



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, October 20, 2015

CALL TO ORDER:

A quorum being duly present, Town Council President Kevin Perry called the meeting of the Bridgewater Town Council to order at 7:30 pm, on Tuesday, October 20, 2015 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright, William Wood, Peter Colombotos (arriving at 7:40 p.m.), Aisha Losche, Kevin Perry, John Norris Dennis Gallagher and Timothy Fitzgibbons. Town Manager Michael Dutton was also present.

ABSENT: Town Attorney, Mark Gildea

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

APPROVAL OF MINUTES –

- October 6, 2015

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT

- President Perry offered condolences and held a moment of silences for Richard B. Moore.
- President Perry announced Senator Pacheco will be holding office hours 10/22/15 at the Senior Center
- Upcoming Recreational Needs Input Session tomorrow at 7:00 p.m. at Olde Scotland Links Golf Course

PROCLAMATIONS -

- World Pancreatic Cancer Day

President Perry read a proclamation declaring 11/13/15 World Pancreatic Cancer Day in the Town of Bridgewater.

At the conclusion of the proclamation, he requested the document be posted on the Town's website.

CITIZENS OPEN FORUM –

- Michael O'Connor, 60 Vera Drive: Mr. O'Connor is a student at BSU, and is interested in the open Councilor position. He has lived here his whole life and went to Spellman High School. Mr. O'Connor believes school is a huge part of future development. He has read redevelopment plans for downtown and believes the future is bright for downtown.
- Brian Prophett, 86 Maple Ave: Mr. Prophett has concerns with the proposed zoning amendment to the parking bylaw. His house is located next to Chapman Funeral Home. Mr. Prophett is concerned because the funeral home is trying to put a parking lot across the street from his house. After explaining the history, Mr. Prophett noted he has filed an appeal with is currently pending in MA Land Court. There's a proposed amendment for off-street parking, Mr. Prophett feels the Town keeps amending bylaws to accommodate this one commercial property. He further noted there is no other business that requires such onerous parking requirement and reminded all it's a residential district. Finally, Mr. Prophett stated his opinion for the record that a zoning bylaw should not be changed to create a create a commercial space in a residential district.

APPOINTMENTS

- OCPC – Sandra Wright

Motion: A motion was made by Councilor Fitzgibbons to appoint Mrs. Wright. The motion was seconded by Councilor Norris.

*7:41 p.m., Councilor Colombotos joined the meeting.

Discussion: None



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

HEARINGS -

- 7:35 p.m.: Transfer #T-2015-019: Transfer from Stabilization to Inspectional Services

President Perry opened the hearing at 7:43 p.m.

Mr. Dutton explained this will fund the continuation of 3 temporary contract employees (for lack of a better term) to work on the backlog and to fund a full time Assistant Inspector. Mr. Dutton noted he has a proposed amendment: full time wages to \$30,000 and part time wages to \$40,000 for a total of \$70,000 coming out of stabilization.

President Perry invited any questions from the public – None came forward.

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

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

President Perry entertained any questions from councilors: No councilor questions.

President Perry closed the hearing at 7:45 p.m.

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

Discussion:

Motion: A motion was made by Councilor Fitzgibbons to amend by striking the number \$106,000 from stabilization and make it \$70,000 and strike \$50,000 from full time wages and make it \$30,000 and strike the number \$56,000 and make it \$40,000 in part-time wages and bring the total to \$70,000. The motion was seconded by Councilor Norris.

Discussion: Councilor Norris clarified; stabilization is not a revolving fund, however, this is a justified expense from stabilization.

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

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

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

LICENSE TRANSACTIONS

- 7:45 p.m.: Petition #P-2015-021: New Farmer Series Pouring Permit - Black Hat Brew Works LLC

President Perry opened the hearing at 7:46 p.m.

Mr. Dutton reminded the Council that we have already authorized the granting of the licenses. This is a Farmers Brewery on Scotland Boulevard.

President Perry invited any questions from the public – None came forward.

President Perry asked if there was anyone speaking in favor - Paul Mulcahey came forward as the owner explaining this will allow pouring and charging for alcohol at their brewery. Their business plan is: they want to bring people to the town and want people to come to the brewery. People can purchase growlers and can sample products. They want to offer 5oz samples and charge for that.

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

President Perry entertained any questions from councilors:

- Councilor Colombotos asked for clarification on how differ from bar? Mr. Mulcahey responded people can sample more than one beer and they'll be licensed to pour up to 16oz. He further noted they are small, and don't have the desire to have people sitting at the bar. He also noted they have been through TIPS training program.
- Councilor Gallagher asked how many different types of beers they offer. Mr. Mulcahey responded they have nine total recipes throughout the year. At any given time four will be available. Councilor Gallagher followed



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up by asking if they can hold small events. Mr. Mulcahey responded they have gone through local architectural engineer and have a maximum occupancy of 20.

President Perry closed the hearing at 7:51p.m.

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

Discussion: None

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

PRESENTATIONS -

OPEB – Plymouth County Treasurer, Thomas O'Brien

Thomas O'Brien Plymouth County Treasurer came forward to discuss OPEB. Mr. O'Brien explained Other Post Employment Benefits (OPEB) is a municipality's obligation to its current and retired employees for other benefits, other than retirement – primarily health insurance. It is an issue becoming more and more important to municipalities. Mr. O'Brien explained GASB45 required communities to identify what that liability was. Communities are recognizing they need to do something. There are new GASBY's coming down the road (67 & 68). Communities need to do something with OPEB liabilities soon. About a year ago the commissioners tasked Mr. O'Brien to come up with a solution. Currently, communities have three options: do nothing, invest on own and investing with PRIT. He looked at private entities, which were putting together multi employer trusts and also found some municipalities who did multi employer trust. He created a trust: the Plymouth County OPEB Trust. Other counties asked if they could join as well. It was launched at the beginning of April. They now have 13 groups and over \$2MM in assets. The Trust meets all federal and state guidelines. They partnered with US Bank on the financial side. There is no minimum, no penalty to withdraw and the best fees in the industry. The fees came out to be 51 basis points. Mr. O'Brien explained they wanted a tiered fee system that goes down as assets increase. An investment committee which will be made up of our members was also created. Mr. O'Brien noted the benefit of joining now is you get the discounted rate. They have a dedicated Administrative Assistant from PARS. All the Information is also on Plymouth County Website.

Councilor Questions:

Councilor Norris asked if there is any way to get a forecast of what we would do if the Town did it on own, versus going through your program. Mr. O'Brien referred Mr. Norris to the handouts. Councilor Norris followed up by asking if the Town sends you our GASBY45 can you do the projections. Mr. O'Brien responded, yes.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: Entergy has announced closure of Plymouth Power Plant. Mr. Dutton went on to explain what that may mean over the coming years. The Academy Building continues to see progress. The color of the building will not be grey, what we see now is the primer. They are beginning the process of furniture planning and technology needs. The plan is to not bring a significant amount of paper files into the building. The rough plan now is the house most paper files in the Memorial Building and have the digitized. He has advised Department Heads about the upcoming budget season reminding them that he is focusing on building maintenance, technology and web-based services, and highway department. Weston & Sampson is going to update the road survey to determine what roads need servicing. Mr. Dutton attended Downtown Business Owners Meeting which was put together by CED. It was a good turnout and there was good dialogue. Mr. Dutton briefly spoke about the Recreational Needs Survey, noting the survey is designed to give a very baseline look at needs. The Public input session is tomorrow at 7:00 p.m. at OSLGC, then Thursday November 19th. Mr. Dutton has spoken with Rules & Procedures about getting some professional zoning help to look at the bylaws and how they plug into the Administrative Code. He will likely come back to the council for funding. Mr. Dutton gave a brief update on progress at the Carvers Pond Dam. Regarding the Oak Street Bridge Mr. Dutton is becoming less hopeful that we'll be able to secure the earmark. The Town of Freetown went through almost exact same issues as us and finally decided to fund locally. He is now looking at many different funding options. OCPC has begun traffic a study in the downtown area as well as Elm and Grove streets. Finally, Mr. Dutton noted he has reached out to the schools and they're well on their way to developing a plan for roof snow removal.

Council Questions:



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Councilor Wood asked if we aren't getting funding for the Oak Street Bridge; can we return the bridge to the state it was before the accident – without the upgrades. Mr. Dutton responded he will have to ask, but the requirements are that it needs to meet DOT standards. In response to Councilor Wood's question about the street sweeper and drain clearing, Mr. Dutton explained the new sweeper is in progress, and yes; there is a licensed employee whose job it is to clear the drains.

At Councilor Norris' request, Mr. Dutton reminded all that the projected cost for Oak Street was roughly \$750,000. Councilor Norris then asked about metric to measure Inspectional Services. Mr. Dutton responded there should be measurements for time to process permits. Councilor Norris asked about the dog licenses and the late fee. He requested a discussion item for the next agenda. Mr. Dutton responded, the license fee didn't change too much, but people are upset about the late fee. He further stated if the council or any councilor were interested in providing relief under the ordinance, would be open to that. Councilor Wood asked; as hearing officer, can the Town Manager excuse a late fee if requested and there is good cause? Mr. Dutton responded he will have to check. Finally, at Councilor Norris' request, Mr. Dutton briefly spoke about the process for road acceptance.

Councilor Gallagher asked about uses for the McElwain School. Mr. Dutton responded he is working on having 40R for November. Mr. Gallagher would be interested in taking a tour of the Academy Building as long as safe. Mr. Gallagher asked for an update on the Just Desserts building damage and timeline to fix. Mr. Dutton responded he will inquire about it.

Councilor Losche asked about the Right to Farm signs and restrictions on heavy loads on certain roads. Mr. Dutton responded the DOT is not inclined to prohibit trucks on roads, but once we get the OCPC data we'll know better.

Councilor Colombotos asked if Mr. Dutton and the Community & Economic Development department flushed out reuse scenarios for the Memorial Building and Town Hall. Mr. Dutton responded, it's the Council's decision how we use the building, but we will provide suggestions. Currently, we are not inclined to lease the Memorial Building as may have been rumored in past. Mr. Dutton's tentative suggestions were: Memorial Building - use for storage in basement. Town Hall needs a significant amount of work on interior, essentially needs to be gutted.

*8:41 p.m., Councilor Fitzgibbons left the meeting, returning at 8:48 p.m.

DISCUSSIONS

- **Skips Liquors Update**

A representative, from Skips Liquors came forward and explained they received a letter on 8/11 from Mike White. The Planning Board suggested they go to the Zoning Board. However, Mr. White suggested they go to Planning Board to address the parking requirements. The Planning Board referred the matter to the Zoning Board for a variance. The hearing was 10/6, but continued to 11/3.

- **Meeting of the General Public/Council Agenda Items – November 17, 2015**

President Perry stated he would like to set the date for the Meeting of the General Public for 11/17 and asked if there were any conflicts. Vice President Losche stated she has conflict with that date. Seeing no other conflicts, President Perry directed the Council Clerk to advertise the meeting and move forward.

- **Derelict Commercial Properties**

Councilor Colombotos stated he wants to talk about how to address some of the derelict commercial properties. He noted Broad Street, the former Mobile Station on Summer Street and the corner of Main and Broad Streets has remained unrepaired. The Abandoned Properties Ordinance passed didn't include commercial properties. Mr. Dutton suggested this could be handled as a two prong approach. First, amend the ordinance and include language to include commercial properties. The second is to create the zoning that we need to make those enticing properties. Councilor Norris stated he is working on something, if Councilor Colombotos would like to join him. Councilor Wood stated that whatever comes forward he hopes it's in a positive light, rather than a penalty. Councilor Gallagher asked if there have been any businesses interested in purchasing as he doesn't see any real estate signs on any of these vacant buildings.

SUBCOMMITTEE REPORTS

LEGISLATION FOR ACTION -



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- Ordinance #D-2013-015: Personal Property Assessment
Mr. Dutton explained, this came out of recommendations made by the auditors. This creates efficiencies by exempting personal property assessments up to \$5,000. The bills are relatively minuscule, and would have virtually no impact on the tax rate.
Motion: A motion to approve was made by Councilor Norris. The motion was seconded by Councilor Wright.
Discussion: Councilor Gallagher confirmed personal property does not include vehicles.
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Perry – YEA; Losche – YEA; Wood – YEA; Colombotos – YEA; Wright - YEA. The motion passed 8-0.
- Order #O-2015-024: Authorization to Lease Town Property
Mr. Dutton explained this legislation is to lease the space above the golf course parking lot for a solar canopy. The Council has to declare it available for lease. Assuming all goes well, we would be looking to lease the property and would take a lease payment and a payment in lieu of taxes for the actual infrastructure. In the draft RFP, we have asked for proposal/price on drainage and paving.
Motion: A motion to approve was made by Councilor Norris. The motion was seconded by Councilor Wood.
Discussion: Councilor Norris confirmed; we're asking the proposals to include paving and draining? Mr. Dutton responded "yes". Councilor Gallagher asked Mr. Dutton to explain if the revenue is to the town or to the enterprise fund. Mr. Dutton responded, the lease would be to the benefit of the golf course, the PILOT would accrue to the benefit of the Town. Councilor Losche requested there be a thorough study done about solar glare and vegetation issues. Councilor Wood strongly supports this action, noting the paving option is a really good option.
A roll call vote was taken with results recorded as follows:
Wright – YEA; Colombotos – YEA; Wood – YEA; Losche – YEA; Perry – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 8-0.
- Transfer #T-2015-020: Prior Year Invoices
Mr. Dutton explained most of these are utility bills that were received after the fiscal year closed. The total is 3,433.47.
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Norris.
Discussion: Councilor Wood noted the Budget & Finance Committee voted 3-0 to recommend approval.
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Gallagher – YEA; Norris – YEA; Perry – YEA; Losche – YEA; Wood – YEA; Colombotos – YEA; Wright - YEA. The motion passed 8-0.
- Transfer #T-2015-021: Community & Economic Development
Mr. Dutton explained this covers the cost of the remaining salary balance for his Assistant who has moved to Community & Economic Development.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Discussion: Councilor Wood noted the Budget & Finance Committee recommended approval, 3-0.
A roll call vote was taken with results recorded as follows:
Wright – YEA; Colombotos – YEA; Wood – YEA; Losche – YEA; Perry – YEA; Norris – YEA; Gallagher – YEA; Fitzgibbons - YEA. The motion passed 8-0.
- Resolution #R-2015-006: 2016 Town Council Meeting Dates
Mr. Dutton explained there is an amendment, but it does not deal with any dates. The language references the Memorial Building as a meeting location. This just changes the location accordingly.
Motion: A motion was made by Councilor Wood to amend as presented. The motion was seconded by Councilor Norris.
Discussion: Councilor Gallagher noted he prefers 2 meetings in August, but would not press the point.
A voice vote was taken and the motion to amend passed 8-0,
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Norris.
Discussion: None



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A voice vote was taken and the motion to approve, as amended, passed 8-0.

- Resolution #R-2015-007: FY2017 Budget Resolution

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

Discussion: Councilor Wood stated this is almost identical to what we've adopted in the past. He further noted the Budget & Finance Committee recommends 3-0. At Councilor Colombotos' request, Councilor Wood clarified the only change is New Growth is at \$300,000.

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

OLD BUSINESS - None

NEW BUSINESS

- Order #O-2015-029: Laying Out and Acceptance of a Public Way – Hometown Terrace

Mr. Dutton explained, he has brought as built plans for anyone wishing to review. He also noted the Highway Department has reviewed and made comments, but all noted items have been fixed.

Motion: A motion was made by Councilor Wood that it is the Council's intention to lay out the way. The motion was seconded by Councilor Norris.

Discussion: None

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

Motion: A motion was made by Councilor Wood to refer the measure to the Planning Board. The motion was seconded by Councilor Norris.

Discussion: None

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

President Perry asked the Council Clerk to schedule a public hearing upon disposition from the Planning Board.

- Order #O-2015-030: Filling of a Councilor Vacancy

Councilor Gallagher explained he brought this up at the last meeting in September to see what the Council would like to do to proceed. The Council had brief discussion 2 meetings ago and the Town Attorney said we don't have to fill the seat, but can. Mr. Gallagher believes the Charter is very clear that we "shall" fill vacant councilor seat and he would like to see us do that. Ideally, he would like to leave tonight with us seeking applicants and letters of interest from citizens. Discussion followed with Councilors Wright and Norris expressing their position that the seat should be filled in April during the election. Councilor Wood pointed out that we could set the legislation aside and the President could open up Appointments at the next meeting. However, Mr. Wood is on the fence; time is short and he doesn't necessarily see the real need to fill the seat. President Perry noted we have legislation that Councilor Fitzgibbons wrote to help guide us, which could take some time. He suggested referring this to Rules & Procedures committee asking them to come up with a procedure and timeframe. Councilor Gallagher stated he is trying to look at how this could be positive and listed many benefits. He again noted he brings this to the Council because the Charter says we "shall" fill the position. He would like to take letters of interest. Mr. Gallagher thinks we can skip the procedures, but would like to see us take applicants. Councilor Fitzgibbons pointed out that not taking applicants does not prohibit anyone from e-mailing councilors directly if interested. Councilor Colombotos agrees with Councilor Gallagher. He doesn't see point in voting in 2 weeks and will not be supporting referring to committee.

Motion: A motion was made by Councilor Fitzgibbons to refer to Rules & Procedures Committee. The motion was seconded by Councilor Perry.

Discussion: Councilor Fitzgibbons noted there is no reason it can't be looked at in committee and brought back by next meeting.

A raised hand vote was taken, and the motion to refer to Rules & Procedures Committee failed 4-4 (Councilors Wright, Losche, Perry and Norris in the minority).

- Resolution #R-2015-009: Exploration of Future Uses for Town Hall and Memorial Building

This measure was withdrawn.

- Ordinance #D-2015-009: Zoning Amendment – Manufactured Home Elderly Community District (High Pond Estates and Stone Meadow)



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Councilor Wright explained this goes back some time to the mid 80's. We need to adopt the language change and the rules & regulations before you. She is asking fellow councilors to support this.

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

Discussion: Councilor Colombotos asked if there are any geographical boundaries. Councilor Wright responded this is the Highpoint & Stone Meadow developments. Councilor Wood asked if that means those 2 communities are already defined as such?

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

- Ordinance #D-2015-010: Zoning Amendment – Parking Bylaw

Councilor Wood explained, this has been developed by the Community & Economic Development Director. The language has been modeled after several other communities.

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

Discussion: None

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

CITIZEN COMMENTS - None

COUNCIL COMMENTS

- Councilor Wright: Welcomed the Black Hat Brewery. Mrs. Wright thanked Mr. O'Connor for coming in and thanked Treasurer O'Brien for coming in. She also spoke about cancer awareness.
- Councilor Colombotos: Businesses like to locate in places that have amenities and encouraged all to attend the public input sessions.
- Councilor Wood: Thanked VFW 2125 for hosting a fund raiser last week. Thanks to residents for all the glasses donated by citizens to the Lion's Club. Mr. Wood stated we need to find a way to really attract and retain small businesses. He acknowledged; passing through downtown at noon is frustrating. He thanked Councilor Losche, Mr. Dutton and Councilor Fitzgibbons for their work with the Administ Code. You'll see the nearly complete Admin Code.
- Councilor Losche: No comments.
- Councilor Norris: Welcome to Black Hat Brewery. Mr. Norris clarified regarding the (open council seat) debate; he doesn't want that to discourage anyone from wanting to fill a seat on the council. He would like to see more people partaking, but he doesn't want to speak for the people. Regarding the dog licenses, collections start 11/1. Please get your dogs licensed as soon as possible.
- Councilor Gallagher: Thanked the crew who came out to do community clean up and JP Noonan and BSU. There were more than 50 people. Mr. Gallagher congratulated Carlton Hunt as Citizen of the Year. He thanked those citizens who came to his coffee hour. Mr. Gallagher encouraged residents to attend VFW 2125 pancake breakfast.
- Councilor Fitzgibbons: Thanked the Town Council for acknowledging World Pancreatic Cancer Day. He also thanked the Town Manager for the update on Entergy.
- Councilor Perry: Echoed all previous sentiments. Dr. Perry thanked Andrew Delonno and Lisa Sullivan for putting together the Downtown Business meeting. He thanked Michael O'Connor for coming in this evening and reminded all about the Recreational Needs Input Session. He also offered congratulations to all BR Badgers teams.

EXECUTIVE SESSION – No Executive Session was held.

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Norris. The motion was seconded by Councilor Wright. A voice vote was taken and the motion passed 8-0.

The meeting adjourned at 9:52 p.m.
Minutes submitted by: Ann Holmberg



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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, November 3, 2015, to approve the aforementioned minutes, as submitted, by a voice vote (6-0).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk