



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, December 22, 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 December 22, 2015 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright, William Wood, Peter Colombotos (arriving at 7:36 p.m.), Aisha Losche, Kevin Perry, John Norris Dennis Gallagher and Timothy Fitzgibbons. Town Manager Michael Dutton and Town Attorney Mark Gildea were also present.

ABSENT: No Councilors were absent.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

APPROVAL OF MINUTES – None

ANNOUNCEMENTS FROM THE PRESIDENT

- A moment of silence was held for all veterans who have passed including:
 - John P. McGinn
 - David L. Flynn
 - John F. Desmond
 - Paul R. Sellstone
- President Perry announced, Kitty Doherty is looking for volunteers for Nunckatessett Leadership Team. Anyone interested can contact Kitty at 508-697-2398. There will also be a meeting on January 14th at the Senior Center.

PROCLAMATIONS - None

CITIZENS OPEN FORUM –

- Eileen Hiney, South Street: Ms. Hiney spoke in favor of the Plastic Bag Reduction Ordinance.
- Shawn George, Jillian's Way: Mr. George spoke about the Mitchell School. Mr. George went to the meeting and felt the meeting was very informative and troubling. We're looking at \$20MM - \$90MM bill. Additionally, Mr. George is disappointed that the Council did not fill the open council seat. He was happy the Council started the process, but was disappointed that no-one was chosen.
- Mary Jane McCool, Aldrich Place: Ms McCool read a prepared statement noting she represents herself and friends, who have no agenda. Ms. McCool spoke about hate speech that she witnessed. She noted the hate speech seemed to be directed at the people due to their manner of dress.
- Rebecca Cordeiro, Deerfield Drive: Ms Codeiro also spoke about the hate speech. She noted hate speech is being directed at Muslims here in Bridgewater.
- Christina Ajemian, Aldrich Road: Has heard about some of the incidents here and in neighboring towns. Mrs. Ajemian encouraged all to remember their basic humanity and remember our values.
- Ray Ajemian, Aldrich Road: Mr. Ajemian grew up in Detroit, but has lived here for 40 years and is Armenian. Mr. Ajemian feels government has a responsibility. To be passive, allows the behavior, or the Council can be leaders and speak out.
- Vernon Domingo, Saddle Drive: Has heard there seems to be an uprising of "Islamophobia". It's important for the Council to make a clear, public, unequivocal statement that "Islamophobia" is not welcome in this town.
- Sam Baumgarten, Short Street: Noted the University has come out with a statement that's being signed by faculty. Mr. Baumgarten also spoke in favor of the Plastic Bag Ordinance.

Motion: A motion was made by Councilor Fitzgibbons to take agenda item "F" (Hearings) out of order. The motion was seconded by Councilor Norris.



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

HEARINGS - (Taken out of order)

- 7:40 p.m., Order #O-2015-029: Laying Out and Accepting a Private Way – Home Town Terrace
President Perry opened the hearing at 7:55 p.m.

Mike Cochrane came up and spoke about the \$5,000 Bond. Mr. Cochrane is concerned that the process is unfair to have this thrown on to his lap or the process wouldn't move forward.

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:

- Councilor Norris asked if it's standard for a maintenance bond to be requested. Mr. Cochrane responded he did not know. He stated he had an order of conditions that detailed everything required and this should have been told to him up front.
- Councilor Gallagher referred to the Planning Board's disposition noting they vote to recommend approval with conditions.
- Councilor Wood asked if a maintenance bond is released after 3 years to the petitioner if there's no issue with the detention basin. Attorney Gildea noted it is not mandatory to require the bond.
- Councilor Colombotos noted the use of the word "bond" indicates it's something they give back.
- Attorney Gildea noted an order of conditions is not a contract and clarified; they had a plan approved and there is no obligation to accept a way as a public way. He suggested the Council postpone to the next meeting to gather additional information.

Motion: A motion was made by Councilor Fitzgibbons to continue to the first meeting in January. The motion was seconded by Councilor Norris.

Discussion: Councilor Gallagher stated he would like to know if this is a new practice or if we can give back the money. Councilor Norris asked the petitioner if postponing will cause financial hardship. Mr. Cochrane responded his big concern is the snow. Brief discussion followed regarding the timeline of acceptance and the effect postponing may have. Mr. Cochrane insisted in the order of conditions, there were itemized things he had to do so the town would accept the road and he completed them.

Councilor Fitzgibbons withdrew his motion to continue. Councilor Norris withdrew his second and discussion continued.

Discussion (cont'd): Councilor Colombotos noted that just because a petitioner fulfills the order of conditions doesn't mean the Town has to accept the road. It just means those are the standards to which he has to build to. Councilor Norris expressed concerns with the recommendation of the Planning Board. Councilor Gallagher agreed the recommendation seemed vague.

Motion: A motion was made by Councilor Fitzgibbons to renew his original motion to postpone the matter to the first meeting in January. The motion was seconded by Councilor Losche.

Discussion: None

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

Resume regular order of business.

APPOINTMENTS

- Board of Health – Benjamin Poinier



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Mr. Dutton spoke on behalf of Mr. Poinier

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

Discussion: President Perry appreciates his volunteerism.

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

- Cultural Council – Edward Haley

Mr. Dutton spoke on Mr. Haley's behalf noting he has been recommended unanimously by the CAC.

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

Discussion: Councilor Fitzgibbons thanked Mr. Haley for getting involved.

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

LICENSE TRANSACTIONS

Town Attorney Gildea left the meeting and Associate Town Attorney Rawlins took the seat.

- Petition # P-2015-031 - Annual Renewal - All Alcohol Related

Mr. Dutton explained there were 36 licenses in all and there seemed to have been a bit of confusion about the renewal process, however, all have satisfied requirements for renewal.

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

Discussion: Councilor Fitzgibbons asked if the numbers were correct and pointed out the Farmer's Brewing License was not included.

Motion: A motion was made by Councilor Fitzgibbons to amend by adding the Farmer's Brewing License was left off. The motion was seconded by Councilor Norris.

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

Discussion (on main motion cont'd): Councilor Gallagher referenced item #15, and asked the situation is there.

Mr. Dutton explained; to the best of his knowledge, it is vacant and has never been opened. Councilor Gallagher asked if this would not inhibit someone who wanted a license of this sort. Mr. Dutton confirmed it would not.

Councilor Colombotos requested the number of all alcohol licenses. Mr. Dutton responded he did not have the number, but would provide it. Councilor Gallagher asked if there were no available licenses, would it be brought to the attention of the Council. Mr. Dutton explained, if the Council wished to revoke a license, the business owner would need to be notified with a certain notification period. Councilor Wood asked Mr. Dutton if his office will be holding the license of the applicant with delinquent taxes.

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

- Petition # P-2015-032 - Annual Renewal - All Common Victuallers, no alcohol

Mr. Dutton explained there are 48 licenses that require your renewal vote. There are some that are delinquent in taxes and we will deal with that administratively.

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

Discussion: None

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

- Petition # P-2015-033 - Annual Renewal - Auto Dealers – Class I, II, III

Mr. Dutton briefly explained the renewal petition.

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 8-0.

- Petition # P-2015-034 - Annual Renewal - Pawn/Second hand Gold Dealers

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

Discussion: Councilor Wood asked if anyone follows up on the Pawn Shops Ordinance passed a few years ago.

Mr. Dutton responded, "yes" and explained the Police Department does that.

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

- Petition # P-2015-035 - Annual Renewal - Auto Amusements

Mr. Dutton explained there are 5 applicants requiring approval to renew.



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

Discussion: Councilor Norris asked about the delinquent taxes for one of the applicants. Mr. Dutton explained those are on the south and northbound side of highway and it's currently with the state, and has nothing to do with the licensee..

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

PRESENTATIONS

- Early Voting Law – Town Clerk, Marilee Hunt

Town Clerk Marilee Hunt came forward and was very clear that this law does not take effect until October 2016 and there are three elections before this takes effect. She explained it will be used for the Presidential Election and the state has not provided the protocol yet. Mrs. Hunt stated she does not want to cause confusion among the voters. Councilor Fitzgibbons asked if we may need fewer poll workers. Mrs. Hunt responded she can look at that, but many people have (effectively) been using the absentee ballot for early voting and she doesn't really suppose it'll make a huge difference, but will be happy to come back and speak in September.

TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: The Downtown Survey has been completed. Mr. Dutton has met with Jen Goldson on the 40R issue. She has worked to reduce the area of concentration which may help us achieve designation for five of the properties we've been looking at. Mr. Dutton accompanied several Councilors on a walkthrough of the Academy Building. The plan is still to finish at end of summer. Mr. Dutton held a Department Head meeting and he went over the 2017 budget process. He stressed 3 areas of focus, building maintenance, highway and web/social media. There has been correspondence from DOT regarding the Oak Street Bridge. They are continuing to work to get the Oak Street Bridge opened hopefully in the spring for one lane use. The School Committee voted to go through the Mass School Building Authority process. The engineers laid out structural deficiencies. They looked at air quality and they did not find any airborne mold. There may be surface mold, but air quality review did not find airborne mold. The first part of the process is a feasibility study, which Mr. Dutton will be involved with. The school committee also voted on how to handle potential upcoming snow. Engineers and School committee felt if the roof is coming off anyway it didn't make sense to put a new roof on, so they opted to go with an aggressive snow removal process. The town did not receive any bids for the solar array, though one prospective bidder notified they will be submitting a bid. The ambulance that suffered the fire will be repaired for approximately \$5-10K.

**8:50 p.m., Councilor Fitzgibbons left the meeting returning at 8:55p.m.*

OCPC did a traffic study on Bedford and Grove Street and recommended we do a road safety audit in January. Mr. Dutton clarified for people asking about road work on route 104, it's the sewer pipe installation.

**8:53 p.m., Councilor Colombotos left meeting, returning at 8:55 p.m.*

Councilor Questions:

Councilor Wood stated it might be good to hear about expected costs to the treatment plant and what other changes might be going on. Mr. Dutton responded the response from the DEP has not been received yet.

Councilor Norris asked if the Academy Building was on time and on budget. Mr. Dutton responded yes, though there were some change orders that amounted to approximately \$340,000 to date.

DISCUSSIONS

- Golf Course Status

Mr. Dutton explained this matter should be taken up at a later date. It was premature to add it to this agenda.

- Joint Meeting

President Perry explained he will be holding the required joint meeting of the Town Manager, Finance Committee, School Committee Chair and Town Council on January 19th. Seeing no objection to the date, President Perry asked the Town Council Clerk to coordinate the meeting and contact the respective committees.

COMMITTEE REPORTS:



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- Rules & Procedures: Committee Chair Losche stated she has received additional feedback on the Canine Ordinance and will be recommending it be re-referred to the Rules & Procedures Committee when it comes up later in the agenda.

LEGISLATION FOR ACTION

- Transfer #T-2015-023: Carver's Pond Repairs
Mr. Dutton explained; approval of this measure will ensue we have the funds available. He further clarified; in order to issue the RFP we need to be sure we have available funds.
Motion: A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Norris.
Discussion: Councilor Wood stated this was unanimously approved by Budget & Finance and Finance Committees. 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.

OLD BUSINESS

- Ordinance #D-2015-005: Town of Bridgewater Administrative Code
Mr. Dutton provided a brief history of the process to draft the Administrative Code. Mr. Dutton noted over time he has received a lot of feedback and incorporated much of it. There is a section for elective bodies, Article III (Boards and Committees appointed) it also outlines how those boards and committees are run who they interact with, whether they're advisory. Mr. Dutton tried to incorporate some consistency with the terms, interrelationships, etc. The last section of this portion is the operational entity and municipal organization. It creates a finance department, and a DPW. Mr. Dutton thinks the Administrative Code does a good job of keeping the operational side of the house separate.
Motion: A motion was made by Councilor Fitzgibbons to accept amendments as written. The motion was seconded by Councilor Losche.
Discussion: None
A voice vote was taken and the motion to accept amendments passed 8-0.
Motion: A motion was made by Councilor Colombotos to amend by adding a section 29 to keep the Master Plan Implementation Committee (MPIC). The motion was seconded by Councilor Wood.
Discussion: Councilor Wood thinks the Community & Economic Department may take over some of this. He wonders what advantage this may have since Dr. Hunt didn't ask to have this added back in. Mr. Dutton stated the job of the operational side is to implement the Master Plan. He agrees the MPIC has played a huge role in moving the town forward. Mr. Dutton also pointed out a provision has been added for the Planning Board to have an ad hoc advisory committee. Mr. Dutton does not have any real concern except he was trying to streamline. Councilor Wood stated he is not opposed, but suggested it should be 3 members. Councilor Colombotos would make that amendment. Councilor Losche asked; if the Planning Board has the ability to create an ad hoc committee, do we need to do that for them. Councilor Colombotos responded, he feels the Community & Economic Development Department is probably understaffed and this committee can play a key role in helping with that.
A voice vote was taken and the motion to amend passed 8-0.
Vv: 8-0 pass
Discussion (Cont'd): Councilor Wood stated; we've worked on this for 5 years and asked if this is a positive element, or a distracting element? Mr. Dutton requested he be given the flexibility to include it alphabetically instead of as a section 29. He feels the role is important, but suggested the title "Master Plan Committee" and eliminate "Implementation".



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Motion: A motion was made by Councilor Colombotos to amend by removing "Implementation". The motion was seconded by Councilor Wood.

Discussion: Councilor Colombotos stated he agrees with Mr. Dutton's suggestion.

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

Seeing no further discussion, voice vote was taken and the motion to amend passed 8-0.

Motion: A motion was made by Councilor Fitzgibbons to send to advertising, as amended. The motion was seconded by Councilor Wood.

Discussion: None

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

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

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

Discussion: None

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

- Ordinance #D-2015-010: Zoning Amendment – Off Street Parking

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

Discussion: Councilor Wood clarified, the purpose of moving to advertising is to notify the citizens that something important is coming before the council. Councilor Colombotos wondered about the cost of such an advertisement.

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

- Ordinance #D-2015-011: Amend Ordinance D-2015-001: Enforcement Ordinance – Canine Control

Motion: A motion was made by Councilor Losche to re-refer this to the Rules & Procedures Committee. The motion was seconded by Councilor Wood.

Discussion: None

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

NEW BUSINESS

- Transfer #T-2015-025: Community Preservation Transfer: Murray/Needs

Mr. Dutton explained this following up on a recommendation by the Community Preservation Committee on funding for the Murray/Needs Conservation Restriction.

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

Discussion: None

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

- Transfer #T-2015-026: Prior Year Invoices

Mr. Dutton explained there are 2 major items: Correcting an issue that repeats year after year with the transfer station. He is looking to fix this by end of year. The second is the MUNIS bill.

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

Discussion: Councilor Fitzgibbons noted the numbers on the transfer didn't add up.

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

CITIZEN COMMENTS - None

COUNCIL COMMENTS

- Councilor Wright: Thanked everyone for coming in this evening and voicing their opinion on no hate speech.



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- Councilor Colombotos: Offered a general apology for the way we handled the appointment process. Mr. Colombotos doesn't think we came up with a good process. He hopes we didn't give the impression that we don't welcome citizen participation. Finally he expressed his appreciation for the citizens who came in.
- Councilor Wood: Echoed Councilor Colombotos comments on the appointment process. Hoping it doesn't discourage people from volunteering. There is a lot of opportunity to volunteer, which is outline in the new Administrative Code.
- Councilor Losche: Echoed comments about the appointment process. She thanked the residents who came out to speak. Mrs. Losche stated people shouldn't be afraid to speak. We'll come together as a council to see how we can support that.
- Councilor Norris: Mr. Norris is not sorry for the appointment process noting; we set a process and we followed it. Mr. Norris stated hate speech is not acceptable in the Town of Bridgewater in any form. Mr. Norris has military background and been deployed several times and has never used derogatory language.
- Councilor Gallagher: Thanked the citizens for coming out and voicing their opinions. Thanked residents who came out to speak on plastic bags. Regarding no place for hate, perhaps there is something we can do; maybe a declaration or something. People should not be lashing out or judging people on first look. He thanked the people who spoke out on that behalf. Thanked the volunteers. Regarding the appointment process; Mr. Gallagher thinks the process we went through was fine, but wasn't happy with the end result. Finally, Mr. Gallagher wished all happy holidays.
- Councilor Fitzgibbons: Thanked Mr. Norris and Mr. Gallagher for their service to our country. Regarding hate speech in Bridgewater. You only diminish yourself when you do that. There's no place for it. Wished all a happy holiday season.
- Councilor Perry: Thanked everyone who spoke this evening. Regarding hate speech, we'll see if there's something we can do. Regarding the process for the Councilor vacancy; the process was a good one and he believes it was effective. He wanted to see the seat decided on by the citizens of Bridgewater. Finally, President Perry wished everyone a happy holiday.

EXECUTIVE SESSION –

Motion: A motion was made by Councilor Fitzgibbons to move into Executive Session under MGL Chapter 30A, Section 21(a) (2): To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and to adjourn from Executive Session. The motion was seconded by Councilor Norris

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 unanimously.

ADJOURNMENT

Open session adjourned at 9:42 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, January 5, 2016 to approve the aforementioned minutes, as submitted, by a voice vote (7-0) (Councilor Norris absent, 1 councilor vacancy).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk