

*Rec'd 11-28-12 @ 12:10 PM Tina M. Underwood, Ass't. T. C.*

**Bridgewater Board of Finance**  
Town of Bridgewater  
Town Hall • P.O. Box 216 • Bridgewater, CT 06752  
Nancy Hawley, Chairman

**BOARD OF FINANCE REGULAR MEETING  
NOVEMBER 21, 2012**

*Board Members present: Walter Barlow, Lori Franklin, Nancy Hawley, Dennis MacDonald,  
Michael Reed, Donald Shail*

*Guests present: Sharon Gawe, William MacGeorge, Tom Seger*

**Agenda Item #1:**

*Call to order by Chairman Hawley at 7PM.*

**Agenda Item #2:** *Minutes of September 19, 2012 Regular Meeting*

**Motion** *by Michael Reed, with a second by Lori Franklin to accept the Minutes as presented.  
Unanimously approved.*

**Agenda Item #3:** *Report from Treasurer*

**Expenses:** *Discussion of Town roads line item, Constable line item and vehicle line item.*

**Revenue:** *Discussion – no action taken.*

**Town Bank Account List** – *Reviewed*

**Burnham Fund Report** – *Reviewed*

**Agenda Item #3:** *Status of Audit*

*Auditor plans to begin work at Town Hall about December 3, 2012. If Town records have not  
been returned by the FBI, for his review, the date may need to be changed.*

*The BOF will address the situation in December.*

**Agenda Item #4:** *Report from Tax Collector*

*Written report submitted by Tax Collector, Roberta Sinatra, regarding uncollectible property  
taxes.*

**Motion** *offered by Walter Barlow with a second by Dennis MacDonald, to accept the letter of  
recommended action. Unanimously approved.*

**Agenda Item #5:** *Resident State Trooper contract, re: open invoices*

*Chairman Hawley presented a copy of a letter she drafted on 11-21-2012, to the Board of  
Selectmen, regarding a past due amount of \$27,338.15, according to the current contract.*

*Following discussion, a **Motion** was offered by Michael Reed, with a second by Donald Shail, to  
send the letter to the BOS. Unanimously approved.*

**Agenda Item #6:** Added items:

(1) Report from Dennis MacDonald, re: FOI complaint by Felicia Hoeniger

**Motion** to add above item to Agenda, offered by Dennis MacDonald with a second by Michael Reed. Unanimously approved.

Mr. MacDonald presented an oral report of a recent phone call, with Ms. Hoeniger. During the call, Ms. Hoeniger suggested the Board of Finance members should attend "FOI Training".

Following discussion, the Board agreed they would be pleased to attend an FOI session. Mr. MacDonald will return a phone call to Ms. Hoeniger regarding the Board's decision.

(2) Discussion of Town Treasurer lawsuit

**Motion** to add above item to Agenda, offered by Walter Barlow with a second by Lori Franklin. Unanimously approved.

Discussion – No action taken.

(3) Discussion of Richard Ryerson letter of October 10, 2012 and other correspondence, mailed to Town residents

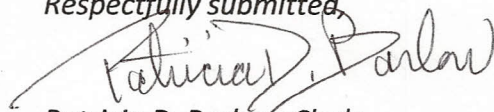
**Motion** to add above items to Agenda, offered by Michael Reed with a second by Dennis MacDonald. Unanimously approved.

Following discussion with the Board and the public attendees, a **Motion** was offered by Walter Barlow with a second by Lori Franklin to enter related correspondence items into the record, which shall be filed with these Minutes. Unanimously approved.

\*Comments from public attendees were addressed throughout the meeting. The complete audio recording of the Meeting, is on file with the Town Clerk, in addition to the meeting Minutes.

At 7:58PM, a **Motion** to adjourn was offered by Michael Reed with a second by Walter Barlow. Unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patricia D. Barlow", written over a horizontal line.

Patricia D. Barlow, Clerk



**TOWN OF BRIDGEWATER**  
**44 Main Street South**  
**P.O. Box 216**  
**Bridgewater, CT 06752**  
**Tel: 860-354-7076 Fax: 860-355-9144**

November 21, 2012

Board of Selectmen  
TOWN OF BRIDGEWATER  
PO Box 216  
Bridgewater, CT 06752

RE: Resident Trooper Contract

Gentlemen,

The Connecticut Department of Public Safety recently notified the Board of Finance that the Town of Bridgewater is in arrears in its payments for the services of the Resident State Trooper. According to the DPS, the Town currently has a past due balance totaling \$27,338.15.

The Town's auditor has provided an initial opinion indicating the amount past due is a liability as of 6/30/12 and will be noted as such on this year's audit. According to the current contract "If the Town disputes all or a portion of a pending invoice, it shall be the responsibility of the Town CEO to notify the State Police in writing before payment is due". The Board of Finance respectfully requests copies of correspondence between the Selectmen's Office and the State Police detailing the dispute the Town has with the billing.

Sincerely,

Nancy L. Hawley  
Chairman, Board of Finance

cc: Board of Finance Members  
Enrico Melaragno, CPA, Charles Heaven & Company

Enc.



24 Delay Street • Danbury, Connecticut 06810-6698  
Tel. (203) 792-8765 • Fax (203) 791-1892 • www.Baker-Law.com

TOWN OF BRIDGEWATER  
TOWN HALL  
44 Main Street South  
BRIDGEWATER CT 06752

Attn: Anne Marie Lindblom

Page: 1  
08/30/2012  
Account No: 43-144M  
Statement No: 27660

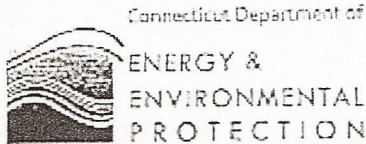
RYERSON ISSUE WITH 99 CHRISTIAN ST., BRIDGEWATER

Fees

		Hours	
08/27/2012			
FLB	Telephone Conference with Bill Stuart. Research, drafted legal opinion.	1.00	275.00
	For Current Services Rendered	1.00	275.00
	Total Current Work		275.00
	Balance Due		<u>\$275.00</u>

APPROVED FOR PAYMENT  
BY [Signature]  
DATE             
ACCOUNT Sep / Town Legal Fees  
Rck #336  
KCB  
J

Accounts not paid within 90 days are subject to a 1.5% monthly finance charge.



79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

October 4, 2012

Bridgewater Inland Wetlands Agency  
P.O. Box 216  
Bridgewater, CT 06752

RE: Inquiry – Request for Information Regarding Inland Wetlands Agency Actions  
Pursuant to Section 22a-42d-1 of the DEEP's Inland Wetlands and Watercourses  
Regulations

Dear Members of the Bridgewater Inland Wetlands Agency:

The Wetlands Management Section of the Inland Water Resources Division (IWRD) of the Department of Energy and Environmental Protection (DEEP) has received a complaint regarding certain actions of the Bridgewater Inland Wetlands Agency. The complaint was made by Mr. George D. Allingham to Cheryl A. Chase, Director of the IWRD, DEEP, in a four page letter dated September 5, 2012. A copy of such letter is attached. Also attached for your review is a preceding letter dated August 7, 2012 received by the DEEP from Mr. Allingham's Attorney, John Downey.

Mr. Allingham's letter alleges that the Bridgewater Inland Wetlands Agency has failed, over a period of time, to address violations of the Bridgewater inland wetlands regulations and therefore has failed to perform its duties under Connecticut General Statute (CGS) section 22a-42. In particular, Mr. Allingham alleges that the Town of Bridgewater's First Selectman, Mr. William Stuart, has installed and maintained numerous horseback riding trails through wetlands and watercourses without the proper authorization from the Bridgewater Inland Wetlands Agency, and that the Bridgewater Inland Wetlands Agency has failed to enforce their inland wetlands regulations with regard to these activities.

The DEEP requests that you examine the facts and circumstances associated with Mr. Allingham's complaint and respond in writing to the DEEP no later than November 19, 2012. The response shall specifically address these allegations and include any Bridgewater Inland Wetlands Agency documentation such as meeting minutes, permits, orders, or other written material to support any statements or conclusions.

Please direct your response to Ms. Darcy Winther, Inland Wetlands Management Section, Inland Water Resources Division, 79 Elm Street, 3<sup>rd</sup> floor, Hartford, CT 06106. If you have any questions feel free to contact Ms. Winther at (860) 424-3063.

Sincerely,

A handwritten signature in cursive script, reading "Cheryl A. Chase".

Cheryl A. Chase, Director  
Inland Water Resources Division

CAC:DLW  
Enclosures

cc: File

MF, George D. Allingham



October 10, 2012

To The Bridgewater Board of Finance and Residents of the Town of Bridgewater:

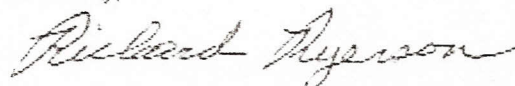
My name is Richard Ryerson and I attended the Town's Annual Meeting on May 25, 2012 to vote on the 2012-2013 budget. At that meeting, considerable discourse on the Board of Finance's decision to more than double the new Town Treasurer's salary from \$5,000 to \$11,800 was heard. After a lengthy discussion, a motion to reinstate the previous Treasurer's salary of \$5,000 passed by a vote of 59 to 33. Inexplicably, the Board of Finance subsequently failed to approve the Town's recommendation. I believe this was a bad decision made with false information which has compromised the Board's credibility and is fueling a lawsuit now under way by Mr. Caruso. Mr. Caruso is suing the Town for a salary of \$31,500, the amount previously shared by two town employees.

Even more significantly, after the Town Meeting all Bridgewater residents received a letter signed by Nancy Hawley (Board of Finance Chair) and Michael Reed (Board of Finance Vice-Chair). They wrote: *"The statement offered at the May 26th, 2012 meeting that the Treasurer's salary has been \$5,000 is completely and utterly false"*. Attached you will find correspondence between Joe Caruso and Nancy Hawley (with copies to Ned Bandler, Republican Party Chairman and Michael Reed) dated November 16, 2011 – only days after Mr. Caruso was elected Treasurer. In this correspondence Mr. Caruso questioned his \$5,000 pay to which Ms. Hawley replied: *"Your pay has not been downgraded. The previous Treasurer was making roughly \$5,000 per year. I am not sure who gave you the impression that the position was paid more than that amount. When we discussed this Tuesday morning I was genuinely shocked that you were not aware of the compensation...The current arrangement in the Treasurer's office of employing a bookkeeper along with the Treasurer has been in place since Amy Allingham resigned."*

I would like to know why Caruso and Hawley didn't send this correspondence to the entire Board of Finance. Why would they send it to only Vice Chairman Reed and the Chairman of the Republican Town Committee, Ned Bandler? Had this correspondence gone to the entire Board of Finance it seems very likely that the debate over the Treasurer's salary at the Annual Town Meeting would never have happened and the Caruso lawsuit may not have gone forward.

This has been an incredible breach of ethics such that Mrs. Hawley and Mr. Reed should resign. Further, I respectfully ask that the Board of Finance, the Board of Selectmen and the CT State Ethics Board address this matter and take appropriate actions.

Sincerely,



Richard Ryerson  
39 Christian Street  
Bridgewater, CT 06752

This mailing has been privately funded

John R. Downey  
E-mail: jdowney@rms-law.com  
Direct Dial: 860-493-5432  
Admitted: CT

One State Street, Hartford, CT 06103  
phone: 860.549.1000 fax: 860.724.3921  
www.rome-mcguigan.com

October 25, 2012

Nancy Hawley, Chairman  
Board of Finance  
P.O. Box 216  
Bridgewater, CT 06752

Re: DEEP Letter to Inland Wetlands Commission

Dear Ms. Chairman:

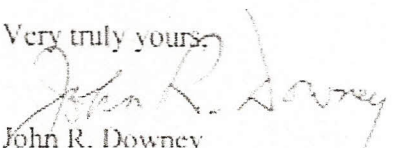
On behalf of my client, George Allingham, I want to address issues raised in the DEEP letter to the Inland Wetlands Commission as it relates to the mission of the Board of Finance (copy of October 4, 2012 letter attached).

The DEEP, in its letter to the Wetlands Commission of Bridgewater, has instructed the Commission to address all complaints made in the letter of Mr. Allingham.

In situations somewhat similar to this, it is not uncommon for the Selectman and his fellow Selectmen to authorize the hiring of outside counsel. Since most of the complaints made in Mr. Allingham's letter to the DEEP involve either the conduct of William Stuart, the First Selectman, or his co-Selectmen, Mr. Curtis Reed, it would be inappropriate for Mr. Stuart or Mr. Reed to have anything to do with the hiring of outside counsel to help the Inland Wetlands Commission to investigate and respond to the DEEP mandate. That is why I suggest that the Board of Finance not authorize and approve the funding for the selection of counsel that emanates from the Selectman's office.

I know that this proposal presents some challenges to the Board of Finance, but this is a time when the ethics and propriety of the situation compel the Board of Finance to take a stand against the self-serving selection that probably would take place when the Selectmen decide which outside counsel will assist the Inland Wetlands Commission in investigating and responding the DEEP order.

Very truly yours,

  
John R. Downey

JRD:vds

cc: George Allingham  
Board of Selectmen  
Chairman, Inland Wetlands Commission

JD0005



FRED L. BAKER



LARRY PEREIRA

November 1, 2012

Nancy Hawley, Chairman  
Board of Finance  
P.O. Box 216  
Bridgewater, CT 06752

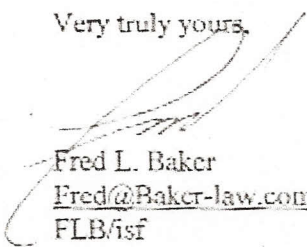
Re: Inland Wetlands Commission/  
Letter from Attorney John R. Downey

Dear Nancy,

I am in receipt of Attorney John R. Downey's letter to you dated October 25, 2012, regarding George Allingham's complaint involving the Bridgewater Inland Wetlands Commission to the Connecticut Department of Energy & Environmental Protection (DEEP) and the DEEP's response dated October 4, 2012.

Please be advised that the Bridgewater Inland Wetlands Commission has been for a long number of years and presently is represented by the law firm of Murtha Cullina, LLP. The Inland Wetlands Commission has and will continue to utilize the legal services of Murtha Culina in this and all other matters requiring legal assistance. At the present time, there is no need for or intention of the Board of Selectmen to appoint different outside counsel, or for the Board of Finance to be concerned about or involved in this matter.

Very truly yours,



Fred L. Baker  
[Fred@Baker-law.com](mailto:Fred@Baker-law.com)  
FLB/sif

Cc: Attorney John R. Downey  
Members of the Board of Selectmen  
Members of the Board of Finance  
Members of Inland Wetlands Commission

John R. Downey  
E-mail: jdowney@rms-law.com  
Direct Dial: 860.493.3432  
Admitted: CT

One State Street, Hartford, CT 06103  
phone: 860.549.1000 fax: 860.724.3921  
[www.rome-mcguigan.com](http://www.rome-mcguigan.com)

November 7, 2012

Nancy Hawley, Chairman  
Board of Finance  
P.O. Box 216  
Bridgewater, CT 06752

Re: November 1, 2012 letter of Fred Baker

Dear Ms. Chairman:

I want to respond to Mr. Baker's letter regarding the DEEP and the Bridgewater Inland Wetlands Commission. Mr. Baker advised you that there is no need for "the Board of Finance to be concerned about or involved in this matter." I disagree with Mr. Baker.

One fundamental purpose of a board of finance is to provide a check on the expenses incurred by the town. In Bridgewater, the selectmen authorize payment for all attorneys who provide legal services to the town. Regardless of whether your Inland Wetland Commission utilizes Murtha Cullina, LLP., or any other attorney selected and paid by the selectman, your board always has an obligation to consider whether the expenditure is appropriate. As a matter of law, the assertion that your board does not have to be concerned about a financial expenditure in your town is contrary to your legal obligation.

The complaint to the DEEP alleges inaction by the Inland Wetlands Commission in multiple violations created by the first selectman. Whether the members acted willfully or negligently does not matter. In either case the individual members may be personally liable for their own conduct. The obligation of a municipality to indemnify members of local boards and commission for damages to property is codified in Connecticut General Statute § 52-557n, and it provides that members are personally responsible for acts or omissions which constitute willful misconduct, and negligent omissions which require the exercise of discretion as an official function of their authority.

Beyond the Inland Wetlands Commission itself, there are additional financial oversight issues for your board to consider because two of your selectman have conflicts of interest which they have apparently failed to acknowledge. Your first selectman has a conflict of interest because he has intentionally created the wetland violations across the town for his own private financial gain.

Nancy Hawley, Chairman

November 7, 2012

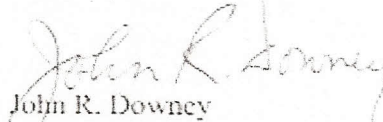
Page 2

You have another selectman who is simultaneously sitting as a voting member of the Inland Wetlands Commission and he has actively participated in the events which are the subject of the DEEP complaint. These elected officials should not be permitted to have the town pay for legal services which benefit themselves.

You received a letter dated November 1, 2012, from the town attorney Fred Baker. Curiously, Mr. Baker does not identify who instructed him to prepare the letter. This is important because, if he is not solely representing the interests of your board, you might consider obtaining an independent opinion. To further compound the confusion of who Mr. Baker is representing at this point in time, on information and belief, he has been representing the first selectman personally for years. Before you approve the expenditure for his time you should determine who authorized him to prepare the letter and whether his work benefited your town.

Please note that I have sent a copy of this letter to the Connecticut State Ethics Commission and the Connecticut Office of Policy and Management. I have requested them both to provide oversight on this matter because it appears that elected officials with clear conflicts of interest have continued to participate in official action which benefits themselves personally.

Sincerely,

  
John R. Downey

JRD:vds

cc: Fred Baker, Esq.  
Board of Selectman  
Board of Finance  
Inland Wetlands Commission

J106341