



CALL TO ORDER:

A quorum being duly present, Town Council President William Rivers called the meeting of the Bridgewater Town Council to order at 7:32 pm, on June 23, 2015 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright, William Wood, Peter Colombotos, Kevin Perry, William Rivers, , Aisha Losche, John Norris Dennis Gallagher and Timothy Fitzgibbons. Town Manager Michael Dutton and Town Attorney Mark Gildea were also present.

ABSENT:

- Councilor William Wood

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

A moment of silence was held for all who have passed since the last meeting.

APPROVAL OF MINUTES –

- May 19, 2015

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

Discussion: None

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

- June 2, 2015

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT

- President Rivers offered condolences to the families of:
 - o Michael Nawlicki
 - o Earnest LaFranchise
 - o Vincent Malewicz
- President Rivers announced details for the upcoming July 4th parade and events.

PROCLAMATIONS - None

CITIZENS OPEN FORUM –

- Mel Shea: 85 South Street – Mr. Shea came forward and handed out a pamphlet with information about Carver's Pond. Mr. Shea spoke about Carvers Pond, citing historical facts. Mr. Shea spoke about the use of Carvers Pond and noted he had purchased some equipment (picnic table, bench) for the public to enjoy. The Knights of Columbus are going to have some kiosks set up with information.

APPOINTMENTS – None

HEARINGS -

- Order #O-2015-018: FY15 Capital Purchases
President Rivers opened the hearing at 7:49 p.m.
Mr. Dutton walked through the order and items listed. He also noted amendments adopted and new totals.
President Rivers invited any questions from the public – None came forward.
President Rivers asked if there was anyone speaking in favor – None came forward.
President Rivers asked if there was anyone speaking in opposition - None came forward.
President Rivers entertained any questions from councilors:



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

- Councilor Fitzgibbons asked if we were encumbering the \$214,966 tonight. Mr. Dutton explained we won't take delivery of this until FY16, and then will be budgeting over the next few years.
- Councilor Gallagher asked about a revolving account the Police Department used to use for items. Mr. Dutton responded they do have an account to help fund cruiser replacement, but most of that money goes to repairs.
- At Councilor Perry's request, Mr. Dutton explained at the end of the 5 year lease for the street sweeper, we turn it back in.
- Councilor Wright asked if the street sweeper money includes maintenance. Mr. Dutton responded we're responsible for maintenance not covered under warranty.
- Councilor Colombotos asked President Rivers about the impact of drawing down on free cash? President Rivers explained why free cash came in a little low this year, noting it had a lot to do with timing of grants coming in. He also noted the committee discussed perhaps looking at the stabilization policy next year to make sure it makes sense.

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

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

Discussion: None

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

Wright – YEA; Colombotos – YEA; Wood – ABSENT; Perry – YEA; Rivers – YEA; Losche – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 8-0.

- Liquor License Hearing – Skips Liquors

President Rivers read the pertinent parts of the letter sent to the licensee.

President Rivers opened the hearing at 8:01 p.m.

President Rivers invited the licensee to come forward to explain the violations.

Roger Stanford, Attorney representing the Patel's, presented the background, noting they acquired Town Liquors in Dartmouth. In 15 years there they have never had any problems with sales under age people. They also have a second liquor store; Seaside Liquors, which has also had no violations of sales to under aged people. With the Skips property, the owner of the building had allowed the heat not to be active and there was a burst water pipe which caused many problems. They have been negotiating to purchase not only the liquor store, but to acquire the real estate. They completed the real estate purchase on 6/4/15. Their goal is to do significant renovations. They have the plans, which have been submitted to the Building Department in June 6th or 7th. They are prepared to move forward as soon as the permits are in place. It will be a dramatic improvement to what's there now. They could have the place cleaned up and be open within 30 days – as a fall back plan, but that is not the preference. The Patel's distributed plans (in meeting materials).

Council Questions:

- Councilor Gallagher asked about the timeframe for construction. Attorney Stanford responded; they're ready to go as soon as they get their permits. They want to get it open as soon as possible.
- Councilor Fitzgibbons asked why we have had very poor communication with clients. Attorney Stanford responded, they have had a lot of problems with former owners, but they've been talking with Building Inspector. Councilor Fitzgibbons referenced the Town Attorney's letter. Attorney Stanford acknowledged; there may have been a breakdown in communication, but as soon as they got that notification, they were in the office next day
- Councilor Norris asked when they got their license approval. Attorney Stanford responded, December 31st. Councilor Norris followed up asking, how many days have they been open? Attorney Stanford responded; none. Councilor Norris also asked if they brought a complaint up to the Building Inspector noting their difficulty to open and can they show an initiative that they've been trying to open. Attorney Stanford responded, they've been getting plans together.



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

- Councilor Colombotos asked that they describe what the building will look like and are you under contract with a contractor now? Attorney Stanford responded they have submitted a loan application to Rockland Trust. If it is not approved, they have sufficient resources to fund it themselves. Mr. Patel confirmed the budget as \$225,000 - \$250,000. Mr. Stanford also stated he believed they wanted to put an apartment on the second floor, which he believes is permitted by the town.
- Councilor Perry asked what the renovation is. Attorney Stanford responded, he believes they're planning to demolish the building and rebuild.
- Councilor Losche asked when the Patel's began the process of acquiring the property. Attorney Stanford responded he believes it was in early January. There were issues as the previous owner was out of the country and the closing process is not a quick one.
- President Rivers noted the right thing to do would have been, for the Patel's to come to the Council and explain their plan, rather than to let things sit for 6 months. By having no communication, the liquor license appears to be issued under false pretenses. Mr. Rivers stated; one issue before the Council is to decide what to do with the license. If we choose to suspend it what type of time frame are we looking at in terms of construction? Attorney Stanford responded, they have to get the permits. They have submitted the applications and are awaiting a response. Mr. Patel came to the podium and explained the plan is to have the building ready in 2 to 2.5 months for the business.
- Councilor Losche asked when they contracted with architect for the plans. Mr. Patel responded, he believed it was in March or April.
- Councilor Wright asked if the Patel's occupied the store a year ago. Mr. Patel responded, no. The former owners last name was Patel, but not of the same family. Councilor Wright asked if they have ever opened at any time. Mr. Patel responded, no. He confirmed they just closed on 6/4.

President Rivers invited closing statements of the Licensee:

- Attorney Stanford stated, you can take a look at their other 2 liquor stores. They run good stores. They would prefer the Council not suspend or revoke the license. Revoking the license would do economic harm to people who are good people. Regarding suspension they don't want to have to come back and ask that the suspension end. Mr. Stanford stated he would be happy to come back on a regular basis with status reports.

President Rivers closed the hearing at 8:21 p.m.

President Rivers outlined the possible options the Council can take as follows:

- Take no action
- Issue a warning
- Modify license
- Suspend the license
- Revoke the license
- Cancel the license

Motion: A motion was made by Councilor Fitzgibbons to find that a violation has occurred. The motion was seconded by Councilor Norris.

Discussion: Councilor Gallagher asked for clarification of the violation. Councilor Fitzgibbons responded it would be not operating in conformance with their license. Councilor Norris asked the Town Attorney to please explain the violation and the difference between revocation and cancellation. Councilor Rivers explained, explained they are not conforming to the days/hours that the license was approved for. Attorney Gildea responded for the purposes of this licensee, there is no difference between revocation and cancellation.

A voice vote was taken and the motion to find a violation has occurred passed 8-0.

Motion: A motion was made by Councilor Fitzgibbons to issue a warning and require the licensee come back at the first meeting of the Council, then subsequently on a monthly basis. The motion was seconded by Councilor Perry.



Discussion: Councilor Fitzgibbons noted nobody's going to invest the money these people did without expecting to move the project forward. Though they do need to move along and get the business up and running. Councilor Perry agreed with Councilor Fitzgibbons noting, we encourage business and want them to be successful. We do not want to be a hindrance. Councilor Norris confirmed that by issuing a warning, it does not prevent us from taking further action in the future. Attorney Gildea responded it does not. Councilor Norris suggested requiring a monthly update. Attorney Gildea responded, you can set a schedule that you would like the licensee to come back and report to you.

A voice vote was taken and the motion to issue a warning and require monthly updates by the licensee passed 8-0.

**8:30 p.m. President Rivers called a brief recess.*

**8:34 p.m. President Rivers called the meeting back to 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 Norris.

Discussion: None

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

LEGISLATION FOR ACTION (Taken Out of Order)

- Ordinance #D-2015-006: Amend and Codify a Flood Plain Ordinance for the Town of Bridgewater
President Rivers explained the ordinance briefly and explained the repercussions of not passing the measure.

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

Discussion: President Rivers explained, the owners have been notified through FEMA. There was a public meeting held in Attleboro and FEMA has been in touch with them. Councilor Losche confirmed; the people affected were spoken to and have resources.

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

Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Losche – YEA; Rivers – YEA; Perry – YEA; Wood – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 8-0.

- Order #O-2015-019: An Act Relative to the Appointment of Special Police Officers in the Town of Bridgewater
Motion: A motion to approve was made by Councilor Norris. The motion was seconded by Councilor Fitzgibbons. Councilor Perry explained the Public Safety Committee voted 2-1 to recommend approval as written. Dr. Perry read the order for the public.

Discussion: Councilor Norris stated he scrutinized this when it first came forward. The committee looked at language from many other towns with similar language. Councilor Perry added this gives the Police Chief a strong foundation for a long standing policy that's been in place and he hopes the council will approve. Councilor Wright stated; going forward, she agrees with what he (the Police Chief) was trying to do. Councilor Gallagher noted the language in the last sentence and asked if there is anything you envision changing. Attorney Gildea responded, the language is for minor language changes, but it cannot be substantive.

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

Wright – YEA; Colombotos – YEA; Wood – ABSENT; Perry – YEA; Rivers – YEA; Losche – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 8-0.

**8:42 p.m. President Rivers called a brief recess.*

**8:43 p.m. Vice President Perry called the meeting back to order.*

**8:43 p.m., President Rivers left the meeting. Vice President Perry assumed presiding role.*

- Order #O-2015-020 – Acceptance of a Gift Animal Control

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

Discussion: Councilor Fitzgibbons expressed gratitude for the very generous gift. Mr. Dutton briefly explained the order.



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

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

Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Losche – YEA; Rivers – NOT PRESENT; Perry – YEA; Wood – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 7-0.

- Transfer #T-2015-011: CPC Annual Reserves

Mr. Dutton explained this is also commonly known as the CPC budget. It was approved by the Budget & Finance committee at their last meeting. Mr. Dutton explained the sections the funds are broken out into and additional items.

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

Discussion: Councilor Fitzgibbons noted he would like to have the CPC or Town Accountant come in and update us on how the money is used.

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

Wright – YEA; Colombotos – YEA; Wood – ABSENT; Perry – YEA; Rivers – NOT PRESENT; Losche – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 7-0.

- Transfer #T-2015-012: FY15 End of Year Adjustments

Mr. Dutton explained the proposed amendments. He also explained these are not new monies, but money that was voted and now requires a vote to transfer. Mr. Dutton explained each change and the department.

Motion: A motion to approve, as amended, was made by Councilor Fitzgibbons. The motion was seconded by Councilor Norris.

Discussion: Councilor Norris noted, both the Budget & Finance committee and Finance Committee voted to approve. He also noted; now with MUNIS we'll be able to better numbers and forecast a little better.

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

Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Losche – YEA; Rivers – NOT PRESENT; Perry – YEA; Wood – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 7-0.

- Transfer #T-2015-013: Golf Enterprise Fund (FY15 Fiscal Year End Adjustment)

Motion: A motion was made by Councilor Colombotos to postpone to 7/7. The motion was seconded by Councilor Wright.

Discussion: Mr. Dutton explained the Budget & Finance committee postponed this measure to 7/7. Councilor Fitzgibbons asked if this action will have any effect on Free Cash, etc. Mr. Dutton responded; no we have until 7/15 to vote. Councilor Norris noted; the Budget & Finance committee voted unanimously to postpone.

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

- Transfer #T-2015-014: Payment of Prior Year Invoice to Meserve Electric

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

Discussion: Mr. Dutton explained this requires a vote because it was a bill from a prior fiscal year.

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

Wright – YEA; Colombotos – YEA; Wood – ABSENT; Perry – YEA; Rivers – NOT PRESENT; Losche – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motions passed 7-0.

- Transfer #T-2015-015: Payment of Prior Year Invoices to New England Farms, Inc

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

Discussion: Mr. Dutton briefly explained the invoice.

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

Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Losche – YEA; Rivers – NOT PRESENT; Perry – YEA; Wood – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 7-0.

- Transfer #T-2015-016: Payment of Prior Year Invoices for Sewer Department

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

Discussion: Mr. Dutton explained the invoices. Councilor Losche noted the legislation references 4 invoices and asked why we didn't pay the first three? Mr. Dutton responded; most likely we didn't receive them.



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

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

Wright – YEA; Colombotos – YEA; Wood – ABSENT; Perry – YEA; Rivers – NOT PRESENT; Losche – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 7-0.

- Transfer #T-2015-017: FY15 Transfer to Stabilization

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

Discussion: Mr. Dutton explained; this carries out the intent of the budget vote last year. It is an opportunity to put money into Stabilization. Councilor Norris noted it was unanimously voted by Budget & Finance and Finance Committees.

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

Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Losche – YEA; Rivers – NOT PRESENT; Perry – YEA; Wood – ABSENT; Colombotos – YEA; Wright - YEA. The motion passed 7-0.

Return to regular order of business.

**9:05 p.m., Councilor Fitzgibbons exited meeting.*

LICENSE TRANSACTIONS - None

PRESENTATIONS - None

TOWN MANAGER'S REPORT (*resume regular order of business*)

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: The Town Manager has reluctantly authorized The Building Office to be closed temporarily to the public between 1:00 p.m. and 4:00 p.m. and Fridays to aide in catching up on the backlog of work. The Town Manager noted his summer work will be to wrap up Administrative Code and implement new Personnel Policies, which are mostly internal policies. He will also be working with Golf Course on a three year plan. The MUNIS conversion continues. The IT Director and Treasurer have done exceptional job. We will be using a new billing company. We received a copy of a notice from DCR, Department of Dam Safety that we failed to comply with their recommendations of an engineering report from 2012. Mr. Dutton has reached out to DCR and let them know we will address the report. We have contacted the engineering company that did the report. Representative D'Emilia has offered help in trying to secure funding the engineering and repair. OCPC has organized a core group of 5-6 towns to look into electrical aggregation. The idea is to go out for a competitive bid as a group. Allen Knight of the Water & Sewer Commission is stepping down. Mr. Dutton also noted, Claremont is breaking ground on their new hotel, and the Academy Building is proceeding well.

**9:13 p.m., Councilor Fitzgibbons returned to the meeting.*

Questions:

- Councilor Norris asked about the historical documents found within the Academy Building. Mr. Dutton responded anything that was in the Academy Building prior to the contractor taking over have been removed and stored. Mr. Norris followed up asking about the timeline for the Academy Building. Mr. Dutton responded he is looking to move into the building a year from this September.
- Councilor Colombotos asked how the Building Department has been managing since revolving fund hasn't kicked in yet. Mr. Dutton responded, with my permission, they have added 2 PT inspectors. The biggest need is for the Building Inspector to review plans. Councilor Colombotos asked what oversight the Town has over the stewardship of Caver's pond. Mr. Dutton responded; on an informal basis there's a fair amount of coordination, but on a formal basis, there is not a lot. Mr. Colombotos referenced the retirees' healthcare costs (noted in the Town Manager's operational update) are sometimes at 93%. What recourse do we have and what efforts are we to ensure retirees are moving onto Medicare. Mr. Dutton further explained; the Treasurer's office tracks age for Medicare. In terms of percentages, the Town controls that. It's not driven by collective bargaining. It has been that as a retiree you pay what you paid as an employee. Finally, Councilor Colombotos asked about the Compensation study. Mr. Dutton responded he has just received a draft, and is reviewing for particulars. Mr. Colombotos asked if we can we expect it at the next meeting? Mr. Dutton responded, yes.

DISCUSSIONS

- Order #O-2015-001: Laying Out and Accepting a Road – Upland Drive/Strathmore Road



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

Vice President Perry provided a brief history of the order.

Mr. Dutton stated he has notified and mailed a list of items that need to be corrected for the Highway and Water Superintendents to be satisfied with this road acceptance. He has put in this evening's meeting packets a draft policy for Road Acceptance. Mr. Dutton pointed out that a road acceptance does not only come from new development. He encouraged the Council to review the policy.

Councilor Fitzgibbons asked if it is too early to refer the policy to Rules & Procedures. Mr. Dutton responded, currently we have 2 requests. Both have issues that need to be addressed, so sending this to Rules & Procedures is a little premature.

SUBCOMMITTEE REPORTS - None

OLD BUSINESS - None

NEW BUSINESS

- Ordinance #D-2015-008: Zoning Ordinance – Bylaw Change 10.60 Off-Street Parking Requirements

Vice President Perry briefly described the ordinance noting some of the changes.

Motion: A motion was made by Councilor Fitzgibbons to refer the measure to the Community & Economic Development Committee and the Planning Board. The motion was seconded by Councilor Norris.

Discussion: None

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

- Resolution #R-2015-004: Complete Streets Resolution

Councilor Colombotos explained this topic came up during a meeting with the DOT. The recommendation was to have a Complete Streets policy.

Motion: A motion was made by Councilor Norris to refer the measure to the Community & Economic Development Committee and the Planning Board. The motion was seconded by Councilor Wright.

Discussion: None

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

CITIZEN COMMENTS - None

COUNCIL COMMENTS

- Councilor Fitzgibbons: Regarding retiree health insurance. If you made a promise to someone who is 90 years old, Mr. Fitzgibbons is not going to go up on their insurance. Thanked Dr Forbes, who announced her retirement on October. Mr. Fitzgibbons offered condolences to the family of Frank Dunn who passed away. He was very involved in the Town and the University.
- Councilor Gallagher: A few weeks ago, he was with Clean Up Bridgewater group. They picked up 30 bags of trash in about an hour. Thanked JP Noonan who provided safety shirts. Mr. Gallagher noted there will be another on 9/13. This Saturday morning Councilor Gallagher will begin a series of "Coffee with the Councilor" at Bridgewater Bagel from 9-11. Wish everyone a Happy 4th of July.
- Councilor Norris: Thanked Vets Club and Troop 88 for the flags on Memorial Day.
- Councilor Losche: Nothing
- Councilor Wood: Absent.
- Councilor Colombotos: Applauded efforts of Mr. Shea. Carver's Pond is beautiful. Mr. Colombotos is looking forward to the Patel's new venture. Mr. Colombotos noted the renovations to a great house on Summer Street.
- Councilor Wright: Thanked Troop 88 for placing Flags and wished everyone a Happy 4th of July.
- Councilor Rivers: Not present.
- Councilor Perry: Echoed everyone's sentiments. He is looking forward to the 4th of July. Encouraged anyone wishing to contribute to the 4th of July fund to do so. Dr. Perry thanked Clean Up Bridgewater and congratulated the Little League teams, especially

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, June 23, 2015

Motion: A motion to adjourn was made by Councilor Fitzgibbons. The motion was seconded by Councilor Gallagher. A voice vote was taken and the motion passed 7-0.

The meeting adjourned at 9:43 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, July 7, 2015, to approve the aforementioned minutes, as submitted by a voice vote (7-0).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk