



### **CALL TO ORDER:**

A quorum being duly present, Town Council President Edward Haley called the meeting of the Bridgewater Town Council to order at 7:30 pm, on November 27, 2018 in the Academy Building Council Chambers, 66 Central Square, Bridgewater, Massachusetts.

### **PRESENT:**

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

### **ABSENT:**

- Councilor Peter Colombotos

### **PLEDGE OF ALLEGIANCE**

*\*President Haley announced the meeting was being aired live and recorded.*

### **MOMENT OF SILENCE**

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

- James Toby
- William O'Melia

### **APPROVAL OF MINUTES**

- November 13, 2018

**Motion:** A motion to approve was made by Councilor Fitzgibbons. 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 Haley announced details for Christmas on the Common which will be held December 1<sup>st</sup>.

### **PROCLAMATIONS**

### **CITIZENS OPEN FORUM**

- Carlton Hunt, 80 Austin Street: Dr. Hunt introduced himself as the Master Plan Committee (MPC) Chair. He would like to hear more about the newly formed committee from the last meeting; specifically, how this committee will work with all the other committees in town. Dr. Hunt also spoke about the passing of Tom Hall, pointing out the MPC committee and Energy committee are short-handed. Finally, the Branding/Way-finding consultant will be here December 13<sup>th</sup> at 6:00 p.m. to present his findings.

**APPOINTMENTS** - None

**HEARINGS** - None

**LICENSE TRANSACTIONS** - None

**PRESENTATIONS** – None

**Motion:** A motion was made by Councilor Fitzgibbons to take agenda item J: Discussions out of order. The motion was seconded by Councilor George.

**Discussion:** None

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

### **DISCUSSIONS (*Taken out of order*)**

- Open Q&A with State Representative Angelo D'Emilia  
State Representative Angelo D'Emilia came forward and spoke about his upcoming schedule, noting the 2020 Budget schedule starts December 20<sup>th</sup>. Mr. D'Emilia offered to take questions from the public:
  - Richard King, Conant Street: Mr. King asked if there were any plans for paving the South end of Conant Street? Mr. Dutton responded; the town relies on chapter 90 funding for road maintenance. We are in the



process of doing a comprehensive road assessment and grade the condition of each road. Conant is on the radar.

- Sam Baumgarten, 60 Short Street: Mr. Baumgarten asked what Mr. D’Emilia’s take is on the current state of funding for higher education and the agreed upon contract between state teachers and the state which remains unfunded. Mr. D’Emilia stated – percentage wise the funding has increased over time, but it’s something we need to look at. There are a lot of priorities during budget time.
- Carton Hunt, 80 Austin Street: At Dr. Hunt’s request, Mr. D’Emilia spoke about Chapter 70 funds, noting there was legislation put forward, but we couldn’t come to an agreement, however it is a priority for Mr. D’Emilia and his colleagues. He answered questions about renewable energy incentives and CPA funds, stating he feels we’re doing a good job putting a focus on renewable energy. The state hasn’t been matching CPA funding to where we initially thought we would, but there are a lot of competing interests during budget season. Finally, Mr. D’Emilia thought Dr. Hunt’s concerns about the High Street dam could be worked on together.

**Councilor Questions:**

Representative D’Emilia spoke at length, answering questions of the Councilors. He spoke about Chapter 90 funds, pointing out he had secured additional funding for the bridge project and is always looking for more Chapter 90 funds. He agreed a good suggestion may be to ask for additional prison mitigation funding as some of the roads in disrepair about the prison. While prison mitigation funds are a priority, he noted it was smart of the town not to count on the funding every year. State Representative D’Emilia answered several questions relative to Chapter 70 funding and fully funding regional school transportation, stating on numerous occasions he pushed for fully funding regional transportation. Other topics of questioning related to potentially reducing home spam calls and strengthening public safety relative to texting while driving. He answered questions regarding the state’s ability to reimburse the schools for special education. Finally Mr. D’Emilia answered questions about the legislatures methodology in offering different options for cities and towns to zone recreational marijuana, stating his belief that there were trying to offer local options.

- January 8, 2019 - Joint Budget Meeting of Town Council, Town Manager, and School Committee Chair or Designee President

**Motion:** A motion was made by Councilor Fitzgibbons to schedule a joint meeting including School Committee, Superintendent and Finance Committee. The motion was seconded by Councilor Gallagher.

**Discussion:** Councilor Gallagher noted he would like to see something come out of the meeting; for example; a preliminary budget message. He would also like to see some of the school’s priorities. Councilor Wood explained he always see that meeting as a high level; strategy meeting. Councilor Fitzgibbons requested the Finance Director be invited.

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

- Rainbow’s End Playground  
Councilor Gallagher explained; he saw the Enterprise article and would like to get a sense of what we’d like to do about it. He knows it’s not the town’s land, but it’s been suggested that it could be used for a dog park. He may reach out to some of the Facebook groups about dog parks. Discussion continued briefly as Councilors offered opinions and asked questions about the cost of cleaning the contaminated area. Mr. Dutton explained; there are several issues with Rainbow’s End. There are differing opinions on the level of contamination. 13 years ago, there was a study stating there was an acceptable level of asbestos. The other issue is the safety of the area. Many years ago, the Police Chief pointed out it’s not the safest location due to the underbrush. There are conflicting documents questioning who controls the land. Mr. Dutton’s guess is there is no real resolution to the land ownership issue, so it would take some coordination between the Town, BYSA and DOC. Councilor Losche requested an update at the first meeting in April.

*Return to regular order of business – Town Manager’s report.*

**TOWN MANAGER’S REPORT**



Mr. Dutton reported on information about various activities happening around town and highlighted meetings and events. Items of note included: There will be a public Elm Street informational meeting here in the Council Chambers. An informal poll of councilors shows most councilors would like some form of later commuter rail service between the hours of 8:30 p.m. and 10:00 p.m. The paid parking program will be going live in January. He clarified there will be no paid parking in Central Square. Winter parking hours begin 12/1. On 12/13 at 6:00 p.m. there will be an open working session with the way-finding consultant. The Finance team has been working on a five-year capital plan which will be sent to Budget & Finance Committee for discussion purposes. Skips filed their annual renewal application. They have chosen not to apply to change their name or hours. The planning board will not vote on the plan modifications until 12/5/18, so the Council may need to continue their hearing. Mr. Dutton provided an update on the Mitchell School Building Committee; noting the feasibility phase is on time and on budget. The Committee is reviewing three different options as required. The committee sponsored many public sessions which had good turnouts. Street Scan is almost complete with their road assessment. Mr. Dutton may be able to get the program in front of you at the first or second meeting in December. Finally, Mr. Dutton noted openings on committees and boards.

#### **Councilor Questions:**

- At Councilor Wood's request, Mr. Dutton explained; the \$800K the Council voted for the Mitchell School covers the Owners Project Manager and the Architect (Designer). The state sits on the selection panel.
- Councilor Gallagher asked if the lot behind Town Hall is workable for the lining of the paid parking spots. Mr. Dutton explained; the Roadways Department has done a lot of cleaning up and relining. At Mr. Gallagher's request, Mr. Dutton provided an update on the former Highway Barn on Spring Street; stating it looks like it will cost \$100K to abate the structure of asbestos. He is waiting on the report on the ground. Once we can abate, then the demolition expense is \$40K. Finally, Councilor Gallagher asked questions about the Bedford Street home which the town took down house. Mr. Dutton responded; at one point we talked about trying to do partnership with Habitat for Humanity. It's a very narrow lot with lots of past due taxes. He doesn't know if it's a buildable lot.
- Councilor Sousa asked about parking enforcement around the common when meters go in. Mr. Dutton responded; parking enforcement has been stringent and will continue.
- Councilor Wood asked about regulations on small dumpster usage on personal property; specifically, is there something the Council can do to increase the curb appeal? Mr. Dutton responded he would be thrilled if the Town Council wanted to take a role in that. Councilor Wood committed to sponsoring something when written.
- Councilor Fitzgibbons elaborated on Mr. Dutton's previous update on the School Building issue; stating, by the fall we should be voting on a project plan that's been fully vetted by the School Building Committee, and the State. Councilor Gallagher asked who the committee makes the recommendation to. Mr. Fitzgibbons responded; everything goes to the School Committee.

#### **SUBCOMMITTEE REPORTS:**

- Budget & Finance: Committee Chair Wood noted the committee recommended all items under L. Regarding the earlier question about the Ad Hoc Committee that's been formed. It's not the intention to replace any of the work being done by any other committees. First the committee needs to educate itself.
- Rules & Procedures: Committee Chair Losche stated the committee has completed their review of the Council's Rules & Procedures. They have finalized the checklist and is being updated.

#### **LEGISLATION FOR ACTION**

- Order O-FY19-029: FY2019 OSLGC Enterprise Fund Balance - FY2019 Revised Budget  
**Motion:** A motion to approve was made by Councilor Wood. The motion was seconded by Councilor Gallagher.  
**Discussion:** None  
A roll call vote was taken with results recorded as follows:  
Sousa – YEA; Colombotos – ABSENT; Wood – YEA; Gallagher – YEA; Haley – YEA; Chase – YEA; George - YEA; Losche – YEA; Fitzgibbons - YEA. The motion passed 8-0.
- Order O-FY19-031: Transfer Order - Transportation Engineering Services  
**Motion:** A motion to approve was made by Councilor Gallagher. The motion was seconded by Councilor George.



**Discussion:** None

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

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

- Order O-FY19-032: Transfer Order - Digital Document Storage Project

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

**Discussion:** Councilor Wood asked for confirmation that the measure is okay to approve without the account numbers presented. Mr. Dutton confirmed it is fine to move forward, noting the finance department probably will not continue to give account numbers going forward as they are not necessary.

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

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

- Order O-FY19-033: Transfer Order - Contractual Employee Sick Leave Buyback (SLBB)

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

**Discussion:** Councilor Fitzgibbons commended the Finance Director for setting up a sick leave buy back liability account.

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

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

- Order O-FY19-034: Rescind Prior Years' Authorized & Unissued Loan Order Debt

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

**Discussion:** None

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

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

**OLD BUSINESS - None**

**NEW BUSINESS**

- Ordinance D-FY19-003: Zoning Ordinance – Amend Table of Uses – Cultivation, Manufacturing and Testing of Recreational Marijuana

At Councilor Losche's request, Mr. Dutton explained this ordinance amends the table of uses by establishing zoning for allowable recreational marijuana cultivation, manufacturing and testing.

**Motion:** A motion was made by Councilor Wood to refer to the Planning Board and Community & Economic Development Committee for a joint public hearing. The motion was seconded by Councilor Gallagher.

**Discussion:** Councilor Wood voiced his objection to the ordinance. Stating this is unnecessary because it, in this we're putting "no's" in spots where we don't have them today. In his opinion, it's not realistic that anyone would ask for recreational marijuana in residential area. Councilor Fitzgibbons pointed out the Council decided what we wanted to do about zoning. Mr. Dutton responded; you have permitted cultivation, manufacturing, and testing in town, but didn't limit it to any area with a table of uses. Councilor Fitzgibbons asked Attorney Rawlins; without a line in the table of uses, what happens? Attorney Rawlins responded; it can result in litigation. He has seen some case law showing that not having a table of uses line means it's not permissible in town, but it is permissible here. Finally, Councilor Fitzgibbons stated; he is not sure why we're having this discussion when we've already voted. Councilor Gallagher would like to see this move forward to committee as he thinks it provides a safe guard.

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

- Resolution R-FY19-002: FY2020 Budget Resolution

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

**Discussion:** Councilor Wood stated he is hoping people will take a look at it and make recommendations. Councilor Gallagher requested colleagues to take a look at section 5, which he has a concern with.



Town of Bridgewater  
Town Council Meeting  
Meeting Minutes  
Tuesday, November 27, 2018

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

- Resolution R-FY19-003: Air Rights Resolution

**Motion:** A motion was made by Councilor Fitzgibbons to refer to the Community & Economic Development Committee. The motion was seconded by Councilor Gallagher.

**Discussion:** Mr. Dutton briefly explained, the Master Plan Committee has done a lot of work on alternative transportation methods. This resolution would be the Town Council's acknowledgement that we're open to other methods of transportation. Mr. Fitzgibbons noted the language should be looked at to be sure it's coming from the Town Council's perspective.

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

#### **CITIZEN COMMENTS**

- Carlton Hunt, 80 Austin Street: Dr. Hunt reiterated we have a complete streets policy and anything that happens on Elm Street needs to comply with that policy.

#### **COUNCIL COMMENTS**

- Councilor Fitzgibbons: Thanked State Representative D'Emilia for coming out tonight.
- Councilor Losche: Thanked State Representative D'Emilia. Ms. Losche is looking forward to Christmas on the Common.
- Councilor George: Thanked State Representative D'Emilia.
- Councilor Chase: Looking forward to Christmas on the Common. He hopes everyone had a nice Thanksgiving.
- Councilor Gallagher: Looking forward to Christmas on the Common. Mr. Gallagher thanked State Representative D'Emilia.
- Councilor Wood: Thanked State Representative D'Emilia for coming in; stating it's helpful to have him in. Mr. Wood thanked the Lion's Club for the decorations on the Common.
- Councilor Colombotos: Absent
- Councilor Sousa: No comments
- Councilor Haley: Appreciated State Representative D'Emilia coming in this evening. Mr. Haley is looking forward to Christmas on the Common.

#### **EXECUTIVE SESSION –**

**Motion:** A motion was made by Councilor Fitzgibbons to move into Executive Session under MGL Chapter 30A, Section 21(a) (2): To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and to adjourn from Executive Session. The motion was seconded by Councilor Wood.

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

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

#### **ADJOURNMENT**

Open session adjourned at 9:30 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, December 4, 2018, to approve the aforementioned minutes, as submitted by a voice vote (8-0) (Councilor Colombotos not present).**

**A TRUE COPY ATTEST:**

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Ann M. Holmberg  
Town Council Clerk