



### **CALL TO ORDER:**

A quorum being duly present, Town Council President Shawn George called the meeting of the Bridgewater Town Council to order at 7:02pm, on February 23, 2021 via Zoom©.

### **PRESENT:**

Council members present via Zoom© were, Timothy Fitzgibbons, Peter Colombotos (arriving at 8:10 p.m.), Francis Sousa, Matthew Rushton, Shawn George, William Wood, Fred Chase, Aisha Losche and Dennis Gallagher. Town Manager Michael Dutton and Town Attorney Jason Rawlins 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:

- Edward F. Boyington
- Alan T. Morgan
- Kenneth P. Gauthier

President George announced: Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Bridgewater Town Council will be conducted via remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Facebook Live.

### **APPROVAL OF MINUTES**

- February 2, 2021

**Motion:** Councilor Fitzgibbons made a motion to approve which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:

Fitzgibbons – YEA; Colombotos – NOT PRESENT; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 8-0.

### **ANNOUNCEMENTS FROM THE PRESIDENT**

### **PROCLAMATIONS**

### **CITIZENS OPEN FORUM**

- Pat Neary, Lakeside Drive: Ms. Neary asked if the Councilor who initiated adding the ballot question had a plan for what would happen once results were received. What will be done with the information?
- Ed Ivaldi, Boxwood Lane: Recognized two councilors who have fulfilled the term limits established in the charter and commended them for not trying to be re-elected. Mr. Ivaldi thanked those Councilors for their service to the Town.
- George Mesquita, 76 South Street: Mr. Mesquita spoke against the proposed Lodging House license stating several reasons why, including zoning and parking.
- Jeff and Savannah Daniels, 20 Maple Avenue: Mr. Daniels spoke as an abutter to the Lodging House property and echoed the comments and questions by the previous speaker.
- Anthony Spitalieri, Union Street: Mr. Spitalieri spoke about the Lodging House application noting the applicant owns a sober living house in Middleboro. Mr. Spitalieri expressed concerns as neighboring residents. Also expressed concern regarding the nearby schools.



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- Keith Buhl, Fieldcrest Drive: Mr. Buohl also expressed concern with the Lodging House applicant. He disagreed that suggesting there is an issue with the nearby school is an over-reach.
- Paul Malone, Maple Avenue: Mr. Malone spoke about the history of the home as he knew the previous owner. He also spoke about the license renewal history in relation to the zoning requirements.
- Dr. Fred Kern, 77 South Street: Dr. Kern agreed with the point about the proximity to the school and the number of children walking by on a daily basis.
- Dan Buron, 66 South Street: Mr. Buron spoke in opposition to the Lodging House application as it's not a good fit for the neighborhood.

#### APPOINTMENTS

- Conservation Commission – Wendy Smith  
**Motion:** Councilor Fitzgibbons made a motion to appoint which was duly seconded.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Gallagher – YEA; Losche – YEA; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – NOT PRESENT; Fitzgibbons - YEA. The motion passed 8-0.
- Open Space Committee – Lauren Webb  
**Motion:** Councilor Fitzgibbons made a motion to appoint which was duly seconded.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Fitzgibbons – YEA; Colombotos – NOT PRESENT; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 8-0.
- Elder Affairs Commission (Associate Member) – Richard Gopen  
**Motion:** Councilor Sousa made a motion to appoint which was duly seconded.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Gallagher – YEA; Losche – YEA; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – NOT PRESENT; Fitzgibbons - YEA. The motion passed 8-0.
- Cultural Council – Jessica Manning  
**Motion:** Councilor Wood made a motion to appoint which was duly seconded.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Fitzgibbons – YEA; Colombotos – NOT PRESENT; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 8-0.

#### HEARINGS

- **7:05 p.m.:** Order O-FY21-026: Laying Out and Acceptance of a Private Way - Stonehill Lane  
President George opened the hearing at 7:25 p.m.  
Councilor Fitzgibbons briefly explained as the sponsor of the legislation. Mr. Dutton confirmed it's been reviewed and recommended by staff.  
President George invited any questions from the public – None  
President George asked if there was anyone speaking in favor - None  
President George asked if there was anyone speaking in opposition - None  
President George entertained any questions from councilors: No Councilor questions  
President George closed the hearing at 7:27 p.m.



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**Motion:** Councilor Fitzgibbons made a motion to find that the laying out is required by common convenience and necessity which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:

Gallagher – YEA; Losche – YEA; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – NOT PRESENT; Fitzgibbons - YEA. The motion passed 8-0.

**Motion:** Councilor Fitzgibbons made a motion to approve which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:

Fitzgibbons – YEA; Colombotos – NOT PRESENT; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 8-0.

- **7:10 p.m.:** Petition P-2021-004: New Lodging House License - 84 South Street, NormaJean Begley & William F. Saba dba, the South Street House

President George opened the hearing at 7:29 p.m.

The petitioners, Normajeane Bagley, Bill Saba spoke about the condition of the house. Ms. Bagley then spoke about the intention of residents, ideally hoping it would be women only. They understand some of the concerns brought up previously. They are still working on the house and it will all be up to code. They would ask residents to be in the back. The petitioner wouldn't live there but would have a manager and would check in regularly. Ms. Bagley doesn't feel it's fair to say people who are in recovery would be undesirable in the neighborhood. Mr. Saba also spoke on behalf of his previous property and of residents in recovery. The petitioners spoke about their willingness to make it a nice place in the neighborhood.

President George invited any questions from the public –

- Savannah Daniels, Maple Avenue: Ms. Daniels asked how would behaviors be managed? The petitioners responded, there will be a manager on premises and they (the petitioner) will be close by in East Bridgewater. Ms. Bagley noted she is a nurse.
- Anthony Spitalieri, Union Street: Asked what are the credentials the applicant has in dealing with people in recovery? What's the measuring stick and background check process for residents? The petitioner responded; her husband's been in recovery for 35 years. Ms. Bagley is an ER nurse. In response to the criteria for resident's; she would say a minimum of six months sober, but it won't be ready for six months to a year. Mr. Saba added; they could do background checks. In terms of his credentials, he doesn't have any licenses, but has his own experience and has been a sponsor. He also spoke about drug testing for residents.
- Paul Malone, Maple Ave: Mr. Malone spoke at length about his previous unpleasant experience with a sober house next door to his home. Mr. Malone then reiterated the information he previously shared about a lapse in license for the property.
- Jeff Daniels, Maple Ave: Mr. Daniels appreciates the passion for healing of the petitioner and asked; what are the guarantees that someone will be on site, will they be someone certified for addition counseling? Ms. Bagley responded with ideas she had for offering residents programs. Ms. Bagley also addressed some of the concerns raised by the previous speaker. She then confirmed there would be a full-time manager on premises.
- Paul Malone, Maple Avenue: How many residents? The petitioner responded, the application says up to 12, but she was unsure there would be even that many.
- Jeff Daniels, Maple Avenue: Mr. Daniels asked how the allowable parking for five would work with 12 residents. The petitioner responded; many of the residents probably don't have licenses.
- Anthony Spitalieri, Union Street: Does the committee (Town Council) have the ability to look into the process?



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President George asked if there was anyone speaking in favor – None

President George asked if there was anyone speaking in opposition -

- Jeff Daniels, Maple Avenue: Mr. Daniels opposes the license at this time.
- Anthony Spitalieri, Union Street: Mr. Spitalieri opposes the license.
- Paul Malone, Maple Avenue: Mr. Malone opposes the license.
- Dan Buron, 66 South Street: Mr. Buron is in opposition to the license.
- Savannah Daniels, Maple Avenue: Ms. Daniels opposes the license.

President George entertained any questions from councilors:

- Councilor Wood requested the Council Clerk share the Zoning document. Mr. Wood then focused on the section for Lodging Houses as outlined in the Zoning document stating he questioned whether it meets the requirements. Attorney Rawlins suggested it may be a good idea to take a look into the documentation and past licensing.

**Motion:** Councilor Fitzgibbons made a motion to continue the hearing to 3/9/21 which was duly seconded.

**Discussion:** Councilor Gallagher agreed and reminded all that the licensee seems to have time as they're not ready to open for six months to a year. Councilor Wood requested the series of licenses be provided. Councilor Rushton expressed frustration that this has got this far and is such a mess and doesn't feel this should have ever been before the Council.

A roll call vote was taken with results recorded as follows:

Gallagher – YEA; Losche – NO; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – NOT PRESENT; Fitzgibbons - YEA. The motion passed 7-1.

- **7:13 p.m.:** Petition P-2021-005: Transfer of On-Premises All Alcohol License & Pledge of Inventory/License - from Saensophon dba Sugar Cane to Teen Yatip, Inc., dba SugarCane Thai Restaurant  
President George opened the hearing at 8:05 p.m.

Attorney Matthew Porter spoke on behalf of the petitioner, explaining the license transaction. He provided background on the owner and offered to answer questions. He noted the seller has financed the business so there is a pledge on that note going back to the prior owner.

President George invited any questions from the public – None

President George asked if there was anyone speaking in favor

- Dr. Carlton Hunt, 80 Austin Street: Dr. Hunt is in favor.

President George asked if there was anyone speaking in opposition - None

President George entertained any questions from councilors – No Councilor questions.

President George closed the hearing at 8:09 p.m.

**Motion:** Councilor Fitzgibbons made a motion to approve which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:

Fitzgibbons – YEA; Colombotos – NOT PRESENT; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 8-0.

#### LICENSE TRANSACTIONS

- Petition P-2021-006: Annual Renewal - Common Victualler's (No Alcohol) - Brianna's Breakfast, Inc.

**Motion:** Councilor Rushton made a motion to approve which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:



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Gallagher – YEA; Losche – YES; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – NOT PRESENT; Fitzgibbons - YEA. The motion passed 8-0.

### PRESENTATIONS

- Planning Board Update

Patrick Driscoll, Planning Board Chair spoke about the makeup of the Planning Board noting they only have one vacancy. Despite COVID-19 the Planning Board was able to continue moving forward uninterrupted. Mr. Driscoll noted the Planning Board did not miss one meeting during that time. They were able to continue with the work and enumerated several projects that were completed and on the horizon. Councilor Wood asked if the Planning Board is open to meeting with developer before the project is formally submitted. Mr. Driscoll responded, for subdivisions they can submit a preliminary subdivision plan. Councilor Fitzgibbons expressed his appreciation for Mr. Driscoll and everything he does for the Town and asked, how can the Town Council and Town Manager support the Planning Board? Mr. Driscoll responded, he didn't think anything else needed to be done and explained the Planning Board had their Rules and Regulations and the Zoning rules have to be followed. President George thanked Mr. Driscoll for the presentation.

### TOWN MANAGER'S REPORT

Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included:

- Mitchell School Update (Standing Item)

Construction has begun and the project is still in line with timeline. The next Building Committee meeting is 3/8.

As always, more information can be found at [www.bridgewaterschoolproject.com](http://www.bridgewaterschoolproject.com)

Councilor Fitzgibbons asked who is following change orders? Mr. Dutton responded, both the Superintendent and himself, explaining change orders actually go through the committee.

- COVID-19 Update

The Town is currently hovering around 40 cases. BSU has 4 cases. Mr. Dutton anticipates being converted to yellow at the end of the week. Mr. Dutton spoke about the letter received last week notifying the Town that they will not be shipping vaccinations to individual cities and towns. He spoke about the Phase II criteria which includes seniors age 65+, persons with 2 co-morbidities and will eventually include teachers. The town will not be operating a local clinic, however, is working hard on other options. If anything comes of those options will get the work out promptly.

At Councilor Fitzgibbons' request, Mr. Dutton outlined re-opening scenarios stating, if positive cases for prior 14 day period drops below 5% for two successive weeks, we will reopen following occupancy and distancing guidelines. He then addressed questions related to hypothetical departmental issues.

- FY2022 Budget (Standing Item)

Mr. Dutton gave a brief update on FY22 budget process stating the preliminary budget is still showing a deficit of \$850,000. The finance team is working on that to be able present a balanced budget by 4/1. Mr. Dutton had a good conversation with the Superintendent and Business Officer about a number of financial items. Finance Director is working on finalizing revenue figures and departments are working on finalizing their budget submission which are due by 3/9. Mr. Dutton then showed the Budget Timeline working document.

- Buxton Update – Local Business Support During Pandemic

Mr. Dutton presented information collected and compiled by Buxton throughout the pandemic, sharing demographic matrix' on the information Buxton is able to provide in terms of patronage for local businesses. This will likely be able to roll this out in a couple of weeks and will reach out to as many locally owned businesses as possible and can tailor the information for each business. Councilor Gallagher asked for clarification on the charge for Buxton, asking if the charge has been shifted due to COVID-19. Mr. Dutton explained; the focus has been temporarily set aside to put the focus on the current local businesses are as supported as we can, and we will be sharing the information. Mr. Dutton confirmed; one of the reasons they were originally brought on was to show



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where leakage was in terms of business. Councilor Losche clarified her request stating she wanted to know how we're helping the local businesses and how the tool has helped the local businesses. Mr. Dutton anticipates having Ms. Burke attend a Council meeting so she will have an opportunity to address.

- Items for Next Meeting: *No items put forward at this time.*

**DISCUSSIONS** - *None*

**SUBCOMMITTEE REPORTS:**

- Budget & Finance: Committee Chair Gallagher provided an update on the joint meetings between Budget & Finance Committee and Finance Committee and the Finance Director.

**LEGISLATION FOR ACTION**

- Order O-FY21-030: Acceptance of Non-Recurring Revenue to Capital  
President George read the committee dispositions.  
**Motion:** Councilor Fitzgibbons made a motion to approve which was duly seconded.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Fitzgibbons – YEA; Colombotos –YES; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 9-0.
- Resolution R-FY21-003: FY2022 Budget Resolution  
President George read the committee dispositions.  
**Motion:** Councilor Fitzgibbons made a motion to approve which was duly seconded.  
**Motion:** Councilor Fitzgibbons made a motion to amend as indicated which was duly seconded.  
**Discussion:** Councilor Gallagher briefly explained, the major part of the amendment is changing 1.75% free cash projection Both committees voted to reduce to 1.50%, which is where it currently is. Councilor Fitzgibbons asked; dropping the target for free cash allows us to spend more this year but still put money away for capital projects. Mr. Gallagher clarified the difference is about \$150,000.  
A roll call vote was taken with results recorded as follows:  
Gallagher – YEA; Losche – YES; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – YES; Fitzgibbons - YEA. The motion passed 9-0.  
**Discussion (on main motion):** None  
A roll call vote was taken with results recorded as follows:  
Fitzgibbons – YEA; Colombotos –YES; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 9-0.
- Petition P-2021-007: Annual Town Election Warrant - 2021  
**Motion:** Councilor Wood made a motion to approve which was duly seconded.  
**Discussion:** Councilor Gallagher stated his opinion that the explanation for the non-binding question is misleading because we have never received information to support the statement. He asked if it was too late to amend. Attorney Rawlins stated that is the explanation that was voted, so it's too late to amend. At President George's request, Attorney Rawlins confirmed the warrant should be physically signed.  
A roll call vote was taken with results recorded as follows:  
Gallagher – YEA; Losche – YES; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – YES; Fitzgibbons - YEA. The motion passed 9-0.

**OLD BUSINESS** - *None*

**NEW BUSINESS**

- Ordinance D-FY21-005: General Ordinance - Amend Section XXV "Committees" of the Town Council Rules & Procedures



**Motion:** Councilor Fitzgibbons made a motion to refer to the Rules & Procedures Committee which was duly seconded.

**Discussion:** Councilor Wood asked Mr. Chase if the dates agree with the document being discussed in Strategic Planning. Attorney Rawlins advised he does not believe there is anything in this ordinance that contradicts the contract.

A roll call vote was taken with results recorded as follows:

Fitzgibbons – YEA; Colombotos –YES; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 9-0.

- Ordinance D-FY21-006: General Ordinance - Amend Administrative Code, Part II, Article III, Sections 7 and 16

**Motion:** Councilor Fitzgibbons made a motion to refer to Rules & Procedures Committee which was duly seconded.

**Discussion:** Mr. Dutton briefly explained the changes proposed.

A roll call vote was taken with results recorded as follows:

Gallagher – YEA; Losche – YES; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – YES; Fitzgibbons - YEA. The motion passed 9-0.

- Resolution R-FY21-005: SERSG Inter-Municipal Agreement Reauthorization and Amendment  
Mr. Dutton briefly explained the need for the resolution.

**Motion:** Councilor Fitzgibbons made a motion to refer to the Budget & Finance and Finance Committees which was duly seconded.

**Discussion:** None

A roll call vote was taken with results recorded as follows:

Fitzgibbons – YEA; Colombotos –YES; Sousa – YEA; Rushton – YEA; George – YEA; Wood – YEA; Chase – YEA; Losche – YEA; Gallagher - YEA. The motion passed 9-0.

#### **CITIZEN COMMENTS**

- Dr. Carlton Hunt, 80 Austin Street: Thanked for putting the CPC item on agenda offering to provide a detailed “whereas” document.
- Keith Buhl, Fieldcrest Drive: Agreed with Mr. Rushton’s frustration on the Lodging House and hopes there is a quick resolution. Mr. Buohl agrees with Mr. Gallagher on the ballot question. He then spoke about access of the drop box, people with disabilities sometimes can’t get out of their car and wondered if a drop box can be added at library as a drive through.

#### **COUNCIL COMMENTS**

- Councilor Gallagher: Thanked Mr. George for running a good meeting.
- Councilor Losche: As we move to have Bridgewater be an inclusive town, we should be careful about the language used. Regarding the lodging house, Mrs. Losche would love to understand the process and how we got here tonight.
- Councilor Chase: Nothing
- Councilor Wood: Regarding the lodging house; to him the process is cut and dried. Mr. Wood then spoke about the wisdom of putting questions in the voter’s hands and reminded all that the question doesn’t change anything.
- Councilor Rushton: Gave a shout out to B-R Gymnastics team. He hopes to see Councilors at BCCR/DICE Session.
- Councilor Sousa: Thanked people who were appointed this evening
- Councilor Colombotos: Nothing
- Councilor Fitzgibbons: Thanked the appointees this evening. Thanked Mrs. Dorr for her work with the Planning Bord.
- Councilor George: Mr. George addressed his statement released regarding the state’s decision not to redirect our allocation of vaccine doses. Mr. George’s frustration is not that the vaccines are being distributed to areas that have been hit hard, but with the fact that we had a commitment with the state of Massachusetts for a set amount of doses to help our most vulnerable citizens in need. If the Commonwealth committed to us (and other



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communities), they should have delivered that. But to notify us in a three-page letter in the third to last paragraph that we're not getting the promised doses is unacceptable. Citizens should feel free to reach out to their elected officials.

**EXECUTIVE SESSION** – *No Executive Session was held.*

**ADJOURNMENT**

**Motion:** Councilor Losche made a motion to adjourn which was duly seconded.

A roll call vote was taken with results recorded as follows:

Gallagher – YEA; Losche – YES; Chase – YEA; Wood – YEA; George – YEA; Rushton – YEA; Sousa – YEA; Colombotos – YES; Fitzgibbons - YEA. The motion passed 9-0.

The meeting adjourned at 9:40 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, March 9, 2021, to approve the aforementioned minutes, as submitted by a Roll Call vote (7-0) (Councilor Rushton absent, Vacancy – District 5).  
A TRUE COPY ATTEST:**

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Ann M. Holmberg  
Town Council Clerk