



## Town of Bridgewater

### Town Council

September 5, 2023

7:00 PM

## MEETING MINUTES

### **CALL TO ORDER**

A quorum being duly present, Town Council President Erik Moore called the meeting of the Bridgewater Town Council to order at 7:00pm on Tuesday, September 5, 2023 in the Council Chambers.

### **PRESENT:**

Fred Chase, Paul Murphy, Shawn George, Dennis Gallagher, Erik Moore, Kevin Perry, Brad McKinnon and Mark Linde. Also in attendance was Town Manager Michael Dutton and Town Attorney Jason Rawlins.

### **ABSENT:**

Susan Robinson

### **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

#### a) August 8, 2023 Meeting Minutes

*Councilor George made a motion to approve the August 8, 2023 meeting minutes, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent.  
Motion passed 8-0-0

### **ANNOUNCEMENTS FROM THE PRESIDENT** - None

### **PROCLAMATIONS** – None

### **CITIZEN OPEN FORUM**

- Ed Ivaldi, 10 Boxwood Lane: Read the ethical standards section in the current Charter. Suggested new members read the Charter. Also commented on Town Clerk position to Appointed.
- Janet Hansen, Pleasant Street: Commented on the Town Clerk Ordinance on the agenda, not in favor of an appointed Clerk.
- Marilee Hunt, Austin Street: Commented on the Town Clerk Ordinance, not in favor.
- Carlton Hunt, Austin Street: Commented on the Town Manager Review Plan.
- Bruce Marshall, Winter Street: Looking for useful information but easy to access.

## **APPOINTMENTS**

- a) Disability Commission Appointment:  
Gloria Lemieux (2023-2026)

*Councilor George made a motion to approve the appointment of Gloria Lemieux to the Disability Commission, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

- b) Elder Affairs Commission Associate Member:  
Shari Sprong (2023-2026)

*Councilor George made a motion to approve the appointment of Shari Sprong to the Elder Affairs Commission, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

## **HEARINGS** – None

## **LICENSE TRANSACTIONS** – None

## **PRESENTATIONS** – None

## **TOWN MANAGER'S REPORT**

- a) High Street Bridge Closure Update

Town Manager Dutton noted that there were no reported problems but the closure may be extended until the end of October.

- b) Roadway Plan

Town Manager Dutton noted that there was a sink hole on Flagg Street and the Town has asked MassDOT to eliminate large trucks until repaired. Estimated cost for the entire project is \$7.4M. Flagg, Cross, Vernon and Deerfield is a total of approximately \$41M. \$5.6M for AARPA funds, Chapter 90 is about \$700K early. 3 of the streets may qualify for TIP money. Finance and DPW will come before the Council in November/December to go over the numbers. Expenses for debt exclusion would not happen all at once.

Councilor Gallagher noted that this was a big deal but needed. Believes there is money through the State or tap into our funds and not tax the residents.

c) Stiles & Hart Update

Town Manager Dutton noted that the plan calls for parking, trails, fishing opportunities, etc. and that a plan was drafted by the Ad Hoc Committee and will go to bid once approved by Parks & Recreation Committee. Received approximately \$500K in funding.

d) Flags at Town Buildings

Town Manager Dutton noted that flag poles were ordered for the Library and Memorial Building and they are scheduled for completion on 9/12.

Councilor Gallagher asked who was responsible to raise and lower the flags. Town Manager Dutton noted that the flags are lit so they do not need to come down each night.

e) Truck Restrictions Update

Town Manager Dutton noted that a broader study was done and that heavy truck limitations on certain streets are in the works. Takes time; can't just put up a sign, there is a list of criteria that needs to go by.

Councilor George noted that more speed enforcement needs to be done.

f) Downtown Revitalization Update

Town Manager Dutton noted that the 9/26 meeting will take place at the Mitchell School, invite residents to attend. Noted new website Vision to Reality.

Councilor Gallagher asked when will we see a concrete proposal. Town Manager Dutton noted that the 9/26 meeting will be a general discussion and then there will be tables for residents to go to ask specific questions on traffic/road pattern, etc.

Councilor Linde suggested that larger meetings be held at BR High School where the School Committee meets.

Councilor Perry noted that the Downtown Revitalization Committee will meet when the traffic study comes back.

Councilor Moore noted that we need to find ways to ensure that people who are watching can hear.

g) Old Town Hall Roof

Town Manager Dutton noted that the work on the roof has been completed and the contractor did a great job.

Councilor McKinnon noted that he would like a water update on the next agenda to include magnesium and condition of the wells.

Councilor Linde would like the person that conducted the PFAs meeting at the Library to be on a future council agenda.

Councilor George would like National Grid to come to a council meeting to discuss their tree plan.

## **DISCUSSIONS**

### **a) Town Manager Review Document and Process**

Councilor George noted that the Review Committee consisting of Councilor Robinson, Murphy and himself met on August 3<sup>rd</sup>. They would like feedback on the document itself and the process. Current review due 11/9. Prior Town Manager was February so 90 days prior would be the 11/9 date. Contract terms have changed so should date change? Calendar year or fiscal year? Will be scheduling a review meeting in the next few weeks and would like feedback from the councilors on the review document.

Councilor Linde asked if MMA could offer anything for the process. Councilor George noted that he will reach out to them.

## **COMMITTEE REPORTS** – None

## **LEGISLATION FOR ACTION**

### **a) Proposed Ordinance D-FY22-003: Bridgewater Town Charter Article IV, Town Manager "Temporary Absence"**

Councilor Gallagher noted that the Town has an Assistant Town Manager who can manage the town in the Town Manager's absence.

*Councilor George made a motion to accept the amended changes for Ordinance D-FY22-003, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

*Councilor McKinnon made a motion to send Ordinance D-FY22-003 to Advertising, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

### **b) Proposed Ordinance D-FY22-007: Bridgewater Town Charter Article II, Legislative Branch, Election Eligibility**

Councilor Moore noted that if a councilor did less than term for a particular reason it should not be held against them.

*Councilor George made a motion to remove "as a result of reprecincting or appointment" from (b) paragraph (4), which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – No; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 7-1-0.

*Councilor George made a motion to accept the amended changes for Ordinance D-FY22-007, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

*Councilor McKinnon made a motion to send Ordinance D-FY22-007 to Advertising, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

c) Proposed Ordinance D-FY22-008: Bridgewater Town Charter Article II, Legislative Branch, Annual Stipend

Councilor Gallagher noted that most towns offer stipend to Town Council.

Councilor Moore noted that amount could change over time, difficult for the actual amount to be written into the Ordinance.

Councilor Chase noted that the base level salary should be stipulated.

*Councilor Gallagher made a motion to amend Ordinance D-FY22-008 by adding after receive in 1. “an annual stipend of \$5,000 for a Town Councilor and \$7,500 for the Council President for their services, and from time to time be adjusted by Ordinance”. This was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – No; Linde – Yea; George – No; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – No; Robinson – Absent. Motion passed 5-3-0

*Councilor Perry made a motion to refer Ordinance D-FY22-008 back to Rules and Procedures. This was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – No; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 7-1-0

Councilor George noted that he understands the intent but does not support the Ordinance.

d) Proposed Ordinance D-FY22-009: Bridgewater Town Charter Article II, Legislative Branch, Recall Provision

Councilor Chase asked if the changes would apply to all elected officials or just the Town Council.

Councilor Moore noted that there was an amendment made by the Charter Committee to remove “Article II, Legislative Branch” and add “Article III, Elected Officials”.

*Councilor Chase made a motion to strike the word “city” throughout proposed Ordinance D-FY22-009 and substitute with “town”. This was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0.

*Councilor Chase made a motion to strike the word “grounds” as it appears in line 4 of paragraph (b) and substitute with the order “offenses”. This was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0.

*Council Chase made a motion to insert the following proposed text to immediately follow the first sentence of paragraph (b):*

An allegation of offenses which shall constitute a basis for recall of an elected official under this section shall include, but not be limited to, the following transgressions: (1) conviction of a felony or conviction of the following misdemeanors as defined by Massachusetts General Laws: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment, while presently in office; or (2) admission of facts, while presently in office, sufficient to be convicted of a felony or sufficient to be convicted of the following misdemeanors as defined in Massachusetts General Laws: domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or criminal harassment; or (3) violation of the conflict of interest law (M.G.L. c. 268A) while presently in office, as determined by the State Ethics Commission or the Attorney General; (4) attendance at less than fifty (50%) of the posted public meetings of the board or office of which the official was an elected member or to which he/she has been elected or appointed as part of his/her elected position during the previous twelve (12) months; (5) lack of fitness, insobriety while performing official functions, involuntary commitment of a mental health facility, being placed under guardianship or conservatorship by a probate court; or (6) corruption, conviction of a felony involving moral turpitude, conviction of bribery, or extortion or (7) violation of law, regulation, bylaw or other abdication of the applicable requirements of the elected position. **The elected official’s vote on a matter (other than in connection with a conflict of interest violation reference above) shall not be grounds for a recall petition.**

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – No; Moore – Yea; Chase – Yea; Gallagher – No; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 6-2-0.

Councilor Gallagher noted that some of the additions are justified but not attending meetings is not criminal and if a councilor has issues, they should be helped, not thrown out.

Councilor Linde noted that if you choose to be an elected official then you should come to the meetings.

Councilor Chase noted that he got the language from Hanson and it has already passed legislation. Can change information.

*Councilor Perry made a motion to refer Ordinance D-FY22-009 back to Rules and Procedures. This was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon –Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0

e) Proposed Ordinance D-FY22-010: Bridgewater Town Charter Article IV, City Manager Term of Office

*Councilor George made a motion to approve the amendments to Ordinance D-FY22-010, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – No; George – Yea; Moore – No; Chase – Yea; Gallagher – No; McKinnon –No; Murphy – Yea; Robinson – Absent. Motion failed: 4-4-0

*Councilor Gallagher made a motion to table Ordinance D-FY22-010, which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – No; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon –Yea; Murphy – Yea; Robinson – Absent. Motion passed 7-1-0

**OLD BUSINESS** – None

**NEW BUSINESS**

a) Ordinance D-FY24-001: Ordinance to Change the Elected Town Clerk Position to an Appointed Town Clerk Position in Bridgewater's Home Rule Charter

Councilor Perry noted that he is introducing this Ordinance after speak with people and many wanted to see the Town Clerk position appointed. Over the years we have been fortunate with our Clerks. Feel our town would be better served with an appointed Town Clerk and would like to leave it to the voters to decide.

*Councilor Perry made a motion to refer Ordinance D-FY24-001 to Rules and Procedures but it failed for lack of a second.*

*Councilor McKinnon made a motion to table Ordinance D-FY24-001, which was duly seconded.*

Councilor Linde noted that he preferred an elected Town Clerk.

Councilor Gallagher noted that he is in support of tabling. Charter Review looked at this and decided to

keep as appointed.

Councilor Chase noted that he is in agreement with tabling the Ordinance and is in favor of an elected Town Clerk.

A roll-call vote was taken with the results recorded as follows: Perry – No; Linde – Yea; George – No; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 7-1-0

### **CITIZEN COMMENTS**

- Ed Ivaldi, 10 Boxwood Lane: Noted it was not easy for residents to get information, suggested putting on Town Manager website, use Facebook pages. Town Manager performance review should be linked to adjectives and stipend should not include benefits.
- Marilee Hunt, Austin Street: Thanked everyone for tabling the Town Clerk Ordinance and would like April Election Ideas put on the next agenda.
- Carlton Hunt, Austin Street: Noted that he published a report on the Town House years ago.
- Frank Sousa, Main Street: Noted that it was hard for viewers to hear councilors during a meeting and asked them to speak into the Mic and not lean back in their chairs.

### **COUNCIL COMMENTS**

- Councilor Linde: Noted it was an excellent meeting with good discussions. Glad the Clerk Ordinance got tabled and happy to see the cement posts back up in the Common.
- Councilor McKinnon: Noted that there were some good events that took place at the Town Landing and there will be even more next year.
- Councilor Chase: Reminded residents that schools are back in session and more kids on the street, be more cautious with driving around town.
- Councilor George: No comments.
- Councilor Perry: Thanked the appointed people and welcomed back the students. Thanked Marilee and hopes qualified candidates step up for Town Clerk.
- Councilor Gallagher: No comments.
- Councilor Murphy: Noted that he visited the Bridge Center and met the Easter Seals team; great resources.
- Councilor Moore: Noted school has started and Superintendent Powers reached out to him and has some great things for the schools. Appreciates comments about communication and asks the residents to help us find better ways.

### **EXECUTIVE SESSION** – None

### **ADJOURNMENT**

*Councilor George made a motion to adjourn which was duly seconded.*

A roll-call vote was taken with the results recorded as follows: Perry – Yea; Linde – Yea; George – Yea; Moore – Yea; Chase – Yea; Gallagher – Yea; McKinnon – Yea; Murphy – Yea; Robinson – Absent. Motion passed 8-0-0.



Meeting adjourned at 9:56pm.

**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 19, 2023, to approve the aforementioned minutes, as submitted.**