Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, November 15, 2016

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 15, 2016 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright (arriving at 7:32 p.m.), Peter Colombotos (arriving at 7:38 p.m.), Edward Haley, Timothy Fitzgibbons, Dennis Gallagher, Aisha Losche (arriving at 8:04 p.m.), William Wood, Kevin Perry and Frank Sousa. Town Manager Michael Dutton and Town Attorney Mark Gildea 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:

- Charles Garabedian
- Albert Levaggie
- William Squires
- Jennifer Dechristopher

APPROVAL OF MINUTES

- November 1, 2016

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

  Discussion: None

  A voice vote was taken and the motion passed 7-0.

ANNOUNCEMENTS FROM THE PRESIDENT

- Reminded citizens 12/4/16 is Christmas on the Common and the Grand Opening of the Academy Building beginning at 11:30 a.m. We have some invited dignitaries and will be giving tours of the building.
- Christmas on the Common begins at 12:00 that same day.

PROCLAMATIONS - None

Motion: A motion was made by Councilor Fitzgibbons to take agenda item E "Appointments" out of order. The motion was seconded by Councilor Perry.

Discussion: None

A voice vote was taken and the motion passed 7-0.

APPOINTMENTS *(Taken out of order)*

Cultural Council:

- Theresa Foley
- Elizabeth Walden

  Mr. Dutton spoke briefly on behalf of both candidates.

  Motion: A motion to appoint Ms. Foley and Ms. Walden to the Cultural Council was made by Councilor Fitzgibbons. The motion was seconded by Councilor Perry.

  Discussion: None

  A voice vote was taken and the motion passed 7-0.

CITIZENS OPEN FORUM –

- Sam Baumgarten, 60 Short Street: Mr. Baumgarten noted he has moved the podium so when someone speaks they can be heard by all without their back to the audience. Mr. Baumgarten briefly spoke about a concern he had regarding being able to hear at Planning Board meetings, which has been resolved. He then expressed concern

that the Council meetings are not being aired live due to the lack of hookup by Comcast and requested the Town Council have Comcast in to a meeting.

HEARINGS -

- **7:35 P.M HEARING.: Petition P-2016-043**: New Class II Auto License – Twins Truck & Auto Sales & Repair, 365 Elm Street

  President Gallagher opened the hearing at 7:39 p.m.

  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: No councilor questions.

  President Gallagher closed the hearing at 7:40 p.m.

  Motion: A motion was made by Councilor Fitzgibbons to close the hearing. The motion was seconded by Councilor Perry.

  Discussion: None

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

  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 8-0.

- **7:40 P.M. HEARING:** To receive public input on proposed amendments to the Town of Bridgewater Home Rule Charter

  President Gallagher opened the hearing at 7:40 p.m.

  President Gallagher explained the Charter Review Committee was established in 2014. The Changes were given to the full Council in April 2015.

  President Gallagher invited any questions from the public

  - Joe Gillis, 30 Townline Circle: Mr. Gillis posed questions on: stipends for the Councilors, referencing MGL 32B, which allows health insurance. He noted volunteers who receive stipends get benefits and need to be exempted by MGL. He also asked if they would be eligible for pension. Mr. Gillis questioned the proposed changes in approval for appropriations and disagrees with changing the Finance Committee from 9 to 5 members. Mr. Gillis asked what the next steps are.

    Councilor Wood responded to Mr. Gillis' questions noting the following: on a timeline to try and get the public to vote in April. The Finance Committee struggles to get nine members. If the town moves to an appointed Town Clerk, the Council would appoint three members and the Town Manager would appoint two. Regarding the appropriation change, they tied the language to the state limit. In response to the question about stipends, Attorney Gildea stated the proposed changes would be submitted to the legislature which in itself is a Special Act

  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, Councilor Wood explained about the proposed change to the Capital Plan submission noting, some of the context was to do an annual capital plan, but the idea is to be a little more dynamic now.
  - Councilors Fitzgibbons and Wood commented on the amount of work that went into this by Councilor Losche, who did a great job running the process and the Charter Review Committee who also did a great job.

- Councilor Perry asked if additional language is needed to fill in the grey area around filling Council vacancies. Councilor Wood responded, we have an ordinance that's in the newly adopted document.

**8:03 p.m., Councilor Losche entered the meeting*

**8:05 p.m., President Gallagher called a brief recess*

**8:07 p.m., President Gallagher called the meeting back to order*

- Councilor Sousa questioned the advantages to the change of the Town Clerk to appointed from elected. Discussion followed as councilors offered opinions on the advantages and disadvantages to changing the Town Clerk to an appointed position. Councilor Losche advised; research shows that most towns have appointed town clerk. Appointing ensures people in the role have a similar skill set and gives us a way to maneuver through the vetting process. Appointment allows you to look for a qualified person who is in charge of the vital records and allows you to look outside of the town for qualified candidates. Councilor Losche further explained; the proposed changes were very thoughtful. The committee brought in different people as well as the town attorney. The changes make sense and will help the town evolve. President Gallagher noted the Charter Review Committee recommended the Town Clerk be appointed. He has gone back and forth, and now feels the position should remain elected, however if the Council chooses to move to appointed, he would like to see the Council be the appointing authority. Councilor Gallagher noted a scriveners error on page two. It reads, "Clerk" and should be expanded to "Town Clerk" to avoid confusion. At Councilor Gallagher's request, Attorney Gildea explained the exclusion for pension eligibility could be achieved through special legislation, which this Charter Change process is. A brief discussion followed as Councilor Losche answered questions about the proposed meeting notice requirements and explained changes and signature requirement changes.

President Gallagher closed the hearing at 8:30 p.m.

Motion: A motion to close the hearing was made by Councilor Fitzgibbons. The motion was seconded by Councilor Losche.

Discussion: None

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

LICENSE TRANSACTIONS

- Petition P-2016-046: New Common Victualler's License – Crispi's, Inc, dba The Final Score Café, 350 Bedford Street

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

  Discussion: None

  A voice vote was taken and the motion passed unanimously.

PRESENTATIONS -

- Disabilities Commission

  David Frimm came forward and explained he is the newly appointed Chairman of the commission. He introduced other members of the committee and gave a brief update noting they are looking for a couple of more members to get to full committee. Their next meeting will be 11/30 and they are looking forward to being a resource to the community.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: Mr. Dutton has a call with Cathryn Mahoney from Comcast tomorrow and will ask her to attend the first meeting in December. Mass DOT is holding their annual state rail plan update Monday 11/21 at 6:30 p.m., at the Attleboro public library. The town has tentatively settled the remaining collective bargaining contracts pending financial review. We are negotiating two community benefit agreements with two medical marijuana facilities on Elm Street and are waiting for direction from legislature. We have gone out to bid on complete

streets phase II, which is the hiring of a traffic consultant to make recommendations. We would be eligible for up to $50,000 in design funding and will position ourselves to be in line for up to $400,000 in construction costs.. The Town Manager's office continues to review pros and cons of leaving the Mayflower Municipal Health Group and have hired a consultant. If we ask for your vote to leave, a detailed analysis will be provided. Mr. Dutton met with group of parkland stewards to understand the history and how it works. Mr. Dutton spoke about the Curve Street 40B development, which is a proposed 150 house subdivision. The application has now been filed with the ZBA. The hearing is scheduled for mid-December. The process leaves the approval or denial to the ZBA. Mr. Dutton acknowledged three firefighters: Lt. Paul Chuilli, Captain Robert Mancinelli, Deputy Chief Jack Hennessy who were recently promoted. There have been continuing discussions on the Mitchell School and what will be done there. We are waiting to see what MSBA will approve for us. Whatever happens it will be a multi-year process. If we are not invited to the program, it will be up to the town what we want to do. Finally, Mr. Dutton noted they were seeking volunteers for the Solid Waste committee.

Councilor Questions:

Mr. Dutton responded to a variety of questions including committing to look into the status of improvement at Skips. At Councilor Losche's request Mr. Dutton explained toggle keys are not traceable, which is why there are so few of them. Councilor Losche requested access to the Council Chamber locker room. Mr. Dutton then explained the homes on Main Street had to be asbestos tested prior to demolition and one of the homes did contain asbestos, which needs to be abated before taking it down. Councilor Colombotos asked several questions about Central Square traffic proceedings, noting his concern about the plan going forward. Mr. Dutton responded he's not anticipating going in any other direction but we knew we needed a traffic engineer to move to the next step. President Gallagher would like a toggle key. He intends to ask the Comcast representative about having asked to borrow to borrow $40,000 from BTV to fix things. Mr. Dutton explained the BTV Board has authorized an expenditure of up to $40,000 to cover expenses. The understanding is that that is the most expeditious way to get things done.

DISCUSSIONS

SUBCOMMITTEE REPORTS - *None*

LEGISLATION FOR ACTION - *None*

OLD BUSINESS - *None*

NEW BUSINESS

- Order O-2016-027: Acceptance of Changes to the Bridgewater Home Rule Charter

  Motion: A motion was made by Councilor Fitzgibbons to accept changes. The motion was seconded by Councilor Wright.

  Motion: A motion was made by Councilor Sousa to amend to keep Town Clerk elected not appointed. The motion was seconded by Councilor Colombotos.

  Discussion: Councilor Sousa explained his opinion that the town's people should have more of a say. Councilor Wright does not support the amendment. Councilor Colombotos likes the idea of being an independent, but agrees with Mrs. Losche's point about being able to draw from a larger pool. Councilor Losche agrees the people should have a say, but having someone in the job with little to no experience is scary. Having the position appointed does not preclude anyone from applying. Councilor Wood stated; multiple boards and committees have made the recommendation to have it be appointed. The town needs to be able find someone who is highly qualified in that role. Councilor Fitzgibbons will be supporting the change to appointed, but is open to Mr. Gallagher's idea of the Clerk being appointed by the Town Council. Councilor Gallagher, having been on the Council for a year and a half now, is leaning towards elected.

  Seeing no further discussion, a voice vote was taken and the motion failed 1-8 (Councilor Sousa in the minority)

  Motion: A motion was made by Councilor Fitzgibbons to refer the order back to Rules and Procedures Committee. The motion was seconded by Councilor Losche.

  Discussion: President Gallagher noted he would like to see the Town Council appoint the Town Clerk.

  A voice vote was taken and the motion passed unanimously.

- Order O-2016-028: Acceptance of a Remote Participation Policy

  Mr. Dutton explained the order briefly.

Motion: A motion was made by Councilor Fitzgibbons to refer to the Rules & Procedures committee. The motion was seconded by Councilor Wood.
Discussion: None
A voice vote was taken and the motion passed unanimously.

- Order O-2016-029: Procure Services – Strategic Planning
  President Gallagher explained Strategic Planning is proposing we work with the Town Manager to procure a consultant to put a Strategic Plan together.
  Motion: A motion was made by Councilor Fitzgibbons to refer to the Budget & Finance and Finance Committees. The motion was seconded by Councilor Wood.
  Discussion: A brief discussion took place after Councilor Wood asked how this fits with Master Plan and Community and Economic Development, noting he is not sold on the idea of a consultant. Members of the Strategic Planning committee offered clarifying points on the merits of funding the request.
  A voice vote was taken and the motion passed unanimously.
- Resolution R-2016-009: Town Manager Annual Goals Template
  Councilor Haley briefly explained the template noting this would be for 2017. A brief discussion took place as Councilor Perry asked about the review sheet established in the last contract negotiation. Councilor Losche noted the Definitions need to be updated to match what is being used. Councilor Fitzgibbons restated his position that the Council can't evaluate the Town Manager on a calendar year when the fiscal year is different.
  This measure was not referred to any committee.

CITIZEN COMMENTS

- Joe Gillis, Town Line Circle: Mr. Gillis referenced the proposed Charter change in Section 7. He feels it is a pretty high burden to get 100 signatures. Historically, only 70 were required and there were many contested races.

COUNCIL COMMENTS

- Councilor Wright: None
- Councilor Colombotos: Spoke briefly about Fitchburg, where they closed off a lane of traffic as a bike lane as a test.
- Councilor Haley: None
- Councilor Fitzgibbons: Recognized everyone who came out for the Tri-Town Veterans Day Parade.
- Councilor Losche: Also spoke about the parade and agreed it was great.
- Councilor Wood: Spoke briefly about Christmas on the Common, noting the Lions will put up the lights.
- Councilor Perry: Was unable to attend the Veterans Day Parade. Thanked the Cultural Council volunteers and congratulated the firefighter promotions. Also congratulated Badgers teams at Superbowls.
- Councilor Sousa: Congratulated the fire department employees on their promotions.
- Councilor Gallagher: Congratulated the three promoted fire fighters. Thanked 8th grade students at the Veterans ceremony noting there were many veterans who participated. He reminded everyone of the grand opening ceremony and thanked his colleagues who participated in the parade. Wished everyone a Happy Thanksgiving.

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 Wright.
A roll call vote was taken with results recorded as follows:
Wright – YEA; Colombotos – YEA; Haley – YEA; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA – Wood – YEA; Perry – YEA; Sousa – YEA. The motion passed 9-0.

ADJOURNMENT

Open Session adjourned at 10:00 p.m.
Minutes submitted by: Ann Holmberg

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, December 20, 2016, to approve the aforementioned minutes, as submitted, by a voice vote (9-0)
A TRUE COPY ATTEST:

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Ann M. Holmberg
Town Council Clerk