



Town of Bridgewater
Town Council Meeting
Meeting Minutes
Tuesday, October 23, 2018

CALL TO ORDER:

A quorum being duly present, Town Council Vice President Dennis Gallagher called the meeting of the Bridgewater Town Council to order at 7:30 pm, on October 23, 2018 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

PRESENT:

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

ABSENT:

President Edward Haley
Councilor Fred Chase

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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

- James Bertram

Announced President Haley would not be here and Councilor Chase.

**Vice President Gallagher announced the meeting was being aired live and recorded.*

APPROVAL OF MINUTES

- October 9, 2018

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

Discussion: None

A voice vote was taken, and the motion passed 6-0 (Councilors Haley and Chase absent, Councilor Colombotos not present).

ANNOUNCEMENTS FROM THE PRESIDENT

- Veteran's Day Tri-Town Parade will be held in East Bridgewater on 11/11/18.
- Early Voting dates and hours. The election is 11/6/18

PROCLAMATIONS

**7:34 p.m., Councilor Colombotos entered the meeting.*

Vice President Gallagher offered a proclamation for Joyce Middleton for her service and contributions to the Lions Club.

CITIZENS OPEN FORUM - None

APPOINTMENTS - None

HEARINGS

- **7:35 p.m.:** Order O-FY19-023: Transfer Order - General Fund Free Cash Allocation to Trust Funds
Vice President Gallagher opened the hearing at 7:35 p.m.

Vice President Gallagher read the committee dispositions for the record.

Mr. Dutton explained; this measure allocated the undesignated fund balance to five different funds.

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

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

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

Vice President Gallagher entertained any questions from councilors:

- At Councilor Fitzgibbons request, Mr. Dutton explained they arrived at the allocations by following the Free Cash Policy and the Finance Director's recommendations.



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- Councilor Colombotos asked for an explanation of Unforeseen Trust Fund and the difference between that and the Stabilization Trust fund. Mr. Dutton explained, we're trying to focus on keeping Stabilization as the fund that will see us through tough times.
Motion: A motion was made by Councilor George to close the hearing. The motion was seconded by Councilor Wood.
Discussion: None
A voice vote was taken, and the motion passed 7-0.
Vice President Gallagher closed the hearing at 7:40 p.m.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Discussion: Councilor Wood spoke about the Free Cash Policy and expressed his support of the measure as a great mechanism to put cash away for capital projects. Councilor Colombotos suggested relative to incorporating language into the Budget Resolution that sets percentages based on what is received. Councilor Fitzgibbons pointed out that Councilor Wood has asked for input on the policy previously. He also clarified regarding tax title stating we spend that money in the year we assess the tax.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Colombotos – YEA; Wood – YEA; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion passed 7-0.
- **7:40 p.m.:** Order O-FY19-024: Transfer Order - Capital Plan 2019-1 - Town Clerk Voting Booths
Vice President Gallagher opened the hearing at 7:45 p.m.
Vice President Gallagher read dispositions for the record.
Mr. Dutton explained the transfer funds the new Town Clerk's voting booths which will be here in time for 11/6.
Vice President Gallagher invited any questions from the public – None came forward.
Vice President Gallagher asked if there was anyone speaking in favor – None came forward.
Vice President Gallagher asked if there was anyone speaking in opposition - None came forward.
Vice President Gallagher entertained any questions from councilors: None
Vice President Gallagher closed the hearing at 7:47 p.m.
Motion: A motion was made by Councilor Fitzgibbons to close the hearing. The motion was seconded by Councilor George.
Discussion: None
A voice vote was taken, and the motion
Motion: A motion to approve was made by Councilor George. The motion was seconded by Councilor Fitzgibbons.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion passed 7-0.
- **7:45 p.m.:** Ordinance D-FY18-008: Zoning Ordinance - Elm Street Recreational Usage Overlay
Vice President Gallagher opened the hearing at 7:48 p.m.
Vice President Gallagher read committee and Council dispositions for the record.
Mr. Dutton explained; the reason we have the hearing is 90 days has elapsed since presentation of ordinance and final vote.
Vice President Gallagher invited any questions from the public –
 - Taylor Sullivan, Norlen Park: Ms. Sullivan asked if the hearing was also required because testing was added? Mr. Dutton responded; this hearing is not triggered by the testing component because it is less restrictive. Ms. Sullivan spoke about the Planning Board meeting last week, noting they recommended it



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move forward without the testing further noting; none of the Bridgewater Cares group support it. She reminded the Town Council that other towns that voted “no” on question 4 do not allow testing. Finally, she pointed out nobody has come forward in support. Ms. Sullivan suggested it’s the Councilors look past their personal feelings about testing and listen to what the residents have said.

- Pat Neary Lakeside Drive: Ms. Neary reminded all that the town voted “no” on Question 4. She stated we have had to allow cultivation in order to prohibit retail sales. Finally, Ms. Neary referenced the Planning Board decision.

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

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

Vice President Gallagher entertained any questions from councilors:

- Councilor Wood asked if this is an amendment to existing zoning? Attorney Rawlins responded; it is not an amendment; it’s narrowing down a district.
- Councilor Fitzgibbons asked Attorney Rawlins; if testing were eliminated and passed this evening would we need a new hearing? Attorney Rawlins advised; yes it would, because more restrictive. Councilor Fitzgibbons confirmed; six votes are needed to vote in favor to pass and if fails can’t come back for two years? Attorney Rawlins confirmed.
- Vice President Gallagher offered the option that the Council can continue the hearing to the next meeting when there would be a full complement of councilors. Councilor Fitzgibbons stated he felt it was important for all Councilors to be present as this is very important to the town.

Motion: A motion was made by Councilor Fitzgibbons to continue hearing to 11/13. The motion was seconded by Councilor Colombotos.

Discussion: Councilor Fitzgibbons briefly explained this requires six votes to pass and it may be better to wait for a full complement of Councilors. Councilor Colombotos expressed his support of the measure.

*Councilor Fitzgibbons withdrew his motion to postpone. Councilor Colombotos withdrew his second.

Vice President Gallagher closed the hearing at 8:03 p.m.

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

Discussion: None

A voice vote was taken, and the motion passed 7-0.

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

Discussion: Councilor Fitzgibbons asked if anyone wants to offer an amendment. Councilor Gallagher noted he wants to stick with what the Planning Board recommended. After discussion, the following motion was made.

Motion: A motion to amend was made by Councilor Gallagher by editing line three under “Ordered” to read as follows: “special permits to three (3) and to allow no more than one (1) marijuana establishments per special”. The motion was seconded by Councilor Fitzgibbons.

Discussion: Councilor Losche disagrees and expressed her opinion that the Planning Board changed their stance. Discussion followed regarding the timeline leading up to the ordinance before them. Attorney Rawlins clarified the Planning Board recommendation was for everything but the bold language. Community & Economic Development Director, Jennifer Burke was asked to come forward and clarify the timeline. She explained; in April & June the Planning Board and CEDC did hold a joint hearing and the recommendation was two special permits and no more than two marijuana establishments per special permit. The Town Council wanted to see additional language for testing facilities. The language for additional testing facilities was added. The Council also asked the Planning Board to comment on that additional language. The Planning Board felt that language was too much, and they wanted to go back to their original amendment which was; two Special Permits and two establishments. Councilor Fitzgibbons asked if adopting the amendment of “one (1)”, would both existing businesses be able to survive? Ms. Burke responded “no”. Councilor Fitzgibbons asked if we eliminated testing facilities would that impact their businesses. Ms. Burke responded she did not



believe so. Discussion between Mr. Fitzgibbons and Ms. Burke continued as they worked through the potential effects of the proposed amendment. Robust discussion followed with Councilors expressing opinions on the proposed amendment. Councilor George clarified his position that many of the Council are not taking their own personal preference into account but are also receiving feedback directly from their constituents. Councilor Sousa expressed his support of allowing testing facilities. At Councilor Losche's request, Vice President Gallagher listed several reasons why he proposed the amendment. Councilor George asked Attorney Rawlins if the Council puts in an Ordinance that could adversely affect two legal businesses that have the right to operate in town; is there a possibility of a lawsuit? Attorney Rawlins responded; yes. **Motion:** A motion was made by Councilor Fitzgibbons to move the question. The motion was seconded by Councilor Wood.

A voice vote was taken, and the motion to move the question passed 7-0.

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

Sousa – NO; Colombotos – NO; Wood – NO; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - NO; Losche – NO; Fitzgibbons - YEA. The motion to amend failed 2-5.

Motion: A motion was made by Councilor Fitzgibbons to move the main question. The motion was seconded by Councilor Losche.

Discussion: Councilor Fitzgibbons requested a Roll Call Vote.

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

Fitzgibbons – YEA; Losche – NO; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – NO; Colombotos – NO; Sousa - YEA. The motion to move the question failed 4-3.

Discussion (cont'd on main motion to approve): Councilor Wood had a phot displayed to illustrate what he sees as the what Bridgewater is afraid of and explained his position.

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

Sousa – YEA; Colombotos – YEA; Wood – NO; Gallagher – NO; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve failed 5-2.

LICENSE TRANSACTIONS

- Petition P-2018-019: One-Day Entertainment License – CNT, Inc, 350 Bedford Street
Mr. Dutton provided a brief explanation of the petition.

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 7-0.

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: The Town received a MassWorks grant for \$3MM. Mr. Dutton thanked the Town Council for taking action which helped secure financing. He also thanked staff and businesses up on Elm Street. The Town is in the running for a Planning and Engineering grant in the event we need to address the High Street Dam. He is working closely with Nature Conservancy and other agencies. Mr. Dutton received cost estimates on traffic engineering want to do in Central Square, including Grove and Bedford Street and plan for replacement for traffic lights at Broad Street and will be asking for an appropriation at the next meeting. He noted Early voting continues through next week. Finally, Mr. Dutton spoke about board and committee vacancies asking for volunteers.

Councilor Questions:

- Councilor Wood noted Skips is doing business under a different name (Seaside) but the license reads "Skips". He asked Mr. Dutton if he had instructions on process for changing name. Mr. Dutton responded "yes". Councilor Wood explained he spoke with the owner who seemed confused on process. Mr. Wood also did not see any license posted in the store and asked Attorney Rawlins what the requirement was. Attorney Rawlins responded; the license has to be displayed in conspicuous place in the building.



- At Councilor Gallagher's request, Mr. Dutton spoke about the zoning bylaw update; noting the town has hired Attorney Mark Babrowski. The committee has met a few times and is going through initial stages. The comprehensive Master Plan Committee is being headed up by Judy Barrett who is serving as consultant. It will take a little more money; but we'll come out of it with a completely updated Master Plan. Councilor Gallagher asked if it was possible that tonight's failed Ordinance that could come back in the zoning updates. Attorney Rawlins responded; he wouldn't make that assumption. Mr. Dutton stated a rough timeline of 6-8 months.
- At Councilor Fitzgibbons' request, Mr. Dutton offered a brief update on the Mitchell School process stating; on October 29th there would be a meeting in this room of Mitchell School Building Committee. Committee will narrow down the options.

DISCUSSIONS - None

SUBCOMMITTEE REPORTS:

- Budget & Finance: Councilor Wood stated the committee met this evening and discussed the Budget Resolution. It will look a lot like last years. Last week the School Budget Liaison Ad Hoc committee went to the School Budget Committee meeting and participated in discussions.
- Rules & Procedures: Councilor Losche advised the committee will be meeting 10/29 at 7:30 p.m.
- Strategic Planning: Councilor Losche stated the committee had a presentation by Great Blue on the results of the town wide survey. The session was recorded. She encouraged all to watch the recording of the meeting.
- Public Safety: Councilor Fitzgibbons stated the committee met and will be writing a report and will deliver to the Council in a November meeting.

LEGISLATION FOR ACTION

- Order O-FY19-015: Transfer Order - Capital Transfer - LED Light Conversion
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Motion: A motion was made by Councilor Fitzgibbons to amend as presented. The motion was seconded by Councilor Wood.
Discussion (on amendment): None
A voice vote was taken, and the motion to amend passed 7-0.
Discussion (on main motion): None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion to approve, as amended, passed 7-0.
- Order O-FY19-016: Transfer Order - Sewer & Water Reserve Special Purpose for Loan Paydown
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Motion: A motion was made by Councilor Fitzgibbons to amend as presented. The motion was seconded by Councilor Wood.
Discussion (on amendment): None
A voice vote was taken, and the motion passed 7-0.
Discussion: None
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Colombotos – YEA; Wood – YEA; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve, as amended, passed 7-0.
- Order O-FY19-017: Transfer Order - Town Manager Special Account to Capital Funds
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor George.
Motion: A motion was made by Councilor Fitzgibbons to amend as presented. The motion was seconded by Councilor George.
Discussion (on amendment): None
A voice vote was taken, and the motion passed 7-0.
Discussion: None
A roll call vote was taken with results recorded as follows:



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- Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion to approve, as amended, passed 7-0.
- Order O-FY19-018: Transfer Order - Appropriation for Street Assessment
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Discussion: Councilors Wood and Colombotos expressed the importance of passing this measure.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Colombotos – YEA; Wood – YEA; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve, passed 7-0.
 - Order O-FY19-022: Transfer Order – Bridgewater Police Association Contract Settlement Funding
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor George.
Discussion: Councilor Fitzgibbons recognized Officer Demora was in the audience.
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion to approve, passed 7-0.
 - Order O-FY19-025: Transfer Order - Water Reserve Transfer for Carver's Pond Treatment Plant Roof Repairs
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor George.
Motion: A motion to approve was made by Councilor Fitzgibbons to correct “Carvery” to “Carvers” in the title. The motion was seconded by Councilor George.
Discussion: None
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Colombotos – YEA; Wood – YEA; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve, as amended, passed 7-0.
 - Order O-FY19-026: Transfer Order - Sewer Enterprise Capital Special Purpose – RBC
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion to approve, passed 7-0.
 - Order O-FY19-027: Transfer Order - CPC Funding for McElwain School Redevelopment
Councilor Wood stated Budget & Finance Committee voted 2-0 to recommend approval and pointed out the CPC’s letter of recommendation.
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor George.
Discussion: None.
A roll call vote was taken with results recorded as follows:
Sousa – YEA; Colombotos – YEA; Wood – YEA; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve, passed 7-0.
 - Ordinance D-FY19-002: General Ordinance - Amend Administrative Code - Temporary Repair to Private Ways
Motion: A motion to approve was made by Councilor Fitzgibbons. The motion was seconded by Councilor Sousa.
Discussion: None
A roll call vote was taken with results recorded as follows:
Fitzgibbons – YEA; Losche – YEA; George – YEA; Chase – ABSENT; Haley – ABSENT; Gallagher – YEA; Wood – YEA; Colombotos – YEA; Sousa - YEA. The motion to approve, passed 7-0.
 - Ordinance D-FY18-013: General Ordinance – Recreational Marijuana Establishments Forbidden and Exceptions
Motion: A motion to approve was made by Councilor Losche. The motion was seconded by Councilor Gallagher.



Discussion: Councilor Fitzgibbons asked Attorney Rawlins what the effect of this is. Attorney Rawlins responded; this doesn't change anything. It just prohibits operating marijuana establishments. Councilor Wood noted he was the dissenting vote in Rules & Procedures and explained his opinion. Councilor Colombotos stated; now that the Town has spent \$400 to advertise; he will vote in favor but seems like a duplication of effort.

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

Sousa – YEA; Colombotos – YEA; Wood – NO; Gallagher – YEA; Haley – ABSENT; Chase – ABSENT; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion to approve, passed 6-1.

OLD BUSINESS - None

NEW BUSINESS

- Resolution R-FY19-001: 2019 Town Council Meeting Dates
Councilor Losche provided a brief explanation of the Resolution noting she did not think it needs to be referred to any committee. Councilor Wood noted he thinks this is a privilege of the Rules & Procedures Chair.

CITIZEN COMMENTS

- Taylor Sullivan, Norlen Park: Mrs. Sullivan thanked Councilor Gallagher. She thinks there was a lot of confusion. Mrs. Sullivan addressed Councilor Wood; stating she knows the regulations inside and out and expressed her frustration with his comments. Mrs. Sullivan then expressed frustration over Councilor George's comments earlier; asking if he is valuing citizen comments more who do not attend the meetings as she has been to the majority of meetings related to marijuana. She further suggested she may like to see proof of the communications he is referring to and asked the Council Clerk if they were public record.

COUNCIL COMMENTS

- Councilor Fitzgibbons: No comments.
- Councilor Losche: Feels the Council's vote may have been cutting off the nose to spite the face. She pointed out; now we have nothing. Mrs. Losche also agreed with Councilor George's comments earlier. We are listening to our constituents. Finally, Mrs. Losche noted; Rules & Procedures will be meeting 10/29
- Councilor George: Pointed out people should look at what transpired today and compare it with town meeting. Town Meeting only drew about 2% of voters. In response to citizens comments; Mr. George clarified he did not say people who come here have less of a voice than people who don't, and he does not appreciate being called a liar. Lastly, he encouraged people to choose their words carefully.
- Councilor Chase: Absent
- Councilor Wood: Tonight's action didn't change the ban. He fully expected the current establishments would convert and that would bring tax dollars to Bridgewater. This years' budget will be a struggle. You will never be able to make this town a drug-free zone. Mr. Wood advised; the budget will be a struggle this upcoming year.
- Councilor Colombotos: Thinks there was a good compromise struck regarding recreational marijuana. Regarding the comments about the Town voting "no" on marijuana, it was a very slim margin. He is not going to take marching orders from a bare majority. He will think about the full issue.
- Councilor Sousa: It all boils down to one thing - how many new businesses have come to town in the last few years. We drove business away. Mr. Sousa spoke about the zoning rewrite process and timeline finally stating, we need to have more businesses in town.
- Councilor Gallagher: Congratulated the Town Manager and staff on the \$3MM grant. He thinks it will do a lot of work on Elm Street which will attract a lot of businesses.
- Councilor Haley: Absent

EXECUTIVE SESSION – *No Executive Session was held.*

ADJOURNMENT

Motion: A motion to adjourn was made by Councilor Fitzgibbons. The motion was seconded by Councilor Wood. A voice vote was taken, and the motion passed 7-0.

The meeting adjourned at 9:30 p.m.
Minutes submitted by: Ann Holmberg



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**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, November 13, 2018, to approve the aforementioned minutes, as submitted by a voice vote (7-0-2) (Councilors Haley and Chase abstained).
A TRUE COPY ATTEST:**

Ann M. Holmberg
Town Council Clerk