

BRIDGEWATER TOWN COUNCIL

Tuesday, October 18, 2011

7:30 PM

Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS - None

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS - None

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Custodian of Tax Foreclosures – Paula M. Linhares

F. HEARINGS

a) 7:40 p.m. – Class II Auto Dealer: Raphael DeOliveira dba The Auto Barn

b) 7:50 p.m. – Supplemental Appropriations:

a) #2011-016: Fire Budget - Ambulance Receipts

b) #2011-018: Other Post Employment Benefits (*OPEB*) Study

c) #2011-039: FY11 Sewer Enterprise – Unpaid Bills

d) #2011-040: FY11 Water Enterprise – Unpaid Bills

G. LICENSE TRANSACTIONS

a) One-Day Alcohol Licenses (2) – Bridgewater VFW Post 2125

H. PRESENTATIONS

a) Weston & Sampson – Final Report Pavement Management System

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Residences at Lakeshore – Request for Comments for Massachusetts Housing Partnership (MHCD)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order #2011-036 – Loan Order: Water Pollution Abatement Facility Projects -
2nd Reading **This item has the approval of the Budget & Finance Subcommittee: 2-0. The Finance committee approves and supports this item: 7-2-0 (1 recusal)*

b) Order #2011-060: Establishment of Investigation Procedures
**This item is pending a recommendation of the Rules & Procedures Committee to be held 10/14/2011*

- c) Resolution Order #2011-005: A Resolution on the Investigation into the Recall Initiative

**This item is pending a recommendation of the Rules & Procedures Committee to be held 10/14/2011*

M. OLD BUSINESS

- a) Resolution #2011-004: Acceptance and Endorsement of Massachusetts Management Letter Year Ended June 30, 2010 by Roselli, Clark & Associates

**This item was not referred to a committee for review but has met the time requirement for consideration by the Town Council.*

- b) Order #2011-049: Establishment of a Bridgewater-Raynham Regional School District Stabilization Fund

**The Budget and Finance Committee was unable to consider this item as the committee did not have a quorum. Current membership of committee is 2 and Chairman Demos is unable to consider this matter. The Finance Committee deferred this matter.*

- c) Order #2011-054: Establishment of School District Liaison

**This item is pending a recommendation of the Rules & Procedures Committee to be held 10/14/2011*

- d) Order #2011-057: Establishment of an Keith Homestead Task Force

**This item is pending a recommendation of the Rules & Procedures Committee to be held 10/14/2011*

N. NEW BUSINESS

- a) Supplemental Appropriation - Order #2011-020: FY11 Public Library – Unpaid Bill (**Emergency Measure*)

- b) Order #2011-061: Engage In Process To Change Health Insurance Benefits

- c) Order #2011-062: Administration And Fiduciary Oversight Of Budget: Approval Requirements

- d) Order #2011-064: Rescind of a Loan Authorization

- e) Ordinance #2011-012: Local Acceptance of M.G.L. Chapter 200A Abandoned Property

- f) Loan Order #2011-065: Calthrop Trust Land Acquisition

- g) Transfer #2011-021: Snow & Ice Overlay Surplus Account

- h) Resolution #2011-006: A Resolution on the Unlawful/Unauthorized Expenditure of Funds Bridgewater State University Gift Fund to Police Assessment Center

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION – Massachusetts General Laws - Chapter 30A sec. 21, subsection 3 (- *To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares*).

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Petition: 2011-024

Introduced By: Council President

Date Introduced/Public Hearing: October 18, 2011

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A CLASS II USED AUTO DEALERS LICENSE

WHEREAS, Raphael DeOliveira dba The Auto Barn has submitted all applicable documentation as required for a license to operate an auto dealers establishment at 808 Bedford Street, Bridgewater, Massachusetts; and

WHEREAS, Raphael DeOliveira will serve as the establishment's manager of record; and

WHEREAS, Raphael DeOliveira dba The Auto Barn propose to operate the business during the following hours:

Monday - Saturday	10:00 a.m. - 8:00 p.m.
Sunday	12:00 p.m. - 4:00 p.m.

and;

WHEREAS, Raphael DeOliveira dba The Auto Barn have complied with the requirements of the Town of Bridgewater and applicable state laws inclusive of the zoning requirements, Building and Fire Codes governing the operation of such licenses; and

WHEREAS, Raphael DeOliveira dba The Auto Barn appeared before the Planning Board; and

WHEREAS, Raphael DeOliveira dba The Auto Barn will operate with the following stipulations that (1) Not more than 8 vehicles may be displayed; (2) No vehicles may be displayed within road layout; (3) Permanent property line markers required along roadway; and (4) All repairs and disassembled vehicles are to be confined to inside the garage or rear of building; and

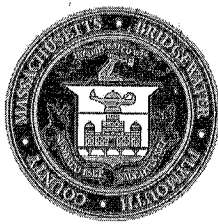
WHEREAS, Raphael DeOliveira dba The Auto Barn will have the lot striped to define the allowable spaces for vehicles to be sold and customer parking and a handicap van spot within six (6) months of the issuance of the license;

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with the affirmative recommendation of the Bridgewater Building Inspector with consensus from the Fire and Police Departments who have oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 140 - section 58 specifically; and also sections 57 and 59 generally, of the Massachusetts General Law (M.G.L.), in Town Council assembled approve the petition of Raphael DeOliveira, doing business as The Auto Barn, be granted a license to operate as a Class II - Used Car Dealer within the Town of Bridgewater.

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Transfer: 2011-016

Introduced By:	Town Manager at the request of the Town Accountant
Date Introduced:	August 2, 2011
Second Reading:	September 6, 2011
Third Reading:	October 18, 2011
Amendments Adopted:	None
Date Adopted:	N/A
Date Effective:	

Proposed Transfer #2011-016

ORDERED, pursuant to Section 6-4 (a) of the Town of Bridgewater Charter and M.G.L. Ch. 40 Section 5F, that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$7,347.00 to the line items and accounts listed above from the Ambulance Receipts Reserve.

Explanation: Fire Chief Rogers has estimated the following needs related to FY11 operation of the ambulance services provided by the Bridgewater Fire Department. These expenses were unexpected and occurred after the initial request was submitted and acted upon by the Council.

Fire Budget	\$7,347.00	001-220-01-0102-524000
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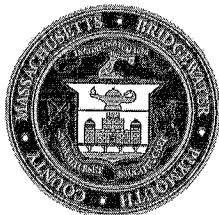
Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Measure referred to Budget Committee 9/6/11 by Unanimous Consent - Measure referred to Finance Committee 9/6/11 by Unanimous Consent	- Vote 2-0 Approve - Vote 5-0 approve and support

▪ **REQUIRES MAJORITY VOTE OF COUNCIL – ROLL CALL VOTE**

Yeas Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

Nays Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Transfer: 2011-018

Introduced By: Town Manager at the request of the Town Accountant
Date Introduced: September 6, 2011
Second Reading: September 20, 2011
Third Reading: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Transfer #2011-018

TRANSFER - OTHER POST EMPLOYMENT BENEFITS (OPEB)

ORDERED: Pursuant to Section 6-4 (d) of the Town of Bridgewater Charter that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to appropriate and transfer \$6,400.00 to the OPEB Study account #001-135-04-1019-530000 from the Audit/Accounting account #001-135-03-1005-530009 or take any other action relative thereto.

Explanation: The requested transfer is needed to cover the cost of having an updated OPEB study done and available for the auditors during their fieldwork review of FY11.

Based on the size of the Town's annual revenues, the Town was required to begin reporting other post employment benefits (OPEB) in its financial statements for the year ended June 30, 2009. The Town complied and an actuarial study was done. As noted in the FY10 Management Letter, this report has become stale and needs to be updated in order to maintain its compliance with GASB requirements.

The old Town Meeting article recommended as a funding source was originally voted to cover the costs of the FY07, FY08 and FY09 audits. The work has been completed for some time and there remains a balance of \$6,649.77.

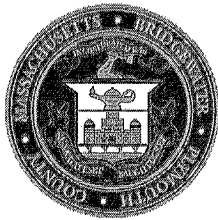
Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Measure referred to the Budget Subcommittee 9/2/11 by Unanimous Consent. - Measure referred to the Finance Committee 9/2/11 by Unanimous Consent.	- Vote 2-0 approve on 9/13/11 - Vote 5-0 support/Approve

ROLL CALL VOTE

Yeas Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

Nays Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-039

Introduced By: Town Manager *at the request of Town Accountant*
Date Introduced/First Reading: September 6, 2011
Second Reading: September 20, 2011
Third Reading: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-039

SUPPLEMENTAL APPROPRIATION – SEWER ENTERPRISE

ORDERED that pursuant to M.G.L. Chapter 44 Section 64 and Section 6-4 (d) of the Town of Bridgewater Charter the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$5,992.99 to account 601-440-04-1019-570000 from the FY12 Sewer Enterprise budget account 601-440-01-0102-553012 \$5,027.13, 601-440-01-0102-524003 \$869.80 and 601-440-01-0102-542000 \$96.06 or take any other action relative thereto.

Explanation:

The Sewer Department has presented for payment amounts owed to vendors for work performed or goods received in fiscal year 2011. These obligations were not reported to the Accounting office during the yearend encumbrance process and therefore are considered bills of a prior year.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to the Budget Subcommittee 9/2/11 by Unanimous Consent. • Measure referred to the Finance Committee 9/2/11 by Unanimous Consent.	• Vote 2-0 approve on 9/13/11 • Vote 6-1 approve/support

ROLL CALL VOTE: REQUIRES 2/3 VOTE OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-040

Introduced By:	Town Manager <i>at the request of Town Accountant</i>
Date Introduced/First Reading:	September 6, 2011
Second Reading:	September 20, 2011
Third Reading:	October 18, 2011
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #2011-040

SUPPLEMENTAL APPROPRIATION – WATER ENTERPRISE

ORDERED that pursuant to M.G.L. Chapter 44 Section 64 and Section 6-4 (d) of the Town of Bridgewater Charter the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$42.76 to account 602-450-08-1019-524035 from the FY12 Water Enterprise budget account 602-450-01-0102-524035 or take any other action relative thereto.

Explanation:

The Water Department has presented for payment amounts owed to vendors for work performed or goods received in fiscal year 2011. These obligations were not reported to the Accounting office during the yearend encumbrance process and therefore are considered bills of a prior year.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Measure referred to the Budget Subcommittee 9/2/11 by Unanimous Consent. - Measure referred to Finance Committee by Unanimous Consent.	- Vote 2-0 approve on 9/13/11 - Vote 6-1 approve/support 9/28/11

ROLL CALL VOTE – REQUIRES 2/3 VOTE OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Petition: 2011-025

Introduced By: Councillor President

Date Introduced/Public Hearing: October 18, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Relative to:

THE GRANTING OF A ONE-DAY ALCOHOL LICENSE

WHEREAS, Bridgewater VFW Post 2125 has petitioned for two (2) One-Day Alcohol Permits for the following events to be held at its establishment;

	EVENT	DATE	TIME	APPROXIMATE ATTENDANCE
1	Anniversary Party	November 5, 2011	6:00 p.m. - 11:30 p.m.	60
2	Birthday Party	December 4, 2011	3:00 p.m. -- 9:00 p.m.	55

WHEREAS, Bridgewater VFW Post 2125 has complied with the policies and requirements of the Town of Bridgewater; and

WHEREAS, the Bridgewater Town Council, acting as the Legislative body of the Town has such licensing authority and with approval Police Department and Fire Department who has oversight authority, it appears that the public good so requires such license be granted;

The Town Council of the Town of Bridgewater, Massachusetts, pursuant to Chapter 138 - section 14 of the Massachusetts General Law (MGL), in Town Council assembled approve the petitions that the Bridgewater VFW Post 2125 be granted two (2) One-Day Alcohol Permits for the aforementioned events to be held at its establishment.

YEAS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

NAYS Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2011

Council Order: 2011-036

Introduced By:	Town Manager Clarkson at the request of Town Treasurer
Date Introduced/First Reading:	August 2, 2011
Second Reading:	September 6, 2011
Third Reading:	October 4, 2011
Amendments Adopted:	None
Date Adopted:	
Date Effective:	

Proposed Order #2011-036

Town Council Order (Water Pollution Abatement Facility Projects)

That the Town of Bridgewater appropriates the sum of Three Hundred Thousand Dollars (\$300,000) to pay costs of repairing, replacing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including without limitation, the payment of all costs thereof as defined in G.L. c. 29C, s. 1 and that to meet this appropriation, the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority, which amount may be borrowed through the Massachusetts Water Pollution Abatement Trust or otherwise; and that the Town Manager is authorized to take any other action necessary to carry out this project.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Measure referred to Budget Committee on 8/2/11 • Advertised on 10/8/11 • Measure referred to Finance Committee on 9/6/11	• Recommend 2-0 • Approved/Supported 7-0 (1 recusal)



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-060

Introduced By: Councilor Michael Berolini

Date Introduced/First Reading: October 11, 2011

Second Reading: October 18, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #2011-060

ESTABLISHMENT OF INVESTIGATION PROCEDURES

ORDERED: Pursuant to Section 2-11 of the Bridgewater Home Rule Charter the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to use the following steps as a general guide when conducting investigations or inquiries:

Section 2-11 of the Bridgewater Home Rule Charter allows the Council to perform inquiries and investigations into the affairs of the town. It further allows the Council to require town officers to appear before the Council and give such information as it may require in relation to the office held by such person. It also states that the Town Council shall give at least 48 hours written notice and the general scope of the inquiry.

Failure to properly investigate wrongdoing in any setting can be costly. In cases of theft or fraud, it's important to investigate to stop property losses. It's also important to stop any inappropriate behavior and to prevent increased legal liability for the Town. Because each situation presents a unique set of facts, the Town Council can

Step 1: Determine whether an investigation is necessary. The Town Council by vote of the majority of its members will determine whether an investigation is necessary. It's usually better to investigate to avoid liability than have to explain why an investigation wasn't conducted. The decision can depend on the seriousness of the allegations, the number of people involved, and whether the full extent of the wrongdoing is known.

Step 2: Determine whether interim relief is necessary. Taking action before the investigation is complete may be necessary for health or safety reasons, or in situations that are very disruptive or emotionally charged. Temporary transfers, reassignments, or paid leave are examples of interim relief the town can use when necessary.

Step 3: Determine who should conduct the investigation. The Council needs to determine who should conduct the investigation. Generally, it's better if the investigator(s) is someone not too closely involved in the situation. Having at least two investigators is often helpful so that one person can take notes during witness interviews and the others can focus on questions and follow-up inquiries. The other investigator can also serve as witness(s) to confirm events or statements that occurred during the interviews.

Step 4: Preserve, obtain, and review all relevant documents. Investigators should ask witnesses if they have any relevant documents, including e-mails, expense reports, notes, surveillance camera tapes, and personnel documents. It's better to find out all the facts during the investigation than to be surprised by information that surfaces later during a lawsuit.

Step 5: Review potential legal issues. If legal issues are identified, the Town Council should contact legal counsel to assist with the investigation and to obtain relevant information. The Council should also consider all areas of

ROLL CALL VOTE – REQUIRES MAJORITY OF COUNCILORS PRESENT

potential liability. If legal counsel is involved in the matter, the Council may hire external legal counsel to assist in the investigation.

Step 6: Determine time and place to conduct investigation. The investigation should start promptly after the alleged problem is discovered or reported. Interviews should be conducted in accordance with open meeting law and witnesses should feel comfortable about disclosing information. Obtaining as much relevant information as possible will help the investigators get a complete picture of the facts.

Step 7: Interview individuals with knowledge of facts. It's a good idea to prepare talking points and interview questions in advance so that there's thorough coverage of the issues. The prepared materials can also serve as good documentary evidence of the investigation. Generally, it makes sense to start the interviews with the complaining party to understand the problem and determine the scope of the investigation. The investigators can request but should not require a written complaint or statement from the complaining party. A written statement can help avoid problems if the person's story starts to change as events unfold. Next, investigators should talk with the accused wrongdoer and anyone who has any relevant information. A good approach is to ask open-ended questions that invite a person to provide information, listen carefully to the responses, and follow up with narrower questions. It's important to remember to ask each person to provide any related documents they have, including e-mails and other electronic documents.

Step 8: Prepare an investigation report. After carefully documenting the facts gathered during the interviews, the investigation report should summarize what happened, identify relevant policies and procedures or laws, provide important factual findings, analyze inconsistent or conflicting information, and conclude by indicating any necessary corrective action. Investigators should keep in mind that all the documents they create during the investigation may be subject to discovery if there's a subsequent lawsuit.

Step 9: Take appropriate action. The Town Council after hearing the relevant facts and reading the investigation report shall take any corrective action needed and this should be tailored to the specific situation. Appropriate action can include: training, disciplinary action, creating new policies, revising existing policies or other actions.

Step 10: Follow up. The Town Council will also follow-up with the appropriate parties to let them know that the Town of Bridgewater took the complaint seriously and conducted a thorough investigation.

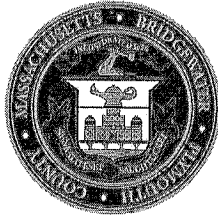
Explanation:

Effective investigations can help the Town of Bridgewater address a problem early on and avoid costly losses. Taking the time to prepare for and conduct a thorough investigation will go a long way in helping the town avoid liability and ensure that town affairs are conducted in the most appropriate, effective and efficient manner.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Rules & Procedures Committee 10/11/11	Meeting 10/14/11

ROLL CALL VOTE – REQUIRES MAJORITY OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Resolution: #2011-005

Introduced By: Councilor Michael Berolini
Date Introduced: October 11, 2011
Second Reading: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Resolution Order 2011-005:

A RESOLUTION ON THE INVESTIGATION INTO THE RECALL INITIATIVE

WHEREAS: The Town Council has the authority under Section 2-11 of the charter to perform inquiries and investigations into the affairs of the town,

NOW THEREFORE BE IT RESOLVED: Town Council of the Town of Bridgewater hereby moves to inquire and investigate the recall petition of two Councilors and any related matters in Bridgewater.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
Referred to Rules & Procedures Committee (10/11/11)	Meeting 10/14/11

ROLL CALL VOTE – REQUIRES MAJORITY VOTE OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Resolution: #2011-004

Introduced By: Councilor Scott Pitta

Date Introduced: October 4, 2011

Second Reading: October 18, 2011

Amendments Adopted:

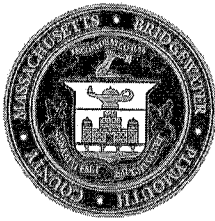
Date Adopted:

Date Effective:

A RESOLUTION TO ENDORSE MANAGEMENT LETTER: YEAR ENDED JUNE 30, 2010

The Town Council hereby accepts and endorses the document titled Town of Bridgewater, Massachusetts Management Letter Year Ended June 30, 2010 by Roselli, Clark & Associates as presented to the Town Council on September 6, 2011.

Furthermore, it is the expectation of the Town Council that the recommendations and suggestions contained therein be implemented.



Bridgewater Town Council

In Town Council, Tuesday, October 4, 2011

Council Order: 2011-049

Introduced By: Town Manager *at the request of Bridgewater-Raynham School Committee*
Date Introduced/First Reading: October 4, 2011
Second Reading: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-049

CREATION OF STABILIZATION FUND: BRIDGEWATER- RAYNHAM SCHOOL DISTRICT

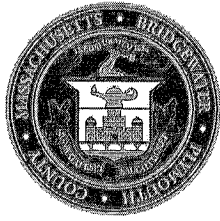
ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to approve the establishment of a Stabilization Fund under M.G.L. Chapter 71 Section 16G.5 beginning July 1, 2011 or take any other action relative thereto.

Explanation:

Section 16G1/2. A regional school district may, upon a majority vote of all the members of the regional district school committee and, with the approval of a majority of the local appropriating authorities of the member municipalities, establish a stabilization fund and may, in any year, include in its annual budget for deposit in the stabilization fund an amount not exceeding five per cent of the aggregate amount apportioned to the member municipalities for the preceding fiscal year or such larger amount as may be approved by the director of accounts. The aggregate amount in the fund at any time shall not exceed five per cent of the combined equalized valuations of the member municipalities.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget Committee 10/4/11 • Referred to Finance Committee 10/4/11	• No Quorum for meeting. See no conflict. • Pending dispositions meeting 10/12/11



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-054

Introduced By: Councilor Scott Pitta
Date Introduced/First Reading: October 4, 2011
Second Reading: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-054

ESTABLISHMENT OF SCHOOL DISTRICT LIASON

ORDERED: that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to hereby establish the position of Town Council Liaison to the Bridgewater Raynham Regional School District (BRRSD). The Liaison shall be appointed by the Town Council President. Duties of the Liaison shall be include, but not limited to:

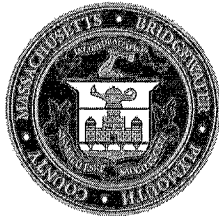
- Serve as the council's official point of contact for the BRRSD.
- Keep the council fully informed of important matters concerning the BRRSD.
- Improve and maintain communications and relations between the council and BRRSD.

Explanation: .

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee 10/4/11	• Meeting 10/14/11

ROLL CALL VOTE – REQUIRES MAJORITY VOTE OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-057

Introduced By: Councilor Peter Colombotos

Date Introduced/First Reading: October 4, 2011

Second Reading: October 18, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #2011-057

KEITH HOMESTEAD TASK FORCE

ORDERED: The creation of a Keith Homestead Task Force, consistent with the Town's application for CPA funding for the project. The Task Force shall consist of five members: four to be appointed jointly by the CPC and the Town Manager and one to be appointed by the District 7 Councilor. The District 7 Councilor shall be a non-voting, ex-officio member of the Task Force. Appointments ought to be made with consideration of the Task Force's objective below. Professional support staff, including a project manager and a preservation consultant shall be chosen by the CPC and hired by the Town Manager. The objectives of the Task Force shall be as follows:

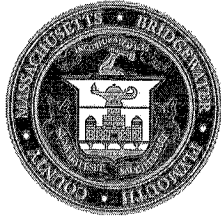
- To conduct an assessment of conditions and reuse study with assistance of a qualified preservation consultant to be chosen by the CPC
- Evaluate costs and benefits of a variety of reuse scenarios, with project manager providing information and case studies as needed to support the deliberations
- Determine best reuse scenario to recommend to Town Council that considers community and neighborhood goals including historic preservation, environmental and fiscal goals
- Protect the homestead property with a permanent preservation restriction (as required by the CPA statute)
- Upon directive of town council, undertake steps to secure reuse goals

The Task Force is expected to present a report within six months of first convening and to begin implementation six months thereafter.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee (10/4/11)	• Meeting 10/14/11

ROLL CALL VOTE – REQUIRES MAJORITY VOTE OF COUNCILORS PRESENT



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Transfer: 2011-020

Introduced By: Town Manager at the request of the Town Accountant

Date Introduced: October 18, 2011

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Transfer #2011-020

FY11 LIBRARY UNPAID BILL

EMERGENCY PREAMBLE

EMERGENCY MEASURE:

In accordance with Section 2-7(b) of the Home Rule Charter, An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and **shall require the affirmative vote of two thirds of the town council.**

ORDERED: There have been several inquiries from the vendor regarding payment. The Library Director has a concern that the elevator permit may be in jeopardy, thus creating an emergency which extends to the following legislation:

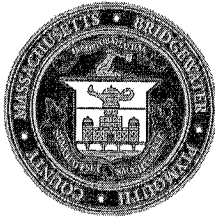
ORDERED That pursuant to M.G.L. Chapter 44 Section 64 and Section 6-4 (d) of the Town of Bridgewater Charter the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer and appropriate \$2,800 to account 001-610-02-1020-524023 (Equip & Repair) from the FY12 Library Department budget account 001-610-01-0102-524023 (Equip & Repair) or take any other action relative thereto.

Explanation: The Library department has presented for payment an amount owed to a vendor for work performed or goods received in fiscal year 2011. These obligations were not reported to the Accounting office during the yearend encumbrance process and therefore are considered bills of a prior year.

▪ REQUIRES MAJORITY VOTE OF FULL COUNCIL

Yeas Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons

Nays Colombotos Riordan Demos Colon Berolini Pitta Wood Callahan Fitzgibbons



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-061

Introduced By: Councilor Michael Berolini

Date Introduced/First Reading: October 18, 2011

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order #2011-061

ENGAGE IN PROCESS TO CHANGE HEALTH INSURANCE BENEFITS

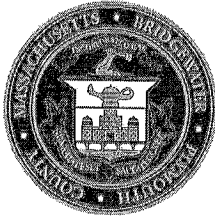
Due to the need for the Town of Bridgewater to better manage the cost of health care expenditures and to take advantage of the Governor's and the State Legislature's passage of the health reform law.

ORDERED: Pursuant to MGL c 32B, sections 21-23 the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to engage in the process to change health insurance benefits.

Note: The law requires that at least 2 days calendar days prior to the vote of the Council, the public authority shall send a notice to each collective bargaining unit and to retired state county and municipal employees associations that the political subdivision intends to vote on whether to implement this process. (and (801 CMR 52.02(1)

Explanation:

Due to the need for the Town of Bridgewater to better manage the cost of health care expenditures and to take advantage of the Governor's and the State Legislature's passage of the health reform law.



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-062

Introduced By: Councilor Michael Berolini
Date Introduced/First Reading: October 18, 2011
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-062

ADMINISTRATION AND FIDUCIARY OVERSIGHT OF BUDGET **APPROVAL REQUIREMENTS**

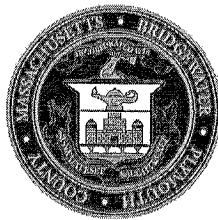
Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.

ORDERED: Pursuant to Section 6-5 of the Bridgewater Home Rule Charter, which allows the Town Council to provide ordinances on procedures for the administration and fiduciary oversight of the budget, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to require the Town Manager to:

- Get approval from the Town Council by majority vote prior to taking any steps to backfill or hire any new personnel in any town department;
- Get approval from the Town Council by majority vote prior to taking any steps to reallocate, reclassify, upgrade or downgrade any position in any town department;
- Prior to bring forward any request to do any of the above, the town manager will provide documentation to the Town Council at least one week in advance of the Council meeting to support any request by the Town Manager to hire, backfill, reallocate, reclassify, upgrade, or downgrade any position. This information will include the impact on salary amounts, fringe benefits, sick leave buyout and any other expenditure relating to this action.

Explanation:

Due to the ongoing need to ensure that Bridgewater continues to hold spending to the budgeted appropriations approved and set by the Council and because the hiring of staff has long term budget implications beyond the current fiscal year, and because the Town Council needs to be able to provide policy oversight on the long term spending requirement of the budget.



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-064

Introduced By: Town Manager *at the request of Town Treasurer/Collector*
Date Introduced/First Reading: October 18, 2011
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-064

RECIND LOAN AUTHORIZATION

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to withdraw an article previously voted at Town Meeting for the 2010 Storm Response and rescind the following amount that had been authorized to be borrowed.

Unissued Amount	Date of Approval	Warrant Article	Original Purpose
\$3,400,000	7-14-2010	3	2010 Storm Response

Explanation:

This authorization is no longer needed for the purposes for which it was initially approved.



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Ordinance: 2011-012

Introduced By: Town Manager *(at request of Treasurer/Collector)*

Date Introduced/Public Hearing: October 18, 2011

Second Reading:

Third Reading:

Amendments Adopted:

Date Adopted:

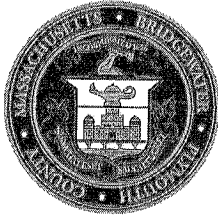
Date Effective:

Proposed Ordinance #2011-012

CHAPTER 200A – ABANDONED PROPERTY, SECTION 9A

ORDERED that, pursuant to Chapter 4, Section 4 of the Massachusetts General Laws, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to accept MGL Chapter 200A Abandoned Property, effective December 7, 2011; or otherwise act thereon.

Explanation: This is to speed up the processing for abandoned checks (Tailings) which have been an audit issue. The intent is to fulfill due diligence in locating parties who have received checks (mostly A/P checks) from the town but have not cashed them. It is a process with several requirements including posting on the website and in the newspaper and various waiting periods depending on the size of the check. There will obviously be claims and we will reissue checks after verification. When completed any money still unclaimed can be cleared to the general fund



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Order: 2011-065

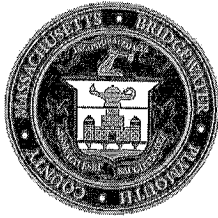
Introduced By: Councilor Peter Colombotos
Date Introduced/First Reading: October 18, 2011
Second Reading:
Amendments Adopted:
Date Adopted:
Date Effective:

Proposed Order #2011-065

Town Council Loan Order (Calthrop Trust Land Acquisition)

ORDERED, that that \$2,625,000 is appropriated to pay costs of acquiring the Calthrop Trust property-- which consists of one 144± acre lot, with deeds recorded at the Plymouth Registry of Deeds, Plymouth, Massachusetts, on Page 17 of Book 3865 and on Page 91 of Book 3531 and is identified as Lot 3 on Bridgewater Assessors' Map 67—for Community Preservation Act purposes, including the payment of all costs incidental and related thereto; that to meet this appropriation, funds shall be transferred to this purchase from the Undesignated Fund Balance budget account # 201-000-00-0000-359000 and FB Reserve for Open Space budget account #201-000-00-0000-324100 in the Community Preservation Fund, and the Treasurer, with the approval of the Town Manager, is authorized to borrow funds under and pursuant to Chapter 44, Section 7(3) and Chapter 44B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Explanation:



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Transfer: 2011-021

Introduced By: Town Manager *at the Request of Town Accountant*
Date Introduced: October 18, 2011
Amendments Adopted:
Date Adopted:
Date Effective:

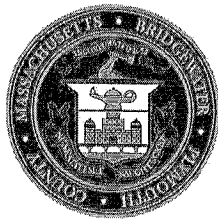
Proposed Transfer #2011-021

OVERLAY SURPLUS TRANSFER

ORDERED that, pursuant to Section 6-4 (d) of the Town of Bridgewater Charter, the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to transfer \$91,039.22 to Unreserved F/B – Appropriation Deficit account 001-000-00-0000-359200 from the Fund Balance Reserved for Overlay Released by Assessors account 001-000-00-0000-322000 or take any other action relative thereto.

Explanation: To reduce the amount of the snow and ice deficit to be raised on the FY12 recapitulation sheet (as allowed under Ch. 44 s. 31D) the Board of Assessors has analyzed the current levels of overlay and has voted to release \$91,039.22 from their overlay account. The amount then will be reclassified into the overlay surplus account. The balance of the overlay surplus account must be either transferred by year end or it is mandated that the balance be closed out to general fund. Please keep in mind that the FY12 budget allowed for a snow and ice deficit of \$350,000 to be covered by the tax levy. The ending FY11 snow and ice deficit is \$441,039.22. The Finance Team formulated this plan during the budget season to try and minimize the amount of the deficit that would need to be raised which essentially reduces the amount of estimated revenue available for appropriation.

Note: This measure is not subject to advertisement per Section 6-4 (d) of the Charter "The town manager may also, with the concurrence from the finance committee and town council transfer funds among line items within a department, fund, service, strategy or organizational unit..."



Bridgewater Town Council

In Town Council, Tuesday, October 18, 2011

Council Resolution: #2011-006

Introduced By: Councilor Michael Demos

Date Introduced: October 18, 2011

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Resolution Order 2011-006:

A RESOLUTION ON THE UNLAWFUL/UNAUTHORIZED EXPENDITURE OF FUNDS BRIDGEWATER STATE UNIVERSITY GIFT FUND TO POLICE ASSESSMENT CENTER

WHEREAS: Relative to the unlawful and unauthorized expenditure of funds, the interdepartmental transfer of appropriations, and the expenditure of funds from the Bridgewater University Gift Fund account by the Town Manager to fund a contract for the police assessment center.

This measure sets forth the resolutions of the Town Council pursuant to its lawful authority and obligations under the Town Charter and Massachusetts General Laws related to its oversight of the Town's budget and the conduct of the Town Manager.

WHEREAS, Troy Clarkson is the Town Manager (the "Town Manager") for the Town of Bridgewater; and

WHEREAS, The Town Manager on or about August 2, 2011 authorized hiring of a consultant for the Bridgewater Police Department; and

WHEREAS, The Town Manager made an expenditure of Town funds for the assessment center contract; and

WHEREAS, the Town Council, in its approved annual budget for the Town made no appropriation for said assessment center; and

WHEREAS, the Town Manager did not come before the Town Council to request a subsequent appropriation for the assessment center, nor did he come before the Town Council to obtain consent to enter into an agreement that required a subsequent appropriation; and

WHEREAS, after Town Council Members made several requests of the Town Manager to identify for the Council under what appropriation the Town Manager paid for the assessment center; and

WHEREAS, the Town Manager, only after not responding to the initial requests for him to identify his source of funding for the assessment center only recently communicated to Town Council Members that he paid for the assessment center contract by using Town funds appropriated to the miscellaneous line item of the police department budget and that he obtained a portion of the money from the Bridgewater University Gift fund; and

WHEREAS, the Bridgewater University Gift fund is not an appropriation line item but rather a revenue source; and

WHEREAS, Section 2-6 (C) (2) of the Town Charter requires that The town council shall be responsible for ensuring that the charter, the laws, the ordinances and other plans, policies and orders for the government of the town are properly implemented and enforced; and

WHEREAS, Section 6-5 of the Town Charter charges the Town Council with Administrative and Fiduciary Oversight of the Budget; and

WHEREAS, To the extent that the contract for the assessment center was a contract for the employment of an independent contractor, said contract is so far as it required an appropriation, was subject to the approval of the Town Council as required by Section 4-2 (15) of the Town Charter; and

WHEREAS, the Town Manager failed or refused to comply with the mandate of Section 6-4 (d) of the Town Charter that requires that in order for the Town Manager to make an interdepartmental or intradepartmental transfer of funds from an unencumbered appropriation, he must first obtain the concurrence of the Finance Committee and the Town Council; and

WHEREAS, the unauthorized transfer of funds by the Town Manager violates M.G.L. c. 44 § 33B, which requires that interdepartmental line item transfers of appropriations be approved by a vote of the Town Council and where this statute prohibits the transfer of appropriations from one department to another department except during the last 2 months of the fiscal year or during the first 15 days of the new fiscal year and said interdepartmental transfer of funds requires a 2/3 vote of the Town Council; and

WHEREAS, the Town Manager's unilateral expenditure of funds from the Bridgewater University Gift Fund violated M.G.L.c. 44, § 53A, which requires that such gifts to a city or town shall be deposited with the treasurer of such city, town or district and held as a separate account and may be expended only by the approval of the Town Council.

Now, therefore, it is hereby:

Resolved; that the Town Manager's actions as described herein violate the Massachusetts General Laws, the Town Charter, the Council's written goals and expectations for the Town Manager or all of them.

Resolved; that the Town Manager's expenditure for the assessment center constitutes an unlawful expenditure under Massachusetts General Laws.

Resolved; that the Town's Managers unauthorized transfer of funds from within a departmental appropriation violates Massachusetts General Laws and the Town's Charter.

Resolved; that the Town Manager's unauthorized transfer of funds from the Bridgewater University Gift fund violates Massachusetts General Laws and the Town's Charter.

Resolved; that this resolution be made a part of the Town Manager's personnel file with the Town and that the Town Council, under its authority to evaluate and take other actions related to the conduct and performance of the Town Manager shall address these violations with the Town Manager at the Councils next periodic review of the Town Manager or sooner as determined by the Town Council.

Resolved; that the Town Counsel shall refer this matter to the Massachusetts Department of Revenue, Division of Local Services, to determine what if any remedial actions may be required of the Town.