



CALL TO ORDER:

A quorum being duly present, Town Council President Timothy Fitzgibbons called the meeting of the Bridgewater Town Council to order at 7:30 pm, on April 10, 2018 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

Council members present were, Aisha Losche, William Wood, Edward Haley, Timothy Fitzgibbons, Francis Sousa, Dennis Gallagher, Peter Colombotos, and Shawn George. Town Manager Michael Dutton and Town Attorney Jason Rawlins were also present.

ABSENT:

Councilor Fred Chase

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

A moment of silence was held for all veterans who have passed since the last meeting.

President Fitzgibbons reminded all that the meeting is being aired live and recorded.

APPROVAL OF MINUTES

- March 27, 2018

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

Discussion: None

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

ANNOUNCEMENTS FROM THE PRESIDENT

- President Fitzgibbons announced donations for the Bridgewater 4th of July celebration are needed. He spoke about "the big push" raffle as well as the committee seeking is running a contest for the shirt design. They are also looking for singer for the National Anthem.

PROCLAMATIONS

- Peter Kelliher – Soup Man

President Fitzgibbons read a proclamation for Peter Kelliher for all the work he does. Mr. Kelliher came forward to accept the proclamation and handed out materials to the Council.

- Martin Richard Day

In conjunction with the Middle School, President Fitzgibbons recognized April 13, 2018 as Martin Richard Day in Bridgewater

CITIZENS OPEN FORUM

- Stephanie Flaherty, Cobblestone Lane: Ms. Flaherty spoke about the need for in district social support in the schools and encouraged the addition of adjustment councilors. She strongly urged the Council to level fund the budget.
- Mark Ferreira, Oak Street: Works for Salvation Army. Mr. Ferreira feels the schools are over populated. Also feels if we don't fund the schools appropriately we will be jeopardizing the future. We need to give the schools, teachers the resources to care for the children.
- Cheryl Wauchope, Park Ave: Ms. Wauchope is a Kindergarten teacher in another town. She feels the prospects for the classroom sizes are scary and level funding the school isn't too much to ask.
- Kristin O'Neil, Hartswood Way: If we don't level fund the schools we need to look at stopping the building in town. There is a huge influx of kids coming into the lower grades. Ms. O'Neill wants to know what's being done to add business and revenue to the town. Feels should level fund the schools



- Andrew Girard, 90 Sophia Lane: Mr. Girard read part of an email message from teacher needing glue sticks and regular pencils.

APPOINTMENTS

Motion: A motion to approve both appointees was made by Councilor Haley. The motion was seconded by Councilor George.

Discussion: None

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

Cultural Council

- Pamela Ford
- Stephen Sargent

HEARINGS -

- **7:35 p.m.:** Order O-FY18-028: Loan Order – Water Main Replacement
President Fitzgibbons opened the hearing at 7:57 p.m.

**7:57 p.m., Councilor Wood recused himself and stepped out of the meeting.*

Mr. Dutton briefly explained the loan order which is in the amount of \$1,200,000.00 for water main replacements. President Fitzgibbons explained Councilor Wood exited the room as he lives in the district where the replacements will take place.

President Fitzgibbons invited any questions from the public – None came forward.

President Fitzgibbons asked if there was anyone speaking in favor - None came forward.

President Fitzgibbons asked if there was anyone speaking in opposition - None came forward.

President Fitzgibbons entertained any questions from councilors: No questions from councilors.

President Fitzgibbons closed the hearing at 8:00 p.m.

Motion: A motion to approve was made by Councilor Haley. The motion was seconded by Councilor Sousa.

Discussion: None

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

Losche – YEA; Wood – RECUSED; Chase – ABSENT; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 7-0.

**8:01 p.m., Councilor Wood returned to the meeting.*

- **7:40 p.m.:** Order O-FY18-029: FY18 Capital Transfers – Phase I
President Fitzgibbons opened the hearing at 8:01 p.m.

Mr. Dutton explained the order and spoke about each line item.

President Fitzgibbons invited any questions from the public – None came forward.

President Fitzgibbons asked if there was anyone speaking in favor - None came forward.

President Fitzgibbons asked if there was anyone speaking in opposition - None came forward.

President Fitzgibbons entertained any questions from councilors:

- Councilor Gallagher asked Mr. Dutton what the balance in the Capital Stabilization fund will be after the expenditure? Mr. Dutton responded; the balance will be \$33,150. Councilor Gallagher followed up asking; what the plan was to build it back up? Mr. Dutton responded; there is always a plan through the Free Cash policy. It will be replenished once Free Cash is certified. At Councilor Gallagher's request, Mr. Dutton explained the following; the funds for the Fire Station and Memorial Building were part of the original bonding for the Academy Building. This is not new money, this will transfer this money into its own line item. This expenditure would clean out that account. Mr. Dutton further explained; they want to recreate lower level to store documents and bring the building up to handicap code for example; create handicap access through front access. Finally, Councilor Gallagher asked for an explanation on the \$64,000 for Town Hall. Mr. Dutton



responded; that's to pay for a new boiler. He also noted the work for all these projects could be done over a period of a few years.

President Fitzgibbons closed the hearing at 8:15 p.m.

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

Discussion: Councilor Gallagher noted this measure was approved by Budget & Finance Committee. While he is glad to see we have a Capital Plan in place; he noted we have to be sure there is a plan in place to replace funds. Councilor Wood noted a similar conversation took place during the Budget & Finance and Finance Committee meeting.

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

George – YEA; Colombotos – YEA; Gallagher – YEA; Sousa – YEA; Fitzgibbons – YEA; Haley – YEA; Chase - ABSENT; Wood – YEA; Losche - YEA. The motion passed 8-0.

LICENSE TRANSACTIONS

- Petition P-2018-005: 49'ers Club One-Day Alcohol and Entertainment Licenses - 2018

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

Discussion: President Fitzgibbons asked Mr. Dutton why this petition was before the Council? Mr. Dutton explained; this asks for one day alcohol and entertainment permits, entertainment licenses rest with Council. A voice vote was taken, and the motion passed 8-0.

Motion: A motion was made by Councilor Gallagher to take agenda item L: Legislation for Action out of order. The motion was seconded by Councilor Wood.

Discussion: Councilor Gallagher explained there appeared to be people in the audience here for the McElwain Order. A voice vote was taken, and the motion passed 8-0.

LEGISLATION FOR ACTION (*Taken out of order*)

- Order O-FY18-032: Purchase and Sale Agreement - McElwain Property
Matt Zahler (MPZ Development, LLC), Jason Korb, (Capstone Communities Development LLC)
Mr. Zahler gave a brief background of experience and their vision on the project. Mr. Korb presented some projects they've worked on, including a project in Brockton, highlighting the quality of the product they build. Mr. Zahler also spoke about projects he's working on and has completed. They then spoke about the McElwain project displaying photos and speaking about the current conditions. They intend to use historic tax credit to help restore the building as it is currently on the National Register. Mr. Zahler presented the proposed redevelopment plan noting; the proposal includes: 16 workforces units (one 1-bedroom and 15 two bedrooms). There would be a second building of 36 units (1, 2 and 3-bedroom units), there would be a park type area or passive green space and a community room, which would be available to the community. They walked through the financial demographics associated with each building. Currently proposing to pay \$5,000 for the building and the land and are requesting CPA resources to rehabilitate the development. The CPA request would be \$250,000 in cash with an ongoing contribution of \$30,000/year for 15 years. Mr. Korb spoke about the partnership and emphasized the process takes time. He noted and spoke about alternatives for parking as he has heard there were concerns around the amount of parking currently proposed. He pointed out the request for CPC funds puts the town in the position of being the lender. As the lender the town would have the right to see their auditing records. This project would identify the town as a Housing Choice Community which gives priority for grant funding. Mr. Korb spoke about reasons why to save the building, noting the requirement for MPZ/Capstone to maintain long-term ownership (minimum of 15 years). He presented information on similar projects done in other towns and the financial information for completion. Finally, Mr. Korb addressed issues they've heard, noting it was his understanding the building cannot be insured by the town currently, but as a private company, they can get the building insured.

Councilor Questions:

- Councilor Wood asked the Town Manager how it comes back on the tax rolls? Mr. Wood also noted neither committee took any action last night and he is asking the Council to take no action on this tonight.



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- Councilor Gallagher feels the risk to Bridgewater is with the \$30,000 yearly payment. Mr. Gallagher thinks there is a value to the piece of property and hopes we can negotiate a little more to get a fair market price for Town of Bridgewater.
- Councilor George asked Mr. Korb several questions relative to the funding, in particular their earlier point that it was unrealistic for the town to be able to sell the building versus what they're proposing. Mr. Korb explained the funding and subsidies available to them. Mr. George noted this is the type of information people need to be educated on.
- President Fitzgibbons stated; if we're going to have a public/private partnership it would be helpful to have a pro-forma over 10, 15, 30 years, including what are the costs, returns, what expenses are going out and what assumptions are built in; for example: what is the cost of new children to the town.
- Councilor Wood agreed with President Fitzgibbons suggestion.
- Councilor Sousa asked for the breakdown of how many bedroom units? Mr. Korb responded; state has a requirement. Mr. Zahler responded; currently the project calls for 26 1-bedrooms, 24 2-bedrooms and 2-3-bedroom units. Mr. Korb noted there may be more 2-bedroom units since this is now a single project. Finally, Mr. Korb reminded all that there is a liability with this building currently as is.
- Order O-FY18-033: Acceptance of a Gift - Howard Foundation
Mr. Dutton explained the order briefly.

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

Discussion: Councilor Wood noted both Budget & Finance and Finance Committees recommended this measure.

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

Losche – YEA; Wood – YEA; Chase - ABSENT; Haley – YEA; Fitzgibbons – YEA; Sousa – YEA; Gallagher – YEA; Colombotos – YEA; George - YEA. The motion passed 8-0.

Seeing no presentations for the evening, President Fitzgibbons returned to the next regular order of business: Town Manager Report

PRESENTATIONS - None

TOWN MANAGER'S REPORT

In lieu of a detailed report, Mr. Dutton invited questions from the Councilors:

- Councilor George: Asked if Free Cash had been allocated as yet. Mr. Dutton responded; per the Free Cash policy it has been allocated. Councilor George requested a copy of the Free Cash allocation.
- Councilor Gallagher asked Mr. Dutton to clarify and confirm that we have not spent our reserves. Mr. Dutton confirmed the Stabilization balance.
- Councilor Wood noted Skips is still not open and asked for an update. Mr. Dutton explained; the reason for the requirement for sprinklers, is because it's a mixed-use building. Anytime a building is mixed-use, it requires sprinklers. Mr. Dutton has reached out to the owner's attorney to let them know very concerned that there is no activity. Their attorney will reach out to them.
- Councilor Colombotos asked if there was a fine structure we can enforce? Mr. Dutton responded; the Planning Board has adopted some rules that are a little more structured. However, there is nothing in the code that provides enforcement currently. Councilor Colombotos asked about internal striping on Walgreens which needs to be updated. Mr. Dutton responded; most are waiting for roads to heat up before doing striping work.
- Councilor Sousa asked about a permit pamphlet. Mr. Dutton responded; they were working on updating it.

DISCUSSIONS - None

SUBCOMMITTEE REPORTS: None

OLD BUSINESS

- Ordinance D-FY18-006: Establish a Search/Review Committee

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

Discussion: Councilors George and Gallagher expressed support for this measure. Councilor Gallagher noted his opinion that if this isn't voted in favor, the Council could regret it. He explained his reason behind drafting the



measure. Councilor Losche asserted; per the charter, we cannot do this; it's unlawful. Town Attorney Rawlins advised he agreed with Councilor Losche. It would be an unlawful action taken by the Council. The Charter is very clear and read the section of the Charter. He further noted; the proposal of the ordinance is participation; which is a violation of the charter. Councilor Gallagher stated he feels Attorney Rawlins may have read into that a little too much and explained his intent. Councilor Wood pointed out; the Town Manager has the flexibility to form his own search committee. Mr. Wood agrees with the legal opinion stating the Charter is not unclear. The Town Council has the power to ratify.

Motion: A motion to table the measure was made by Councilor Wood. The motion was seconded by Councilor Gallagher.

Discussion: Councilor Wood noted an affirmative vote effectively ends this legislation.

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

NEW BUSINESS

- Order O-FY18-034: Acceptance of Other One-Time Revenue for Special Purpose – Bridgewater Preserve
Mr. Dutton explained the order briefly. It is a mitigation payment from the project known as Bridgewater Preserve. The funds will go towards repaving Cherry Street.

Motion: A motion was made by Councilor Gallagher to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Wood.

Discussion: None

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

- Order O-FY18-035: Acceptance of Other One-Time Revenue for Special Purpose – Bridgewater Homes, LLC
Mr. Dutton explained this is payment from Bridgewater Homes (Prattown Estates). The donation is used for the town to adopt a plan for the production of affordable housing. It will be held in the one-time fund until it is needed for that purpose.

Motion: A motion was made by Councilor Wood to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Losche.

Discussion: None

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

- Order O-FY18-036: Town of Bridgewater Change of Voting Equipment
Mr. Dutton explained this is at the request of the Town Clerk and is required by the state to change voting equipment.

This measure was not referred to any committee.

- Order O-FY18-037: CPC Transfer - Preservation Assessment of Two Old Bridgewater Historical Society Buildings
Mr. Dutton explained this is recommended by CPC. He further explained the title should include "of the Historic Collections"

Motion: A motion was made by Councilor Wood to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor George.

Discussion: Councilor Wood asked about the application noting the second building in West Bridgewater.

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

- Order O-FY18-038: Transfer Order – Sewer Enterprise Capital Special Purpose Transfers
Mr. Dutton explained; this allows the sewer department to replace their RBCs, both were installed in 1988.

Motion: A motion was made by Councilor Haley to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Losche.

Discussion: None

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

FY2019 Budget Orders:

Mr. Dutton briefly explained these items will be discussed thoroughly in committee and the recommendation is to refer them to the Budget & Finance and Finance Committee.

- Order O-FY19-001: Budget Order – FY19 Annual Town Budget



Motion: A motion was made by Councilor Wood to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Haley.

Discussion: Councilor Wood showed the budget binder issued to the Budget & Finance and Finance Committees at the last meeting.

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

- Order O-FY19-002: Budget Order – FY19 Sewer Enterprise Fund Budget

Motion: A motion was made by Councilor Wood to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Losche.

Discussion: Councilor Colombotos asked if the indirect costs are consistent? Mr. Dutton responded – yes. A voice vote was taken, and the motion passed 8-0.

- Order O-FY19-003: Budget Order – FY19-Water Enterprise Fund Budget

Motion: A motion was made by Councilor Losche to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Wood.

Discussion: None

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

- Order O-FY19-004: Budget Order – FY19 Transfer Station Enterprise Fund Budget

Motion: A motion was made by Councilor Wood to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Haley.

Discussion: President Fitzgibbons noted it's disappointing to see any enterprise fund have structural deficit. A voice vote was taken, and the motion passed 8-0.

- Order O-FY19-005: Budget Order – FY19 OSLGC Enterprise Fund Budget

Motion: A motion was made by Councilor Losche to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor Gallagher.

Discussion: Councilor George asked what the \$80K debt service included. Mr. Dutton responded it is the outstanding obligation for the clubhouse. Mr. George noted he was disappointed to see it.

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

- Order O-FY19-006: Authorization of Revolving Funds (*Town Manager*)

Motion: A motion was made by Councilor Losche to refer to the Budget & Finance and Finance Committee. The motion was seconded by Councilor George.

Discussion: None

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

CITIZEN COMMENTS - None

COUNCIL COMMENTS

- Councilor Losche: Mrs. Losche reminded all that it is Equal Pay Day today. She thanked the Cultural Council volunteers
- Councilor Wood: Congratulated TJ2 Robotics team, who won the District Championship this weekend, stating there are a lot of really great kids at the school.
- Councilor Chase: Absent
- Councilor Haley: Thanked the Council President and the Town manager for the State of the Town Address.
- Councilor Sousa: Reminded all to pick up the branches, twigs in front of their houses.
- Councilor Gallagher: Thanked Town Manager and Council President for good State of the Town. May 5th is Town cleanup. He encouraged people to donate to the for 4ht of July event.
- Councilor Colombotos: Thanked Council President & Town Manager for State of the Town. Thanked Cultural Council volunteers.
- Councilor George: Echoed comments about May 5th Town cleanup day. Mr. George noted he saw an email from the Town Clerk about pre-registering young adults. Regarding the McElwain property; Mr. George likes the



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project but does not like the thought of selling Town property. Regarding the School Committee budget; Mr. George watched the (School committee) meeting. He gives the School Committee a lot of credit for allowing people to talk for a long time. Mr. George thinks we need to be careful about using certain words, like "transparency". Finally, Mr. George stated it was a great job on the State of the Town address.

- Councilor Fitzgibbons: Asked Council Clerk to schedule budget hearing for 5/22/18. Thanked Senator Pacheco, State Representative D'Emilia, Sue McCombe, Fred Clark and the School Committee members attending this evening.

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

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

The meeting adjourned at 9:52 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, April 24, 2018, to approve the aforementioned minutes, as submitted by a voice vote (6-0) (Councilor Chase abstained, Councilor Colombotos not present, Councilor Haley absent).

A TRUE COPY ATTEST:

Ann M. Holmberg
Town Council Clerk