BRIDGEWATER TOWN COUNCIL

Tuesday, December 13, 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 - None

F. HEARINGS

a) 7:45 p.m. - FY2012 Tax Classification

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS - None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS - None

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Order #2011-067: Appropriation of FY12 One-time Aid To Stabilization Fund *(pursuant to Chapter 142 of the Acts of 2011)*
*** The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

b) Order #2011-068: FY2012 Classification Tax Allocation – Adoption of Residential Factor
*** The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

c) Order #2011-069: FY 2012 Classification Tax Allocation - Open Space Discount
*** The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

d) Order #2011-070: FY 2012 Classification Tax Allocation - Small Commercial Exemption
*** The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

e) Order #2011-071: FY 2012 Classification Tax Allocation - Small Residential Exemption
** *The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

f) Order #2011-072: FY12 Appropriation Reduction: Olde Scotland Links Golf Course
** *The Finance Committee approves and supports this item: 7-0 (meeting held 11/30/2011). On the advice of Town Counsel Gildea, this matter was not referred to the Budget & Finance Committee for review.*

M. OLD BUSINESS

a) Investigation – Recall Initiative

N. NEW BUSINESS

a) *Rescind and Revote* - Order #2011-031: Transfer Of Sewer Retained Earnings **Emergency Measure**

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION – None

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Council Order: 2011-067

Introduced By:	Town Manager
Date Introduced/First Reading:	November 29, 2011
Second Reading:	December 13, 2011
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #2011-067

APPROPRIATION OF FY2012 ONE-TIME AID TO STABILIZATION FUND

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to that the following named sum be and the same is hereby appropriated as the same was submitted by the Town Manager as follows:

Appropriation of: $222,743.00

From: FY2012 onetime aid pursuant to Chapter 142 of the Acts of 2011

To: Stabilization Fund *(Supplemental funds for the cities and towns of the Commonwealth, and with Bulletin 2011- 15B of the Division of Local Services of the Department of Revenue).*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Reviewed by Finance Committee	• 11-30-11: Approve/Support (7-0)

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Order #2011-068

Introduced By:	Town Manager at the request of Assessor's Office
Date Introduced/Public Hearing:	November 29, 2011
Second Reading:	December 13, 2011
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# 2011-068

FY 2012 Classification Tax Allocation-Adoption of Residential Factor

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to adopt a residential factor of 1 for fiscal year 2012.

Explanation: The town council shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine and personal property for the next fiscal year. In determining such percentages, the town council, shall first adopt a residential factor. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property.

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
• Reviewed by Finance Committee • Advertised as Public Hearing	• 11-30-11: Vote approve/support (7-0)

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Order #2011-069

Introduced By:	Town Manager at the Request of Assessor's Office
Date Introduced/Public Hearing:	November 29, 2011
Second Reading:	December 13, 2011
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# 2011-069

FY 2012 Classification Tax Allocation-Open Space Discount

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote not to apply a discount to Open Space for fiscal year 2012.

Explanation: The council may allow for a discount for all Class Two, Open Space properties. A maximum exemption of 25% may be adopted for all property that is classified as Open Space.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Reviewed by Finance Committee • Advertised as Public Hearing	• 11-30-11: Vote approve/support (7-0)

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Order #2011-070

Introduced By:	Town Manager at the Request of Assessor's Office
Date Introduced/Public Hearing:	November 29, 2011
Second Reading:	December 13, 2011
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# 2011-070

FY 2012 Classification Tax Allocation-Small Commercial Exemption

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote not to adopt a small commercial exemption for fiscal year 2012.

Explanation:
The Town Council may grant a small commercial exemption (G.L. c.59, §5I) to all Class Three: Commercial properties (not Industrial) of up to 10% of the property valuation who meet the requirements set forth under the law. To receive a small commercial exemption the parcel must be occupied as of January 1 by a business with an average annual employment of no more than ten people during the previous year as certified by the Director of the Department of Labor and Workforce Development and assessed valuation of less than

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Reviewed by Finance Committee • Advertised as Public Hearing	• 11-30-11: Vote approve/support (7-0)

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Order #2011-071

Introduced By:	Town Manager at the Request of Assessor's Office
Date Introduced/Public Hearing:	November 29, 2011
Second Reading:	December 13, 2011
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# 2011-071

FY 2012 Classification Tax Allocation-Small Residential Exemption

ORDERED that, pursuant to G.L. c. 40, § 56, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote not to adopt a small residential exemption for fiscal year 2012.

Explanation:
Town council has the option to adopt a residential exemption (G.L. c. 59, § 5C). The residential exemption may not exceed 20% of the average assessed value of all Class One: Residential properties. The exemption reduces, by the adopted percentage, the taxable valuation of each residential parcel that is a taxpayer's ***principle*** *residence. Adopting the residential exemption increases the residential tax rate. The amount of the tax levy paid by the class remains the same, but because of the exempted valuation, it is distributed over less assessed value.*

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Reviewed by Finance Committee • Advertised as Public Hearing	• 11-30-11: Vote approve/support (7-0)

Bridgewater Town Council

In Town Council, Tuesday, December 13, 2011

Order #2011-072

Introduced By:	Town Manager at the Request of the Town Accountant
Date Introduced/Public Hearing:	November 29, 2011
Second Reading:	December 13, 2011
Third Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order# 2011-072

FY 2012 APPROPRIATION REDUCTION: OLDE SCOTLAND LINKS GOLF COURSE

ORDERED that, pursuant to Section 6-4 (c) of the Town of Bridgewater Charter, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled to reduce the Olde Scotland Links Golf Course (OSLGC) FY2012 appropriations by $246,370.00 or take any other action relative thereto.

Explanation:

The Town of Bridgewater budgets each Enterprise Fund as self-sufficient meaning that the revenues of the fund cover the services provided by the fund. The fiscal year ending 6/30/11 (FY11) resulted in the OSLGC realizing a revenue deficit of $(119,764). In years past, any revenue deficit needed to be raised on the following year's recapitulation sheet. When you consider the operations as a whole in terms of retained earnings for the fiscal year, as of 6/30/11 there is a retained earnings deficit of $(47,339). The difference between the revenue deficit and the retained earnings deficit is the amount of the current year appropriations not expended or turned back at year end. The FY11 appropriation balance as of 6/30/11 was $72,425. Throughout the fiscal year the town manager, town accountant and management team at the golf course met frequently and discussed the projected year end position. There was a great effort to conserve as much of the current year budget as possible to help mitigate the ending retained earnings deficit. Unfortunately, it did come to the point that there was necessary maintenance to the golf course to keep it in playable condition.

The Department of Revenue made some significant rule changes to Enterprise Fund accounting that became effective 6/30/08. One of the changes was related to revenue and retained earnings deficits. It is no longer necessary to raise a revenue deficit when the Enterprise Fund closes the fiscal year with positive retained earnings. It is necessary to raise a retained earnings deficit on the following year's recapitulation sheet unless other provisions have been made.

The formulation of the FY12 budget did not include the General Fund subsidizing a deficit for OSLGC. As mentioned previously, the town has always budgeted Enterprise Funds to be self-sufficient. The other method of resolving the retained earnings deficit is to reduce the current year budget of the Enterprise Fund itself. By doing this, the estimated revenues for the year (if fully realized) would exceed the expenditures.

The second issue that needs to be addressed is that the formulation of the FY12 budget presented estimated revenues for OSLGC at $1,526,670. Of the estimated revenues, $1,480,671 was appropriated for current year budget and $33,596 was identified as the indirect costs that would be transferred to the General Fund. The Enterprise Fund budget for the year is presented on Form A-2 of the recapitulation worksheet and is reviewed during the process of approving the town's tax rate. The Department of Revenue has been very clear in past years that they will not approve tax rates that include increased estimated revenues over the previous year for enterprise *funds without solid justification. At this time, I cannot see that the increase in revenue exists and feel this will hold up the approval of the town's tax rate if a budget reduction is not taken. The FY11 actual revenue as noted earlier in this memo was $1,315,236 and the FY12 budget and indirect costs amount to $1,514,267. The difference in these amounts is $199,031.*

Committee Referrals and Dispositions:

Referral(s)	**Disposition(s)**
• Reviewed by Finance Committee	• 11-30-11: Vote support/approve (7-0) •

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, December 13, 2011

Council Order: 2011-073

Introduced By:	Town Manager
Date Introduced/First Reading:	December 13, 2011
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #2011-073

REVOTE AND RESCIND ORDER #2011-031 (TRANSFER OF SEWER RETAINED EARNINGS 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.

EMERGENCY PREAMBLE: That In setting the FY2012 tax rate and working with the Town Accountant, the Department of Revenue (DOR) has requested that the effective date of this measure be after the certification of the department's retained earnings. An emergency exists, as this measure is necessary to set the tax rate and to getting the tax bills out on time.

ORDERED that the Town Council of Bridgewater, Massachusetts in Town Council assembled vote to rescind order #2011-031 and vote to appropriate and transfer the sum of $150,000.00 from Sewer Retained Earnings Account (#601-000-00-0000-359000) to Rotating Biological Contactor (RBC) Emergency Repair Account (#601-440-03-1017-585000).

ROLL CALL VOTE – EMERGENCY PREAMBLE REQUIRES 2/3 VOTE
ROLL CALL VOTE – PASSAGE REQUIRES SIMPLE MAJORITY VOTE

<u>Explanation</u>:

In setting the FY2012 tax rate and working with the Town Accountant, the Department of Revenue (DOR) has requested that the effective date of this measure be after the completion of the tax recap sheet. This measure is necessary to set the tax rate and to getting the tax bills out on time.

- *Original Equipment installed in 1988.*
- *Repairs are not feasible due to the cost and age of the unit.*

Process Description: The RBC process consists of a large disc with radial and concentric passages slowly rotating in a concrete tank. During the rotation, about 40 percent of the media surface area is in the wastewater. The rotation and subsequent exposure to oxygen allows organisms to multiply and form a thin layer of biomass. This large, active population causes the biological degradation of organic pollutants. Excess biomass shears off at a steady rate and is then carried through the RBC system for removal in a clarifier.

ROLL CALL VOTE – EMERGENCY PREAMBLE REQUIRES 2/3 VOTE

ROLL CALL VOTE – PASSAGE REQUIRES SIMPLE MAJORITY VOTE