



CALL TO ORDER:

A quorum being duly present, Town Council President William Wood called the meeting of the Bridgewater Town Council to order at 7:30 pm, on April 7, 2015 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Timothy Fitzgibbons, Kevin Perry, Peter Colombotos, Sheila Whitaker, William Wood, William Rivers, and Sandra Wright. Town Manager Michael Dutton and Town Attorney Mark Gildea (arrived at 8:38 p.m.) were also present.

ABSENT:

- Councilor Scott Pitta
- Councilor John Norris

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- Arthur Court

APPROVAL OF MINUTES –

- March 17, 2015

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT

- Appellation Mountain Club Earth Day Work Party on Saturday, April 18th at the Iron Works Park.

PROCLAMATIONS - None

CITIZENS OPEN FORUM –

- Bernice Morrissey, Lakeside Drive: Ms. Morrissey thanked the Community & Economic Development Committee and Council members. Ms. Morrissey supports the plastic bag reduction act as a member of the Green Committee. Ms. Morrissey spoke on behalf of the Plastic Bag Ordinance stating she supports the measure due to the sustainability and cited several reasons why, noting this is a reduction, not a ban.

APPOINTMENTS – None

HEARINGS - None

LICENSE TRANSACTIONS

- Petition #P-2015-008: Transfer of Common Victualler License – Circle K Massachusetts LLC (Circle K Store #7517), 1385 Pleasant St (*taken out of order*)
Mr. Dutton explained there were no objections by the public safety officials. He further noted the petitioners are here to answer any questions.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Rivers.
Discussion: Councilor Fitzgibbons confirmed the location is the Irving Gas Station. Councilor Rivers asked if the Subway has a separate license. Mr. Dutton responded he does not believe they're affected. The Petitioner, Lucian Beam, Manager of Circle K, came forward and explained; there is no impact on Subway, whatsoever. It's a separate entity.
Seeing no further questions, a voice vote was taken and the motion passed 7-0.
- Petition #P-2015-007: Wine and Malt Restaurant License – Sanj Corporation, 8 Romney Road
President Wood announced this measure has been withdrawn without prejudice.
- Petition #P-2015-006: Transfer of Wine & Beer Package Store License – Circle K Massachusetts LLC (Circle K Store #7517), 1385 Pleasant Street.



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

The Counsel, Matthew Kosta, representing Circle K came forward and explained this is part of the entire transfer. Because the store has a beer & wine license, this application has been filed. The store will remain the same, including employees. The manager will also remain the same.

President Wood invited any questions from the public – None

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

President Wood asked if there was anyone speaking in opposition – None

President Wood entertained any questions from councilors:

- In response to Councilor Rivers' question, Attorney Kosta explained, this entity currently holds four licenses; they will need to get rid of one. The ABCC will not approve this until they've released one. They'll be getting rid of Westminster license.

President Wood closed the hearing at 7:46 p.m.

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

Discussion: None

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

**7:43 p.m.: President Wood called a brief recess.*

**7:45 p.m.: President Wood called the meeting back to order.*

PRESENTATIONS

- Charter Review Committee: Update on Review/Recommendations
Committee Chair, Dennis Gallagher, and members Aisha Losche and Carlton Hunt and Eric Lynch walked through a presentation of key changes recommended by the Charter Review Committee. Changes included, updating the makeup of the Finance Committee to a five 5 member board that would be an advisory board and more strategic planning in nature. Not just approving line item transfers. The committee also recommended changes in signature requirements for elections and an appointed Town Clerk. Another recommendation would be to have councilors seated in July and to merge the representation for districts 4 and 5 into one and add another At Large Councilor. The effective date for Orders and Resolutions would be changed from 30 days to 72 hours. The committee enhanced definition section, added a stipend for Councilors. The committee further recommended the following suggestions: budget, moving the Council Clerk to the Town Clerk's office, include an Assistant Town Manager in the Charter and in section 4-2 consider a dollar limit. Regarding recall language they accepted the 1990's version and improved on the signatures required.

Council Questions:

At Councilor Whitaker's request, Dr. Hunt explained the change in effective dates for Orders and Resolutions makes sense because when a Resolution is voted, the Council's opinion is effective immediately, so there should be no wait and Orders are simply directing an action.

Several Councilors expressed concern over the suggestion to merge the representation of districts 4 and 5 into one. Dr. Hunt explained those districts are comprised of people residing at the State Hospital and University, many of whom are not registered voters. Councilor Colombotos noted it appeared as though this would make votes count for less. President Wood reminded all that these are recommended changes; not changes that have been made. At Councilor Fitzgibbons' request, Ms. Losche explained the 5 member Finance Committee appointments would be comprised of 3 from the Town Council and 2 from the Town Manager. Mr. Gallagher spoke briefly about the recommendation of an appointed Town Clerk stating we are electing a new Town Clerk in a couple of weeks, they would serve their term. If this goes through, then it would become appointed. Mr. Gallagher also noted there is no residency restriction for the Town Clerk. He also explained there is no change in restrictions in volunteerism. If someone one is a town employee and wants to run for office, they can under MGL.

**8:38 p.m. Town Attorney Gildea entered the meeting.*

TOWN MANAGER'S REPORT



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Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: the Town welcomed Andrew Delonno as Community & Economic Development Director this week. Mr. Dutton attended a tour of the school with the collapsed roof last week. He has met with Mass Building Authority. The Building Authority is very happy to work with us. The schools have set up a 3 member committee. Mr. Dutton has asked them to add a member, maybe himself. The committee's charge will be flushed out a little more as we get more information on the building. The Academy Building's general contractor M. O'Connor should be on site at the end of April. Construction amount came in at \$5,419,000; which was below our estimate. He is working with BIA on what to do about the fountain. Mr. Dutton gave a brief update on the YTD financials noting overall we are doing well. Revenues have come in on target or a little above. Building Inspectional Services is way above budget. Planning Board revenues are a little bit off. On the expense side; there are some concerns but nothing too serious. There will need to be a subsidy for the golf course, but he is not sure how much just yet. The property at Mill & Plymouth Streets is being cleaned up by the new property owner. Mr. Dutton offered a brief update on the BSU childcare incident noting the suspect did serve an observation class at the Mitchell school. The school identified exactly what class and said he observed and had no direct interaction with children. The Town does have a recreation program; as part of the application process, CORI checks are done. We are looking at our own policies now to see if there are any changes we can make. Mr. Dutton has a meeting with Mass DOT on 4/16 regarding the light at High and Broad and has followed up with our State Representative and with the MBTA on PILOT money from MBTA.

Council Questions:

- Councilor Perry asked if there are any preparations for side roads around High & Broad during construction. Mr. Dutton responded we will discuss with Mass Dot ON 4/16. Meeting with
- Councilor Whitaker asked if there is a timeline for opening dates at the golf course. Mr. Dutton responded they are open year round to the extent weather lets us. They were open last weekend. Mrs. Whitaker followed up by asking if they've been working on marketing. Mr. Dutton responded they have been doing marketing on getting tournaments and have been out there on social media; though their website needs revamping.

DISCUSSIONS

- Compensation Classification Update

**9:00 p.m. Councilor Wright left the meeting.*

Mr. Dutton gave a brief overview and explained he has been given some initial information and should have a final report by end of this month with job descriptions, etc for release to Council and staff.

SUBCOMMITTEE REPORTS:

- Budget & Finance: Councilor Rivers explained they have been meeting jointly with Finance Committee. The town is facing quite a few challenges. Mr. Rivers outlined the next meeting dates and content. Councilor Colombotos stated he is concerned about the Highway Department. Councilor Rivers explained Mr. Ladue was very honest and forthright. They are understaffed; working with an aging fleet and have not in the past increased funding for road repairs.
- Rules & Procedures: Councilor Whitaker stated the committee met this evening to discuss the Administrative Code documents the Town Manager prepared. The committee continues to welcome and solicit feedback. Mrs. Whitaker thought to have a Q & A on cable will be helpful in soliciting feedback. Mr. Dutton stated he will take comments received so far and will redline document and update the Town Council. President Wood spoke about the timeline.
- Community & Economic Development Committee: Councilor Colombotos stated the committee met to consider the two orders he put forward. Regarding the Plastic Bags Ordinance, the committee concurred they need more time and the public needs to be involved. They would like to look at the California experience. Cambridge also just passed an ordinance; so they want to look at that. Mr. Colombotos urged the public to contact him if interested in being updated as he has an e-mail list started. The committee also discussed Dukakis Study results. Councilor Rivers requested the new Economic Director give a presentation at next Town Council meeting on Dukakis results.



- Public Safety: Councilor Perry stated the committee met last week. They are currently going through documentation and emails received regarding the roof collapse. They will be looking to meet again in the next couple of weeks.

LEGISLATION FOR ACTION

- Ordinance #D-2012-014: Right To Farm Ordinance
This ordinance does not supersede existing law.
Motion: A motion to approve was made by Councilor Colombotos. The motion was seconded by Councilor Rivers.
Discussion:
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Perry – YEA; Colombotos – YEA; Whitaker – YEA; Wood – YEA; Pitta – ABSENT; Rivers – YEA; Norris – ABSENT; Wright – ABSENT, the motion passed 6-0.
- Ordinance #D-2015-001: Enforcement Ordinance – Canine Control
President Wood noted this has been duly advertised on the Town’s website therefore may be finally considered this evening. The Council’s Rules & Procedures committee voted 3-0 to recommend the measure with amendments.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Whitaker.
Discussion: A discussion took place as Councilor Rivers asked several questions relative to the wording and fees charged associated with the ordinance. Mr. Rivers also requested scrivener’s errors are corrected. Councilor Wood explained this replaces two weaker controls that weren’t up to date, and brings everything up to date. Seeing there were still unresolved questions, President Wood suggested this be postponed to the next meeting. Councilors Fitzgibbons and Whitaker withdrew their motion and second, respectively. Seeing no objection, President Wood declared the matter postponed to the next meeting by unanimous consent.
- Ordinance #D-2015-003: Affordable Housing Trust
Motion: A motion to approve was made by Councilor Colombotos. The motion was seconded by Councilor Perry.
Discussion: Councilor Colombotos explained; this is a vehicle that will help the town produce affordable housing. A roll call vote was taken with results recorded as follows:
Wright – ABSENT; Norris – ABSENT; Rivers – YEA; Pitta – ABSENT; Wood – YEA; Whitaker – YEA; Colombotos – YEA; Perry – YEA; Fitzgibbons – YEA, the motion passed 6-0.
- Ordinance #D-2015-004: Local Options Lodging Tax
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Perry.
Discussion: Councilor Rivers stated this puts us in step with neighbors. President Wood noted he spoke with a representative from Claremont, who were aware and expecting the measure. A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Perry – YEA; Colombotos – YEA; Whitaker – YEA; Wood – YEA; Pitta – ABSENT; Rivers – YEA; Norris – ABSENT; Wright – ABSENT, the motion passed 6-0.
- Order #O-2015-005: Annual Town Election Warrant
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Perry.
Discussion: None
Wright – ABSENT; Norris – ABSENT; Rivers – YEA; Pitta – ABSENT; Wood – YEA; Whitaker – YEA; Colombotos – YEA; Perry – YEA; Fitzgibbons – YEA, the motion passed 6-0.

OLD BUSINESS

- Order #O-2015-006: Creation of Affordable Housing
Councilor Colombotos explained the reasoning for this legislation and noted after meeting with the Community & Economic Development Committee, he would like to recommend amendments.

9:35 p.m., Councilor Fitzgibbons exited the room briefly.

Motion: A motion was made by Councilor Colombotos to amend by converting to a Resolution and to change the final paragraph to read: “Resolved that the Town Council urges the Town manager to encourage, facilitate or



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otherwise bring to pass the creation of affordable housing consistent with the Town's 2012 Housing Production Plan". The motion was seconded by Councilor Perry.

Seeing no further discussion, a voice vote was taken and the motion to amend passed 5-0

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

Discussion: Councilor Rivers stated that he feels a resolution is a more appropriate measure for this action. At President Wood's request, Attorney Gildea confirmed this measure was acceptable as a Resolution.

A voice vote was taken and the motion to approve, as amended, passed 5-0.

- Order #O-2015-007: Feasibility Exploration – Implementation of Downtown Community Development Master Plan Recommendations

Motion: A motion was made by Councilor Colombotos to amend by converting to a Resolution and changing the first sentence of the last paragraph to read: "Resolved that the Town Council urges the Town Manager to explore the feasibility of implementing the recommendations within the Bridgewater Downtown Community Development Master Plan that relate to traffic circulation and parking." The motion was seconded by Councilor Rivers.

Discussion: Councilor Colombotos briefly explained the amendment.

Seeing no further discussion, a voice vote was taken and the motion to amend passed 5-0.

A voice vote was taken and the motion to amend passed 5-0.

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

Discussion: None

A voice vote was taken and the motion to approve, as amended, passed 5-0.

- Transfer #T-2015-006 – Appropriation for Animal Control Vehicle

Motion: A motion was made by Councilor Rivers to send the measure to advertising. The motion was seconded by Councilor Perry.

Discussion: Councilor Rivers noted that both the Budget & Finance and Finance Committees unanimously approved this measure.

A voice vote was taken and the motion passed 6-0.

- Transfer #T-2015-007 – Appropriation for Ambulance Purchase

Motion: A motion was made by Councilor Rivers to amend by strike \$300,000 and insert \$95,000....and add after Prison Mitigation fund" and \$205,000 from Ambulance Receipts fund" And to strike "(d)". The motion was seconded by Councilor Fitzgibbons.

Discussion: Councilor Rivers explained the need to adjust the funding sources.

A voice vote was taken and the motion to amend passed 6-0.

Motion: A motion was made by Councilor Rivers to send the measure to advertising. The motion was seconded by Councilor Fitzgibbons.

Discussion: None

A voice vote was taken and the motion passed 6-0.

NEW BUSINESS

- Order #O-2015-008: Affix Salary – Town Clerk

Councilor Rivers explained; the last time this was discussed was when we passed steelworkers contract. The person coming into this position now will not have the same experience, so should have lower salary. This measure proposes lowering the salary to \$40,000.

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

Discussion: Councilor Whitaker asked how they arrived at the \$40,000 salary. Councilor Rivers explained Looked at several contracts across town to see where it fit. Councilor Colombotos asked if they looked at other towns in terms of staffing levels. Councilor Rivers responded; they look at staffing every year during the budget. Their needs definitely justify two staff. At Councilor Perry's request, Mr. Dutton confirmed the last recorded salary was \$61,539 and that the Compensation Classification includes an array of appointed Town Clerks.

A voice vote was taken and the motion passed 6-0.



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- Transfer #T-2015-008: COLA transfer from Stabilization for part time / non-union employees
Motion: A motion was made by Councilor Fitzgibbons to refer to the Budget & Finance and Finance Committees. The motion was seconded by Councilor Rivers.
Discussion: Councilor Rivers asked which positions are covered in this measure. Mr. Dutton responded: the Veterans Agent, two Senior Center positions, two Finance Department positions and the Council Clerk.
A voice vote was taken and the motion passed 6-0.

CITIZEN COMMENTS - None

- Carlton Hunt, Austin Street: Dr. Hunt noted the Charter Review Committee also recommended adding language relative to the advertisement requirement.
- Eric Lynch, Fieldcrest Drive: Mr. Lynch asked; relative to the investigation on the roof collapse, what are the parameters of the investigation. Mr. Lynch asked about information relative to insurances purposes. President Wood responded; it's in committee at this time.

COUNCIL COMMENTS

- Councilor Fitzgibbons: Thanked the Charter Review Committee for a good presentation and discussion. Mr. Fitzgibbons extended his condolences to the family of Mr. Court.
- Councilor Perry: Thanked the Charter Review Committee for their hard work and dedication. He also extended his condolences to the Court family.
- Councilor Colombotos: Echoed previous comments.
- Councilor Whitaker: Thanked Mr. Colombotos for adjusting orders accordingly. Thanked Mr. Rivers and the rest of the Budget & Finance committee and Mr. Dutton for their work on the budget. Mrs. Whitaker also thanked the Council Clerk and thanked Charter Review Committee for a very good presentation.
- Councilor Pitta: Absent
- Councilor Rivers: Thanked the Charter Review Committee for their work and the amount of detail in the presentation. Thanked the Dukakis center for their presentation last week, noting we have a lot of work ahead of us. Mr. Rivers noted the STEM night at BSU at the Science Building.
- Councilor Norris: Absent
- Councilor Wright: Absent
- Councilor Wood: Thanked the Charter Review Committee for an outstanding job. Thanked all the committees. Mr. Wood noted he has heard the Finance Committee is finally up to full staff. Glad the committee is hearing the dept heads. TJ2d robotics is going to Nationals this weekend.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Fitzgibbons. The motion was seconded by Councilor Perry. A voice vote was taken and the motion passed 6-0.

The meeting adjourned at 9:54 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, April 28, 2015, to approve the aforementioned minutes, as submitted, by a roll call vote (8-0)(Councilor Wright not present).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk