Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, July 12, 2016

CALL TO ORDER:

A quorum being duly present, Town Council President Dennis Gallagher called the meeting of the Bridgewater Town Council to order at 7:31 pm, on July 12, 2016 at BTV Studios, 80 Spring Street, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Sandra Wright (arriving at 7:34 p.m.), Peter Colombotos, Edward Haley, Timothy Fitzgibbons, Dennis Gallagher, Aisha Losche, William Wood, Kevin Perry (arriving at 7:33 p.m.) and Frank Sousa. Town Manager Michael Dutton and Town Attorney Mark Gildea were also present.

ABSENT: *No Councilors were absent*

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- Oliver Chandler, Jr.
- Jacqueline Wegman
- Ronald R. Johnson
- John R. Houlihan
- Charles O'Connor

APPROVAL OF MINUTES – None

ANNOUNCEMENTS FROM THE PRESIDENT

- Late File: Proposed Change of 8/2/16 Regular Meeting Date
  President Gallagher explained he would like to move the meeting of 8/2/16 to 8/9/16.
  Motion: A motion was made by Councilor Fitzgibbons to move the meeting of August 2nd to August 9th. The motion was seconded by Councilor Wood.
  A voice vote was taken and the motion passed unanimously.
  President Gallagher stated for the record: we will not be meeting on 8/2/16, but will be meeting 8/9/16.

PROCLAMATIONS - None

CITIZENS OPEN FORUM – None

APPOINTMENTS

- Cable Advisory Committee – Joseph Gillis, Jr.
  Motion: A motion to appoint was made by Councilor Fitzgibbons. The motion was seconded by Councilor Perry.
  Discussion: Mr. Dutton briefly spoke on Mr. Gillis' behalf. President Gallagher thanked Mr. Gillis for volunteering.
  Joe Gillis: Town Line Circle: Mr. Gillis attended in case any Councilors had questions.
  A voice vote was taken and the motion passed unanimously.

HEARINGS - None

LICENSE TRANSACTIONS

- Petition# P-2016-027 - One-day alcohol license and One-day Entertainment license - Black Hat Brew Works, 25 Scotland Boulevard
  Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Sousa.
  Discussion: Mr. Dutton briefly explained the event is being held in Scotland Park. They are estimating 700 people over a 7 hour timeframe. Proceeds will be split between Bridge Center, Police Department and Fire Department charities. The Petitioner came forward and explained the details of the event.
  A voice vote was taken and the motion passed unanimously.
- Petition# P-2016-028 - Change of Location- NARH, Wine, Beer and More
  President Gallagher opened the hearing at 7:40 p.m.
  President Gallagher invited any questions from the public – none came forward.

President Gallagher asked if there was anyone speaking in favor - Alin Havey came forward and thanked the Town Council for allowing him to go forward with this. He is looking forward to the next chapter of their lives here in town. Councilor Perry confirmed he's just moving his business over 2 units.

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

President Gallagher entertained any questions from councilors:

- At Councilor Wright's request, Mr. Havey conformed any issues were cleared up.

President Gallagher closed the hearing at 7:42 p.m.

Motion: A motion was made by Councilor Fitzgibbons to close the hearing. The motion was seconded by Councilor Sousa.

A voice vote was taken and the motion passed unanimously.

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

Discussion: None

A voice vote was taken and the motion passed unanimously.

- Petition# P-2016-029 - Pledge of Alcohol License NARH, Wine, Beer and More

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

Discussion: None

A voice vote was taken and the motion passed unanimously.

- Petition# P-2016-031 - Change of Hours for Annual Entertainment License, Music Alley

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

Discussion: Mr. Dutton explained this expands the hours to Monday -Thursday 5:00 p.m. – 11:00 p.m., Saturday and Sunday 1:00 p.m. – 11:00 p.m., noting the staff have no concerns with it. If we get any complaints, we'll certainly follow up with it. Councilor Wood pointed out this gives them additional freedom to book on other days and goes into effect immediately. At Councilor Colombotos' request, Mr. Dutton confirmed that currently they are only licensed for the one Thursday slot.

A voice vote was taken and the motion passed unanimously.

- Petition# P-2016-021 - New Common Victualler's License - Uncle Shwarma, 85 Plymouth Street

Mr. Dutton explained; the landlord has not granted alternatives to the proposed space. The Police Chief has put his objections in writing. You've seen correspondence from Andrew DeIonno that this is an economic opportunity. The original application was for hours from Monday – Wednesday 10:00 a.m. – 10:00 p.m., Thursday - Saturday until 1:00 a.m. and Sun 10:00 a.m. – 10:00 p.m. The Police Chief objects to the location and the hours. Mr. Dutton recommended approving the license with altered hours no later than 10:00 p.m., and conducting a thorough review of the public safety issues during the annual license renewal process to assess any public safety issues.

**7:49 p.m., Councilors Colombotos and Haley recused themselves and took seats in the audience.*

Councilor Wright stated the placement of the facility is not a good area to be in.

Motion: A motion was made by Councilor Fitzgibbons to amend the hours to 10:00 a.m. – 10:00 p.m. The motion was seconded by Councilor Wood.

Discussion: Councilor Losche asked why the closing hours are an issue when other restaurants are open past 10:00. Mr. Dutton responded; the location could easily become a place of congregation. With a brick and mortar, there is a responsible party controlling the crowd. If it turns out that the operation can extend the hours, we're happy to make that recommendation. Councilor Perry asked if Mr. Dutton had spoken with the Police Chief. Mr. Dutton responded; he has spoken to the Chief, who has legitimate concerns, but the area is zoned for business. Councilor Wright noted she cannot vote for a time change when it's her opinion the location is not safe. Councilor Fitzgibbons withdrew his motion to amend.

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

Motion: A motion was made by Councilor Fitzgibbons to amend as follows: Thursday – Saturday 10:00 a.m. – 10:00 p.m. The motion was seconded by Councilor Wood.

Discussion: Councilor Wood stated; although the petitioner would like to be open until 11:00, this is a trial. He reminded the Council that we can make changes at any given time.

A voice vote was taken and the motion to amend passed 6-1-2 (Councilor Wright in the minority, Councilors Colombotos and Haley recused).

Discussion (on main motion): Discussion followed as Councilors noted their respective support and concerns with the location. Councilor Wood noted his sensitivity to traffic issues given his district boarders this location, stating the truck could be a distraction during high traffic times. Councilors Gallagher, Losche and Perry also expressed concern with the location, but were willing to give it a chance and recommended there be someone to keep an eye on crowds. Councilors Gallagher and Wright expressed opinions of concern around safety with Councilor Fitzgibbons inquiring about the liability to the town if the license is granted against the recommendation of the Police Chief and an incident occurs.

A voice vote was taken and the motion passed 5-2-2 (Councilors Wright and Fitzgibbons in the minority, Councilors Colombotos and Haley recused).

**8:08 p.m., Councilors Colombotos and Haley returned to their seats at the meeting table.*

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: regarding the light at High and Broad Street; DOT said the subcontractor will be onsite late this week/early next week. Mr. Dutton's understanding is when the light goes live; it will be blinking to give people time to get used to them. It becomes operational 14 days later. This is not a town project, so we are a bit at the mercy of the DOT. Rainbows End is officially closed. Mr. Dutton has been meeting with interested parties concerning the removal of the pressure treated wood. The Town will have two medical marijuana dispensaries on Elm Street. The Police Chief has reviewed them and is satisfied. PILOT Agreements need to be negotiated, which will come before you. Bridgewater is the recipient of another round of Green Communities money thanks in large part to Dr. Carlton Hunt. Mr. Dutton briefly highlighted some of the projects this money will fund. Mr. Dutton provided a brief update on the Academy Building, noting he hasn't come to a final determination on a move date but is looking at 8/19. There will be an open house, but not in August. Mr. Dutton spoke briefly about the Plastic Bag Ordinance, which takes effect in September. The town has notified the businesses we think it affects and BSU will be doing some surveying and educating to merchants and customers. Mr. Dutton is tracking the state budget. State revenues haven't come in as expected and FY17 revenue estimates have been downgraded, though so far that hasn't affected the town's budget. We have met with the Tax Title attorney who reviewed our outstanding tax title properties. We will be working on streamlining a communication process. We will review first draft of website tomorrow and anticipate rolling it out in October which will likely result in a lot of procedural changes. Finally Mr. Dutton announced we have identified a new Assistant Building Inspector. If all goes well, that person will be on board in September.

Councilor Questions:

- Councilor Wright asked about drainage on Orange Street. Mr. Dutton responded he believes the Highway Department handled it, but will double check.
- Councilor Wood noted there is one limb that might obstruct the High Street light. He further noted; now that there's a food truck on Plymouth Street he would like to raise the issue of adding street lights in the Plymouth street area. Finally, Mr. Wood spoke about Skips Liquors and their issue with Columbia Gas having to disconnect from the building. It seems (to Mr. Wood) that this could have been handled a long time ago. They need to be on a time table as it appears they've cleared all the hurdles. They are holding a valuable asset with the liquor license and there needs to be action or forfeit the license.
- At councilor Perry's request, Mr. Dutton spoke about the McElwain trucks stating we went out to bid and are still sorting out the bids. Councilor Perry noted Broad Street is looking pretty bad (referencing the bowling alley) and asked if there is anything we can do about the situation.

- Councilor Colombotos asked Mr. Dutton to elaborate on what came out of meeting with Tax Attorney. Mr. Dutton responded; their role is to clarify what our role should be. If anything; it helped us focus on a procedure and a communication procedure.

DISCUSSIONS

- Town Council Rules & Procedures
  Councilor Wood explained this is a follow up from the last meeting and would like to open up the discussion to anyone who has suggestions for changes. No suggestions were made, however, Councilor Fitzgibbons noted we don't always follow these (Rules & Procedures) to the letter and everyone should be familiar with them.

SUBCOMMITTEE REPORTS:

- Strategic Planning Committee: President Gallagher advised all that the committee has met three times this month. They met with BSU today to get an idea of their Strategic Plan. BSU is willing to help us in any way. The committee continues to put together a matrix and hopes to have a strategic plan report as other towns do.
- Rules & Procedures: Councilor Losche stated the next Rules & Procedures meeting is scheduled for July 26th. The committee is still reviewing the Charter Changes.

LEGISLATION FOR ACTION

- Ordinance D-2016-006: Revocation of General Bylaws and Adoption of Ordinances
  Councilor Wood briefly explained that after additional review, there may need to be some further actions taken and he requested the Council consider referring it back to committee for further consideration and edits.
  Motion: A motion was made by Councilor Wood to move back to Rules & Procedures committee. The motion was seconded by Councilor Fitzgibbons.
  Discussion: Councilor Wood stated he has spent a lot of time on the bylaws. A few may have been inadvertently missed; therefore it probably makes sense to send it back to committee for one last review.
  A voice vote was taken and the motion passed 9-0.
- Resolution R-2016-005: Town Council Approval of Reclamation Project at Bridgewater Sand and Stone
  Motion: A motion to approve was made by Councilor Sousa. The motion was seconded by Councilor Perry.
  Discussion: Mr. Dutton explained Bridgewater Sand and Stone has come to the Town looking for an approval letter from the Town; which is required by the DEP. They're looking to reclaim 600,000 – 800,000 yards of cubic soil. . Under the DEP's interim policy, they'll approve reclamation over 100,000 cubic yards if they meet the requirements. Bridgewater Sand and Stone have come up with a plan to reclaim their property.
  A voice vote was taken and the motion passed 9-0.

OLD BUSINESS - None

NEW BUSINESS

- Order O-2016-016: Acceptance of a Grant – DOER Green Communities
  Mr. Dutton briefly explained the grant, thanking Dr. Hunt for his efforts.
  Motion: A motion was made by Councilor Fitzgibbons to refer to Budget & Finance and Finance Committees. The motion was seconded by Councilor Wood.
  Discussion: Councilor Colombotos noted he really didn't see a need to have this measure reviewed by committees.
  A voice vote was taken and the motion passed 9-0.
- Order O-2016-017: Ratification of Contract – United Steel Workers
  Mr. Dutton explained the Town and USW have reached a tentative agreement. This is the first round where we were trying to negotiate all members on to the wage scale. Mr. Dutton then outlined the highlights and changes in the contract.
  Motion: A motion was made by Councilor Fitzgibbons to refer to the Budget & Finance and Finance Committees. The motion was seconded by Councilor Wood.
  Discussion: At Councilor Fitzgibbons' request, Mr. Dutton explained the United Steel Workers and the makeup noting it is the union for Department Heads, Executive Assistants, Etc
  A voice vote was taken and the motion passed 9-0.

- Resolution R-2016-006: Propose Traffic Light Dedication – High and Broad Street
  Councilor Wood noted his has been talking about dedicating something to Bryan McSheffrey for his efforts on the light. The challenge is that it's a DOT project on State Property.
  This measure was not referred to any committee.

CITIZEN COMMENTS - None

COUNCIL COMMENTS

- Councilor Sousa: None
- Councilor Perry: Hopes everyone had a nice 4th of July and thanked all the organizers on a job well done.
- Councilor Wood: Had a great time at the 4th of July. A lot of people are under the impression that the Town pays for this even, but that's not true at all. It's funded through volunteers and donations.
- Councilor Losche: Echoed sentiments about the great 4th of July festivities.
- Councilor Fitzgibbons: Echoed everyone's sentiments on the 4th of July. The committee and all the volunteers do a great job.
- Councilor Haley: Mr. Haley had a great time at 4th of July. He can't say enough about our officers and all the officers across the nation.
- Councilor Colombotos: Commented about the Uncle Sharwma truck stating the Community & Economic Development Director pointed to several cities that we may want to emulate. While we may want to consider it, we may not want to go that big. However, Mr. Colombotos looks forward to the food truck.
- Councilor Wright: Congratulated Mr. Gillis on his appointment and thanked Dr. Hunt. Mrs. Wright is very concerned about the safety issues around the food truck, but hope she's proven wrong.
- Councilor Gallagher: Thanked the committee for all their work on the 4th of July. They work all year long on this event. It's never too early to start donating.

EXECUTIVE SESSION –

Motion: A motion was made by Councilor Fitzgibbons to move into Executive Session under MGL, Chapter 30A, Section 21(a) (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; and Section 21 (a) (6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and to adjourn from Executive Session. The motion was seconded by Councilor Wright.
A roll call vote was taken with results recorded as follows:
Wright – YEA; Colombotos – YEA; Haley – YEA; Fitzgibbons – YEA; Gallagher – YEA; Losche – YEA – Wood – YEA; Perry – YEA; Sousa – YEA. The motion passed unanimously.

ADJOURNMENT

Open session adjourned at 9:00 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, September 6, 2016, to approve the aforementioned Minutes, as submitted, by a voice vote (8-0) (Councilor Losche absent).
A TRUE COPY ATTEST:

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Ann M. Holmberg
Town Council Clerk