



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, February 23, 2016

CALL TO ORDER:

A quorum being duly present, Town Council President Kevin Perry called the meeting of the Bridgewater Town Council to order at 7:32 pm, on February 23, 2016 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright, William Wood, Peter Colombotos, 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 who have passed including:

- Anthony P. Anacki

APPROVAL OF MINUTES – None

ANNOUNCEMENTS FROM THE PRESIDENT

- March 7th Opioid Crisis Part I at Bridgewater Raynham Regional High School Auditorium from 7:00 p.m. – 8:00 p.m.

CITIZENS OPEN FORUM –

- Ernie Talpey, Green Leaf Road: Mr. Talpey read a prepared statement (included in materials) Mr. Talpey is here representing the Bridgewater Business Association (BBA). The BBA would appreciate an opportunity to provide additional comments on the Plastic Bag ordinance. Mr. Talpey offered statistics about the number of municipalities who have adopted such ordinances and spoke against the plastic bag reduction ordinance stating it presents Bridgewater as not being business friendly. He noted there were several terms contained in the ordinance that are vague. He referenced paper bags noting there was a time when they were also discouraged to save trees. The BBA does not endorse this ordinance.
- Autumn Barrell: Ms. Barrell is a BSU student who lives on campus and is President of Students for Sustainability. She represents the thousands who call Bridgewater their home. Ms. Barrell supports the ban on plastic bag reduction.
- Bernice Morrissey, Lakeside Drive: Ms. Morrissey is with the Green Committee and a resident. Ms. Morrissey spoke about approaching this from a communal approach. The Green Committee has had a great relationship with the BBA. Ms. Morrissey addressed the issue being at the state level and referenced the bottle bill and the outcome. It is Ms. Morrissey's opinion that the state seems unable to have movement on this.
- Kevin Bligh, Glenmore Lane: Encouraged the Council not to be swayed by politics or fear and referenced the smoking ban. Mr. Bligh pointed out the Meals Tax was a point of controversy in the past. Mr. Bligh feels the science is pretty clear and doesn't believe anyone is debating that. Encouraged Council to look at Somerville who passed legislation and business is booming. He then encouraged the Council to move this forward. Mr. Bligh noted he sees more citizens here than businesses.
- Ray Ajemian, Aldrich Road: Mr. Ajemian concurred with Mr. Bligh and stated, let Bridgewater be the leader.
- Mary Pendleton: Ms. Pendleton stated if the Councilors act as leaders we can really make a difference. We have to care about the environment. Ms. Pendleton encouraged everyone to vote in favor.
- Dr. Carlton Hunt, 80 Austin Street: Dr. Hunt encouraged the Council to pass the Plastic Bag Ordinance and displayed plastic bags. He also spoke about the Energy Resolution. Dr. Hunt encouraged the Council to pass the resolution and provided a brief explanation.



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- Sam Baumgarten, 60 Short Street: He reminded the Council that when the issue was the Smoking Ban, the state didn't move until enough smaller communities moved. Mr. Baumgarten encouraged the Council to let Bridgewater be the leaders.
- Pat Neary, Lakeside Drive: Ms. Neary is a member of Green Committee. Ms. Neary reminded everyone that the Ordinance is very flexible. She's spoken to the managers of supermarkets who have said they've seen no impact in towns where similar Ordinances have been passed. Roche Bros has always been wonderful to the community and expects they always will be.

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

Discussion: None

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

HEARINGS - (taken out of order)

- 7:40 p.m., Petition #P-2016-006: Request for Propane Storage – Devaney Energy
President Perry opened the hearing at 7:56 p.m.

Attorney Rob Pellegrini, representing the applicant, came forward to provide a brief presentation on the project. He stated the project has all been approved by the Planning Board and all local boards. The project is on Elm Street and over a 9 acre parcel. There will be 3, 30,000 gallon propane tanks proposed and 1, 2,000 gallon diesel tank. Attorney Pellegrini explained this is very heavily regulated by the state. All the tanks are tested at the factory and upon installation, then annually thereafter.

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 7:59 p.m.

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

Discussion: Councilor Norris commented he is glad to have them here in Bridgewater.

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.

PROCLAMATIONS - None

APPOINTMENTS – (return to regular order of business)

Mr. Dutton explained this evening's appointments are very simple.

- ❖ Raymond Ajemian
- ❖ Thomas Hall
- ❖ Patrick Driscoll
- ❖ Francis Sullivan
- ❖ Jean Guarino

Motion: A motion to approve all appointments en masse was made by Councilor Fitzgibbons. The motion was seconded by Councilor Norris.

Discussion: Mr. Dutton confirmed these will be in staggered 5 year terms. Councilor Wood thanked all for renewing their appointments.

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

LICENSE TRANSACTIONS

- Petition #P-2016-004: One-Day Alcohol & One-Day Entertainment licenses – Forty-Niners Club, Inc.

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



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Discussion: Mr. Dutton explained this is in front of Town Council because of the entertainment portion of the request.

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

- Petition #P-2016-005: New Common Victualler's license – Crimson Hall, Sodexo at Bridgewater State University

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

Discussion: Councilor Wood asked if the college paying the meals tax and noted the faculty have the Connect card now so he'd like to have it looked in to. Mr. Dutton responded he is not sure about that. He has had a question into the state on meals tax, but no answer yet.

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

- Petition #P-2016-007: Common Victualler's license – Roche Brothers, Campus Plaza

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

Discussion: None

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

PRESENTATIONS - None

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 budget process is underway. We are progressing in a slightly different manner than in past. He is trying to develop an internal budget that can be presented to the Finance Committee and Budget & Finance Committee. We will also hope to schedule joint meetings as we've done in the past. He knows they will see an increase in the Health Insurance line item and acknowledged there will be challenges.

**8:06p.m., Councilor Fitzgibbons briefly left meeting.*

Mr. Dutton has met with the Superintendent regarding the Mitchell School. The school has started the process with Massachusetts School Building Authority, but they may not hear back until December on the application. Mr. Dutton has been meeting with a High Tech Manufacturing firm who may be looking to move to Bridgewater. They've been discussing some incentives which may involve TIF (Tax Incentive Financing agreement). He is working to define when and how we would use a TIF. The Academy Building is in an intense phase now. The walls are being sealed up and we're ensuring we have all the wiring we need. We have submitted an application on behalf of Transit X concerning an advanced transportation network in Bridgewater. Transit X was seeking grant funding. We were not the original applicant and the DOT has advised us that the application was filed too late for this year, but we'll look forward to next year. Electrical contract is coming due later in December. We contract with Constellation Energy and have a power purchase agreement with a Solar Installation company. Those organizations work together. We are in the very early stages of looking at the contract options, but Mr. Dutton would not be surprised if we extended the contract out, but he will get that to the Energy Committee. Mr. Dutton explained there are two bills at the State level: a \$900MM Economic Development Bill and \$200MM Bond Bill for transportation, some of which would go towards Chapter 90 funding. Finally, Mr. Dutton advised we have secured this year's Prison Mitigation funding for just over \$270,000.

Councilor Questions:

- Councilor Losche asked if something was moving from the Police Department to the Academy Building. Mr. Dutton explained they have spoken with Comcast and they are willing to move their hub out of the Police Station and move it into BTV. It'll make future broadcast from Academy Building crystal clear with exceptional sound.
- Councilor Fitzgibbons asked Mr. Dutton if it's his opinion that everything will be upgraded. Mr. Dutton responded, it's safe to say we will see an upgrade, but we have to see how much of an upgrade.
- Councilor Wright requested Mr. Dutton sees that Closed Captioning is included.
- Councilor Gallagher asked about revenue figures. Mr. Dutton responded there are no specific numbers yet. As soon as they're finished he'll send them out. Councilor Gallagher followed up by asking how we'll fare with the \$2MM the Governor earmarked for road/bridge repair. Mr. Dutton responded, that is correct - he's looking to fund bridge repair. Unfortunately it's for bridges under a 20 foot span. Finally, Mr. Gallagher asked if Mr. Dutton would work with Building Inspector about Just Desserts, as there have been no repairs thus far.



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- Councilor Norris asked about OPEB and opting in at the county level. Mr. Dutton confirmed he has received all the paperwork we need for the template for the council to vote. He will ask the Finance Committee to complete their study of it. He sees the benefits of going that route. Finally, Councilor Norris asked about the façade improvement plan. Mr. Dutton explained, that's something we'd be looking to do in the next round of block grant funding.
- Councilor Wood asked if there should have been a license for the former Seven-Eleven, that now seems to have a new name. Mr. Dutton responded he is looking into that.

DISCUSSIONS

- Draft General Bylaws
Councilor Losche explained she is making the Council aware that the Rules & Procedures Committee is working diligently on updating the General Bylaws. The Council Clerk will send an e-mail after this evening's meeting with the draft document. Councilor Norris requested before and after documents.

SUBCOMMITTEE REPORTS:

- Strategic Planning: Councilor Gallagher, Committee Chair stated he has met with Mr. Dutton and will be calling a committee meeting soon to come up with a mission statement.

LEGISLATION FOR ACTION -

- Ordinance D-2015-007: General Bylaw Amendment – Plastic Bag Reduction Ordinance
Motion: A motion to approve was made by Councilor Norris. The motion was seconded by Councilor Gallagher.
Discussion: Councilor Norris stated this has been kicking around for months; 16 other towns have adopted stricter ordinances. Mr. Norris further stated he was at the transfer station for two and a half hours collecting signatures (for re-election) and found very few people who were against this ordinance. Mr. Norris reminded everyone that the ordinance is restricting single use bags. He cited several reasons why the single use bags are harmful to the environment. Mr. Norris is fully in support of this. Councilor Wood read from a prepared statement (included in materials) stating he has watched the "Bag It" DVD, has solar panels on his roof and recycles, reuses water bottles and is an extreme pragmatist. Mr. Wood feels the legislation is weak because it sets the limit too low and cited several reasons why. He expects stores affected will simply move to a thicker plastic bag and not eliminate. *Councilor Wood Chartered Objected to the measure. This measure was postponed to the next meeting.* Councilor Norris offered apologies to the citizens who attended this evening.
- Ordinance D-2015-011: Amend Ordinance D-2015-001: Enforcement Ordinance – Canine Control
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Gallagher.
Discussion: Councilor Fitzgibbons stated it was good working with the Town Clerk with this. This is one of the ordinances that's been reworked a couple of times and he thinks it works.
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.
- Order O-2016-002: VFW Post 2125 Lease
Mr. Dutton reminded the Council; we asked the legislature to allow the leasing period of 20 years. This is, effectively, a dollar/year lease. The Town can cancel the lease with a 90 day notice. He has spoken with the VFW about noise so it's no longer an issue. There should be no amplified sound after 10:00 p.m.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Gallagher.
Discussion: Councilor Colombotos asked if there is going to be any oversight on modifications to the building. Mr. Dutton responded, yes, they're responsible for notifying the Town.
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-2016-003: Presidential Primary Warrant



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

Discussion: None

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-2016-002: Energy Aggregation Resolution

Mr. Dutton explained the measure and referenced Dr. Hunt's previous comments (Citizen's Open Forum).

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

Discussion: Councilor Wright asked if the savings to the people is it in the distribution or in the usage. Mr. Dutton responded he believes it is in the generation.

Motion: A motion was made by Councilor Norris to allow Dr. Hunt to speak. The motion was seconded by Councilor Gallagher.

A voice vote was taken and the motion passed unanimously.

Dr. Hunt explained this is strictly the power you pay for; the power purchase itself. It is an "opt-in"/"opt-out".

Councilor Wright asked how the consumer will know about this. Dr. Hunt responded he believes through OCPC there will be an education piece. Additionally, the Community Solar Company is requesting a mailing be distributed.

Seeing no further discussion, President Perry called for a voice vote. The motion to approve passed 8-0.

OLD BUSINESS

- Ordinance D-2016-004: Wireless Communications Facilities License Ordinance

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

Discussion: None

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

NEW BUSINESS

- Ordinance D-2016-001: Zoning Ordinance – Downtown Zoning

Councilor Colombotos explained this is part of a series of zoning changes. This came largely from the Cecil Group and through discussions with the Planning Board and Master Plan Committee. Councilor Colombotos referenced Mr. Delonno's letter (included in materials).

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

Discussion: Councilor Wood asked about the exclusion of Lodging Houses and how it works with the concept of multi-use. Councilor Colombotos explained we want to reduce the amount of properties that are developed for residential use.

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

- Ordinance D-2016-002: Zoning Ordinance – Open Space Conservation

Councilor Colombotos explained this provides some tweaks to our existing cluster development zoning language.

Motion: A motion was made by Councilor Fitzgibbons to refer the matter 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 8-0.

- Order O-2016-004: Affix Salary – Town Clerk

Councilor Gallagher explained this is a promise the Town Council made to the Town a year ago. It's Mr. Gallagher's opinion that for what the Town Clerk does for our community \$40K isn't enough.

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

Discussion: None



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

CITIZEN COMMENTS

- Marilee Hunt, 80 Austin Street: Mrs. Hunt commented on the Plastic Bags. She thought it was a great process on Canine Ordinance. However, she watched the same process with different result this evening on the plastic bag ordinance and finds it very discouraging.

COUNCIL COMMENTS

- Councilor Wright: None
- Councilor Colombotos: None
- Councilor Wood: Mr. Wood knew Tony Anacki through the Lion's Club. He was always there doing fund raisers. He's the type of role model we can only hope to be.
- Councilor Losche: Noted she believes Children's Museum is doing a presentation on plastic bags.
- Councilor Norris: Regarding the Plastic Bag Ordinance; this is an interesting and odd turn of events. Mr. Norris referenced the Administrative Code vote; stating councilors wanted to postpone the vote to digest it further and response was it's been around, you should have read it. He feels the Charter Objection was abused, however in the end he doesn't think any votes will change.
- Councilor Gallagher: Extended sympathies to the Anacki family and shared a brief story. Mr. Anacki was an Assessor and a Selectman. He had a good life and was well respected. Mr. Gallagher encouraged everyone to get out and vote next Tuesday for the Presidential Primary. He thanked those who attended "Coffee with the Councilor". Regarding the Plastic Bag Ordinance; Mr. Gallagher would have rather seen us be able to make our comments prior to invoking the Charter Objection, but he feels in two weeks it won't make a big difference.
- Councilor Fitzgibbons: Expressed condolences to the Anacki family.
- Councilor Perry: Shared the same sentiments about Tony Anacki. He fondly remembered the Charcoal Pit.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

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

The meeting adjourned at 9:20 p.m.

Minutes submitted in 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, March 22, 2016, to approve the aforementioned Minutes by a voice vote (6-0) (1 Councilor vacancy, Councilors Norris and Wright absent).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk