



CALL TO ORDER:

A quorum being duly present, Town Council President William Wood called the meeting of the Bridgewater Town Council to order at 7:31 pm, on March 17, 2015 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Timothy Fitzgibbons, Kevin Perry, Peter Colombotos, Sheila Whitaker, William Wood, William Rivers, John Norris and Sandra Wright. Town Manager Michael Dutton and Town Attorney Mark Gildea (arriving at 7:45 p.m.) were also present.

ABSENT:

- Councilor Scott Pitta

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- Howard Lincoln, Sr.
- Eldon Lowe
- Councilor Fitzgibbons spoke briefly on the passing of former Chief Clarence Levy.

APPROVAL OF MINUTES –

- February 24, 2015

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

Discussion: None

A voice vote was taken and the motion passed 7-0 (Councilor Norris not present).

- March 3, 2015

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

Discussion: None

A voice vote was taken and the motion passed 6-0-1 (Councilor Rivers abstained, Councilor Norris not present)

ANNOUNCEMENTS FROM THE PRESIDENT

- State of the Town Address March 31, 2015 t 6:30 p.m. at BTV.

PROCLAMATIONS - None

CITIZENS OPEN FORUM –

- Ms. Pat Neary: Ms. Neary is a member of green community. Ms. Neary spoke in favor the Plastic Bag Reduction Ordinance, citing several concerns with plastic bags.
- Mary Pendleton, Cross Street: Ms. Pendleton also spoke in favor of the Plastic Bag Ordinance citing several reasons supporting her support.
- Dr. Carlton Hunt, Austin Street: Dr. Hunt is pleased to see the MBTA is moving forward with the wind turbine. Dr. Hunt would like to request the presenters provide the Energy Committee with your synthesized reports.
- Keith Buohl, 10 Fieldcrest Drive: Mr. Buohl thanked Councilor Whitaker and Pitta for their service to the town. He also thanked the Highway, Police, and Fire Departments for all their help over the winter. Mr. Buohl also thanked Lisa McKay, ACO who is very actively appreciated on the Bridgewater Residents Facebook page. Mr. Buohl requested an update on the High Street light. Lastly, Mr. Buhl stated he is against the plastic bag ordinance because he feels it's important if we're going to dictate behavior, it has to be 100% effective. Mr. Buohl feels this belongs at the state or federal level.

APPOINTMENTS –

- Ratification of Appointment of Community and Economic Development Director
Mr. Dutton spoke on behalf of Mr. Delonno, noting his accomplishments and certifications.



Motion: A motion to ratify the appointment of Andrew Delonno was made by Councilor Fitzgibbons. The motion was seconded by Councilor Rivers.

Discussion: At Councilor Fitzgibbons request, Mr. Dutton explained Greg Guimond has offered to help the transition in any way he can even though he no longer works here. Councilor Rivers asked if there was any contractual obligation. Mr. Dutton explained Mr. Delonno is relocating and his start date is 4/6. The salary will be \$70,000. There should be a contract for ratification at the next meeting. Councilor Colombotos asked about the length of contract? Mr. Dutton responded it was a 3 year contract, with a 3 month probation period.

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

HEARINGS - None

LICENSE TRANSACTIONS

- Petition #P-2015-005: One Day Entertainment/Alcohol License – 49ers Club

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

Discussion: Mr. Dutton noted all relevant departments have approved the petition. He also explained this is before the Council because it includes an entertainment license in addition to the one day alcohol request.

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

PRESENTATIONS

- **MBTA:** Wind Turbine (adjacent to the MBTA Middleborough Lakeville commuter rail line by Titicut Street in Bridgewater)

Michael Donaghy, Manager of Energy Efficiency for MBTA, introduced his colleagues then spoke about plans for a wind turbine installation. It will be 750 KW and the total height will be 213 feet. The estimated annual savings is \$195,000 and the project payback is 18.6 years. It will be located near the correctional facility with an underground conduit system. National Grid will provide the telephone poles. The Division of Fisheries and Wildlife have reported they see no significant impacts. Timeline should begin in early June. Hope to have turbine delivered on site in October and up and running around November.

Councilor Questions:

At Councilor Colombotos' inquiry, Mr. Donaghy confirmed this project is not subject to local Zoning. Councilor Fitzgibbons asked about the expected impacts on neighbors and soccer fields? Mr. Donaghy responded they expect the effects to be minimal or nonexistent. The area is primarily farm land; he has not seen a house within a 3 mile area. Councilor Perry asked if the turbine generate noise that carries. Mr. Donaghy responded; if you were standing at the base of the turbine you'd hear it, but there should be no significant sound impact to abutters. In response to Councilor Norris' question about turbines performance in other areas, Mr. Donaghy explained we have high hopes for this turbine. This design catches the wind in an optimal way. He offered to send information if interested. Mr. Norris followed up by asking how turbines affect local land values. Mr. Donaghy did not know the answer.

In response to several questions by Councilor Rivers; Mr. Donaghy explained the turbine was anticipated to last 20 years, so abandonment should not be an issue. In terms of choosing Bridgewater versus a town along the Greenbush line, Mr. Donaghy explained the area along the Greenbush line was not feasible. They also looked at Newburyport, but it also was not ideal.

TOWN MANAGER'S REPORT

- Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: regarding the condition of roads; the Governor has requested \$200MM in additional Chapter 90 funds due to the snow this season, however we still plan to go forward with Chapter 90 funds road work. Patching crews have been out for last two weeks. Temporary patches are not idea. Mr. Dutton encouraged citizens to call 697-0931 to report pot holes. Mr. Dutton is having damage to town buildings assessed as a result of the winter. The Senior Center will need some significant work; fortunately no serious damage was done. He is looking all possible funding mechanisms, but the burden may ultimately fall on us. Mr. Dutton announced he will be holding Town Manager hearings on the Administrative Code, noting the intent is to take comment and condense them into subject areas for the Rules & Procedures committee. A response has been received from Skipps Liquors. They couldn't get the fallen awning due to the snow. Their intention is to demolish



and rebuild prior to re-opening. Mr. Dutton noted he has sent a number of letters to building owners notifying them that they need to deal with graffiti on their buildings. There is a possibility FEMA will declare a 4 week disaster period on the first storm. If that happens, the potential reimbursement goes way up. Our snow & ice deficit is about \$700MM, most of which is attributable to that time period. The Governor has proposed amortizing the debt over a 2-year period. Finally, Mr. Dutton noted there would be a public hearing on a petition to Comcast to adjust their rates. It will be held on Wednesday 4/22.

Councilor Questions:

- Councilor Rivers suggested perhaps the Highway Department should re-evaluate the priority list for Chapter 90 funds. Maybe Walnut Street not the best choice. Mr. Rivers requested Mr. Dutton follow up with Representative D'Emilia about points on turbine. Mill & Plymouth – is there anything the town can do to speed this up? Mr. Dutton responded; the prospective owner has not transferred ownership yet. They have received an order of conditions from the Conservation Commission. The Building Department will not release permit until area is cleaned up. Mr. Rivers followed up regarding Skipps Liquors; while he is glad to hear they're going to redevelop the building, he is not satisfied with the process. He noted they don't seem to be being forthright.
- Councilor Perry suggested following up with Representative D'Emilia regarding Chapter 90 funds.
- At Councilor Norris' request, Mr. Dutton gave a brief update on the High Street light, and Oak Street Bridge; noting something should have been received last week, and there is no update on High Street.
- Sheila – Upae on the McElwain School?
- President Wood requested an update on the restaurant next to house with the fire. Mr. Dutton responded he has heard it's tied up in insurance claim, but will check with building department.
- Councilor Colombotos asked if enforcement of derelict building ordinance can be brought into play or is there a better way to get enforcement. Mr. Dutton responded the first level of enforcement comes from building office. We've generally had pretty good success by reaching out to the owners. As we amend ordinance, Mr. Dutton will be adding 21D language which is more effective. Councilor Colombotos requested; if the town enforces Skipps; please be sure to enforce across town.

DISCUSSION

- Administrative Code
President Wood reiterated the Town Manager will be holding a series of public hearings. The Rules & Procedures committee will meet and take into consideration input from those hearings. Mr. Wood encouraged all to read the Administrative Code document and clarified Councilors should send comments/feedback to the Rules & Procedures committee. In response to Councilor Whitaker's request, Mr. Dutton explained he did not seek a lot of input from Department Heads and Committees on his recommendations, though on the committee side he did speak with some committee chairs and members.
- Compensation Classification Update
Mr. Dutton explained there is a meeting scheduled for Tuesday where we'll see a first draft of the report. There were some delays for many reasons (snow, illness, etc). Councilor Whitaker requested another update for the next meeting.
- Town Manager 360 Evaluation Questions
Councilor Whitaker explained 360 evaluations are a best practice for senior staff at any company. She asked councilors to take a look at this document and send any feedback to the Strategic Planning Committee. The document will be sent to department heads requesting a quick turnaround. President Wood asked if the questionnaire would be anonymous. Councilor Whitaker explained, yes, responses would be sent to the Council Clerk who would compile the information for the committee.
- Status of Enforcement of Bylaws and Ordinances and Implications for Development – *this item not taken up.*

SUBCOMMITTEE REPORTS:

- Budget & Finance Committee: Committee Chair Rivers advised the committee will meet every other Monday to discuss the budget. The public is welcome and encouraged to attend.



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Town Council Meeting
Meeting Minutes
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- Public Safety – Councilor Norris stated the committee met last Tuesday and will be meeting on the Tuesday's the Council does not meet. They came up with a mission statement, but the idea is to review the timeline and look at what can be done to reduce for future events.

LEGISLATION FOR ACTION -

- Order #O-2015-002: Authorize the Town of Bridgewater to Lease Certain Property
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:
Fitzgibbons – YEA; Perry – YEA; Colombotos – YEA; Whitaker – YEA; Wood – YEA; Pitta – ABSENT; Rivers – YEA; Norris – YEA; Wright – YEA, the motion passed 8-0.
- Order #O-2015-003: Development of Snow & Ice Removal Policy
Motion: A motion to approve was made by Councilor Perry. The motion was seconded by Councilor Norris. MTA:
Discussion: Councilor Perry explained the purpose and process behind the order. Discussion followed with Councilors Rivers, Whitaker Fitzgibbons and Wood expressing a lack of support for the order, though they would support this as Town Manager goal. Councilor Fitzgibbons stated he does not think this is a good precedent to set and asked the Town Attorney how this order would comport with the Clarkson v. Bridgewater case. Attorney Gildea advised it would be better suited as a Resolution.
A roll call vote was taken with results recorded as follows:
Wright – NAY; Norris – NAY; Whitaker – NAY; Perry – NAY; Wood – NAY; Fitzgibbons – NAY; Rivers – NAY; Pitta – ABSENT; Colombotos – NAY, the motion failed 0-8.
- Transfer #T-2015-004 -CPC Transfer – Housing Coordinator
President Wood noted this measure was voted approved by the Budget & Finance and Finance Committees.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Rivers.
Discussion: Councilor Rivers explained the order and noted we are certain there is money here. A brief discussion followed regarding the funding account and what is allowable.
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Perry – YEA; Colombotos – YEA; Whitaker – YEA; Wood – YEA; Pitta – ABSENT; Rivers – YEA; Norris – YEA; Wright – YEA, the motion passed 8-0.
- Transfer #T-2015-005 - CPC Transfer – Murray Needs Conservation Restriction Funding
Motion: A motion to approve was made by Councilor Rivers. The motion was seconded by Councilor Fitzgibbons.
Discussion: Councilor Rivers explained this transfer specifically directs what funds this funding comes from. Councilor Whitaker noted the attached CPC memo recommends rescinding the original vote. Councilor Rivers responded; there is no real reason to rescind. The order went through bond counsel and is still valid.
A roll call vote was taken with results recorded as follows:
Wright – YEA; Norris – YEA; Rivers – YEA; Pitta – ABSENT; Wood – YEA; Whitaker – YEA; Colombotos – YEA; Perry – YEA; Fitzgibbons – YEA, the motion passed 8-0.

OLD BUSINESS

- Ordinance #D-2015-004: Local Options Lodging Tax
Motion: A motion to approve for advertising was made by Councilor Norris. The motion was seconded by Councilor Perry.
Discussion: Councilor Colombotos noted the Community& Economic Development Committee voted unanimously to recommend passage.
A voice vote was taken and the motion passed 8-0.

NEW BUSINESS

- Ordinance #D-2015-006: Amend & Codify A Floodplain Ordinance for the Town of Bridgewater
Mr. Dutton explained every few years the FEMA flood maps are updated and this is that ordinance. These are required so residents can get required flood insurance.
Motion: A motion was made by Councilor Rivers to refer to Planning Board and the Community & Economic Development Committee. The motion was seconded by Councilor Colombotos.



Discussion: Councilor Whitaker asked if, when these are updated, will it impact citizens so they may need flood insurance now when they didn't before? Mr. Dutton responded; it can, however, this time we're taking 40 some odd people out of the flood plain and only adding a few.

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

- Ordinance #D-2015-007: General Bylaw Amendment – New Section: Plastic Bag Reduction

Councilor Whitaker explained, when she first joined the council Ms. Neary sent her the "Bag It" film. Based on the information they shared there is clearly a need for this. Mrs. Whitaker had asked the Town Manager to sit with some local business prior to bringing it forward. It is Councilor Whitaker's suggestion that it get referred to the Rules & Procedures Committee to consider all points made. Councilor Norris added he thinks of this as a way to increase our green community. A brief discussion followed regarding whether the ordinance should be referred to the Community & Economic Development Committee or Rules & Procedures. Attorney Gildea noted the proper procedure for referring an item to more than one committee is to refer it to one committee. When they have reached a disposition, the Council can then refer the matter to the second committee.

Motion: A motion was made by Councilor Perry to refer the matter to the Community & Economic Development Committee. The motion was seconded by Councilor Norris.

Discussion: None

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

- Order #O-2015-005: Annual Town Election Warrant

President Wood provided the details of the warrant for the record.

This measure was not referred to any committee.

- Order #O-2015-006: Creation of Affordable Housing

Councilor Colombotos, who sponsored the order, stated he thinks this may be better as a Resolution.

Motion: A motion was made by Councilor Colombotos to refer to the matter to the Community & Economic Development Committee. The motion was seconded by Councilor Rivers.

Discussion: None

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

- Order #O-2015-007: Feasibility Exploration – Implementation of Downtown Community Development Master Plan Recommendations

Councilor Colombotos, who sponsored the order, stated this is the same situation as the previous order. This is just aimed to give the Town Manager our blessing to go ahead. He will suggest in committee that it be converted to a Resolution.

Motion: A motion was made by Councilor Colombotos to refer the matter to the Community & Economic Development Committee. The motion was seconded by Councilor Rivers.

Discussion: None

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

- Transfer #T-2015-006 – Appropriation for Animal Control Vehicle

Mr. Dutton explained; these two transfers are critical needs. Free cash is not certified so we cannot use free cash or stabilization, but can use prison mitigation.

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 Rivers.

Discussion: It was requested that the Town Manager provide the available balance of the Prison Mitigation fund.

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

- Transfer #T-2015-007 – Appropriation for Ambulance Purchase

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 Rivers.

Discussion: None

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



CITIZEN COMMENTS – None

- Keith Buohl: Mr. Buohl advised that there was some passionate discussion on the Bridgewater Residents Facebook page regarding the Plastic Bag's Ordinance, noting many were strongly against it as they were concerned about local businesses.
- Dr. Carlton Hunt, Austin Street: Dr. Hunt asked if the Abandoned Building Ordinance included commercial property. Mr. Dutton responded no, it's geared toward residential.

COUNCIL COMMENTS

- Councilor Wright: Offered condolences to the Levy family. Mrs. Wright thanked Pat Neary and Mary Pendelton for coming in. Councilor Wright always feels this type of legislation should come from state, but sometimes we have to intervene. Also thanked Highway, Police and Fire for work over winter.
- Councilor Norris: Wished everyone a Happy St Patrick's Day.
- Councilor Rivers: Really hopes the Community & Economic Development Committee holds a public hearing on this Plastic Bag Ordinance. It's important we get feedback on this. Mr. Rivers noted; there's a lot happening with meetings right now, and encouraged everyone to go to a meeting.
- Councilor Pitta: Absent
- Councilor Whitaker: Offered condolences to the Levy family. Also thanked Highway, Police and Fire for work over winter. Regarding plastic bag; Mrs. Whitaker is totally in favor of business, but think businesses have a social obligation. Does anyone ever think of the long term effects of these bags?
- Councilor Colombotos: Echoed Councilor Whitaker's comments about impacts. Mrs. Whitaker makes a good point about the long term effects and costs. Mr. Colombotos is kind of torn as a councilor between his personal beliefs and citizen feedback.
- Councilor Perry: Councilor Perry offered condolences to Levy family. He also sent condolences to XXX. Regarding the Plastic Bag Ordinance; like Councilor Colombotos, he is a little conflicted. Dr. Perry suggested citizens reach out to councilors with feedback.
- Councilor Fitzgibbons: No comments.
- Councilor Wood: Looking forward to hearing from Charter Review Committee. He is hoping people tune in or show up for that meeting. Mr. Wood also mentioned we have the State of Town address coming up and we will be doing it at BTV. He is hoping the people in this room, and people from Facebook community come out.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Fitzgibbons. The motion was seconded by Councilor Norris. The motion passed 8-0.

The meeting adjourned at 9:45 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, April 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