Committee. Councilor Gallagher expressed his opinion that this ordinance is not necessary at this time and is premature. Recommendations



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should be coming from the ad hoc committee. He further thinks this will create a delay. Councilors Sousa, Colombotos and George agreed this is premature. Discussion continued as the Council debated moving the item to committee and whether there was a time frame to hold a hearing.

Seeing no further discussion, President Fitzgibbons asked for a roll call vote with results recorded as follows:

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

George – NAY; Colombotos – NAY; Gallagher – NAY; Sousa – NAY; Fitzgibbons – NAY; Haley – YEA; Perry – NAY; Wood – YEA; Losche – NAY. The motion to refer to committee failed 2-7.

President Fitzgibbons suggested this be postponed to the next meeting pending the disposition of the Community & Economic Development Committee and Planning Board.

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

Discussion: None

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

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

Mr. Wood explained, as with the previous ordinance; this ordinance is meant to be a safety net

Motion: A motion was made by Councilor Wood to postpone to next agenda. The motion was seconded by Councilor Haley.

Discussion: Councilor Gallagher pointed out the legislation references a town wide ballot and asked why there isn't ballot legislation before us. Councilor Wood responded there wasn't time.

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

- Ordinance D-FY18-010: Zoning Ordinance - Amend Table of Use Regulations – Tobacco

Councilor Wood referred to previous citizens who spoke about the dangers of smoking. Many focused on marijuana risks. All those examples could apply to tobacco.

Motion: A motion was made by Councilor Wood to refer to Community & Economic Development Committee and Planning Board. The motion was not seconded.

Motion: A motion was made by Councilor Losche to table the measure indefinitely. The motion was seconded by Councilor Gallagher.

Discussion: Councilor Losche feels it unnecessary. Councilor Gallagher agreed with Mrs. Losche. Government doesn't need to tell businesses not to sell tobacco. Councilor Wood stated he thinks it's hypocritical.

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

- Order O-FY18-010: FY2018 Classification Tax Allocation – Adoption of a Residential Factor

9:35 p.m.: President Fitzgibbons called a brief recess.

9:37 p.m.: President Fitzgibbons called the meeting back to order.

Mr. Dutton explained a residential factor of "1" means we charge the same tax rate to commercial/industrial properties and residential properties. It is the recommendation primarily because we don't have enough commercial and industrial business to make a significant difference if we had a split tax rate.

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

Discussion: President Fitzgibbons commented; we shouldn't think about changing this from 1 until we have a 20% commercial base. President Fitzgibbons asked the Council Clerk to schedule the hearing for 12/5/17.

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

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

Mr. Dutton explained the Transfer Station ran a deficit on their revenue during the fiscal year. It needs to be corrected before we close out the fiscal year.

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



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Discussion: At Councilor Colombotos' request, Mr. Dutton reiterated the deficit is a revenue deficit, not an expense deficit.

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

- Order O-FY18-013: Free Cash Allocation

Mr. Dutton briefly explained this measure allocates our fee cash in keeping with past practice.

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

- Order O-FY18-014: Town Council Acceptance of Proposal & Authorization for the Town Manager to Negotiate a Purchase & Sale for the McElwain School

Mr. Dutton explained; they issued an RFP for sale or lease of McElwain and received one response from two companies who have significant experience building affordable housing. The plan proposes putting about \$20.5MM into the property with a total of 52 units. The benefit is it helps us achieve our 20% housing stock and helps redevelop the site. Mr. Dutton noted; the proposal asks the Town for a significant amount of money. They are working with the Finance Director to help them see how they can achieve financing through grants, etc. At Councilor Gallagher's request, Mr. Dutton advised they are offering a purchase price of \$600,000 and asking for funding from the town \$1.8MM. Mr. Gallagher doesn't see where this fits with the town. Discussion followed, Councilor Colombotos expressed concern about the timing. Mr. Dutton affirmed they have indicated needed an answer from the Town by the beginning of December. At the Council's request, Attorney Rawlins confirmed a sale would be subject to appropriation and the Council's approval.

Motion: A motion was made by Councilor Colombotos to refer to Community & Economic Development Committee, Housing Trust, Community Preservation Committee and Planning Board. The motion was seconded by Councilor Perry.

Discussion:

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

- Resolution R-FY18-003: Bridgewater's FY2019 Budget Policy Guidelines (*Councilor Wood*)

Councilor Wood explained; this measure is based on last year's finished product with updated dates.

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

Discussion: None

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

Return to regular order of business – Town Manager's Report.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: The Mitchell School was formally invited into the feasibility phase. Now the committee will move to hire a OPM. There has been some controversy over the temporary/trial stop signs. It was done at the recommendation of the Transportation Committee which is made up of mostly public safety officials. It's not meant to be a permanent fix, but a 90 day trial. The town has received a letter of approval from DHCD on the 60 unit development on Burrill Ave. Now the developer can apply to the ZBA. Mr. Dutton has asked for a stay from DHCD so we can take inventory to verify if we're close to our 10%.

Questions:

- Councilor Wood asked if the Transportation Committee posts their meetings. Mr. Dutton responded; he believes so. Mr. Wood stated people should get a little warning if something like this (stop signs) is going to happen. Mr. Wood reminded all that the Council needs to vote on fees for the Town. Finally, Mr. Wood expressed his concern about the Transfer Station deficit.



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- Councilor George asked for an update on the long term plan for Town Hall? Mr. Dutton responded there was a furnace failure over there. He is meeting with the University tomorrow to talk about some uses they may be interested in, then we'll go out to bid. Mr. George asked what the Council can expect for a timeline. Mr. Dutton responded; maybe two weeks. Finally Mr. George asked if the Senior Center work is done. Mr. Dutton responded "yes".
- Councilor Haley asked about the Flag not being at half staff. Mr. Dutton responded; we follow the request of the Governor of the Commonwealth. There's a flag in front of this building that's stuck right now.
- Councilor Colombotos asked if the Town is still accepting applications for Planner. Mr. Dutton responded yes and noted several people have applied. Mr. Colombotos asked if Mr. Dutton can you hire consultants. He responded yes.

DISCUSSIONS - None

SUBCOMMITTEE REPORTS:

- Budget & Finance: Councilor Wood noted the committee voted unanimously to recommend items B and C under L: Legislation for Action.

LEGISLATION FOR ACTION

- Order O-FY18-008: Transfer Order – Sewer Enterprise Transfer for Emergency Repairs
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Haley.
Discussion: Councilor Wood noted Budget & Finance Committee recommended approval of this measure. 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-FY18-009: Trust Fund Transfer – Senior Center Folding Partition
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Haley.
Discussion: Councilor Wood noted, Budget & Finance Committee voted to recommend approval. 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-FY18-011: Collective Bargaining Agreement Ratification – AFSCME
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor George.
Discussion: Councilor Wood stated his support of the contract, noting it is a retro contract. We will see a small cash movement to cover a piece of this at a future meeting. 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.

CITIZEN COMMENTS –

- Dr. Carlton Hunt, 80 Austin Street: Regarding the McElwain School. Dr. Hunt encouraged all to read the proposal and noted it's not on the website. He didn't understand many of the terms in the legislation and explained the term "Workforce Housing Units".

COUNCIL COMMENTS

- Councilor Losche: Nothing
- Councilor Wood: Marijuana is legal in MA whether we like it or not. Mr. Wood looked at how his district voted and wants to support them. Mr. Wood referenced the plastic bag ban as an example; noting he thinks banning the retail sale isn't going to stop marijuana from coming into town. Finally he stated his opinion that this should go back to a ballot vote.
- Councilor Perry: Veterans Day is coming up. Dr. Perry will not be able to attend the parade as he will be chaperoning the BR High School Band to DC. He wishes them luck. Dr. Perry then spoke about his Uncle's passing; stating he was an icon in town as a dance teacher and will be sorely missed.
- Councilor Haley: Nothing



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- Councilor Sousa: Would like to see the signs (in the center of town) stay. Mr. Sousa has been invited as a Veteran to spend time with 8th graders.
- Councilor Gallagher: Thanked everyone who came out tonight. He hopes in two weeks we will have a discussion on recreational marijuana. Mr. Gallagher looks forward to seeing everyone at the parade.
- Councilor Colombotos: At the hearing Mr. Colombotos was struck by the amount of suffering. Passing a ban on recreational marijuana is not going to get us out of this problem. There's a whole lot more we can do. Mr. Colombotos wondered if we can't do something bigger and aim higher.
- Councilor George: Spoke about his daughter who interviewed Veterans. Mr. George has yet to come across anyone who isn't trying to do the best for the town. As a group we are always trying to do the best we can to lead the town. There are multiple voices we have to listen to and we respect them all.
- Councilor Fitzgibbons: Spoke about some of the outbursts earlier tonight which aren't really appropriate. It's important to keep the meetings moving. Mr. Fitzgibbons respects everyone's opinion, but he has to let everyone be heard.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

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

The meeting adjourned at 10:38 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 21, 2017, to approve the aforementioned minutes by a unanimous voice vote (9-0).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk