



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 21, 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 June 21, 2016 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright, Peter Colombotos (arriving at 8:37 p.m.), Timothy Fitzgibbons, Dennis Gallagher, Aisha Losche (arriving at 7:33 p.m.), William Wood, Kevin Perry and Frank Sousa. Chief of Staff Kimberly Williams and Town Attorney Mark Gildea was also present.

ABSENT:

- Town Manager, Michael Dutton
- Councilor Edward Haley

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- John A. Buckley
- Edward C. Cameron

APPROVAL OF MINUTES –

- June 7, 2016

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT - None

PROCLAMATIONS -

- Eagle Scout – Colin Leighton Murphy

Just prior to the beginning of the meeting, a Proclamation was presented to Colin Leighton Murphy on his achievement of Eagle Scout.

CITIZENS OPEN FORUM –

- Dr. Carlton Hunt, 80 Austin Street – Member of MPC, and Energy Committee. Dr. Hunt thinks it's important that Town Council committees meet this summer on important documents. Administrative Code, the Energy Committee has asked to come before the council and get on a schedule early. . He further requested the council become familiar with Master Plan.

APPOINTMENTS –

- Finance Committee – Eric Marchetti (Town Council Reappointment)

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

Discussion: Councilor Wood noted Mr. Marchetti is an asset to the Finance Committee.

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

HEARINGS - None

LICENSE TRANSACTIONS

- Petition P-2016-021: New Common Victualler's License – Uncle Shwarma, 85 Plymouth Street
President Gallagher introduced Kimberly Williams, Chief of Staff, who will speak in Mr. Dutton's absence. Mrs. Williams explained the location for the proposed food truck. She noted the petitioner is present and has met with the departments. Most departments have provided affirmative recommendations, but the Police Chief has some concerns.

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



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Discussion: At Councilor Fitzgibbons' request, Chief Delmonte came forward, stating he has spoken with Mr. Maged and thinks he's sincere. Chief Delmonte's concern is with the location and hours. The location, 85 Plymouth Street is heavily congested and is at a major crosswalk primarily used by BSU Students. He has discussed other options with Mr. Maged, but he seems set on the location. The other problem is hours Mr. Maged would like to be open until 1:00 am. In the past, there have been significant problems. Chief Delmonte then took questions from the Council.

President Gallagher asked the petitioner if he was willing to alter the hours to something the Police Chief was comfortable with. Maged stated he would be willing to alter the hours. Chief Delmonte noted the original request was for 11:00 p.m. closing. Multiple ideas were discussed, including the possibility of moving to the side location of the building, further from the street. Maged explained that would not be possible as he needs to be close to the building for power and water. Chief Delmonte affirmed that had discussed that option and he was unsure how the landlord would feel about that option. Councilor Wood noted there had been a food truck in the lot across the street and asked if there were safety concerns with that location. Chief Delmonte responded yes, it could affect traffic in either direction. Councilor Wright expressed her concern with the location stating her opinion that it's a very bad area for people to congregate. At Councilor Wright's request, Maged explained he chose the location to be next to the University and he will be selling Mediterranean Food. Maged did note that Chief Delmonte had suggested the Mobile Gas Station. At Councilor Perry's request, Maged confirmed he is looking to open in September. Finally, Councilor Fitzgibbons echoed his fellow Councilor's concerns and suggested postponing to the next meeting in the hope that an alternative can be presented.

Motion: A motion was made by Councilor Fitzgibbons to postpone to the next meeting. The motion was seconded by Councilor Wood.

Discussion: None

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

**President Gallagher moved to public hearing scheduled for 7:40 p.m.*

- **7:40p.m. Hearing** - Petition #P-2016-022: All Alcohol Restaurant License and Attendant Licenses, The Nip LLC dba The Nip, 2020 Pleasant Street (*taken out of order*)

President Gallagher opened the hearing at 7:55 p.m.

At President Gallagher's request, Mrs. Williams explained this is for a restaurant that will be located in the new hotel. The hotel is scheduled to open sometime in late August. Attorney Brennan is here on behalf of the petitioner.

Attorney Ed Brennan came forward representing the applicant explaining they are seeking an all alcohol license to serve primarily to the hotel guests. There are 75 seats total, which will also be used for the continental breakfast.

There will be 9 seats at the bar. The proposed hours of service for alcohol will be from 4:00 p.m. to 1:00 a.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:

- Councilor Fitzgibbons asked how many patrons the hotel will service. Attorney Brennan responded there will be 95 rooms.

President Gallagher closed the hearing at 8:00 p.m.

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

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

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 Wood.

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



LEGISLATION FOR ACTION – (items e-j taken out of order)

Motion: A motion was made by Councilor Fitzgibbons to take items e-j out of order. The motion was seconded by Councilor Perry.

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

- Transfer T-2016-004: CPC Annual Reserves

Councilor Gallagher noted the Budget & Finance Committee voted 3-0 to recommend approval and Finance Committee voted 8-0 to approve. Mrs. Williams provided a brief explanation and noted Finance Director Tony Sulmonte is available for questions.

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:

Wright – YEA; Colombotos – ABSENT; Haley – ABSENT; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA; Wood – YEA; Perry – YEA; Sousa - YEA. The motion passed 7-0.

- Transfer T-2016-005: CPC Transfer – Open Space

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

Discussion: None

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

Sousa – YEA; Perry – YEA; Wood – YEA; Losche – YEA; Gallagher – YEA; Fitzgibbons – YEA; Haley – ABSENT; Colombotos – ABSENT; Wright - YEA. The motion passed 7-0.

- Transfer T-2016-007: Water Retained Earnings – Meter Replacement and Advanced Meter Infrastructure

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

Discussion: None

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

Wright – YEA; Colombotos – ABSENT; Haley – ABSENT; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA; Wood – YEA; Perry – YEA; Sousa - YEA. The motion passed 7-0.

- Transfer T-2016-008: Sewer Retained Earnings – RBC

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

Discussion: None

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

Sousa – YEA; Perry – YEA; Wood – YEA; Losche – YEA; Gallagher – YEA; Fitzgibbons – YEA; Haley – ABSENT; Colombotos – ABSENT; Wright - YEA. The motion passed 7-0.

- Transfer T-2016-009: Free Cash for Disposal of Trailers

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

Discussion: Councilor Wood stated it was discussed in committee that this amount may seem a little high, but any leftover funds would be transferred back.

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

Wright – YEA; Colombotos – ABSENT; Haley – ABSENT; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA; Wood – YEA; Perry – YEA; Sousa - YEA. The motion passed 7-0.

- Transfer T-2016-010: Year-End Transfers

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

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

Discussion: Councilor Wood provided a brief explanation of the amendments.

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

Discussion (cont'd): Councilor Fitzgibbons asked Mr. Sulmonte to explain the transfers where we are taking money from one line, and putting back. Mr. Sulmonte explained; when you finalize the budget there are 2 line



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items that you approve separately. What you're seeing before you are transfers within a department from an expense group to a salary group or a salary group to an expense group.

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

Sousa – YEA; Perry – YEA; Wood – YEA; Losche – YEA; Gallagher – YEA; Fitzgibbons – YEA; Haley – ABSENT;

Colombotos – ABSENT; Wright - YEA. The motion passed, as amended, 7-0.

President Gallagher returned to regular order of business "Petitions"

- Petition P-2016-024: New Common Victualler's License – The Dawg House and Ice Cream Bar, 35 Broad Street
Mrs. Williams noted this is a new business opening at 35 Broad Street. The petitioner has met all the requirements of all the required departments.

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

Discussion: Councilor Perry confirmed this is the location of the old Bridgewater Bagel. Councilor Wood asked about the plans for seating. Mrs. Williams believes the seating capacity is 24 and is included on the license. A voice vote was taken and the motion passed 7-0.

- Petition P-2016-025: One Day Entertainment License – Music Alley (Conor James)

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

Discussion: Councilor Wood clarified this is before the Council because it's outside the normal Thursdays. A voice vote was taken and the motion passed 7-0.

- Petition P-2016-026: Change of Operating Hours – Gen II LLC, Dunkin Donuts, 955 Pleasant Street

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

Discussion: President Gallagher asked Chief Delmonte to come forward. Chief Delmonte explained his concern that approving this license may impact another business down the road. Honey Dew would like to be open at 4:00 a.m.

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

PRESENTATIONS - None

TOWN MANAGER'S REPORT

In Town Manager Dutton's absence, Mrs. Kimberly Williams presented a brief Town Manager's report. Items of note included: The Oak Street Bridge is finally open. The Town Manager has been working for months with DOT and town staff and asks the public to follow the road signs that are posted. Mrs. Williams offered information about the upcoming 4th of July Celebration, noting the website as www.bridgewater4th.com for a full list of planned activities.

DISCUSSIONS

- Update on Progress of Implementation of Downtown Revitalization Plan
Community & Economic Development Director, Andrew Delonno came forward and provided an update on Downtown Revitalization noting the town has undertaken a number of the recommendations from the Cecil Group – the Downtown Zoning Amendment in particular. The increased density should promote commercial use. Once the Town Manager is back we will be having increased discussions with Mass DOT about increased signage around the square. Regarding Complete Streets; there's a system to get certified which will allow us to apply for Complete Streets funding. There have been a number of incremental steps taken to work towards implementing the plan.
- Town Council Rules & Procedures
Councilor Wood explained the Council lives under three sets of rules: The Charter, Council Rules and Procedures and Robert's Rules of Procedure. Mr. Wood highlighted sections of Robert's Rules relevant to motions, sections of the Rules and Procedures relevant to sponsor absence, order of business and committee reports. Mr. Wood suggested if Councilors had proposed changes to the Rules & Procedures, they could make the recommendation and perhaps submit as one ordinance. Councilor Fitzgibbons suggested revisiting the matter in July to give Councilors a chance to review more thoroughly.

SUBCOMMITTEE REPORTS:

- Rules & Procedures: Councilor Losche stated the committee has been working on the Charter changes and has had good citizen participation.



LEGISLATION FOR ACTION (*continued*) -

- Ordinance D-2016-001: Zoning Ordinance – Amend Downtown Zoning
Motion: A motion was made by Councilor Fitzgibbons to invite the Community & Economic Development Director to speak. The motion was seconded by Councilor Perry.
A voice vote was taken and the motion passed 7-0.
Andrew Delonno came forward and spoke about the timeliness and importance of these Ordinances. Mr. Delonno spoke about the timeliness and referenced the Downtown Revitalization Master Plan which was approved by the Council in 2014. In the interim, the town has been approached by developers, restaurateurs and others looking at development in downtown and other areas. Until now, the town did not have the zoning in place to for developers to develop their properties in a way that suits Bridgewater. Councilor Perry spoke to the ordinance as a member of Community and Economic Development Committee noting the ordinance is comprehensive and thorough.
Attorney Gildea noted, in the absence of the sponsor, the proper motion is to suspend the rule to move forward with consideration.
Motion: A motion was made by Councilor Fitzgibbons to suspend the rule. The motion was seconded by Councilor Wood.
Discussion: None
A voice vote was taken and the motion passed 7-0.
Motion: A motion to approve was made by Councilor Perry. The motion was seconded by Councilor Wood.
Discussion: Councilor Wood noted he spoke about common driveways last time and asked if there is any recourse for someone who has a valid reason? Mr. Delonno responded the recourse is always the Zoning Board of Appeals. A roll call vote was taken with results recorded as follows:
Wright – YEA; Colombotos – ABSENT; Haley – ABSENT; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA; Wood – YEA; Perry – YEA; Sousa - YEA. The motion passed 7-0.
**8:40 p.m. Councilor Colombotos entered the meeting.*
- Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation
Motion: A motion to approve was made by Councilor Colombotos. The motion was seconded by Councilor Perry.
Discussion: Councilor Colombotos referred to Mr. Delonno for a brief explanation. Mr. Delonno explained; this is an outgrowth from what the state recommends. Where it differs is; we require a special permit. This will replace our cluster sub development bylaw. This ordinance allows development on much smaller lots. It will allow the planning board and developers to be as flexible as possible.
Councilor Fitzgibbons asked if we replace the cluster bylaw; is there any bonus in the current bylaw? Mr. Delonno responded, no. Councilor Fitzgibbons asked how much open space you would hope to preserve. Mr. Delonno responded it lowers our threshold to 5 acres.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Perry – YEA; Wood – YEA; Losche – YEA; Gallagher – YEA; Fitzgibbons – YEA; Haley – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 8-0.
- Ordinance D-2016-005: Zoning Ordinance – Demolition Delay
Motion: A motion to approve was made by Councilor Colombotos. The motion was seconded by Councilor Sousa.
Discussion: Councilor Colombotos urged passage of this ordinance; which essentially provides a cooling off period for buildings older than 1920. This just provides a short cooling off period and places the responsibility on the Historical Commission. It's not an undue delay and seeks to preserve the historic fabric of our town. Councilor Sousa expressed concern over the ordinance. Councilor Wood expressed support for the ordinance noting there's no obligation for the property owner to do anything but submit the application.
After a brief debate over the perception that citizens may need to attend meetings to discuss alternatives, Mr. Delonno stated if the process went to its fullest extent it works out to be about 130 days. Ordinarily you put the buildings in a district, which is more effective than the demolition delay. The demo delay really is a cooling off period. Councilor Perry asked; if we put something in place would it negatively affect potential business, or



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property owners? Mr. Delonno responded; when it comes to commercial development, anytime there is a delay in terms of time to market could, theoretically, derail the development.

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

Wright – NAY; Colombotos – YEA; Haley – ABSENT; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA; Wood – YEA; Perry – YEA; Sousa - NAY. The motion passed 6-2.

- Resolution R-2016-004: Referring the Town Manager's Proposal for Use of Town Owned Buildings to the CEDC for Review and Recommendation

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

Discussion: Councilor Colombotos noted this is something that's been looked at before. Initially a consultant from RI did a study and HKT also did a study. President Gallagher and Councilor Colombotos expressed disappointment in the timeline. Councilor Colombotos further noted the report back date of 9/2016 seems ambitious for the committee.

Motion: A motion was made by Councilor Wood to amend the return date to December, 2016. The motion was seconded by Councilor Perry.

Discussion: Councilor Perry stated; if we want to look to hold some public hearings in the fall this would provide the time. Councilor Fitzgibbons agreed it's important to get public input on all these buildings. He also agreed it would have been better to do it a year ago but stated we should do it right.

A voice vote was taken and the motion to amend passed 7-1 (Councilor Gallagher in the minority)

A voice vote was taken and the motion to approve, as amended passed 7-1 (Councilor Gallagher in the minority)

**8:55 p.m. Councilor Losche exited the meeting.*

OLD BUSINESS - None

NEW BUSINESS - None

CITIZEN COMMENTS –

- Dr. Carlton Hunt, 80 Austin Street: Dr. Hunt expressed his dissatisfaction with the Council committees and their potential meeting schedule over the summer stating: Just because it is summer doesn't mean you don't have to work.
- Steven Rubin: Mr. Rubin spoke about Downtown Revitalization and improvements in signage. Mr. Rubin has reached out to Mr. Wood. About a month ago his son was hit by a car at the corner of Union and Main Streets. Last September, Mr. Rubin was hit by a car at Perkins and Pearl Streets and suffered a traumatic brain injury. It is a priority to get the signage and is revitalized. Mr. Rubin is very encouraged to hear Complete Streets is being pursued. Mr. Rubin attended the Board of Health meeting and was very proud of citizens who came out and was happy the Board will be working with Agricultural Commission.

COUNCIL COMMENTS

- Councilor Wright: No comments.
- Councilor Colombotos: No comments.
- Councilor Haley Absent
- Councilor Fitzgibbons: No comments.
- Councilor Losche: Not present.
- Councilor Wood: Mr. Wood stated he will be participating in the parade. He also acknowledged that he heard and understood citizen comments on meetings over the summer.
- Councilor Perry: Extended congratulations to Chief Levy. Regarding CEDC addressing the buildings issue, Dr. Perry explained; this just gives us a little more time to engage the public.
- Councilor Sousa: No comments.
- Councilor Gallagher: The 4th of July is coming up. We will be marching in the parade. The parade begins at 10:00 a.m. The parade is followed by the Arts Festival and fireworks in the evening. Councilor Gallagher noted the next meeting will be 7/12/16 at BTV Studios.

EXECUTIVE SESSION – No Executive Session was held.

ADJOURNMENT



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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 7-0.

The meeting adjourned at 9:10 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, August 9, 2016, to approve the aforementioned minutes, as submitted, by a voice vote (9-0).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk