



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, May 12, 2015 at 9:35 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Borges, Carr, Quinn, McCaul, Pottier,
Croteau, Costa-Hanlon, Marshall and Cleary*

Record of preceding meeting was read by Title and Approved. So Voted.

A moment of silence was held for Les Spousta, the City of Taunton's former veteran's grave officer who passed away this week and took great pride in making sure that all the veterans had their flags for Memorial Day.

Communications from City Officers:

Com. from Assistant City Solicitor Daniel de Abreu stating that on August 5, 2014 the Municipal Council authorized the Mayor to sign a Purchase and Sale Agreement to acquire this parcel of land located at 775 John Quincy Adams Road. The closing is scheduled to occur before May 16, 2015. He asks that the Council approve 1. An official vote to acquire the parcel for general municipal purposes in accordance with the terms of the enclosed agreement; 2. An appropriation of \$235,000.00 to effectuate the acquisition and associated costs; and 3. A transfer of \$235,000.00 from Water Enterprise Retained Earnings (free cash) to the Capital Account-Land Purchase. Councilor Marshall stated that this will clear up the issue of the back taxes that have been owed to the City on a portion of that parcel. Councilor Carr asked the City Solicitor to briefly recap if the City is buying the water tower. The City Solicitor stated that this is the land where the Columbia Cultural Center is located and it is a fairly large parcel which will be subdivided. The Elks are going to purchase the portion of the land where the building is. The other side of the property which is being split off immediately abuts our new water tower which is in the Industrial Park. He stated that it will clear up all of the taxes that are owed to the City by the Columbia Cultural Center. He stated that the \$235,000.00 will essentially be paid back to the City. Councilor Carr asked who the \$235,000.00 is being paid to. The City Solicitor stated that it is being paid to the Columbia Cultural Trust. He stated that there are attorneys doing the closing, the City comes to the table to purchase its portion of the parcel and the Elks come to purchase their portion and the taxes on the whole parcel are paid back to the City. Councilor Carr stated that she recalls that there was something that they had to get from the state, a right of refusal. The City Solicitor stated that was the thing that delayed this most; it took some time with the change of administration in Boston. He stated that various state agencies had to sign off on this and they all did. Councilor Costa-Hanlon stated that it is also part of the

contingencies in paragraph 28. It does a good job of outlining everything that Councilor Carr had brought up. She stated that Councilor Marshall will make the motions for the other items that are needed. She stated that the \$235,000.00 should come from the Water Enterprise Account because the land is being purchased around the water tower and she stated that it was the recommendation of Mr. O'Brien, Division Supervisor of the Water Department. **Councilor Marshall motioned to acquire the parcel for general municipal purposes in accordance with the terms of the enclosed agreement. Councilor Marshall motioned to transfer the sum of \$235,000.00 from the Water Enterprise Retained Earnings (free cash) to the Capital Account-Land Purchase Account. Councilor Quinn motioned to appropriate the sum of \$235,000.00 to effectuate the acquisition of the property and the related costs. So Voted.**

Com. from Fire Chief submitting a request for public use of the SAFE House Trailer from Citizens for Citizens Inc. to participate in fire safety training at their annual Celebration of Parenthood Event on August 7, 2015 at the PACC. This is a free event open to all citizens of Taunton and he fully recommends and supports the Fire Department's attendance. **Motion was made to move approval. Councilor Cleary motioned to get a breakdown from the Fire Chief as to how many men will staff it and how many hours, etc. just so the Council knows what they are voting on. So Voted. Councilor Carr voting in opposition.**

Com. from Superintendent of Buildings requesting a transfer of \$6,000.00 from Public Building Repairs Expenses into City Hall Expenses due to the severe weather that we had. Extra money is needed to pay utility invoices. **Councilor Costa-Hanlon motioned to refer to the Committee on Finance and Salaries. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds stating that the City of Taunton has received approval from the Right of Way Coordinator that the Yearly Operational Plan (YOP) has been approved for roadside spraying in the summer. As in the past, this plan allows for the city to submit a Yearly Operational Plan for roadside spraying. The city has submitted a YOP for herbicide treatment as stated in Appendix A. A Public Notice is required to be submitted in the local paper ten (10) days prior to the application date. **Councilor Carr made a motion to receive and place on file. So Voted.**

Com. from Executive Director notifying of the Age-65-mandatory retirement for Superannuation of Robert F. Casey, an employee of the Taunton Police Department., effective May 31, 2015 under the provisions of section 5 of Chapter 32 of the General Laws of Massachusetts. Please pay accumulated benefits up to and including the date of retirement. **Councilor Cleary made a motion to receive and place on file. Councilor Costa-Hanlon made a motion to send an appropriate scroll. So Voted.**

Com. from Chairman, Taunton Planning Board stating that they have received a Site Plan Review for property at 24 Winthrop Street for the construction of a 9,000 square foot, 2.5 story office building with 22 parking spaces submitted by Carl Malloch, Jr., 113 Padelford, Berkley, MA. The DIRB will meet on this on Tuesday, May 19, 2015 at 9:45 AM in the Taunton Planning Board Office, 15 Summer Street, Annex Bldg., and then the Planning Board will meet on this proposal on Thursday, June 4, 2015 at 5:30 PM at

Chester R. Martin Municipal Council Chambers, 141 Oak Street, Taunton, MA. **Councilor Costa-Hanlon made a motion to receive and place on file and that the Council gets a plan for this sent to them. So Voted.** Mayor Hoye stated that this was the old Baron Brothers site so this is good news.

Com. from Commissioner, Parks, Cemeteries and Public Grounds requesting acceptance of seasonal positions (Hopewell Pool, Park Maintenance & Hopewell Security) to be paid from the General Operating Budget. Some of these positions will be filled by former experienced staff or certified/qualified applicants. These positions are also exempt from all City benefits and receive the seasonal determination under MA Division of Unemployment. Councilor Cleary stated that anyone interested in this could get a copy at the Parks, Cemeteries and Public Grounds Department. **Councilor Cleary made a motion to receive and place on file. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds requesting acceptance of seasonal positions (Summer Counselors, Tennis, Basketball & Track Monitors) to be paid from the Revolving Account. These positions will be paid out of user fees generated from registration fees under the department's Revolving Account. Councilor Carr stated that Mrs. Greene is looking for permission to post and hire for these positions. **Councilor Cleary motioned to receive and place on file and move approval. Councilor Carr motioned to add to the approval that all Taunton residents are given first preference for any job that they are qualified for. So Voted.** Mayor Hoye stated that the difficulty that she has had along with the Commonwealth is finding lifeguards. He stated that it is not as popular of a summer job as it used to be for some reason. Councilor Costa-Hanlon stated that the first letter is for positions to be paid out of the General Operating Budget and the second one is the Revolving Account.

Communications from Citizens:

Com. from Father William Rodrigues, St. Anthony's Parish, 126 School St., Taunton requesting to hold two Holy Spirit Crowning/Processions on May 24, 2015. **Motion was made to approve. So Voted.** Council President Borges stated that on one of the routes of the procession goes down East Broadway which was one of the streets that she was going to refer to the DPW. There are several potholes and it is a very unsafe street at this time for a procession to go down. **Council President Borges motioned to send the street sweeper and refer the potholes on East Broadway to the DPW. So Voted.**

Com. from Chip Bergstrom, Vice President of Enrollment & Marketing, Bay State College, 101 Industrial Park Road, Taunton requesting to install trailblazer signs in four locations in Taunton. Mayor Hoye stated that he has sent this to Kevin Scanlon and some of this may have to go to the DOT. Councilor Marshall stated that the last two are at State layout so he does not think that the Council has authority to put up signs there. Councilor Costa-Hanlon stated that the Council often gets requests for signs. She stated the last time the Council did this was for Forekicks and they were having a general problem having people get there because it is kind of in the woods and far away. She thinks that the Council is setting a precedent for allowing signage where the Council hasn't before. She stated that Bay State College is a wonderful facility in our community. She stated that other businesses that have legitimate concerns may also have an issue and may also look for signs. She stated that she thinks that Bay State is pretty visible where it

is. She stated that she will be voting no even on the first two. Councilor Quinn wanted to clarify that the Mill River Bridge is Morey's Bridge. Mayor Hoye confirmed. **Councilor Cleary made a motion to approve and refer to the DPW to make sure that the City is in compliance. Councilor Marshall motioned to refer to the DOT the locations that the Council would have no jurisdiction over. So Voted. Councilors Costa-Hanlon and Croteau voted in opposition.**

Petitions:

Hours of Operation License

1. Round One Entertainment, Inc. –dba- Round 1 Bowling & Amusement to be located at 2 Galleria Mall Dr., East Taunton

Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.

Petition submitted by Helder Freitas, 63 County Rd., Berkley requesting a renewal of the Billiard Table License for Ward 5 Athletic Club, Inc. located at 29 Winter St., Taunton (2 Tables) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Shintaro Kaji, Round One Entertainment, Inc. –dba- Round 1 Bowling Alley & Amusement, 11 Fox Hollow, Irvine, CA for a new Billiard Table License for a location at 2 Galleria Mall Dr., East Taunton (8 Tables) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Petition submitted by Shintaro Kaji, Round One Entertainment, Inc. –dba- Round 1 Bowling Alley & Amusement, 11 Fox Hollow, Irvine, CA for a new Bowling Alley License for a location at 2 Galleria Mall Dr., East Taunton (20 Lanes) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by David Boyer, 56 Fiddlers Way, East Taunton requesting a renewal of his Junk Dealer's License for Scrap Bros. Recycling at the same address. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by John Pacheco, 66 Mary Dr., Taunton requesting a renewal of his Livery License for Airport Express Direct, Inc. located at 66 Mary Dr., Taunton. (1 Vehicle) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Roberto Cruz, 416 East Ashland St., Brockton requesting a new Second Hand Article License for Hometown Furnishings LLC located at 52 Main Street, Taunton to sell or lease used furniture. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Sammy Kanan requesting a name change of his Flammable Storage Permit from Court Street Square, Inc. located at 47 Washington St. / 53 Court St.,

Taunton to be changed to Kanaan Realty Group 2, Inc. **Motion was made to move approval. So Voted.**

Claim submitted by Amanda Pinto, 148 Caswell St., East Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Richmond Street. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

Unfinished Business:

Councilor Costa-Hanlon stated that referenced in the Financial Statement are outstanding details for both the Police and Fire Departments. She stated that she thinks the Police are upward of \$200,000.00 and Fire is over \$100,000.00. **Motion was made to refer the Police matter to the Committee on Police and License and the Fire matter to the Committee on Fires and Wires to get an update on what is going on with those and how we are collecting them. So Voted.**

Councilor Carr asked Mayor Hoye if he had an update on the street sweeper or the outside contractor doing the whole city. He stated that it was due to be on the next list. The list comes out twice a month and he would assume it is on the current one. He stated that he will double check with the DPW Commissioner tomorrow morning. She stated that the streets that have been done look beautiful.

Council President Borges stated that she wanted to bring up the issue that was discussed when she wasn't here last week regarding the policy for the use of the SAFE Trailer. She stated that several Councilors asked for the use of the facility policy from the School system, she did submit that to the Clerk who submitted it to the full Council again this week. **Motion was made refer to the Council as a Whole and that the Councilor's could draft a policy that a discussion could be had about during that meeting.** She stated that it would be helpful for a drafted policy to be in place to review. Councilor Cleary stated that as chairperson of the Ordinance Committee he suggests that he works with the Assistant City Solicitor to come with a draft. Councilor Quinn stated that getting the dollars and cents from the Fire Chief would be the natural starting point because it will be hard to implement a policy without that information. **Councilor Croteau motioned to refer this particular policy issue to the Committee on Ordinance and Enrolled Bills. Councilor Carr asked if the maker of the motion would allow Councilors who have any issues to provide input to Mr. Cleary for consideration in the policy. Councilor Croteau will add that to the motion and would like to see that on the agenda for the first meeting in June. Councilor Quinn motioned for the Fire Chief to get the information to the Council sooner than later so that the policy can be prepared. So Voted.**

Orders, Ordinances, and Resolutions

Resolution submitted by Bristol County Savings Bank, 35 Broadway, P.O. Box 4002, Taunton, designating public depository and authorizing withdrawal of Municipal Public Moneys for the City of Taunton for Treasurer/Collector, Assistant Treasurer/Collector and Treasurer. **Motion was made to move approval. So Voted.**

New Business:

Councilor Pottier stated that six months ago the issue of the quarry between Berkley Street and Pratt Street over by Walker School came before the Council because there were concerns in the neighborhood of their hours of operation running too early. He stated that they are starting their operations as early as 4AM. Councilor Croteau stated that he has been contacted by a spokesman of that group within the last week and in their opinion it is definitely a problem. Councilor Pottier stated that he thought the Council agreed upon nothing before 7AM a few months ago. He asked who is responsible for the hours of operation. Councilor Croteau stated that he has been told that the person on duty at the police station answering the phone refers the individuals to the City Council. Councilor Costa-Hanlon stated that she believes that it is Zoning that would enforce hours of operation. The City Solicitor stated that it is a City Ordinance that provides a potential criminal penalty so it would be well within the authority of the Police Department to enforce the ordinance. **Councilor Pottier motioned to refer to the Police Chief to have someone stop by tomorrow, the next day and the day after that to make sure that they are within whatever is stipulated in the Council's earlier approval.** He stated that his recollection was no earlier than 7AM and he is being told that they operate as early as 4AM and when asked they say that they have approval to operate that early. **Councilor Croteau motioned that the City, whether it is through the Police Department or whoever, should look into the issue of new equipment being brought in.** He has been told that when the new equipment that has been brought in is running the neighbors can feel the vibrations in their houses. The City Solicitor stated that the ordinance that the City has that is of general applicability is between 1AM-4AM that you cannot operate without a license. Councilor Pottier asked without a special license, what the normal operating hours could be. The City Solicitor stated that there is a specific ordinance that says essentially no commercial activity between 1AM-4AM without a license from the Council. He stated that if they are operating during those hours and they do not have a license then the Police Department should be asked to look into that. He stated that anything other than that should be referred to Kevin Scanlon and Zoning. Councilor Pottier stated that we can't have residentially sited quarries operating heavy rock crushing equipment at 4:01AM. He doesn't see that as feasible and he doesn't see how that hasn't come before this Council before. The City Solicitor stated that if it really is a quarry, they would likely have an earth removal permit that would be stipulated. Councilor Pottier asked who he should refer this to. The City Solicitor stated that he recommends to Mr. Slusarz, Zoning Enforcement and Kevin Scanlon's Office. **Councilor Pottier motioned to refer to the City Engineer, Zoning Enforcement and the City Planner and asks that they report back to the Council at least via email by the end of the week. Councilor Croteau stated that he will get in touch with the spokesperson and suggest that they finish obtaining the signatures on their petition and come and present it to the Council. Councilor Pottier stated that he will add that to his motion. So Voted.** Councilor Croteau stated that he attended a meeting some

time ago at the company and the promise was made that they wouldn't operate at that hour and they wanted to be a good neighbor.

Councilor Pottier stated that a "Blind Drive" sign at 879 Bay Street has bent into the lane of traffic and every time it gets hit it makes a lot of noise and bends further. **Motion was made to refer to the DPW Traffic Sign Division to take care of that and move it further from the street. So Voted.**

Councilor Pottier stated that there is a pothole at Winthrop Street and the end of Cohannet Street that has been referred before is still there. **Motion was made to refer to the DPW. So Voted.**

Councilor Pottier stated that as the weather gets nicer people have been congregating, especially kids in the street. He has gotten complaints from the area of Union Street. **Motion was made to refer to the Police Chief for some additional patrols in the area of Union Street. So Voted.**

Councilor Pottier stated that Watson's Pond doesn't usually open until Memorial Day but there are cars parked all over the place on Bay Street. **Motion was made to refer to the Police Chief for them to ticket. Councilor Cleary motioned to send a letter to the State Park & Rec to see if they can open the parking lot. So Voted.** He stated that a couple of years ago the City had trouble and asked them to open it and they did.

Councilor Pottier stated that Dr. Hackett and the School Committee have been nice enough in the summer months to allow the Council to hold their meetings at the Elizabeth Pole School. **Motion was made to refer to Council President Borges to schedule those in June, July and August in conjunction with Dr. Hackett. So Voted.** Mayor Hoye stated that it should be up to the Council if everyone chooses to do that, he has no preference as the heat doesn't bother him.

Councilor Pottier stated that he was under the impression that when something is voted down, it was not to be reconsidered for a full calendar year. He stated that he thinks there is a reason why it is a 365 day period for being up for a vote again. He reminded the Council that they can suspend the rules with two thirds vote so if they want to take it up a week or two later. Councilor Pottier stated that he would like to refer this issue to the Committee on Ordinance and Enrolled Bills unless there are not enough people to agree or they want to discuss this in the Council as a Whole. Council President Borges stated that it is more appropriate to discuss this topic when the rules of the Council are talked about. It is still waiting to be placed on the Council of the Whole because we are waiting for several Councilors to get back with changes that they want made. She stated that since Council President Marshall made the motion back in December, only two Councilors have actually submitted that. **Motion was made to refer to the Council President to add to the list whenever it gets back to the Council. So Voted.** She stated that there was no date certain.

Council President Borges stated that the administrator at the Longmeadow Nursing Home gave her an invite for the Council and others for their Spring Community Concert. She stated that it is on Thursday, June 4, 2015 at 2PM. It will be an afternoon of musical

talent performed by Tony DeBoyd. He is a 41 year old gentleman who is blind, autistic, and musically savvy. He has been playing the piano since the age of 2. This concert is open to the public and books, tapes and CD's will be for sale. Refreshments will be served and seating will be limited. You must RSVP to Cheryl Hayes at 508-824-1467 Ext.325 by June 1, 2015.

Councilor Carr motioned to invite the Police Chief in to discuss the issue of marijuana in our community, how we will protect our citizens from the use of marijuana in public places, any types of ordinances that we could institute that would make it easier for police to do that now that marijuana is legal. She stated that the police are having a much more difficult time since they made it alright to have an ounce or less of marijuana. She stated that there are a lot of rules and laws that have been changed that the Police have to deal with when they stop people with marijuana and when they can arrest them and when they can't. She thinks that there are ordinances that can be passed that would help the Police do their job more effectively. **Motion was made to refer to the Chair of the Committee on Police and License to set up a meeting with the Police Chief.** Mayor Hoye asked if the meeting on medical marijuana is next week, and it was confirmed that it is. He recommended that the Chief be invited to that meeting. Councilor Carr stated that it is a good idea. **So Voted.**

Councilor Costa-Hanlon stated that the director of Mass Medicum mentioned something about negotiating with the Mayor some kind of agreement for the City's benefits. Motion was made to ask the Mayor to provide a bullet point of what he is looking for so if the license is approved the Council makes the conditions as part of the Council's request to them, to make sure that there is some recourse if it is approved. Mayor Hoye stated that he met with Mr. Silverman last week and sent out something to the Council about a month ago that asked for any suggestions. He stated that he heard back from Councilor Carr who had requested patrolmen be inserted into that language which he thinks is a good idea. He stated that they have agreed to that which bumped their bottom line up a little bit initially. He stated that the Council needs to hear from the Police Chief, because he will be a major contributor to that discussion. He stated that it will be legal and the Commonwealth supported it in Taunton. He stated that whether we agree upon it or not, it is the will of the people to allow one of these facilities to open and we have to abide by that and also protect our own interests. He stated that the document that he will get back from Mr. Silverman will be examined by the City Solicitor's Office and by the Police Chief as well hopefully before the hearing.

Councilor Costa-Hanlon motioned that the Police Chief and the Fire Chief be instructed not to make any more recommendations for the use of the Safety Trailer or any details unless they accompany it with the man hours that they anticipate and what it will cost the City. So Voted. Councilor Cleary stated that he would still like the option to act upon any request until an ordinance is drafted. Councilor Croteau asked if the motion places the authority strictly in the hands of the Chief, so he can approve anything. Councilor Costa-Hanlon stated that it is so they don't refer it to the Council until they tell the Council how many man hours they will need to use it. She stated that the next time that they ask for it, they should accompany it with the man hours that they anticipate and what it will cost the City.

Councilor Costa-Hanlon stated that the part of the 24 Winthrop Street development that concerns her is the consent order relative to discharge into the river there. She is concerned if there will be any impact to the current consent order if there is new development around that area. She stated that there have been challenges with getting the Galligan Court Parking Lot developed because of the consent order because of the potential for the runoff. She stated that it was her only concern of seeing the plans. She thinks that the City has to be careful with what is done in that area because she thinks that there is a serious issue with that consent order. She stated that she would appreciate if the Council can have some discussions with the developer. Mayor Hoye stated that hopefully the drainage will be approved upon once there is a new facility there replacing one that burned down about 10 years ago.

Meeting adjourned at 11:00 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 12, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WERE BUDGET DIRECTOR GILL ENOS, CITY TREASURER BARBARA AUGER, CITY AUDITOR ANN HEBERT, INTERNAL AUDITOR DOMINICK COPPOLA, DAN SHERMAN OF SHERMAN ACTUARIAL SERVICES AND MARY SAHADY OF HAGUE AND SAHADY, THE OUTSIDE AUDITORS

MEETING CALLED TO ORDER AT 5:41 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS

MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

2. MEET TO REVIEW CITY OF TAUNTON FY 2014 AUDIT AND OPEB REPORT

MR. SHERMAN STATED THAT OPEB IS OTHER POST EMPLOYMENT BENEFITS AND BASICALLY IT IS RETIREE MEDICAL, WHICH IS THE BIGGER PIECE OF IT, 90-95% OF THE TOTAL LIABILITY. WHAT THIS MEANS IS THAT YOU MADE THIS PROMISE TO RETIREES AND FUTURE RETIREES TO PAY BENEFITS, AND WE WANT TO KNOW WHAT THE VALUE OF THAT IS, AND IT IS PUT ON THE CITY'S FINANCIAL STATEMENTS. UNTIL 2009 IT WAS NEVER IN THE FINANCIAL STATEMENTS, SO NO ONE EVER KNEW HOW BIG THIS WAS. WHAT WAS PROVIDED IN THE REPORT IS THE BASIC RESULT, LOOKING AT IT 2 DIFFERENT WAYS. THE FIRST IS PAY AS YOU GO. THIS IS BASICALLY WHERE THE CITY IS TODAY. MANY COMMUNITIES HAVE STARTED TO FUND THEIR OBLIGATION FOR OPEB. A LOT OF THEM ARE JUST DOING TOKEN AMOUNTS TO CREATE A TRUST FUND. WHAT GASB HAS SAID IS THAT IF YOU ARE GOING TO CONTINUE ON A PAY AS YOU GO BASIS, WHICH IS WHERE THE CITY HAS BEEN FOR MANY YEARS, AND CONTINUE TO BE THEN IN TERMS OF VALUING THIS OBLIGATION, YOU OWE AN AMOUNT OF MONEY WHEN SOMEONE RETIRES, SO YOU NEED TO DETERMINE THAT LIABILITY TODAY. ACCORDING TO GASB PRINCIPLES, IF THE BENEFITS ARE NOT PREFUNDED, THE RATE EARNED BY THE GENERAL ASSET ACCOUNT MUST BE USED. TO MEASURE ON THAT BASIS THEY HAVE USED A DISCOUNT RATE OF 4.0%. THE 4.0% SCENARIO FIGURES SHOULD BE REFLECTED IN THE CITY'S FINANCIAL STATEMENTS BASED ON THE CITY'S CURRENT PAY AS YOU GO FUNDING APPROACH. IF THE CITY WERE TO COMMENCE FUNDING THE ANNUAL REQUIRED CONTRIBUTION INSTEAD OF JUST PAYING BENEFITS WHEN DUE AS IT HAS IN THE PAST, THE MEASUREMENT WOULD BE BASED ON AN 8.0% DISCOUNT RATE. SO IF YOU FULLY FUND THE OBLIGATION AND HAVE A TRUST FUND LIKE YOUR PENSION, YOU CAN USE THIS 8% DISCOUNT RATE. HIS REPORT REFLECTS BOTH NUMBERS. IN THE PAY AS YOU GO COLUMN IN THE REPORT, THE LIABILITIES ARE MUCH HIGHER. THE TOTAL LIABILITY IS \$326 MILLION WITH \$173 MILLION FOR ACTIVE EMPLOYEES AND \$153 MILLION FOR RETIREES. THE \$173 MILLION IS THE VALUE THAT HAS BEEN EARNED TO DATE FOR THE ACTIVE EMPLOYEES. THE \$326 MILLION SHOWS UP ON THE FINANCIAL STATEMENTS. IN A FEW WEEKS GASB IS GOING TO ISSUE A FINAL STATEMENT THAT IS GOING TO MODIFY THINGS, AND HE BETS THAT BY 2017 OR 2018, THAT FULL \$326 MILLION WILL BE ON THE BALANCE SHEET, SO THE CITY'S LIABILITY IS GOING TO GO UP SUBSTANTIALLY. MOST COMMUNITIES ACROSS THE NATION WHEN THE NEW STANDARD COMES THROUGH ARE GOING TO SHOW A NET NEGATIVE BALANCE SHEET POSTING. MOST COMMUNITIES ARE TRYING TO FUND BOTH THIS LIABILITY AND THE PENSION LIABILITY AT THE SAME TIME SO THAT BOTH ARE GONE CLOSE TO THE SAME TIME. IF THE CITY WANTS TO COMMENCE PREFUNDING THIS LIABILITY THE FIRST STEP WOULD BE FOR THE COUNCIL TO ADOPT THE TRUST FUND.

MOTION: TO ESTABLISH THE TRUST FOR OPEB. SO VOTED.

PAGE TWO

MAY 12, 2015

THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

MS. SAHADY INFORMED THE COMMITTEE THAT ALL OF THE OPEB DATA THAT MR. SHERMAN PROVIDES IS INCLUDED IN THE FINANCIAL STATEMENTS OF THE AUDIT. SHE ALSO NOTED THAT BOND COMPANIES WILL LOOK AT OPEB FUNDING.

EXCISE TAXES WERE AN INCREASED REVENUE AND GENERAL GOVERNMENT AND DEBT SERVICE WERE BOTH LARGE TURNBACKS. THE TREASURER, ONCE A LOAN IS APPROVED PUTS IT INTO THE VERY NEXT BUDGET EVEN THOUGH THEY MAY NOT BORROW FOR THAT, IT IS ALREADY INCLUDED IN THE BUDGET. SHE ALSO USES A VERY CONSERVATIVE INTEREST RATE AND WHEN SHE DOES BORROW, THE ACTUAL PAYMENTS COME IN MUCH LESS THEN WHAT SHE BUDGETED. IT IS JUST A CONSERVATIVE APPROACH. THE CITY HAD \$9.8 MILLION IN FREE CASH WHICH WAS PUT INTO STABILIZATION.

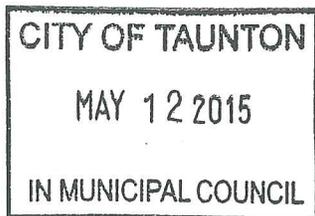
THEY ARE WORKING ON A MANAGEMENT LETTER FOR THE ADMINISTRATION AND WILL PROVIDE IT TO THE COUNCIL ALSO, WHICH WILL OUTLINE ANY ISSUES THE AUDITORS MAY HAVE FOUND.

MS. SAHADY NOTED THAT THERE WAS NO SIGNIFICANT DEFICIENCY, BUT THEY ARE MAKING RECOMMENDATIONS.

REGARDING ENTERPRISE ACCOUNTS, THEY ARE ALL OK EXCEPT FOR THE TAUNTON NURSING HOME WHERE THERE WAS A \$1.3 MILLION DEFICIET.

MOTION: THAT THE DOCUMENTS PROVIDED BE RECEIVED AND MADE PART OF THE RECORD AND HAVE THEM SCANNED FOR THE WEBSITE. SO VOTED.

MEETING ADJOURNED AT 6:55 P.M.



RESPECTFULLY SUBMITTED,

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Pm Blackwell
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 12, 2015

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, POTTIER AND BORGES. ALSO PRESENT WERE ED VALADAO AND JAY DORSEY OF THE PARKING COMMISSION

MEETING CALLED TO ORDER AT 7:00 P.M.

1. MEET WITH THE POLICE CHIEF AND THE PARKING COMMISSION TO DISCUSS THE PARKING DECK

MR. VALADAO REPORTED THAT WORK ON THE DECK STARTED ABOUT A MONTH AGO, IT IS PROCEEDING NICELY, THERE HAVEN'T BEEN ANY DELAYS. MR. DORSEY IS THE LIASON BETWEEN THE PARKING COMMISSION, BETA AND THE CONTRACTOR WORKING ON THE PROJECT. HE FURTHER NOTED THAT ALL HANDICAP ISSUES ARE BEING ADDRESSED, AND THAT EVERYTHING THAT WAS NOTED LAST WEEK IN THE TRANSITION REPORT IS BEING DONE AT THE DECK.

THE BUDGET FOR THE ENTIRE PROJECT IS \$1.2 MILLION. THEY DO ANTICIPATE A FEW CHANGE ORDERS. ONE MIGHT BE FOR BETA TO INCLUDE THEIR ADDITIONAL ONSITE SUPERVISION FOR A NUMBER OF DAYS. OTHER THEN THAT THEY ARE WAITING FOR WORD FROM THE PLUMBING BOARD BECAUSE THERE IS A STORM CEPTOR AND THE DRAIN FROM THE UPPER PARKING DECK DRAINS INTO THE CITY'S STORM SYSTEM. CURRENTLY THE NEW CODE SAYS THAT YOU ARE SUPPOSED TO FILTER THAT SOMEHOW THROUGH A STORM CEPTOR HOWEVER THEY HAVE NO PLACE TO PUT THE STORM CEPTOR WITHOUT DIGGING A HOLE INSIDE THE GARAGE WHICH IS PRETTY HARD TO DO.

IT WAS NOTED THAT RESIDENTS OF 31 SCHOOL STREET HAD COMPLAINED ABOUT THE NOISE, BUT IT SEEMS TO BE OK NOW. THE HEAVY DEMOLITION SEEMS TO BE ALL DONE NOW SO THERE IS ONLY INTERMITTENT DEMOLITION THAT IS BEING DONE.

REGARDING THE VARIANCE, WHEN THE DECK WAS BUILT THERE WAS NO REQUIREMENT TO FILTER THE WATER THAT EVENTUALLY GOES INTO THE RIVER. THEY HAVE A VERY LIMITED AMOUNT OF PLUMBING WORK BEING DONE AT THE DECK, JUST REPLACING THE PIPES THAT HAVE ROTTED OVER THE YEARS, AND THE DRAIN RECEPTORS, SO THEY DO NOT FEEL THAT THIS RULE APPLIES IN THIS CASE. THEY HAVE A PRETTY STRONG ARGUMENT THAT THEY SHOULD NOT BE DIGGING ANY HOLES UNDER THE GARAGE BECAUSE THERE COULD BE CONTAMINATED WASTE FROM THE GAS STATIONS THAT WERE BUILT ALL AROUND THAT SITE. THE WATER HAS BEEN FLOWING LIKE THIS SINCE 1982. IF THE DECK WAS BEING BUILT BRAND NEW, THAT WOULD BE A DIFFERENT STORY.

ALSO QUESTIONED WAS THE CHANGE ORDER CONCERNING BETA. THE PROJECT WAS ANTICIPATED TO LAST 80 DAYS AND THROUGH THE BIDDING PROCESS SOME OF THE SEALANTS AND WHAT NOT HAD TO BE APPLIED AT A CERTAIN TEMPERATURE SO THE CONSTRUCTION CYCLE HAS BEEN EXPANDED TO 122 DAYS WHICH PUTS IT AT AUGUST 8TH. BECAUSE OF THAT THEY WERE LAXED IN THE AMOUNT OF SUPERVISORY TIME. THEY PROBABLY COULD HAVE GOTTEN AWAY WITH NOT HAVING THEIR OWN SUPERVISOR THERE BUT THEY FELT THAT THEY WANTED TO HAVE A CONSTRUCTION SUPERVISOR THERE WATCHING OUT FOR THE CITY. IT IS ABOUT \$60,000 WORTH OF DAYS INCLUDING THE INSIDE ENGINEERING WORK AS WELL.

COUNCILOR POTTIER ASKED HOW THE \$1.2 MILLION WAS BEING PAID. IT WAS STATED THAT IT IS BEING PAID WITH A REVENUE BOND.

COUNCILOR POTTIER NOTED THAT AT LAST WEEKS ADA MEETING THE PARKING DECK WAS DISCUSSED. HE ASKED IF THE PLAN IS TO HAVE WEEKLY AND MONTHLY PARKING ON ONE LEVEL AND HOURLY ON ANOTHER.

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MAY 12, 2015

THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

IT WAS STATED THAT IT HAS NOT BEEN DECIDED.

COUNCILOR POTTIER ASKED THAT WHEN THE PLAN IS FINALIZED THAT IT BE REFERRED TO THE PUBLIC PROPERTY COMMITTEE AND THE ADA COMMITTEE. MR. VALADAO STATED THAT HE WOULD.

IT WAS STATED THAT THE PROJECTED OPEN DATE IS AUGUST 3RD. BETA HAS DONE 3 REPORTS AND IDENTIFIED ALL THE BAD SPOTS. THEY HAVE CHIPPED OUT THE LOOSE STUFF AND ARE RE-INFORCING THE STRUCTURAL BARS. MANY STRUCTURAL ITEMS ARE BEING DONE.

COUNCILOR COSTA-HANLON ASKED IF THE PARKING COMMISSION WOULD CONSIDER MEETING WITH THE LIBRARY AND DISTRICT COURT PEOPLE, AND ANY OTHERS WHO MAY HAVE QUESTIONS, AND ALSO BUSINESS ENTITIES.

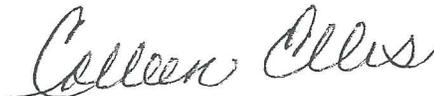
MR. VALADAO STATED THAT IF ANYONE HAS HAD CONCERNS, THIS IS THE FIRST TIME THAT HE HAS HEARD OF THEM. NO ONE HAS EVER REACHED OUT TO THEM EITHER BY PHONE, E-MAIL OR ANY OTHER WAY. HE ALSO STATED IT WILL BE A GREAT FACILITY. THEY ARE INSTALLING EMERGENCY CALL PHONES TO THE POLICE DEPARTMENT IN THE STAIRWELLS, THERE WILL BE VIDEO SURVEILLANCE AND STATE OF THE ART LIGHTING BECAUSE THIS WAS A BIG CONCERN TO MANY. HE STATED THAT THEY CAN AND WILL BE HAPPY TO HAVE A MEETING, AT THE LIBRARY IF THAT IS CONVENIENT FOR EVERYBODY, BUT HE DOES NOT KNOW WHAT THE DISTRICT COURT WORKERS CONCERNS WOULD BE. IT IS GOING TO OPERATE AS USUAL. THERE WILL BE NO ATTENDANT IN THE DECK, IT WILL ALL BE KIOSKS.

MR. VALADAO STATED THAT IF ANYONE DOES HAVE CONCERNS, HIS E-MAIL IS VALADAO@COMCAST.NET.

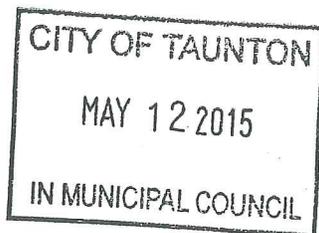
MOTION: TO REFER THE ISSUE OF THE PARKING COMMISSION'S E-MAIL ADDRESS AND INFORMATION TO BE PLACED ON THE CITY WEBSITE. SO VOTED.

MEETING ADJOURNED AT 7:29 P.M.

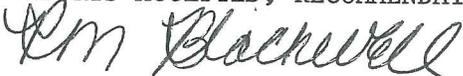
RESPECTFULLY SUBMITTED, .



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 12, 2015

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES,
COSTA-HANLON, CLEARY AND MCCAUL.

MEETING CALLED TO ORDER AT 7:30 P.M.

1. MEET WITH THE DPW TEAM TO DISCUSS REQUEST OF TAUNTON DEVELOPMENT/MASS DEVELOPMENT CORPORATION TO ENTER CHARLES F. COLTON ROAD WHICH IS CURRENTLY UNDER THE 5 YEAR MORATORIUM

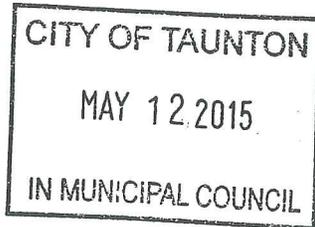
MOTION: TO CONTINUE THIS MATTER TO NEXT WEEK, OR THE WEEK AFTER. SO VOTED.

MEETING ADJOURNED AT 7:31 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 12, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCILOR PRESIDENT ESTELE BORGES AND COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL, QUINN AND CARR. ALSO PRESENT WERE TODD CASTRO AND JORDAN FIORE OF THE MAYOR CHARLES CROWLEY MEMORIAL COMMITTEE, ATTORNEY MATT COSTA AND ATTORNEY PHIL SILVERMAN, GENERAL MANAGER OF MASSMEDICUM CORP., CITY SOLICITOR JASON BUFFINGTON, HUMAN RESOURCE DIRECTOR MARIA GOMES, AND JOHN BRENNAN, ADMINISTRATOR OF THE TAUNTON NURSING HOME

MEETING CALLED TO ORDER AT 7:39 P.M.

1. MEET WITH THE CHARLES CROWLEY MEMORIAL COMMITTEE TO DISCUSS CHANGING THE NAME OF THE OAKLAND FIRE STATION TO THE CHARLES CROWLEY OAKLAND FIRE STATION

THE CHAIRMAN NOTED THAT ON APRIL 14 THE CHARLES CROWLEY MEMORIAL COMMITTEE CAME BEFORE THE COMMITTEE TO DISCUSS THE CHANGE, AND SHE THOUGHT THAT NO ONE HERE WAS OPPOSED TO THAT CHANGE BECAUSE ALL THOUGHT THAT IT WAS APPROPRIATE TO HAVE THIS NAMED AFTER OUR DEAR FRIEND AND LATE MAYOR CHARLES CROWLEY. HOWEVER, THERE WERE COUNCILORS THAT WERE NOT PRESENT AND ALSO THE MAYOR WAS NOT PRESENT AT THAT TIME, SO IT WAS DECIDED TO SEND IT BACK TO THIS COMMITTEE.

THE CHAIRMAN THEN READ A LETTER FROM TODD CASTRO, CHAIRMAN OF THE COMMITTEE WHICH STATED THAT THE MAYOR CHARLES CROWLEY MEMORIAL COMMITTEE WOULD LIKE TO PROPOSE THAT THE OAKLAND FIRE STATION HAVE ITS NAME CHANGED TO:

THE CHARLES E. CROWLEY OAKLAND FIRE STATION.

THE PURPOSE OF THIS PROPOSED CHANGE IS TO HONOR OUR LATE MAYOR AND FRIEND, CHARLES E. CROWLEY.

MR. CASTRO STATED THAT IT IS FITTING AND APPROPRIATE TO NAME THE FIRE STATION IN OAKLAND AFTER CHARLES CROWLEY. THEY LOOKED AT A NUMBER OF OPTIONS, BUT THIS IS IN HIS NEIGHBORHOOD AND IS FITTING.

COUNCILOR POTTIER NOTED THAT THE COUNCIL HAD RECEIVED SOME E-MAILS QUESTIONING THE TIMING IN SO FAR AS THE APPROPRIATENESS ONLY BECAUSE THEIR STATEMENT WAS THIS HAS BEEN KNOWN AS THE OAKLAND FIRE STATION ALL ALONG, EVERYONE IDENTIFIES IT AS THE OAKLAND FIRE STATION BUT THE INTENT IS TO BE THE CHARLES E. CROWLEY OAKLAND FIRE STATION, SO IT IS NOT LIKE THE COMMITTEE IS COMPLETELY DOING AWAY WITH THE LOCATION NAME OF THE FIRE STATION.

BECAUSE CHARLES CROWLEY WAS SUCH AN IMBEDDED PERSON TO THE OAKLAND NEIGHBORHOOD THIS IS EVEN MORE APPROPRIATE THAT THE 2 BE FOREVER INTERTWINED IN THE NAME OF THE STATION.

ATTORNEY FIORE NOTED THAT THEY FELT VERY STRONGLY ABOUT INCLUDING OAKLAND IN THE NAME BECAUSE THEY WANTED TO MAINTAIN CONSISTENCY AS WELL AS A MEMORIAL. IT IS THE OAKLAND FIRE STATION AND THEY FELT IT WAS NECESSARY TO MAKE THAT A PART OF IT.

COUNCILOR CARR STATED THAT SOME PEOPLE HAVE SUGGESTED NAMING THE COUNCIL CHAMBERS IN THE NEW CITY HALL WHEN IT IS BUILT OR POSSIBLY THE CONSERVATION PROPERTY ON NORTH WALKER STREET. HOWEVER, SHE WILL SUPPORT WHAT THE COMMITTEE WISHES.

MOTION: TO ADOPT THE RECOMMENDATION OF THE MAYOR CHARLES E. CROWLEY MEMORIAL COMMITTEE AND OFFICIALLY RE-NAME THE OAKLAND FIRE STATION TO THE CHARLES E. CROWLEY OAKLAND FIRE STATION. SO VOTED.

MR. CASTRO SAID THE DEDICATION IS TENTATIVELY SCHEDULED FOR SEPTEMBER 26, 2015 AT 11:00 A.M.

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MAY 12, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

PENDING FIRE CHIEF BRADSHAW'S APPROVAL

2. MEET FOR A PRE-REVIEW HEARING ON SPECIAL PERMIT FOR A MEDICAL MARIJUANA DISPENSARY ON LOT 119-65 REVOLUTIONARY DRIVE

ATTORNEY COSTA STATED THAT THE PETITIONER IS SEEKING A SPECIAL PERMIT UNDER SECTION 5.2 OF THE TAUNTON ZONING ORDINANCE TO OPERATE A MEDICAL MARIJUANA DISPENSARY IN A INDUSTRIAL DISTRICT ON REVOLUTIONARY DRIVE.

THE PROPOSAL HAS BEEN THROUGH THE SITE PLAN REVIEW PROCESS WITH THE PLANNING BOARD. THEY REVIEWED THE SITE PLAN, APPROVED IT AND FORWARDED A POSITIVE RECOMMENDATION ON THE SPECIAL PERMIT APPLICATION TO THE COUNCIL. THIS FACILITY IS A DISPENSARY. THERE IS NO CULTIVATION PROPOSED FOR THE SITE. THE PARCEL OF LAND IS PRESENTLY AN UNDEVELOPED PARCEL WITH ABOUT 10 ACRES TOTAL ON REVOLUTIONARY DRIVE. THE UPLAND PORTION OF THE PARCEL IS ABOUT 3.3 ACRES. THE BUILDING ITSELF IS ABOUT 53,456 SQUARE FEET. THE PROPOSAL MEETS ALL OF THE DIMENSIONAL REQUIREMENTS, THE ZONING, ALL THE SET BACKS AND PARKING REQUIREMENTS AND THOSE TYPE OF DIMENSIONAL REQUIREMENTS. THE FACILITY WILL BE OPERATED IN ACCORDANCE WITH THE REGULATIONS AND GUIDELINES OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH. THE CULTIVATION FACILITY THAT WILL SUPPLY THE PRODUCT TO THE SITE IS LOCATED IN HOLBROOK AND MASSMEDICUM HAS BEEN PURSUING THE NECESSARY APPROVALS AND PERMITS FOR THE SITE IN HOLBROOK. THE SITE SECURITY PLAN WILL BE REVIEWED AND APPROVED BY THE TAUNTON POLICE CHIEF AND THE TAUNTON FIRE CHIEF TO ASSURE THAT APPROPRIATE PROTOCOLS INVOLVING SECURITY ARE FOLLOWED AND THAT THE POLICE DEPARTMENT IS FULLY INFORMED AND INVOLVED IN ALL OF THE SECURITY SYSTEMS FOR THE SITE.

AS TO THE WAY THAT THE SITE WILL BE OPERATED, THERE WILL BE 6-8 EMPLOYEES AT ALL TIMES. THE PROPOSAL IS TO OPERATE 7 DAYS A WEEK FROM 11 A.M. TO 7 P.M. A LICENSED PHARMACIST WILL BE AVAILABLE AT ALL TIMES IN CONNECTION WITH THE OPERATION OF THE SITE EITHER PHYSICALLY ON THE PREMISES OR ON CALL TO DEAL WITH ANY QUESTIONS, CONCERNS ISSUES THAT WOULD NECESSITATE THE INVOLVEMENT OF A PHARMACIST WHICH, HIS UNDERSTANDING IS NOT REQUIRED BY THE DEPARTMENT OF PUBLIC HEALTH GUIDELINES BUT IN AN EFFORT TO OPERATE THE FACILITY IN THE BEST POSSIBLE WAY BY THE BEST POSSIBLE STANDARDS, THAT WILL BE PART OF THE WAY THE SITE WILL BE OPERATED.

THEY HAVE SUBMITTED A PETITION THAT INCLUDED SOME FURTHER DETAILS ON TRAFFIC. THERE WILL NOT BE ANY IMPACT AND THIS IS AN APPROPRIATE SITE FOR THIS TYPE OF USE. THERE IS NO ENVIRONMENTAL IMPACT, BUT A POSITIVE FISCAL IMPACT TO THE CITY IS ANTICIPATED. FOR THE PUBLIC HEARING IN ONE WEEK THEY WILL HAVE AVAILABLE A SET OF PLANS TO DISPLAY. ATTORNEY COSTA BELIEVES THAT THE ARCHITECT, THE ENGINEER, THE PETITIONER AND EITHER HE OR ATTORNEY GAY WILL BE PRESENT TO GIVE A FULL DETAILED PRESENTATION ABOUT THE PROPOSAL.

COUNCILOR CLEARY SAID THAT WHEN MEDICAL MARIJUANA CAME ON THE SCENE THEY WERE ALMOST INUNDATED WITH A NUMBER OF REPRESENTATIVES TRYING TO DESCRIBE THEIR STRENGTHS, ETC. MANY OF THEM ADVOCATED THAT THEY WERE GOING TO BE NON PROFIT AND THAT THEY WERE GOING TO BE VERY INVOLVED IN THE COMMUNITY AND SUPPORT YOUTH ORGANIZATIONS, ETC. HOWEVER, HE SAID THAT HE KNOWS NOTHING ABOUT MASSMEDICUM.

MR. SILVERMAN SAID THAT HE IS THE GENERAL MANAGER. IT IS A MASSACHUSETTS NON PROFIT CORPORATION. THE COMPANY WAS STARTED BY JAMES KERNICK WHO IS A CANCER RESEARCHER AT MASS. GENERAL HOSPITAL AND TEACHES AT HARVARD MEDICAL SCHOOL. IT WAS HIS OPINION, HAVING SEEN THESE TYPES OF BUSINESSES AROUND THE COUNTRY, THAT MOST OF THEM ARE QUITE FRANKLY NOT MEDICAL MARIJUANA COMPANIES. THEY DO NOT HAVE A PHARMACISTS AND IF YOU DON'T HAVE A

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

PHARMACISTS YOU SHOULDN'T BE HANDING OUT MEDICINE TO PEOPLE. HIS VIEW IS THAT YOU CAN DO THIS TYPE OF AN OPERATION THAT IS TRULY MEDICAL AND THAT IT IS THE PURPOSE THAT THE CITIZENS OF MASSACHUSETTS VOTED ON. THE FIRST THING HE DID WAS FIND A PHARMACISTS, THEN ASSEMBLED THE REST OF THE TEAM WHICH INVOLVES A PH. D CHEMIST THAT HAS EXPERIENCE IN CANABUS AND THERE ARE OTHER MEDICAL CONSULTANTS THAT THEY ARE TALKING TO TO TRY TO GET SOME CUTTING EDGE SCIENCE INVOLVED HERE. HE HAS RECRUITED A TOP NOTCH SECURITY EXPERT WHO IS RETIRED FROM THE MASS. DEPARTMENT OF CORRECTIONS BASICALLY BECAUSE THE KEY TO AN OPERATION LIKE THIS IS KEEPING PEOPLE OUT THAT ARE NOT SUPPOSED TO GET IN AND KEEPING THINGS IN THAT ARE NOT SUPPOSED TO GET OUT. THEY HAVE TRIED TO ASSEMBLE A TEAM THAT WILL BE ABLE TO DO THIS IN A WAY THE CITIZENS DESERVE. MR. SILVERMAN'S BACKGROUND IS AS A BUSINESS ATTORNEY BUT HE WILL BE THE DAY TO DAY PERSON OVERSEEING THE OPERATIONS BOTH HERE AND IN HOLBROOK WHERE THEY BOTH GROW THE MATERIAL AND PROCESS IT INTO MEDICINE. THERE IS A BOARD OF DIRECTORS WITH EXTENSIVE NON PROFIT EXPERIENCE.

COUNCILOR CLEARY ASKED TO BE PROVIDED WITH THE NAMES AND ADDRESSES OF THE BOARD OF DIRECTORS.

COUNCILOR POTTIER ASKED WHERE THEY WERE PLANNING TO HAVE THEIR CULTIVATION OPERATION. MR. SILVERMAN SAID THE COMPANY IS LEASING 30,000 SQUARE FEET OF WAREHOUSE SPACE IN HOLBROOK MA.

COUNCILOR POTTIER THEN ASKED IF THIS WAS THE ONLY SITE THIS ORGANIZATION WAS HAVING IN MASSACHUSETTS OR HAVE THEY BEEN AWARDED ANY OTHER LICENSES.

MR. SILVERMAN SAID THEY HAVE ONLY BEEN AWARDED THIS LICENSE AT THIS POINT. THERE IS ANOTHER APPLICATION N PROCESS THAT HE THINKS MAY START ON FRIDAY. THEY MAY BE LOOKING FOR ANOTHER DISPENSARY IN ANOTHER LOCATION.

COUNCILOR COSTA-HANLON ASKED FOR A COPY OF THEIR APPLICATION AND FOR IT TO BE AVAILABLE BY FRIDAY TO THE COUNCIL. SHE ALSO ASKED MR. SILVERMAN IF THEY WERE AWARE OF CORRESPONDENCE FROM SEVERAL CITY DEPARTMENTS INCLUDING THE BOARD OF HEALTH, PLANNING BOARD, TAUNTON POLICE DEPARTMENT AND IF SO SHE WOULD WANT TO SEE THAT THEY HAVE ADDRESSED ALL ISSUES IN THE LETTERS. SHE ASKED FOR AN EXECUTIVE SUMMARY AND A COPY OF THE APPLICATION.

IT WAS ALSO NOTED THAT THEY ARE REQUIRED TO GET LOCAL SUPPORT LETTERS AND IT WAS QUESTIONED WHO THEY RECEIVED LETTERS FROM. MR. SILVERMAN SAID ONE WAS FROM THE MAYOR'S OFFICE AND THAT THEY DID MEET WITH THE MAYOR.

IT WAS ALSO NOTED THAT THIS WILL BE MR. SILVERMAN'S ONLY JOB AND HE WILL NOT BE PRACTICING LAW.

THEY ARE ALSO IN FINAL DISCUSSIONS WITH THE MAYOR ON A HOST AGREEMENT.

IT WAS ALSO STATED THAT THE DIRB HAD AN EXTENSIVE LIST OF CONDITIONS ONE OF WHICH IS THAT THEY ARE TO BE NO CLOSER THEN 500 FEET TO A PLACE WHERE CHILDREN CONGREGATE. THEY WERE ASKED TO BE PREPARED TO ADDRESS ALL REGULATIONS.

COUNCILOR CARR STATED THAT SHE FEELS THIS WILL BE A HUGE BURDEN ON THE POLICE FORCE. SHE VOTED NO ON THE PRIOR APPLICANT. SHE DID ASK THE MAYOR TO ASK FOR POLICE DEPARTMENT POSITIONS. SHE ALSO NOTED THAT THERE ARE BUSINESSES WITHIN THE 500 FEET AND SHE WANTS IT CONFIRMED THAT THERE ARE NO CHILD CARE FACILITIES, ETC. WITHIN THE 500 FEET.

IT WAS ALSO STATED THAT THE PROCESS FOR THIS IS THAT PEOPLE WILL NEED A RECOMMENDTION FROM A DOCTOR. THEY HAVE TO TAKE IT TO THE DEPARTMENT OF PUBLIC HEALTH WHO ISSUES THEM A REGISTRATION CARD. THEY CAN GET A CERTAIN AMOUNT IN A 60 DAY PERIOD. THE STATE HAS DEVELOPED A TRACKING SYSTEM THAT KEEPS TRACK OF HOW MUCH PEOPLE HAVE GOTTEN.

MOTION: TO EXCUSE THE PARTIES

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MAY 12, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

3. MEET WITH THE CITY SOLICITOR AND HUMAN RESOURCE DIRECTOR TO DISCUSS TAUNTON POLICE PATROLMEN'S ASSOCIATION CONTRACT

THE CITY SOLICITOR STATED THAT THEY ARE HERE TO ANSWER ANY QUESTIONS THE COUNCIL MAY HAVE ON THE PATROLMEN'S CONTRACT. HE SAID THAT IT IS VERY SIMILAR TO THE POLICE SUPERVISORY CONTRACT THAT WAS APPROVED A FEW WEEKS AGO.

COUNCILOR CLEARY NOTED THAT THE RAISES ARE BASICALLY THE SAME, BUT ASKED ABOUT A LUNCH DIFFERENTIAL. HOWEVER, THE CITY SOLICITOR STATED THAT THIS IS NOT A LUNCH DIFFERENTIAL BUT IS A SHIFT DIFFERENTIAL DUE TO THE FACT THAT THE SECOND RELIEF IS A LONGER SHIFT. THIS HAS BEEN IN THE CONTRACT FOR DECADES.

COUNCILOR CLEARY ALSO ASKED WHAT THE INTENT WAS REGARDING ITEM NO. 5 WHICH DEALS WITH ARTICLE XVI – NO HIRING OTHER THAN POLICE PERSONNEL. THE CITY SOLICITOR STATED THAT RIGHT NOW THE ARTICLE SAYS THIS ARTICLE IS NOT INTENDED TO AFFECT THE HIRING OF CIVILIANS FOR SCHOOL CROSSINGS. THEY ARE ADDING THE LANGUAGE NOT INTENDING TO AFFECT THE HIRING OF CIVILIANS FOR ENFORCEMENT OF NON ARRESTABLE MUNICIPAL ORDINANCES AND NON-CRIMINAL STATUTES, REGULATIONS AND RULES. THIS PART IS BEING ADDED AND IS SOMETHING THAT THE CITY VERY MUCH WANTED TO HAVE. THE PATROLMEN'S UNION HAD FILED AN UNFAIR LABOR PRACTICE AGAINST THE CITY WHEN THE POSITION OF TRASH ENFORCEMENT MONITOR WAS ESTABLISHED AND HIRED A CIVILIAN TO DO THAT JOB. THEY FELT AS THOUGH THAT IT WAS TAKING BARGAINING WORK AWAY FROM THE UNIT. THE CITY DID NOT AGREE WITH THAT AND WENT FORWARD WITH THE POSITION. THIS AGREEMENT DISMISSES WITH PREJUDICE THE UNFAIR LABOR PRACTICE THAT THEY FILED AND THE CONTRACT HAS BEEN SPECIFICALLY AMENDED TO SAY THAT IF THE CITY WANTS TO HIRE CIVILIANS TO ENFORCE MUNICIPAL ORDINANCES VIOLATIONS WHICH ARE NOT SUBJECT TO ARREST AND IF THE CITY WANTS TO HIRE CIVILIANS TO ENFORCE NON CRIMINAL STATUTES, REGULATIONS AND RULES THAT THERE IS NO QUESTION ABOUT IT, IT DOES NOT CONSTITUTE A VIOLATION OF THE AGREEMENT. COUNCILOR CLEARY ALSO ASKED ABOUT THE LINE OF DUTY.

THE CITY SOLICITOR STATED THAT THIS IS THE SAME POLICY THAT THE COUNCIL SAW IN THE POLICE SUPERVISORS CONTRACT THAT WAS APPROVED A FEW WEEKS AGO. THIS POLICY IS SOMETHING THE CITY VERY MUCH DESIRED TO HAVE IMPLEMENTED TO SET FORTH CLEAR STANDARDS AND PROCEEDURES FOR WHAT HAPPENS IF AN OFFICER IS INJURED ON DUTY. IT ALSO GIVES THE CITY THE RIGHT TO HAVE THE OFFICER GO TO AN INDEPENDENT MEDICAL EXAM.

COUNCILOR MARSHALL ASKED ABOUT NO. 4 THAT REFERENCES ARTICLE VIII – EXTRA PAID DETAILS WHICH STATES *NOTWITHSTANDING THE ABOVE REFERENCED MINIMUM GUARANTEE OF FOUR HOURS, THE MINIMUM GUARANTEE FOR ANY EXTRA PAID DETAIL THAT IS NOT CALLED IN BY 7:00 P.M. ON THE DAY PRIOR TO THE START OF THE DETAIL SHALL, EXCEPT IN THE CASE OF A BONA FIDE EMERGENCY THAT COULD NOT HAVE BEEN SCHEDULED IN ADVANCE OR OTHERWISE ANTICIPATED, BE EIGHT HOURS MINIMUM.* SO IN OTHER WORDS IF YOU ARE A PRIVATE CITIZEN OR CONTRACTOR, IF YOU DO NOT CALL IN BY 7:00 P.M. THE DAY BEFORE, THAT MINIMUM DETAILS IS GOING FROM 4 HOURS TO 8 HOURS CORRECT?

THE CITY SOLICITOR SAID THAT IS CORRECT. HE FURTHER NOTED THAT IT IS NOT GOING FROM THERE, IT ALREADY IS IN THE CONTRACT. THE ONLY THING THAT IS BEING CHANGED IS WHAT SAYS *THAT IS NOT CALLED IN BY 7:00 P.M. ON THE DAY PRIOR TO THE START OF THE DETAIL.* RIGHT NOW IT SAYS "THAT IS CALLED IN ON THE DAY OF DETAIL". WHAT THEY ARE FINDING, AND THE CHIEF VERIFIED THIS, IS THAT THERE WERE BIG COMPANIES OUT THERE THAT HIRE A LOT OF DETAILS AND IT WAS ESTABLISHED THAT THEY WERE CALLING THEM IN LATE INTENTIONALLY IN THE HOPES THAT BY THE TIME THEY GOT

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MAY 12, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

AROUND TO HIRING THEM THEY WOULD NOT HAVE ENOUGH TIME TO HIRE SOMEBODY. THIS PUSHES IT BACK TO 7:00 P.M. THE NIGHT BEFORE. THIS ALSO DOES INCLUDE CITY DEPARTMENTS.

COUNCILOR MARSHALL WOULD LIKE TO MAKE SURE THAT THIS CONTRACT LANGUAGE IS MADE AWARE TO ALL CITY DEPARTMENTS.

COUNCILOR MARSHALL ALSO QUESTIONED APPENDIX A – GUIDELINES FOR EXTRA PAID DETAIL HIRING SYSTEM. THIS STATES *HOWEVER, IF A DETAIL IS REQUESTED OUTSIDE OF THE REGULAR DAILY HIRING HOURS OF 6:00 A.M. THROUGH 10:00 A.M. AND 5:00 P.M. THROUGH 10:00 P.M. NO OFFICER WILL BE CHARGED WITH REFUSAL HOURS.*

THE CITY SOLICITOR STATED THAT THIS LANGUAGE DOES NOT PERTAIN AT ALL TO PEOPLE CALLING IN DETAILS. THIS LANGUAGE HAS TO DO WITH WHEN AN OFFICER IS PENALIZED AND BASICALLY GOES TO THE BOTTOM OF THE CALL IN LIST.

COUNCILOR MARSHALL STATED THAT HE BELIEVES THE DETAIL HIRING OFFICER IS A PAID STIPEND. IS THERE ANYTHING IN THAT JOB DESCRIPTION OR DUTY THAT SAYS ALL DETAILS NEED TO BE HIRED BY 10:00 P.M. HE FURTHER STATED THAT OFFICERS WON'T BE CHARGED FOR REFUSAL OF HOURS IF THEY ARE ASKED TO WORK A PAID DETAIL AFTER 10:00 P.M., BETWEEN 5:00 P.M. AND 10:00 P.M. IS THERE LANGUAGE IN THE DETAIL HIRING OFFICERS JOB DESCRIPTION OR DUTIES THAT REQUIRES HIM TO DO THE HIRING BETWEEN 5:00 P.M. AND 10:00 P.M.?

THE CITY SOLICITOR SAID THEY DID NOT FOCUS ON THAT PORTION OF THE CONTRACT AT ALL AND HE IS NOT SURE WHAT THE RELEVANCE WOULD BE EVEN IF THEY DID. HE ALSO STATED THAT HE IS NOT SURE WHY THE ADMINISTRATION OF THE CITY WOULD HAVE A LOT OF CONCERN AS TO WHETHER OR NOT AN OFFICER IS CHARGED REFUSAL HOURS OR NOT.

COUNCILOR CARR ASKED WHAT THE MAJOR CONCESSIONS WERE. SHE REALIZES THE INJURY ON DUTY WAS ONE, BUT WERE THERE ANY OTHER.

THE CITY SOLICITOR STATED THAT IN ADDITION TO THE INJURY ON DUTY POLICY THERE WAS THE FAMILY MEDICAL LEAVE POLICY, THE RESOLUTION OF THE UNFAIR LABOR PRACTICE IN FAVOR OF THE CITY, AND THE LANGUAGE THAT ALLOWS THE HIRING OF CIVILIANS FOR THE ENFORCEMENT OF NON-CRIMINAL MATTERS.

THE COST FOR THIS CONTRACT IS A TOTAL OF \$398,622.93 FOR THE 3 YEARS.

MOTION: APPROVE THE CHANGES TO THE TAUNTON POLICE PATROLMEN'S CONTRACT AS PRESENTED THIS EVENING. SO VOTED.

4. MEET WITH JOHN BRENNAN, ADMINISTRATOR OF THE TAUNTON NURSING HOME TO DISCUSS DEFICIENCY AT THE NURSING HOME.

THE COUNCIL PRESIDENT READ A LETTER DATED 4/9/2015 FROM JOHN BRENNAN WHICH STATED THAT EACH YEAR THE NURSING HOME IS SURVEYED BY THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (DPH) ON BEHALF OF THE FEDERAL GOVERNMENT (CMS-CENTERS FOR MEDICARE AND MEDICAID SERVICES). THE SURVEY PROCESS IS A RIGOROUS REVIEW OF SERVICES PROVIDED BY THE NURSING HOME. THE SURVEY PROCESS OFTEN RESULTS IN DPW ISSUING A STATEMENT OF DEFICIENCIES AND THIS YEAR, TNH RECEIVED SUCH A STATEMENT. IN RESPONSE TO THE SURVEY FINDINGS, TNH IS REQUIRED TO SUBMIT A PLAN OF CORRECTION TO DPH TO SHOW THAT TNH HAS CORRECTED THE DEFICIENCIES AND IS COMPLIANT WITH ALL APPLICABLE STATE AND FEDERAL LAWS REGARDING NURSING HOME STANDARDS. TNH HAS CORRECTED THE DEFICIENCIES CITED BY DPH AND IS NOW IN FULL COMPLIANCE WITH THE REGULATORY REQUIREMENTS. A STANDARD PART OF THIS PROCESS OFTEN RESULTS IN CMS ISSUING A FINE BASED ON THE DEFICIENCIES. AS A RESULT OF THIS YEAR'S SURVEY, TNH HAS BEEN FINED \$23,562.50.

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MAY 12, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

MR. BRENNAN SAID LEASE BE ASSURED THAT THE STAFF OF TNH STRIVES EVERY DAY TO PROVIDE THE LEVEL OF SERVICE FOR THE RESIDENTS EXPECTED BY THE CITY OF TAUNTON. THEY BELIEVE THE CARE AND SERVICE TNH HAS PROVIDED OVER DECADES OF SERVICE TO THE COMMUNITY HAS BEEN REFLECTIVE OF THEIR COMMITMENT TO THE PATIENTS AND THE COMMUNITY.

ATTACHED TO THE LETTER WAS THE CMS LETTER.

THE COUNCIL PRESIDENT AGAIN STATED THAT THE REASON WHY MR. BRENNAN IS HERE TONIGHT IS BECAUSE DPH CAME IN, DID THEIR ANNUAL SURVEY, AND FOUND THAT THE NURSING HOME HAD 4 DEFICIENCIES. MR. BRENNAN HAS SUBMITTED A PLAN OF CORRECTION TO THE DPH, WE WERE FINED AND IT WAS PAID. THIS WAS REFERRED TO THIS COMMITTEE BECAUSE SEVERAL COUNCILORS HAD SOME CONCERNS AS TO WHAT THOSE DEFICIENCIES WERE AND WHAT KINDS OF ACTIONS WERE TAKEN TO CORRECT THOSE DEFICIENCIES. COUNCILORS ALSO WANTED TO KNOW IF THESE DEFICIENTS WERE DUPLICATES OF DEFICIENCIES FROM PREVIOUS YEARS. THEY WERE NOT.

MR. BRENNAN SAID DPH COMES IN EVERY YEAR AND DOES THEIR SURVEY, AND THIS YEAR THEY WERE TAGGED WITH DEFICIENCIES. THEY ARE CHARGED WITH SUBMITTING A PLAN OF CORRECTION, WHICH THEY DID, AND THAT PLAN WAS ACCEPTED BY DPH. THEY ARE CLEARED BY THE DPH. THROUGH THIS PROCESS THE BOARD OF DIRECTORS, CITY ATTORNEY AND HUMAN RESOURCE DIRECTOR WERE AWARE OF THE SURVEY PROCESS, THE INITIAL SURVEY AND THE RESPONSE TO THAT PROCESS. BEING CLEARED IS A GOOD THING. A BIG PENALTY THAT THE STATE CAN ASSIGN TO YOU IS A FREEZE IN ADMISSION, THEY DID NOT DO THAT. THE \$24,000 FINE IS A CMS FEDERAL FINE. THAT IS THE FINE THEY ARE REQUIRED TO PAY BECAUSE OF THE DEFICIENCIES.

THE 4 DEFICIENCIES WERE, FIRST OF ALL, THEY WERE NOT HAPPY WITH THE CLEANLINESS OF THE WINDOWS. THE CLEANLINESS OF THE WINDOWS WAS NOT REALLY THE ISSUE, THE ISSUE IS HE REALLY NEEDS NEW WINDOWS. THEY WERE FOGGED, THE WIND BLOWS IN THROUGH THE PANES. HE DID EXPLAIN TO THEM THAT THEY ARE TRYING TO GET \$500,000 TO REPLACE THE WINDOWS.

THE SECOND ISSUE WAS THAT THEY HAD A RESIDENT ELOPE FROM THE BUILDING. THE RESIDENT WAS RETURNED MINUTES AFTERWARDS BY THE POLICE DEPARTMENT, WAS UNHARMED, AND THAT ISSUE HAS BEEN DEALT WITH. THE FRONT DOOR HAS A NEW EXTRA SECURITY FEATURE. THAT RESIDENT ELOPING WAS AN ISOLATED INCIDENT WITH A RESIDENT THAT THEY HAD HAD NO EXPERIENCE WITH LEAVING THE BUILDING

THE THIRD WAS A MEDICATION ERROR. IT WAS IDENTIFIED AND REPORTED TO THE STATE. THE CITY SOLICITOR, HUMAN RESOURCE DIRECTOR AND MR. BRENNAN ARE DEALING WITH THE COLLECTIVE BARGAINING ASPECTS OF THAT MEDICATION ERROR

THE FOURTH WAS THAT THEY HAD A RESIDENT THAT WAS ACTING INAPPROPRIATE. THE STAFF DID EVERYTHING THEY SHOULD HAVE DONE FOR THAT RESIDENT AT THAT TIME, BUT MR. BRENNAN DID NOT REPORT THAT EVENT TO THE DPH. THEY WERE CONCERNED ABOUT WHAT HAPPENED, BUT THEY WERE MORE CONCERNED THAT HE DID NOT REPORT IT.

A PLAN OF CORRECTION WAS SUBMITTED WHICH WAS VERY LENGTHY, AND INVOLVED A LOT OF EDUCATION, RE-INSERVICE DOCUMENTATION, CHANGING THE WAY THEY DO THINGS, ETC. THE SURVEY WAS IN DECEMBER, THE STATE ACCEPTED THE PLAN IN FEBRUARY AND THE FINE CAME AFTER THAT.

MR. BRENNAN SAID THAT HE IS RESPONSIBLE FOR ALL OPERATIONS AT THE TAUNTON NURSING HOME AND HE ASSUMES FULL RESPONSIBILITY FOR THIS SURVEY AND THE OUTCOME.

COUNCILOR CARR ASKED WHEN THE LAST TIME THE NURSING HOME WAS FINED.

MR. BRENNAN SAID IT WAS SOME YEARS AGO AND WAS FOR \$7,000. THE ISSUES NOW WERE NOT REPEATS. MR. BRENNAN SAID THIS IS THE LARGEST FINE HE HAS EVER PAID, AND THAT THE MONEY FOR THE FINE CAME FROM TAUNTON NURSING HOME FUNDS.

COUNCILOR CROTEAU SAID THAT HE WAS INITIALLY TOLD THAT THE FINE WAS \$75,000.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

MR. BRENNAN SAID THE FINE IS \$23,562.50.

COUNCILOR CROTEAU SAID HE KNOWS WHAT THE FINE IS NOW, BUT WAS TOLD THAT THE FIRST FINE ISSUED BY DPH WAS \$75,000.

MR. BRENNAN SAID NO, THE FIRST NUMBER USED BY CMS WAS \$75,000 AND THEY HAD MISCALCULATED THE FINE AND IT WAS CORRECTED.

COUNCILOR CROTEAU ASKED REGARDING THE PERSON WHO LEFT, WAS THERE A HEAD COUNT TAKEN.

MR. BRENNAN SAID THAT HE CANNOT COMMENT ON THIS, BUT CAN SAY THAT THE PERSON LEFT AND WAS RETURNED SAFELY.

COUNCILOR CROTEAU SAID HE WAS TOLD THAT A HEAD COUNT WAS NOT TAKEN AND THE INSTITUTION WAS NOT AWARE THAT SOMEONE WAS MISSING UNTIL THE POLICE CAME. HE CAN CHECK THAT WITH THE POLICE LOG.

MR. BRENNAN SAID THAT RELATIVE TO THIS ISSUE, PROCEDURES WERE NOT FOLLOWED AT THE NURSING HOME. THE PROCEDURES FOR ACCOUNTING FOR THE SAFETY OF THE RESIDENTS WERE NOT FOLLOWED AT THAT TIME.

COUNCILOR CROTEAU THEN ASKED IF ONE OF THE PROCEDURES WAS TO DO A HEAD COUNT.

MR. BRENNAN SAID YES.

REGARDING THE MEDICATION AND INAPPROPRIATE BEHAVIOR, IS IT REQUISITE TO REPORT THOSE?

MR. BRENNAN SAID YES, AND HE REPORTED THE MEDICATION ERROR AND DID NOT REPORT THE INITIAL INAPPROPRIATE BEHAVIOR BY A RESIDENT. HE DID REPORT THE RESIDENT LEAVING.

COUNCILOR CROTEAU ASKED IF IT IS NORMAL TO BE FINED IF SOMETHING IS REPORTED?

MR. BRENNAN SAID THE DPH IS VERY INTERESTED IN RECEIVING YOUR REPORT, IT IS NOT NECESSARILY THAT THIS IS THE WORSE THING YOU HAVE EVER HAD.

COUNCILOR CROTEAU STATED THAT IT IS POSSIBLE THAT PART OF THE FINE IS AS A RESULT OF FAILURE TO REPORT.

MR. BRENNAN SAID HIS FAILURE TO REPORT IS PART OF THE DPH SURVEY PROCESS, YES.

COUNCILOR CROTEAU SAID HE WANTS TO RECEIVE A COPY OF WHAT WAS FILED BY CMS, DPH, OR WHOEVER.

MR. BRENNAN SAID THEY DID NOT FILE ANYTHING.

MR. BRENNAN ASKED IF HE MEANT WHAT WAS FILED BY HIM IN RESPONSE TO THEIR REPORT.

COUNCILOR CROTEAU SAID HE WANTS THEIR REPORTS, THE REPORTS GIVEN TO MR. BRENNAN AFTER THE SURVEY WAS TAKEN WITH NAMES BLACKED OUT AND ANY IDENTIFICATION BLACKED OUT. HE WANTS COPIES OF ANY REPORT FILED TO MR. BRENNAN CAUSING MR. BRENNAN TO SEND A REPORT TO THEM. FURTHER, HE WANTS A COPY OF WHATEVER WAS SUBMITTED TO THE NURSING HOME BOARD AND MINUTES OF THE MEETING.

MOTION: THAT MR. BRENNAN PROVIDE TO THE COUNCIL COPIES OF ANY AND ALL REPORTS FILED BY CMS, DPH, OR WHOEVER, WITH NAMES BLACKED OUT, COPIES OF ALL REPORTS GIVEN TO MR. BRENNAN AFTER THE SURVEY WAS TAKEN, AND ALSO COPIES OF WHATEVER WAS SUBMITTED TO THE NURSING HOME BOARD AND COPIES OF THE MINUTES OF THE MEETING. SO VOTED.

COUNCILOR MARSHALL STATED THAT THEY COME IN AND DO A SURVEY, AND REPORT THAT THERE ARE DEFICIENCIES A, B, C AND D. DO THEY GIVE YOU A TIME FRAME TO CORRECT THESE?

MR. BRENNAN SAID YES, THEY GIVE YOU A CERTAIN AMOUNT OF TIME TO DO THESE. COUNCILOR MARSHALL ALSO QUESTIONED THE FIGURES FOR THE FINE, AND MR. BRENNAN SAID HE WILL LOOK INTO HOW THEY ARRIVED AT THE NUMBER.

IT WAS ALSO QUESTIONED WHO MADE THE DECISION TO WAIVE THE APPEAL RIGHTS.

MR. BRENNAN SAID IT WAS HIM.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

COUNCILOR CROTEAU SAID YOU ARE TALKING ABOUT MONEY AND REGULATORY AGENCIES SO HE DOES NOT UNDERSTAND HOW THE ADMINISTRATOR COULD MAKE THIS DECISION WITHOUT A VOTE OF THE BOARD.

MR. BRENNAN SAID THAT THE NURSING HOME BOARD IS FULLY AWARE OF WHAT GOES ON, THE FINE, THE PENALTIES EVERY DECISION THAT IS MADE IS BROUGHT TO THE BOARD OF DIRECTORS AND THE DECISION WAS MADE BY HIM WITH A RECOMMENDATION TO THE BOARD THAT THIS FINE BE PAID. COUNCILOR MARSHALL ASKED MR. BRENNAN IF HE CONSULTED WITH THE CITY SOLICITOR OR THEIR DESIGNEE IF THERE IS AN EXPERT IN THIS FIELD TO DETERMINE WHETHER TO WAIVE THE APPEAL RIGHTS.

MR. BRENNAN SAID HE SPOKE TO THE CITY SOLICITOR AND TO THE BOSTON ATTORNEYS AND THIS IS A NORMAL COURSE OF ACTION, TO WAIVE THE APPEAL. HIS EXPERIENCE WITH AN APPEAL WITH THE DPH AND CMS IS THAT YOU DO NOT HAVE A HIGH SUCCESS RATE. ULTIMATELY IT WAS HIS DECISION AND HIS RECOMMENDATION TO GO THIS WAY.

COUNCILOR MARSHALL ASKED IF THERE WERE TIMES THAT DPH OR CMS DO NOT FINE YOU FOR A VIOLATION OR IS THERE ALWAYS A FINE?

MR. BRENNAN SAID THAT THERE HAVE BEEN OTHER DEFICIENCIES THAT WERE NOT FINED. MR. BRENNAN SAID THAT THERE ARE A WHOLE LEVEL OF DEFICIENCIES.

COUNCILOR MARSHALL WOULD LIKE THE DATE OF THE INCIDENTS AND THE DATE THEY WERE FINALLY REPORTED.

COUNCILOR CLEARY STATED THAT HE HASN'T HEARD ABOUT ANY DISCIPLINARY ACTION TOWARDS THE STAFF. THERE MUST BE PROPER PROCEDURES TO FOLLOW. SOME OF THESE ISSUES ARE SERIOUS LAPSES.

HE IS HOPING THAT THERE HAS BEEN SOME CORRECTIVE ACTION DONE.

MR. BRENNAN SAID THAT ALL STAFF MEMBERS INVOLVED HAVE BEEN DEALT WITH, WITH SOME OF THEM BEING DEALT WITH THROUGH HUMAN RESOURCES AND COLLECTIVE BARGAINING.

MR. CLEARY STATED FURTHER THAT HE IS CONCERNED WITH THE LIABILITY.

MR. BRENNAN SAID THAT HE WORKS CLOSELY WITH HUMAN RESOURCES AND THE CITY SOLICITOR ON THE ISSUES AND THE INCIDENTS ARE TAKEN SERIOUSLY.

MOTION: THAT WHEN MR. BRENNAN PROVIDES THE REPORTS REQUESTED THAT A MEETING BE SCHEDULED IN EXECUTIVE SESSION AS THESE ARE PERSONNEL ISSUES. THE REPORTS ARE TO BE RECEIVED ON THE FRIDAY PRIOR TO WHEN THE EXECUTIVE SESSION MEETING IS TO BE HELD. NURSING HOME BOARD MEMBERS, MR. BRENNAN, CITY SOLICITOR AND HUMAN RESOURCE DIRECTOR ARE TO BE PRESENT FOR THAT MEETING.

COUNCILOR POTTIER STATED THAT HE CERTAINLY APPRECIATES THE INTEREST OF THE COUNCIL ESPECIALLY IN LIGHT OF THE FACT THAT THE CITY IS LOOKING AT A \$24,000 FINE.

HE THEN MADE THE FOLLOWING MOTION:

MOTION: TO REFER TO THE CITY SOLICITOR'S OFFICE FOR HIM TO OPINE INSOFAR AS TO THE GOVERNING STRUCTURE OF THE NURSING HOME, AS THEY DO HAVE A BOARD, WHAT THE ROLE OF THAT BOARD IS COMPARED TO WHAT THE ROLE OF THE COUNCIL IS INSOFAR AS THE DAY TO DAY OVERSIGHT OF THE NURSING HOME. SO VOTED.

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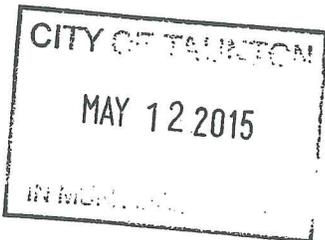
THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

MEETING ADJOURNED AT 9:30 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK



CITY OF TAUNTON

ORDER #17
FY 2015
MAY 12, 2015

In Municipal Council 20.....

Ordered, That

THE SUM OF TWO HUNDRED THIRTY FIVE THOUSAND

DOLLARS AND NO CENTS (\$235,000.00) BE AND HEREBY IS TRANSFERRED FROM

WATER DEPARTMENT RETAINED EARNINGS (FREE CASH) ACCOUNT NO. 60-3590-3590

TO: CAPITAL ACCOUNT - LAND PURCHASE ACCOUNT NO. 60-450-5300-5810

..... *Clerk.*