BRIDGEWATER TOWN COUNCIL

Tuesday, September 18, 2012
7:30 PM
Memorial Building, 25 South Street

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) April 17, 2012 *(as amended)*

b) August 21, 2012

c) September 4, 2012

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

a) Historical Commission – Brian Moorhead

b) Steven Russo – Finance Committee (interview)

F. HEARINGS – None

G. LICENSE TRANSACTIONS

H. PRESENTATIONS – None

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

M. OLD BUSINESS

a) Ordinance #2011-013: Administration and Fiduciary Oversight of Budget – Approval Requirements
*** This measure was relieved from the Rules & Procedures committee on 11/22/2011 by vote of the Town Council (7-2).*
*** The Finance Committee voted to "not recommend" this item: 6-0 (meeting held 12/28/2011).*
*** This measure was duly advertised on 1/5/2012 pursuant to Section 2-9 of the Home Rule Charter and may be acted upon should there be no further amendments offered.*

d) Order #O-2012-037: Keith Homestead Taskforce Extension
*** This legislation was not referred to a committee for review. The 14-day requirement as specified in the Town Council Rules and Procedures – XVIII. Readings - has elapsed and the matter may be considered by the Town Council.*

e) Order #O-2012-039: Sale of Keith Homestead Property

***This legislation was introduced and received a first reading as Ordinance D-2012-018 on 9/4/12, but has been reassigned to an Order. This legislation was referred to the Community and Economic Development Committee 9/4/12. They will conduct their meeting on 9/17/12 and provide a disposition to the Council at the meeting of 9/18/12.*

N. NEW BUSINESS

a) Ordinance #D-2012-019: Definition of Capital Items
(Sponsor: Councilor Fitzgibbons)

b) Order #O-2012-038: Free Cash Policy
(Sponsor: Councilor Fitzgibbons)

c) Transfer #T-2012-021: Interim Town Manager's Salary Account

d) Transfer #T-2012-022: Police/Fire Medical Invoices

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT

Bridgewater Town Council

In Town Council, September 18, 2012

Council Ordinance: 2011-013

Introduced By:	Councilor Michael Berolini
Date Introduced/First Reading:	October 18, 2011
Second Reading:	December 6, 2011
Third Reading:	February 7, 2012
Fourth Reading	September 4, 2012
Fifth Reading	September 18, 2012
Amendments Adopted:	None
Date Adopted:	
Date Effective:	

Proposed Ordinance #2011-013

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.

ROLL CALL VOTE – PASSAGE REQUIRES AFFIRMATIVE VOTE OF MAJORITY OF FULL COUNCIL (5)

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Rules & Procedures Committee (10/18/11)	• 11/22/11: Reported deadlocked. Measure relieved from further consideration by Rules & Procedures. Bring back before Council 12/6/11.
• Measure referred to Finance Committee • This measure has been duly advertised on 1/5/12. • This measure was included on the 1/17/12 and 2/15/12, 2/28/12 3/6/12 and 3/20/12 agendas, but not taken up. • This measure was postponed on 3/29/12 for further council considerations for amendments. • Measure included on 4/24/12 agenda, but not taken up. • 5/1/12: Measure postponed to 5/8/12. • 5/8/12: Measure postponed to 5/15/12. • 5/15/12: Measure postponed to 5/21. • 5/21/12: Postponed to 6/5/12 • 6/5/12: Postponed to 7/10/12 • 7/10/12: Postponed to 8/7/12 • 8/7/12: Postponed to 9/4/12 • 9/4/12: Two Charter Objections were offered, thereby moving consideration of this matter to the next regular meeting (9/18/12).	• 12/28/11: Finance Committee voted Not Recommended (6-0)

Bridgewater Town Council

In Town Council, Tuesday, September 18, 2012

Council Order: O-2012-037

Introduced By:	Councilor William Wood
Date Introduced:	September 4, 2012
First Reading:	September 4, 2012
Second Reading:	September 18, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-037

KEITH HOMESTEAD TASK FORCE EXTENSION

ORDERED: that the Town Council assembled vote to amend Council Order 2011-057, "Keith Homestead Task Force", such that:

1. Replace, "The Task Force is expected to present a report within six months of first convening" with, "The Task Force is expected to present a report by the end of this calendar year".

2. Replace, "The Task Force shall consist of five members: three to be appointed by the CPC, 1 to be appointed by the Town manager and the District 7 Councilor" with, "The Task Force shall consist of seven members: five to be appointed by the CPC, 1 to be appointed by the Town manager and the District 7 Councilor."

Explanation: The task force has been working on several different possibilities and need additional time to finish their research before presenting it to the council. The group has also requested to expand the number of members to allow the full inclusion of two non-voting participants.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure received a first reading 9/4/12. • This measure was not referred to a committee. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed, therefore may be acted upon.	

ROLL CALL VOTE – PASSAGE REQUIRES MAJORITY VOTE.

Bridgewater Town Council

In Town Council, Tuesday, September 18, 2012

Council Order: O-2012-039

Introduced By:	Town Manager (at the Request of the Town Planner)
Date Introduced:	September 4, 2012
First Reading:	September 4, 2012
Second Reading:	September 18, 2012
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-039

SALE OF KEITH HOMESTEAD PROPERTY

Be it ordained by the Town Council of the Town of Bridgewater.

That the Town sell (as allowed under Chapter 30b, Section 16, Real Property; disposition or acquisition) the historic +/-2.6 acre property at 515 Lakeside Drive for use as a private residence protected with a permanent Preservation Restriction, as required by statute, and allow for consideration of proposals for use as a bed and breakfast.

That the Town designate Historic New England (HNE), the oldest and largest regional preservation organization in the country, as holder of the Preservation Restriction (as allowed under Chapter 184, Section 32), through HNE's Stewardship Program.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• This measure was introduced and received a first reading 9/4/12 as Ordinance #D-2012-018. • Referred to Community & Economic Development Committee 9/4/12.	• Meeting 9/17/12. Will provide disposition at 9/18/12 Council Meeting

ROLL CALL VOTE – PASSAGE REQUIRES MAJORITY VOTE.

Bridgewater Town Council

In Town Council, Tuesday, September 18, 2012

Council Ordinance: D-2012-019

Introduced By:	Councilor Timothy Fitzgibbons
Date Introduced:	September 18, 2012
First Reading:	September 18, 2012
Second Reading:	
Amendments Adopted:	
Third Reading:	
Date Adopted:	
Date Effective:	

Proposed Ordinance #D-2012-019

DEFINITION OF CAPITAL ITEMS

WHEREAS: The Bridgewater Home Rule Charter, Section 6-6 sets forth the requirements of a five year capital plan; and

WHEREAS: The Charter does not define items appropriate for inclusion in said plan

Now, therefore, in accordance with the authority so vested in it by the Bridgewater Home Rule Charter, the Town Council votes to take the following action:

ORDERED that the definition of a capital item for inclusion in the capital plan is as follows:

- Items requiring an expenditure of at least $10,cx>o and having a useful life of more than three years;
- Projects consisting of real property acquisitions, construction, capital asset improvements, long-life capital equipment, or major maintenance/repair of an existing capital item, as distinguished from a normal operating or maintenance expenditure;
- Items obtained under a long-term lease; and
- Bulk purchases of similar items, such as computers or copy machines, with an aggregate purchase value exceeding $10,000.

Explanation:
This definition will provide clear guidance on items to be included in the current and future capital plans.

Bridgewater Town Council

In Town Council, Tuesday, September 18, 2012

Council Order: O-2012-038

Introduced By:	Councilor Timothy Fitzgibbons
Date Introduced:	September 18, 2012
First Reading:	September 18, 2012
Second Reading:	
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2012-038

FREE CASH POLICY

WHEREAS: After a long period of instability, the Town of Bridgewater is returning to financial solidity; and

WHEREAS: The current free cash deficit is estimated to be eliminated in the current fiscal year; and

WHEREAS: It is imperative and appropriate that the Town Council set policy on the use of this important financial resource,

Now, therefore, in accordance with the authority so vested in it by the Bridgewater Home Rule Charter, the Town Council votes to take the following action:

ORDERED that the policy of the use of Free Cash in the Town of Bridgewater is as follows:

On an annual basis, certified free cash, will be distributed and allocated according to the following formula:

- Fifty percent (50%) for capital purchases
- Twenty percent (20%) for capital improvements related to the Bridgewater-Raynham Regional School District
- Ten percent (10%) to the stabilization fund
- Eight percent (8%) to the capital stabilization fund
- Two percent (2%) toward the town's unfunded pension liability

Explanation:

This policy will set clear guidelines for free cash distribution, which is estimated to generate significant sums in future fiscal years. The formula is intentionally calculated at ninety percent (90%) of free cash to allow far a cushion and foundation for future years.