



CALL TO ORDER:

A quorum being duly present, Town Council President Edward Haley called the meeting of the Bridgewater Town Council to order at 7:30 pm, on December 4, 2018 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Francis Sousa, Peter Colombotos (arriving at 7:34 p.m.), William Wood, Dennis Gallagher, Edward Haley, Fred Chase, Shawn George, Aisha Losche, and Timothy Fitzgibbons. Town Manager Michael Dutton and Town Attorney Jason Rawlins were also present.

ABSENT: *No Councilors were absent.*

PLEDGE OF ALLEGIANCE

President Haley announced the meeting was being aired live and recorded.

MOMENT OF SILENCE

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

- Robert Hill

APPROVAL OF MINUTES

- November 27, 2018

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.

ANNOUNCEMENTS FROM THE PRESIDENT

PROCLAMATIONS

CITIZENS OPEN FORUM

APPOINTMENTS – *None*

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

Discussion: None

A voice vote was taken, and the motion passed unanimously.

LICENSE TRANSACTIONS – *None (Taken out of order)*

Motion: A motion was made by Councilor Fitzgibbons to take agenda item H: Presentations out of order. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed unanimously.

PRESENTATIONS – *None (Taken out of order)*

Motion: A motion was made by Councilor Fitzgibbons to take agenda item J: Discussions out of order. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken, and the motion passed unanimously.

DISCUSSIONS – *None (Taken out of order)*

Motion: A motion was made by Councilor Fitzgibbons to take agenda item L: Legislation for Action out of order. The motion was seconded by Councilor Chase.

Discussion: None

A voice vote was taken, and the motion passed unanimously.

LEGISLATION FOR ACTION – *None (Taken out of order)*

Motion: A motion was made by Councilor Fitzgibbons to take agenda item M: Old Business out of order. The motion was seconded by Councilor George.



Discussion: None

A voice vote was taken, and the motion passed unanimously.

OLD BUSINESS – *None (Taken out of order)*

**Return to Regular Order of Business: Hearings*

HEARINGS -

- **7:35 p.m.:** Order O-FY19-028: FY2019 Transfer Station Enterprise Fund Revised Budget & Supplemental Transfer
Mr. Dutton explained the transfer request order which asks to reduce the transfer station enterprise receipts by \$37,704.99 and transfer and amount of \$37,704.99 from other one-time stabilization to the transfer station.
President Haley opened the hearing at 7:35 p.m.

President Haley invited any questions from the public—None came forward.

President Haley asked if there was anyone speaking in favor—None came forward.

President Haley asked if there was anyone speaking in opposition—None came forward.

President Haley entertained any questions from councilors:

- Councilor Fitzgibbons asked if the amount is larger or smaller than the indirect costs allocated to the transfer station? Mr. Dutton responded; he believes it's a little smaller.

President Haley closed the hearing at 7:37 p.m.

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

Discussion: Councilor Wood noted; both Budget & Finance and Finance Committee recommended approval and confirmed this is housekeeping.

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

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

- **7:38 p.m.:** Petition P-2018-020: Joint Pole Relocation - Massachusetts Electric Company & Verizon New England— Pole #12 Mill Street

Simon Young came forward stating he is the engineer for National Grid. He explained they are moving exiting pole #12 20 feet northeast to reduce the sag.

President Haley opened the hearing at 7:38 p.m.

President Haley invited any questions from the public—None came forward.

President Haley asked if there was anyone speaking in favor - None came forward.

President Haley asked if there was anyone speaking in opposition - None came forward.

President Haley entertained any questions from councilors:

- Councilor Losche asked if any abutters objected? Mr. Young responded; there were only three houses; none came forward.

President Haley closed the hearing at 7:41 p.m.

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:

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

- **7:40 p.m.:** Order O-FY19-030: FY2019 Classification Tax Allocation - Adoption of a Residential Factor
Chief Assessor, Shelley McCaulley presented financial and demographic information used in the recommendation of adopting a factor of "1", which sets the tax rate at one for all classes.

President Haley opened the hearing at 7:42 p.m.

President Haley invited any questions from the public—None came forward.



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, December 4, 2018

President Haley asked if there was anyone speaking in favor - None came forward.

President Haley asked if there was anyone speaking in opposition – None came forward.

President Haley entertained any questions from councilors:

- At Councilor Fitzgibbons' request, Ms. McCaulley confirmed; although the tax rate went down, citizens can still expect the tax bill to go up and if someone has a concern about the fairness of the assessment, they can contact you the Assessor. Councilor Fitzgibbons noted to the Town Manager; Raynham has a tax rate that's 25% above Bridgewater. This may be a good opportunity to sell the town to commercial/industrial prospects.
- Councilor Gallagher asked how the average increase of \$213 compares over the last years and how the pace compares with other communities? Ms. McCaulley confirmed it was a little more last year at \$318 and in terms of pace; every town and neighborhood is different.
- Councilor Wood noted; Commercial business is at 12.9%, asking if that is consistent? Ms. McCaulley confirmed it went down a little.

President Haley closed the hearing at 7:56 p.m.

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

Discussion: Councilor Wood noted the Budget & Finance Committee and Finance Committee each voted to recommend approval.

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

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

Mr. Dutton extended thanks to the Chief Assessor and Finance Team for their work putting this together.

- **7:45 p.m. (Continued from 9/25/18):** License Revocation Hearing: Skips Liquors
President Haley read the pertinent portion of the letter sent to Skips.

President Haley opened the hearing at 7:59 p.m.

President Haley invited Mr. Patel to approach the podium:

Mr. Patel explained the license is not, not in use. The license has been in use for two months and five days. He has advised the Building Department that the kitchen will not be able to be finished and there is a small asphalt issue which he has approached the Planning Board about. He is trying to keep it, but given the cost he will probably get rid of it.

President Haley entertained any questions from councilors:

At Councilor Chase's request, Mr. Patel explained he will not be keeping Seaside Liquors as the business name. All legal invoices and receipts are Skip's Liquors. Councilor Chase noted; Patelson's Inc is a dissolved corporation; and the Council needs to know the actual name. If it's Skips, Mr. Patel needs to file a DBA with the Town Clerk. Mr. Chase noted the Council may need to question the legality of the license to an entity that's no longer in existence. It was noted by Councilor Fitzgibbons that this tonight's hearing is about non-use of a license. At the Council's request, Attorney Rawlins agreed; it's certainly an issue if the corporate entity doesn't exist any longer. He further agreed with Councilor Fitzgibbons that tonight's hearing is a continuation of a notice that went out in August 2018 and it would be inappropriate to take action on the corporation issue. However, the Council could issue a new notice and hold a new hearing. At the request of Councilor Wood, Mr. Patel explained, he was not aware that the corporation was dissolved. He then spoke about the business name; explaining initially he was planning to keep all three of his stores with the same name but have since decided to continue with Skips as the name of the Bridgewater store. At Councilor Wood's request, Attorney Rawlins recommended the Council finish/close the hearing on non-use. Make a determination, then, based on that determination; make a decision on what to do about it. He continued; if there is evidence that there have been new violations, a new notice should go out.



Discussion followed regarding the possibility of addressing the dissolved corporation issue during the annual licensing renewal process. At the Council's request, the Town Manager briefly outlined the due diligence process (as required by the ABCC) the town follows during the annual renewal process. Councilor George confirmed with Attorney Rawlins that regardless of how they vote this evening, it does not preclude the Council from taking further action. He further reminded Councilors to keep in mind the goal was for Mr. Patel to open the business. Mr. Patel continued to answer questions from Councilors regarding the status of the kitchen and asphalt and the Planning Board's decision on his request for plan modification.

Seeing no further questions, President Haley invited Mr. Patel to offer any closing statements:

Mr. Patel did not wish to offer any closing statements.

President Haley closed the hearing at 8:22 p.m.

Motion: A motion was made by Councilor Gallagher to close the hearing. The motion was seconded by Councilor George.

Discussion: None

A voice vote was taken and the motion to close the hearing passed unanimously.

Motion: A motion was made by Councilor Fitzgibbons to find a violation occurred relative to non-use of the license during time renovating. The motion was seconded by Councilor Wood.

Discussion: Discussion revolved around the benefit of holding another hearing vs not approving the license during the annual renewal process. Councilors questioned if the dissolved entity could be reason enough not to approve an annual license. Councilor George suggested part of the annual renewal due diligence could be to confirm the corporation is in good standing. He then asked the Town Attorney; if the corporation has been dissolved; then can we decide not to renew the license without a hearing? Councilor Fitzgibbons asked if we would be in danger of running two different processes? Attorney Rawlins responded; would like time to contemplate the matter.

A voice vote was taken and the motion to find a violation occurred relative to non-use during time renovating passed 8-1 (Councilor Colombotos in the dissent).

Motion: A motion was made by Councilor Gallagher to take no action. The motion was seconded by Councilor Sousa for discussion.

Discussion: Councilor Wood will not support the motion to take no action. He will make motion to warn.

A voice vote was taken and the motion to take no action failed 2-6 (Councilors Gallagher and Sousa in the dissent).

Motion: A motion was made by Councilor Wood to assign a warning. The motion was seconded by Councilor George.

Discussion: Councilor Wood advised; once this matter is decided he will make motion to open a new hearing. Discussion continued briefly as Councilor Wood explained his motion is erring on the side of caution as this hearing is for non-use of the license. If the Council voted to revoke this evening; it would be for non-use.

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

Fitzgibbons – YEA; Losche – NAY; George – YEA; Chase – YEA; Haley – YEA; Gallagher – NAY; Wood – YEA; Colombotos – NAY; Sousa – NAY. The motion passed 5-4.

Motion: A motion was made by Councilor Wood to open a new hearing at the next meeting that complies with notice based on MGL requirements based on the fact that a valid corporation does not exist. The motion was seconded by Councilor George.



Discussion: Councilor Wood is not surprised that we haven't heard this before, even if it's true. Even if the petitioner establishes a corporation, Mr. Wood assumes it wouldn't be the same corporation listed on the license and would therefore invoke things like new tax id's, etc. Councilors Losche and Gallagher will not be supporting the motion. Councilor Losche feels the license should have been revoked and Councilor Gallagher noted the licensee has said, at least twice, he was unaware the corporation was dissolved. He'd like to hear from the management team first to verify it's true then we can call for a hearing. Councilor George supports a new hearing. Discussion followed as Councilors asked questions of the Town Attorney and Town Manager relative to the hearing notification requirements and if it was possible to hold another hearing at the next meeting. Attorney Rawlins believes there is time to properly notify but will verify. He noted the notification letter needs to cite the reason for the hearing. Mr. Dutton agreed with Attorney Rawlins, you need to cite the violation in the notification letter. Councilor Colombotos believes another hearing is unnecessary. Councilor Wood disagreed stating we're acting as the licensing board; the best course of action is to hold a hearing on the irregularity. Councilor George expressed support for scheduling a new hearing.

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

Sousa – YEA; Colombotos – NAY; Wood – YEA; Gallagher – NAY; Haley – YEA; Chase – YEA; George – YEA; Losche – NAY; Fitzgibbons – YEA. The motion passed 6-3.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: There will be an Elm Street neighborhood meeting is 12/11 in the Council Chambers. Mr. Dutton attended an MBTA Advisory meeting regarding later service on the Commuter Rail. Universally across South Shore there was an appetite for later service. The Council also wanted additional service filling in the gap between 8:30 p.m. – 10:00 p.m. Mr. Dutton noted; winter parking hours now in effect, there is no overnight parking 2a.m. – 5a.m. The Comprehensive Plan Committee begins their work tomorrow evening. They are looking at all the components of Master Plan. There will be a public forum on branding and way-finding on Thursday 12/13. The Budget & Finance committee began reviewing the Capital Plan document. Once we get some input, the plan will come before the Council. The 2020 Budget process is underway. They are hoping to have a budget ready for first meeting in February. Work has begun on materials for our "opportunity zone" which speaks to Mr. Fitzgibbons' point about marketing the Town's tax rate. Finally, Mr. Dutton spoke about committee openings, noting there has been a great response, but there are still opportunities.

Councilor Questions:

- At Councilor Wood's request, Mr. Dutton confirmed the Spring Street lot will be metered and reviewed the areas that will be metered. Mr. Wood requested the Town Manager come up with a new recommendation for the Ambulance Fund. The objective is to have certain number in mind, so we don't have to vote separately each year.
- Councilor Haley asked if there is any major development being discussed for the land off South Street? Mr. Dutton responded; not that he's aware of. To that point; Councilor Losche noted; there were two lots of land with sand mounds, which are now lower. Mr. Dutton responded; there were some conservation issues that required some enforcement there.

SUBCOMMITTEE REPORTS:

- Budget & Finance: Committee Chair Wood stated the committee met tonight and began looking at Capital items. The Finance group is doing a great job. He believes it will be on next meeting agenda for a presentation.
- Rules & Procedures and Strategic Planning: Committee Chair Losche stated both committees will meet before the end of year.

NEW BUSINESS

- Ordinance D-FY19-004: General Ordinance - Acceptance of MGL c.40, Section 22A, 22B, 22C Concerning Parking Meters

Mr. Dutton explained this ordinance authorizes the Town to create a retained revenue account.

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

Discussion: None



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, December 4, 2018

A voice vote was taken and the motion passed unanimously.

- Order O-FY19-035: Acceptance of a Gift

Mr. Dutton provided a brief explanation.

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

Discussion: None

A voice vote was taken and the motion passed unanimously.

- Order O-FY19-036: Transfer Order – Capital Transfer – Lease Payments

Mr. Dutton Briefly explained the Transfer Order.

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

Discussion: None

A voice vote was taken and the motion passed unanimously.

CITIZEN COMMENTS

- None

COUNCIL COMMENTS

- Councilor Sousa: No comments.
- Councilor Colombotos: Urged citizens to attend the Comprehensive Planning Committee meeting, who will be looking at the town's zoning.
- Councilor Wood: No comments.
- Councilor Gallagher: No comments.
- Councilor Chase: No comments.
- Councilor George: No comments.
- Councilor Losche: Stated her opinion that when we have big decisions we tend to punt. With Mr. Patel, we spoke at length about all the things he needed to do, yet he still holds a license. Ms. Losche would like the Council to be a little more action oriented. She expressed her disappointment that Christmas on the Common was cancelled.
- Councilor Fitzgibbons: Thanked Ms. McCaulley for coming out to talk about the tax rate.
- Councilor Haley: No comments.

EXECUTIVE SESSION

Motion: A motion was made by Councilor Fitzgibbons to move into Executive Session under: MGL Chapter 30A, Section 21(a) (2): To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel 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; Losche – YEA; George – YEA; Chase – YEA; Haley – YEA; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa – YEA. The motion passed 9-0.

ADJOURNMENT

Open meeting adjourned at 9:19 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 18, 2018 to approve the aforementioned minutes, as submitted by a voice vote (8-0) (Councilor Colombotos not present).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk