



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, July 28, 2015 at 8:50 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, Cleary, Croteau, McCaul, Quinn, and Pottier

Councilor's Marshall, Costa Hanlon, and Carr are absent.

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

Communications from the Mayor:

Mayor Hoye wanted to let the public know that there have been concerns since last night about a Facebook page called "Taunton's Purge is back". He is happy to report that the site has been taken down and the Police Department is actively investigating this page. He stated that hopefully the culprits will be found. He wanted to send a message to parents to please check your kid's social media accounts and electronic devices. He stated that hopefully the people behind this will be prosecuted in some way. He does not know if the site originated in Taunton but the name would indicate that. He thanked the Police Department, all of the people who have contacted his office, and Facebook who took the site down. He spoke about the hot weather which is on its way and urged people to take precautions, check on elderly neighbors, make sure their pets have water and to take care of themselves.

Communications from City Officers:

Com. from Fire Inspector stating that Grampy's located at 165 High Street is in compliance with fire department requirements. Currently, there is a permit to install an underground tank for gasoline. The permit was issued on January 16, 2015 to Global Contracting Services at 680 Richmond Street, Taunton. A plan to install suppression systems for a self-service gas station is also under review by this office. **Councilor Pottier motioned to receive and place on file. So Voted.**

Com. from Board of Health response on 165 High Street regarding the inspections that were conducted on June 1, 2015 and July 20, 2015. **Councilor Pottier motioned to receive and place on file. So Voted.**

Com. from Director, Human Services notifying of the annual Executive Office of Elder Affairs Formula Grant and a Community Development Block Grant to hire part-time employees to provide case worker services for homebound elders, receptionist and Drop In Center Aide services for the Senior Center and Yoga instruction. They are requesting

the Council's approval to increase the wages of the positions as stated. **Motion was made to move approval. So Voted.**

Com. from Director, Human Resources notifying of Clerical Contract. Mayor Hoye stated that the discussion was held in the Committee of the Whole. Motion was made to approve the agreement as stated. The Mayor stated that it was already approved in the Committee. Councilor Croteau asked if it needs to be voted on in the Council. Mayor Hoye stated that it does but it is in the Committee file so it will be taken under the Committee reports.

Communications in the hands of City Councilors:

Com. from the Chief of Police stating that the Police Department participated in the Promotional Examination for the rank of Sergeant in October 2014. As part of the process they requested that passing candidates participate in an assessment center as part of the exam grading process. The City has been notified that as a result of the written examination, only one officer is eligible to participate in the assessment center process for the rank of Sergeant. This officer was promoted to the rank of Sergeant off the previous exam. This officer would like to find out what his actual written score was on this exam, but because there is an assessment center component, it cannot be provided to him by Human Resources. He is requesting that the Municipal Council formally waive the assessment center component for the 2014 Police Sergeant's Exam and direct the City's Civil Service Coordinator to so notify the stated Human Resource Division. Council President Borges asked if it should be referred to the Committee on Police and License or if it should be approved. The City Clerk stated that it should be approved because we have to call for a new Sergeants list and like they said, Joseph Marques was already appointed as a Sergeant and he needs his marks. There is nobody to have an assessment center for so now we need to call for a new sergeants test which she believes was called for last week. Councilor Croteau asked what the implications are if the motion is approved. He asked if the person is automatically appointed. The City Clerk stated that there is nobody left on the Sergeants list right now, he was already appointed and just wants to get his score so we will not have the assessment center. **Motion was made to approve. 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.

Orders, Ordinances, and Resolutions

Councilor Pottier asked if there are five or six votes needed as an order for a bonding. The City Clerk stated that there are only five needed to pass it and there are six votes needed to be ordained. She stated that there are two readings that take three weeks. The City Clerk read an email from the Treasurer/Collector asking to notify the Council that the MSBA has requested a language change in the Loan Orders for the Bennett and Martin Accelerated Repair Projects. Specifically, the purpose has been expanded to include windows/doors as follows: "for the purpose of paying costs of a roof and window/door repair/replacement" The City Clerk stated that the first order is fine, the second order on line 3 says roof repair/replacement and what it will be replaced with will

be roof and window/door repair/replacement on both the Bennett School and Martin School orders. She stated that the wording for both has changed and it will be advertised on Saturday so the ad will reflect the change. Councilor Pottier stated that since there will be multiple readings he is fine with the change but he would have a problem with this if it was only a one shot deal because the language has been changed after it has been published. Mayor Hoye stated that the new wording makes it more precise. Councilor Croteau stated that it is a very pertinent discussion because depending on the bureaucrat reading the expenses, if the change wasn't made and they read something about money being spent on windows, the City may not get the 74% reimbursement. Councilor Cleary stated that he is questioning the roof repair wording; he thought the roofs were being replaced. Mayor Hoye stated that this is the language that the MSBA is requesting.

Order for a first reading to be passed to a second reading

Ordered, That

The City of Taunton appropriate the amount of One Million Seven Hundred Thousand (\$1,700,000) Dollars for the purpose of paying costs of the feasibility study for the James L Mulcahy Elementary School, 28 Clifford Street, Taunton, MA 02780, including the payment of all costs incidental or related thereto, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of City of Taunton's School Building Committee. To meet this appropriation the Treasurer Collector, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project. **Motion was made to approve the first reading and move to a second reading. So Voted.**

Order for a first reading to be passed to second reading

Ordered, That

The City of Taunton appropriate the amount of Two Million Five Hundred Thousand (**\$2,500,000**) Dollars for the purpose of paying costs of a roof repair/replacement at the Edmund Hatch Bennett Elementary School, 47 No. Walker St, Taunton, MA 02780, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Taunton's Building Committee. To meet this appropriation, the Treasurer Collector with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling

authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project. **Motion was made to approve the first reading and move to a second reading. So Voted.**

Order for a first reading to be passed to a second reading

Ordered, That

The City of Taunton appropriate the amount of Five Million (**\$5,000,000**) Dollars for the purpose of paying costs of a roof repair/replacement at the Joseph H Martin Middle School, 131 Caswell Street, East Taunton, MA 02718, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Taunton's Building Committee. To meet this appropriation, the Treasurer Collector with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs The City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project. **Motion was made to approve the first reading and move to a second reading. So Voted.**

New Business:

Councilor Pottier stated that he received word about the deplorable condition of a building downtown next to DeVito's and the VFW. He spoke to Mrs. Gallant at the Board of Health about it. The building is located at 9 Taunton Green. **Motion was made to refer to the Board of Health and the Police Department. So Voted.**

Councilor Pottier motioned to refer the speeding on Cottage Street to the Safety Officer and the Committee on Police and License. So Voted.

Councilor Pottier stated that he received a phone call asking when the top coat will be done on Highland Street because the driveways are not lining up correctly and people are having trouble with their cars. **Motion was made to refer to the DPW. So Voted.**

Council President Borges motioned to refer to the DPW and the Safety Officer to look at putting a crosswalk from the School Street bakery across Winter Street. So Voted. She has noticed people waiting to cross there and nobody stops for them.

Council President Borges stated that she had made a motion a few weeks ago for the Police Department to go out and take a look at Park Street. She wanted to talk about the collaboration between the Mayor's Office, CCBC and the Police Department. She stated that they not only went out there and took care of the situation, they took it a step further to offer assistance to the homeless people.

Meeting adjourned at 9:10 P.M.

A true copy:

Attest:

A handwritten signature in cursive script that reads "Rene Marie Blackwell". The signature is written in black ink and is positioned to the right of the word "Attest:".

City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 28, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR POTTIER

MEETING CALLED TO ORDER AT 7:58 P.M.

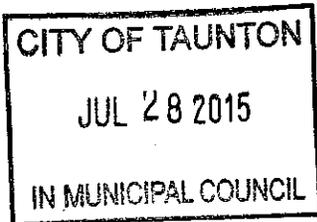
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS AND PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 7:59 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 28, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS QUINN, MCCAUL, CROTEAU, CLEARY, MARSHALL AND POTTIER. ALSO PRESENT WERE HEATHER GALLANT, EXECUTIVE DIRECTOR OF THE BOARD OF HEALTH, ADAM VICKSTROM, ASSISTANT DIRECTOR OF THE BOARD OF HEALTH, JESSICA FERREIRA, BOARD OF HEALTH SANITARY INSPECTOR, AND BOARD OF HEALTH MEMBERS DR. JOSEPH NATES, DR. THADEOUS FIGLOCK AND DR. BRUCE BODNER, HUMAN RESOURCE DIRECTOR MARIA GOMES, SCHOOL SUPERINTENDENT DR. JULIE HACKETT, ASSISTANT SUPERINTENDENT FOR FINANCE AND OPERATIONS JOHN CABRAL, SCHOOL COMMITTEE MEMBERS CHRISTINE FAGAN, CAROL DOHERTY, JORDAN FIORE, PETER CORR, JOSEPH MARTIN, BUILDING SUPERINTENDENT WAYNE WALKDEN, AND CITY SOLICITOR JASON BUFFINGTON

MEETING CALLED TO ORDER AT 6:10 P.M.

1. MEET WITH THE EXECUTIVE DIRECTOR, ASSISTANT DIRECTOR, SANITARY FOOD INSPECTOR AND THE BOARD OF HEALTH DOCTORS TO DISCUSS PERMITTING

THE COUNCIL PRESIDENT ASKED THE EXECUTIVE DIRECTOR TO TALK ABOUT PERMITTING AS FAR AS WHEN YOU NEED TO GET A PERMIT, WHEN YOU DON'T, ETC.

THE EXECUTIVE DIRECTOR SAID THAT JESSICA FERREIRA, THE SANITARY INSPECTOR HAD A PACKET PREPARED FOR THE MEETING. SHE ALSO SAID THAT THIS KIND OF GOES BACK TO THE CLUBS AND THE TEMPORARY EVENTS THAT SOME OF THE CLUBS IN THE COMMUNITY DO SPONSOR. BASICALLY, A PRIVATE EVENT AT A CLUB, A MEMBERSHIP PLACE, SUCH AS A CLOSED EVENT LIKE A BABY SHOWER OR BIRTHDAY PARTY THAT YOU ARE HAVING JUST FOR MEMBERS OF YOUR OWN FAMILY, DOES NOT REQUIRE A PERMIT. ONCE YOU GET INTO A PUBLIC EVENT, SUCH AS THE MANY FUNDRAISERS THAT ARE HELD AT THESE CLUBS LIKE A BIKE RUN, MEAT ON THE STICK, ETC. – BASICALLY ANYTHING YOU ARE SELLING TICKETS FOR AND IS NOT CLOSED TO A SELECT GROUP REQUIRES A PERMIT. THERE ARE SOME GRAY AREAS THAT THEY ARE TRYING TO CLARIFY.

MRS. FERREIRA SAID THAT THE PROBLEM IS HAVING A PUBLIC EVENT AND BRINGING FOOD FROM HOME, SUCH AS PASTA SALAD, POTATOE SALAD AND THINGS LIKE THAT, BECAUSE HOME KITCHENS ARE NOT LICENSED SO THEY ARE NOT INSPECTED BY THE BOARD OF HEALTH FOR CLEANLINESS, PROPER FOOD STORAGE, ETC. FOR PUBLIC EVENTS YOU NEED TO GET THE FOOD COMMERCIALY VS. IT BEING PREPARED AT HOME. COMMERCIAL PLACES ARE INSPECTED BY THE BOARD OF HEALTH AND UNDER THEIR REGULATIONS WHERE A HOME KITCHEN IS NOT.

WHAT NEEDS TO BE DONE IS THAT YOU NEED TO CONTACT THE BOARD OF HEALTH TO LET THEM KNOW THAT YOU ARE HAVING A FUNCTION AND PULL THE PROPER PERMIT, SUCH AS A MEAT ON THE STICK, AND THAT YOU ARE SELLING TICKETS AND BRINGING FOOD IN FROM THE OUTSIDE, AT THAT POINT IN TIME, WHEN THE PERMIT IS PULLED, THE BOARD OF HEALTH WOULD GO OUT AND DO AN INSPECTION AT THAT SITE.

THE COUNCIL PRESIDENT NOTED THAT MRS. FERREIRA HAS DONE A GREAT JOB EDUCATING THE LOCAL CLUBS AND BUSINESSES BECAUSE PEOPLE JUST THINK THAT THEY RENT A HALL, AND THAT IS ALL YOU NEED TO DO.

COUNCILOR QUINN ASKED IF AN ORGANIZATION LIKE A SOFTBALL LEAGUE WAS HAVING A MEAT ON A STICK AT A PARTICULAR PLACE THAT THE BOARD OF HEALTH HAS INSPECTED IN THE PAST, THEY ARE BRINGING IN THE MEAT ITSELF, AND DIFFERENT INDIVIDUALS ARE BRINGING IN THEIR SALADS, THE

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

BOARD OF HEALTH WOULD GO AT THE TIME OF THE EVENT TO INSPECT – SHE IS UNCLEAR OF HOW THE INSPECTION TAKES PLACE. YOU CAN INSPECT THE FACILITY, BUT THE FOOD IS NOT BEING MADE AT THE FACILITY. HOW DOES THIS WORK OR CAN IT NOT BE DONE ANYMORE.

MRS. GALLANT SAID THAT WITH THE CLUBS AND THE ORGANIZATIONS BASED ON FEED BACK AND DISCUSSIONS THEY HAVE HAD IN HOUSE TYPICALLY THE REGULAR ESTABLISHMENTS, WHETHER IT BE A FULL SCALE RESTAURANT OR A RETAIL PLACE THAT JUST HAS CHIPS AND SODA, THEY HAVE TO INSPECT A MINIMUM OF TWICE A YEAR, MORE IF THERE ARE COMPLAINTS OR SOMETHING COMES IN TO THE BOARD OF HEALTH OR THEY HAVE CONCERNS. GOING FORWARD THEY ARE TREATING THE CLUBS THE SAME WAY SO THAT THOSE EVENTS ARE COVERED. SHE ALSO NOTED THAT MRS. FERREIRA HAS DONE AN EXCELLENT JOB IN EDUCATING THESE CLUBS AND HAS PUT TOGETHER A LOT OF INFORMATION FOR THEM.

IT WAS NOTED THAT MEMBERS OF ORGANIZATIONS BRINGING IN FOOD IS SOMETHING THAT SHOULD NOT BE DONE. IF YOU USE A CATERER THAT IS OK AS LONG AS THEY ARE PROPERLY LICENSED. COUNCILOR CLEARY NOTED THAT HE HAS WORKED WITH THE BOARD OF HEALTH THROUGH THE KIWANIS AND THE ELKS. HE HAS NOT HAD ANY PROBLEMS, BUT SOME THINGS MAY CHANGE. HE ASKED ABOUT AN EVENT LIKE THE MEAT ON A STICK. HE SAID PEOPLE BRING IN OTHER ITEMS SUCH AS SALADS AND DESERTS, SO IS THE BOARD OF HEALTH SAYING THEY SHOULD NOT DO THAT ANYMORE.

MRS. GALLANT SAID THAT THIS IS ACTUALLY PROHIBITED UNDER THE STATE AND FEDERAL FOOD CODE. MR. CLEARY CLARIFIED THAT YOU ARE SELLING TICKETS TO THIS EVENT SO THAT YOU CANNOT HAVE PEOPLE BRINGING IN FOOD PREPARED AT HOME. COUNCILOR CLEARY THEN NOTED THAT THE IDEA OF HAVING A POT LUCK SUPPER IS OUT BECAUSE YOU ARE SELLING TICKETS. MRS. GALLANT NOTED THAT YOU COULD STILL HAVE IT IF THE FACILITY ALLOWS YOU TO MAKE THE FOOD ON SITE IN THE LICENSED KITCHEN UNDER THE SUPERVISION OF THE FOOD PROTECTION MANAGER.

MR. CLEARY SAID HE IS CONCERNED WITH THE EVENT MEN WITH TASTE, WHICH HAS BEEN AN ANNUAL EVENT, THEY DO PREPARE MOST OF THE FOOD, REHEAT THE FOOD, COOK THE FOOD IN THE KITCHEN, BUT THE IDEA OF SOMEBODY DROPPING OFF A CHOWDER IS NOT WORKABLE.

MRS. GALLANT SAID IF YOU MADE IT AT HOME IT IS NOT ALLOWED.

COUNCILOR CROTEAU ASKED IF SOMEONE IS HAVING A FUNDRAISER, BUT IS NOT SERVING FOOD AT THE FUNDRAISER BUT HAS FOOD FOR SALE, SUCH AS ASKING PEOPLE TO BAKE SOMETHING AND THEY SELL IT, CAN IT BE DONE ANYMORE?

MRS. GALLANT SAID CERTAIN BAKED GOODS ARE ALLOWED UNDER THE FOOD CODE. THEY HAVE TO BE WHAT IS CALLED NON-POTENTIALLY HAZARDOUS. BASICALLY WHAT THAT MEANS IS THAT THE FINISHED PRODUCT DOES NOT REQUIRE REFRIGERATION TO MAKE IT SAFE. CERTAIN BAKED GOODS ARE OK, YOU CANNOT DO CUSTARDS OR CREAM FILLED ITEMS. MRS. GALLANT SAID YOU DO HAVE TO POST A WARNING SIGN AT THE EVENT STATING THAT IT WAS *MADE IN KITCHEN NOT INSPECTED BY THE LOCAL BOARD OF HEALTH.*

COUNCILOR CROTEAU SAID THAT HE AGREES THAT THE PRIVATE NO PROFIT GROUPS NEED TO BE AWARE OF THESE RULES AND REGULATIONS. THESE NEED TO BE PUT ON THE WEB SITE SO ORGANIZATIONS KNOW. HE ALSO SAID IT MIGHT BE A GOOD IDEA TO SPOT CHECK SOME OF THE EVENTS.

THE BOARD OF HEALTH DOES CHECK THE COMMUNITY NOTES DAILY AND IF THERE IS ANY KIND OF FOOD BEING SERVED THE BOARD OF HEALTH DOES FOLLOW UP ON THIS.

COUNCILOR CLEARY NOTED THAT THE COUNCIL JUST RECEIVED THE PACKET TONIGHT AND IT SEEMS VERY COMPREHENSIVE, BUT HE SUGGESTS MAILING IT TO CLUBS AND SMALL ORGANIZATIONS IN TAUNTON SO THEY CANNOT SAY THEY NEVER GOT THE INSTRUCTIONS.

THE COUNCIL PRESIDENT ASKED DR. BODNER TO TALK ABOUT WHEN A PROPERTY IS REPORTED TO THE BOARD OF HEALTH VS. THE ZONING ENFORCEMENT OFFICER.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

DR. BODNER SAID THE MAIN FACTOR THAT LEADS SOMEONE TO REPORT A PROPERTY TO THE BOARD OF HEALTH IS THAT THEY SEE A THREAT TO THE HEALTH OF THE PERSONS LIVING IN THE HOME OR TO THE SURROUNDING NEIGHBORHOOD - ANIMALS, LEAD PAINT, OTHER SITUATIONS THAT POSE A THREAT TO THE PEOPLE WITHIN THE HOME OR THE NEIGHBORHOOD.

MR. VICKSTROM SAID FITNESS OR HEALTH ISSUES SHOULD REALLY BE AIMED AT THE BOARD OF HEALTH, MECHANICAL, ABANDONED, UNREGISTERED VEHICLES, SHOULD BE REPORTED TO ZONING. HE DID SAY THAT THE ZONING BOARD AND BOARD OF HEALTH SHARE A LOT OF REGULATIONS OR SIMILAR REGULATIONS IN REGARDS TO OVERCROWDING, SO THEY ATTACK SOME PROPERTIES JOINTLY. THEY DO OVERLAP AND DEPENDING ON THE SITUATIONS, THEY WILL JOINTLY ADDRESS THE ISSUE.

MR. VICKSTROM SAID THAT IF THERE IS SOMETHING THAT IS IN YOUR NEIGHBORHOOD THAT IS CAUSING ISSUES, SUCH AS WITH GARBAGE, REFUSE, TRASH, RESIDENTS ARE URGED TO CALL THE BOARD OF HEALTH. ONCE THEY GET A COMPLAINT, THEY DO GO OUT WITHIN 24 HOURS AND BASED ON WHAT THEY FIND ORDERS ARE ISSUED TO CORRECT. THEY DO GO OUT ON EVERY COMPLAINT, BUT SOMETIMES COMPLAINTS ARE NOT VALID AND THERE IS NOTHING THEY CAN DO. IF THEY FEEL THERE IS ANOTHER DEPARTMENT THAT CAN DO SOMETHING, THEY NOTIFY THAT DEPARTMENT. HE ALSO NOTED THAT IF AN ORDER IS ISSUED BY THEM TO CORRECT SOMETHING AND IT IS NOT DONE, THEY CAN ISSUE A TICKET, BRING THE PERSON TO COURT. NOT SO MUCH TRASH ISSUES, BUT HOUSING ISSUES ARE BROUGHT TO COURT.

COUNCILOR CLEARY SAID HE HAD A QUESTION ON THE NEW FEE FOR DUMPSTERS FOR APPARTMENT OWNERS. HIS UNDERSTANDING IS THAT IF A DUMPSTER COMPANY WANTS TO DO BUSINESS IN TAUNTON THEY WOULD NEED TO GET A PERMIT AND PAY A FEE TO THE BOARD OF HEALTH, WHICH MAKES SENSE. HE ASSUMES THAT COMPANY WILL SOMEHOW PASS THAT ON TO THE LANDLORD. BUT ABOUT A YEAR AND A HALF AGO, IT IS HIS UNDERSTANDING THAT THE BOARD OF HEALTH DECIDED TO PUT A FEE ON THE DUMPSTERS IN THESE PROPERTIES, WHICH IS AN ADDITIONAL FEE THAT THE HOMEOWNER, WHO IS ALREADY PAYING TAXES AND CAN'T USE TRASH PICK UP, CAN'T USE RECYCLING PICK UP, BUT IS BEING CHARGED ANOTHER FEE IN ORDER TO COMPLY WITH THE REQUIREMENT TO KEEP THE PROPERTY CLEAN. HE HAS RECEIVED A LOT OF COMPLAINTS ABOUT THAT ADDITIONAL FEE. HE FURTHER NOTED THAT ABOUT A YEAR AGO A LETTER WAS SENT FROM THE COUNCIL ASKING FOR CLAIRIFICATION AND BASICALLY WAS TOLD IT WAS A BOARD OF HEALTH MATTER AND THE COUNCIL HAS NO REAL AUTHORITY ON THIS.

MRS. GALLANT SAID THE DUMPSTER FEE THE BOARD ENACTED A WHILE BACK WAS JUST FOR THOSE UNDER 6 CUBIC YARDS. FIRE PREVENTION REGULATES 6 AND OVER. SO THESE ARE TYPICALLY THE MUCH SMALLER DUMPSTERS, TYPICALLY 2 OR 4 CUBIC YARDS. SHE ALSO SAID THAT THEY GET A LOT OF COMPLAINTS, TRASH COMPLAINTS, THAT HAVE TO DO WITH OVERFLOWING DUMPSTERS AND THEY DO GO OUT AND INSPECT. THIS FEE HELPS THEM TO TRACK WHO THESE OWNERS ARE IN ORDER TO GAIN COMPLIANCE.

MOTION: TO GO OUT OF THE REGULAR ORDER OF BUSINESS AND DISCUSS THE 1144B CLERICAL CONTRACT. SO VOTED.

2. MEET TO DISCUSS LOCAL 1144B CLERICAL CONTRACT

MRS. GOMES SAID THE PACKET WAS PROVIDED TO THE COUNCIL. IT IS A MEMORANDUM THAT WAS SIGNED ON JULY 21ST AND IS ABOUT 3 PAGES IN LENGTH AND SHE WILL ANSWER ANY QUESTIONS THE COUNCIL MAY HAVE REGARDING THE DOCUMENT.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

COUNCILOR CROTEAU SAID THAT THE COVER SHEET SHOWS AN FY 2016 COST OF \$28,891.59 AND A FY 2017 COST OF \$26,539.09. HE NOTED THAT THE PERCENTAGE INCREASE EACH YEAR IS 2 % SO HE ASKED WHY THE COST THE SECOND YEAR IS LESS.

MRS. GOMES SAID THERE WERE SOME CALCULATIONS DONE IN TERMS OF LONGEVITY THAT ADJUSTED THE CONTRACT AND THIS WAS A RESULT OF THAT. PLUS THEY HAD POSITIONS THAT WERE ADDED AND SUBTRACTED, SO PEOPLE HAVE LEFT AND PEOPLE ARE STARTING OFF AT DIFFERENT STEPS.

COUNCILOR CLEARY NOTED THAT PAST PRACTICE THE CONTRACTS ARE USUALLY FOR 3 YEARS, BUT THIS IS A 2 YEAR CONTRACT.

MRS. GOMES SAID YES, THAT THE CITY IS ATTEMPTING TO HAVE ALL OF THE CONTRACTS EXPIRE DURING THE SAME YEAR SO THAT IT IS BETTER TO DISCUSS ONE POOL OF MONEY AMONGST THE COLLECTIVE BARGAINING AGREEMENTS AT ONE TIME.

COUNCILOR CLEARY ALSO ASKED ABOUT THE LONGEVITY AND HOW MUCH IT WENT UP.

MRS. GOMES SAID THAT SHE BELIEVES THAT THE BIGGEST CHANGE TO THE LONGEVITY IS THAT IT IS NO LONGER A PARODY PROVISION. IN OTHER WORDS THERE WAS LANGUAGE IN THIS PARTICULAR CONTRACT THAT HAD TO DO WITH A 3RD YEAR PATROLMAN'S CONTRACT, WHERE THEIR RATE OF PAY FOR A 3RD YEAR PATROLMEN INCREASED THE LONGEVITY NUMBER IN THE CLERICAL UNION. WHAT THE CITY HAS BEEN ATTEMPTING TO DO IN ALL OF THE CONTRACTS, AND THEY HAVE BEEN SUCCESSFUL SO FAR, IS TO REMOVE THAT LANGUAGE AND THEY HAVE JUST LEVELED OUT THOSE NUMBERS, SO THEY ONLY INCREASE BY \$2-\$3.00 EACH. THEY ROUNDED THEM TO WHOLE NUMBERS.

COUNCILOR CLEARY ALSO QUESTIONED THE WAGE RE-OPENER.

MRS. GOMES SAID THEY CAN COME TO THE TABLE, BUT IT DOESN'T MEAN THEY WILL GET MORE.

ALSO, REGARDING PROMOTIONS, COUNCILOR CLEARY SAID HE ALWAYS THOUGHT THAT WHEN SOMEONE GOT PROMOTED YOU WOULD GO TO THE STEP THAT WOULD NOT CAUSE YOU TO LOSE ANY MONEY.

MRS. GOMES SAID THAT IS TYPICALLY THE CASE GOING FROM ANOTHER UNION INTO THE MANAGEMENT UNION. SHE FURTHER NOTED THAT IT IS NOT THE CITY'S INTENT TO HAVE ANYONE LOSE MONEY WITH A PROMOTION. THEY ARE EVALUATING THIS POLICY IN ALL OF THEIR CONTRACTS.

MR. CLEARY SAID THAT NOBODY SHOULD LOSE MONEY WITH A PROMOTION.

MOTION: MOVE APPROVAL OF THE CONTRACT. SO VOTED.

3. MEET WITH DR. JULIE HACKETT, SCHOOL SUPERINTENDENT TO DISCUSS THE NEXT STEP IN THE ELEGIBILITY PROCESS FOR FEASIBILITY STUDY AND SCHEMATIC DESIGN APPROPRIATION FOR THE JAMES L. MULCAHEY SCHOOL

DR. HACKETT STATED THAT THEY HAVE 3 APPROVALS PENDING. THE FIRST APPROVAL IS THAT THEY HAVE BEEN INVITED TO DO A FEASIBILITY STUDY FOR THE MULCAHEY ELEMENTARY SCHOOL. THE MULCAHEY SCHOOL, BY WAY OF CONTEXT, IS AN OLDER BUILDING THAT WAS BUILT IN THE 1960'S, THE ROOF TOP IS ABOUT 30 YEARS OLD, THE WINDOWS ARE ABOUT 60 YEARS OLD, IT HASN'T BEEN TOUCHED IN A LONG TIME, AND IT NEEDS A LOT OF WORK TO SAY THE LEAST. THE FEASIBILITY STUDY, IN ORDER TO GET TO THAT LEVEL, MAYOR HOYE AND DR. HACKETT HAD TO GO INTO BOSTON TO THE SBA, AND DO A VARIETY OF PAPERWORK SUBMISSIONS WHICH WAYNE WALKDEN AND JOHN CABRAL HELPED WITH. THEY WENT TO AN ENROLLMENT STUDY. THERE WAS SOME TALK OF CONSOLIDATION OF SOME OF THEIR OLDER BUILDINGS, POSSIBLY GALLIGAN, HOPEWELL AND MULCAHEY. IF THEY HAD CONSOLIDATED 3, OR PROPOSED TO CONSOLIDATE 3 SCHOOLS, YOU WOULD BE TALKING ABOUT APPROXIMATELY 900 PLUS STUDENTS. THIS WOULD BE A PRETTY LARGE SCHOOL. WHEN THEY WENT TO THE MEETING AT THE SBA, THE OFFICIALS THERE INDICATED THAT WAS TOO LARGE A SCHOOL AND THEY WOULD NOT WANT TO

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

SUPPORT ONE QUITE THAT BIG SO THEY SUGGESTED TO THE MAYOR AND DR. HACKETT THAT THEY TAKE A LOOK AT HOPEWELL SCHOOL AND MULCAHEY COMBINED. THE FEASIBILITY STUDY THEY HAVE BEEN APPROVED FOR IS THROUGH THE COMBINATION OF HOPEWELL AND MULCAHEY. HOPEWELL AND MULCAHEY COMBINED HAVE ABOUT 730 STUDENTS TOTAL. THEY WOULD BE LOOKING AT THE POTENTIAL OF CONSOLIDATING THOSE 2 BUILDINGS ON 1 SITE. WHETHER OR NOT THAT IS A BRAND NEW CONSTRUCTION OR A RENOVATION REMAINS TO BE SEEN. SHE THINKS LOGICALLY, IF YOU THINK ABOUT HOW OLD THE WINDOWS AND ROOF ARE AND THE BUILDING ITSELF, IT POINTS TO A MORE LIKELY CONCLUSION OF BEING A NEW PROJECT, BUT, THIS IS THE PURPOSE AND POINT OF A FEASIBILITY STUDY. THE ARCHITECT AND THE PEOPLE WHO LOOK AT THE DESIGN WILL SAY WHAT IS MORE REASONABLE AND A BETTER ECONOMIC STRATEGY FOR US. THE ONE MOTION THAT IS WRITTEN IS FOR FEASIBILITY STUDY ONLY.

SOME IMPORTANT POINTS ABOUT THE FEASIBILITY STUDY IS THAT IT IS RECOMMENDED THAT IT IS \$1.7 MILLION FOR FEASIBILITY. WHAT THAT ENDS UP BEING IN THE CITY'S TERMS IS 26%. TAUNTON GETS 74% REIMBURSEMENT WHICH IS THE HIGHEST REIMBURSEMENT AMOUNT THAT YOU CAN GET THROUGH THE STATE PRESENTLY. THEY ALSO HAVE THE OPPORTUNITY OF GETTING AN ADDITIONAL 5% IN EXTRA CREDIT POINTS IF THEY CAN DEMONSTRATE THAT THEY TAKE GOOD CARE OF OUR FACILITIES. DR. HACKETT SAID IF YOU LOOKED AROUND THE CITY OF TAUNTON AND YOU SEE OUR SCHOOL FACILITIES, OUR WALKS, DRIVEWAYS, THEY ARE DOING EVERYTHING THEY CAN TO MAKE SURE THAT THE INVESTMENT THE TAXPAYERS MADE IS BEING TAKEN CARE OF. SHE FEELS CONFIDENT THAT THEY MAY BE ABLE TO GET SOME EXTRA CREDIT POINTS BUT THAT REMAINS TO BE SEEN.

SO, YOU HAVE \$1.7 FOR FEASIBILITY OF WHICH 26% OF THAT IS REIMBURSED. THEY HAVE A NEW SYSTEM THROUGH THE SBA WHICH IS A PAY AS GO SYSTEM WHICH BASICALLY ONCE IT GETS SET UP REIMBURSEMENT CAN HAPPEN IN 15 DAYS.

DR. HACKETT FURTHER NOTED THAT WHEN THEY MET SHE ASKED HOW MANY SCHOOL SYSTEMS ENTER INTO FEASIBILITY STUDIES AND DON'T GET THEIR PROJECT MOVED FORWARD, AND THE ANSWER WAS NONE. THIS IS AN IMPORTANT DETAIL BECAUSE YOU DON'T WANT TO INVEST \$1.7 MILLION AND HAVE IT GO NOWHERE. IT SOUNDS TO HER, BY ALL INDICATIONS, THAT THIS IS A GO AS LONG AS THE STEPS ARE FOLLOWED.

THIS IS PROJECT 1. PROJECT 2 AND 3 ARE DIFFERENT. MULCAHEY IS A CORE PROJECT WHICH MEANS THAT EVERY SCHOOL SYSTEM IS ALLOWED TO PUT 1 PRIORITY PROJECT IN – ONLY 1. IT WAS DETERMINED BY THE SCHOOL DEPARTMENT, MAYOR AND MR. WALKDEN THAT THE PROJECT TO SUBMIT WAS MULCAHEY SCHOOL. YOU ALSO GET TO SUBMIT PROJECTS THAT ARE FOR SMALLER RENOVATIONS AND REPAIR AND THEY ARE CALLED ACCELERATED REPAIR PROJECTS OR ARP'S. ARP'S ARE FOR VERY SPECIFIC PREFERENCES, ROOFS, BOILERS, DOORS AND WINDOWS. THEY WERE FORTUNATE ENOUGH TO HAVE BOTH BENNETT AND MARTIN SCHOOLS APPROVED FOR THE ARP. THAT MEANS THAT THEY WILL FUND AT 74% ROOFS, WINDOWS AND DOORS. THEY WILL NOT DO THE BOILERS. THE BOILERS WERE NOT INCLUDED IN THOSE PROJECTS. THEY TRIED TO GET THEM TO DO THE ELECTRICAL IN THOSE BUILDINGS BECAUSE THEY ARE OLDER BULDINGS BUT THAT HAS TO FALL UNDER A DIFFERENT CATEGORY OF PROJECTS. BY WAY OF EXAMPLE GALLIGAN SCHOOL HAD A NEW ROOF PROJECT DONE A WHILE AGO. IT COST \$800,000 AND 26% PERCENT THE CITY FUNDED SO THE COST WAS SIGNIFICANTLY LESS. IN TERMS OF WHETHER OR NOT TO SUPPORT THIS AND HOW AND WHETHER IT MAKES FINANCIAL SENSE TO THE CITY, KEEP IN MIND ALL OF THE OUTLAY THAT HAPPENS WITH REPAIRS NOW. MR. WALKDEN EVERY YEAR IS TRYING TO SCRAPE TOGETHER FUNDS TO TRY TO PATCH ROOF TOPS, FIX BOILERS, FIX WINDOWS AND SO FORTH. EVERY SINGLE YEAR AT MULCAHEY THEY HAVE ISSUES WITH THE HEAT, COLD CLASSROOMS, ETC. DR. HACKETT SAID IF YOU DON'T FUND THIS IN A WAY THAT MAKES SENSE IN TERMS

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OF GETTING A NEW ROOF TOP OR A NEW BUILDING, THEN YOU ARE GOING TO PUT THE MONEY INTO REPAIRS.

THE MAYOR ALSO ADDRESSED THE COMMITTEE AND SAID THAT HE FEELS THIS IS A VERY WORTHWHILE PROJECT, MULTIPLE PROJECTS FOR THE CITY OF TAUNTON. THERE ARE ISSUES AT MULCAHEY AND SOME SECTIONS ARE BEYOND REPAIR. HOPEWELL SCHOOL HAS 3 FLOORS BUT DOES NOT MEET ADA STANDARDS. HE FURTHER NOTED THAT HE DOES NOT KNOW IF THIS OPPORTUNITY WILL BE THERE IN THE COMING YEARS, SO HE SUPPORTS MOVING FORWARD ON THIS. HE FURTHER NOTED THAT WITH MULCAHEY THEIR GOAL IS TO RELOCATE THE BUILDING BEHIND THE CURRENT SCHOOL SO THERE WOULDN'T BE ANY KIND OF TRANSITION STAGE.

COUNCILOR CROTEAU SAID HE WOULD CERTAINLY SUPPORT BOTH BENNETT AND MARTIN. HE ALSO NOTED THAT MSBA HAD TOURED MULCAHEY TWICE. AFTER THE FIRST TOUR THE SCHOOL DEPARTMENT WAS TOLD THAT IT DID NOT WISH TO PUT ANY FURTHER MONEY INTO THAT BUILDING. THE SECOND TOUR – SAME COMMENT. THAT WAS THE COMMENT GIVEN TO HIM BY THE STATE DEPARTMENT OF EDUCATION AT THAT TIME, THERE WASN'T ANY MSBA, ABOUT POLE SCHOOL. HIS UNDERSTANDING IS THAT THE \$5 MILLION AND THE \$2.5 MILLION IS NOT JUST FOR ROOFS, ITS FOR WINDOWS, ETC. HE DOES HAVE A SERIOUS QUESTION ABOUT \$1.7 MILLION FOR A FEASIBILITY STUDY. IT WOULD DEPEND ON THE DEFINITION OF A FEASIBILITY STUDY. WHEN HE AS SUPERINTENDENT ENTERED INTO A CONTRACT WITH AN ARCHITECT FOR A FEASIBILITY STUDY, AT THE END OF THE STUDY THE ARCHITECT WOULD HAVE THE INFORMATION NECESSARY TO PUT A PROPOSAL TO THE STATE DEPARTMENT OF EDUCATION, WHICH THE STATE WOULD THEN APPROVED. IF WE ARE GOING TO BE AT A POINT WHERE WHEN THE ARCHITECT FINISHES THE FEASIBILITY STUDY, WHICH HE KNOWS WILL BE MORE COMPLICATED BECAUSE IT INVOLVES 2 SCHOOLS, IF WE ARE AT A POINT WHERE THEY ARE PROPOSAL READY, AND IT IS NOT GOING TO COST A LOT OF MONEY FOR THE ARCHITECT THEN TO TAKE THE INFORMATION TO DO THE PROPOSAL. HE ALSO SAID IF THE CITY IS LOOKING AT PUTTING THOSE 2 BUILDINGS TOGETHER, YOU ARE LOOKING AT \$45 MILLION. HE ALSO SAID THAT HE AGREES WITH THE MAYOR IN THAT HOPEWELL SCHOOL IS AN ADA VIOLATION AS SOON AS YOU WALK THROUGH THE FRONT DOOR. IF THE CITY TRIED TO REHAB THAT BUILDING, MSBA WOULD LAUGH. THE BUILDING NEEDS TO CLOSE. HE HAS A CONCERN ABOUT THAT \$1.7 MILLION, AND HOPEFULLY THE DEFINITION OF FEASIBILITY HAS CHANGED. SO INSTEAD OF HAVING TO UPFRONT \$700,000 TO \$800,000 FOR AN ARCHITECT TO PREPARE THE PROPOSAL, THAT IS GOING TO BE TAKEN CARE OF IN THE FEASIBILITY STUDY.

COUNCILOR CROTEAU ALSO SAID THAT HE FEELS THERE WILL BE A SIGNIFICANT ENROLLMENT GROWTH, SO HE HAS A CONCERN WITH THE CURRENT ENROLLMENT OF 735. HE NOTED THAT SBA HAS A PROBLEM WITH 900 KIDS. FOR A K – 5 STUDENT, THIS WULD E A FRIGHTENING EXPERIENCE. SO, PERHAPS A BUILDING SHOULD BE DESIGNED SO IT HAS 2 SCHOOLS WITH 400 STUDENTS IN EACH AND 2 PRINCIPALS. COUNCILOR POTTIER ASKED WHAT THE REIMBURSEMENT THE CITY IS HOPING TO GET ON THE \$2.5 MILLION AND THE \$5 MILLION.

DR. HACKETT SAID SHE WOULD PROVIDE THE EXACT FIGURE FOR ALL COMBINED, THE \$1.7 MILLION, \$2.5 MILLION AND \$5 MILLION IS \$9.2 MILLION.

COUNCILOR POTTIER ASKED WHAT THE PERCENTAGES WERE.

IT IS 74% AND 36%, SO THE CITY IS RESPONSIBLE FOR \$26 PERCENT.

COUNCILOR POTTIER ASKED WHERE THE PRICES ON THE \$2.5 AND \$5 MILLION WERE COMING FROM.

DR. HACKETT SAID IT IS BASED ON SQUARE FEET, SO MULCAHEY WOULD BE BASED ON THE SQUARE FOOTAGE OF BOTH MULCAHEY AND HOPEWELL.

COUNCILOR POTTIER NOTED THEY ARE GOOD PROJECTS AND SEEM LIKE THEY HAVE TO BE DONE, AND ALSO WITHOUT MSBA, THE CITY WOULD BE PAYING 100%. HE ALSO NOTED THAT REGARDING THE \$1.7

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DR. HACKETT SAID THEY WILL HAVE DIAGRAMS, WHAT IT WILL LOOK LIKE AND ALL THE REST. THEY HAVE TO STUDY THIS BECAUSE YOU CANNOT HAVE A FOREGONE CONCLUSION. THEY HAVE TO LOOK AT THE LAND, THEY HAVE TO LOOK AT THE BUILDINGS, ENSURE THAT THEY ARE WHAT WE SAY THEY ARE, BUT WE SHOULD HAVE A SET OF PLANS THAT INFORM THE NEXT PHASE OF THE PROJECT, AND WE WILL. COUNCILOR CLEARY NOTED THAT HE IS ASSUMING THAT THEY ARE GOING OUT TO BID FOR THIS \$1.7 MILLION, TO WHICH DR. HACKETT SAID YES. COUNCILOR CLEARY SAID BASED ON THE BIDS, THE SCHOOL DEPARTMENT WILL THEN PROCEED WITH WHO THEY WANT.

DR. HACKETT SAID THAT THE SBA HAS STRICT GUIDELINES, BUT YOU CAN GO WITH WHOEVER YOU LIKE, YOU DO NOT HAVE TO GO WITH THE LOW OR HIGH BIDDER. SHE ALSO SAID THAT YOU DO GET REIMBURSED FOR THE STUDY AND THERE HAS NEVER BEEN A PROJECT THAT DID NOT MOVE FORWARD THROUGH THE FEASIBILITY STUDY.

COUNCILOR CROTEAU SAID THAT HE STILL WANTS A DEFINITION OF THE FEASIBILITY STUDY AND WHAT WE ARE GOING TO GET.

DR. HACKETT SAID THAT FOR ANYONE WHO IS LISTENING AND HAVE CHILDREN THAT ATTEND HOPEWELL SCHOOL OR MULCAHEY SCHOOL, THE PROCESS IS A NUMBER OF YEARS OUT. WE STUDY ONE WHOLE YEAR THE FEASIBILITY, IT TAKES 2-3 YEARS TO EVEN GET TO WHERE THEY WOULD BE TALKING ABOUT A CONSOLIDATION. NO ONE SHOULD WORRY AT THIS POINT.

COUNCILOR MCCAUL SAID THAT BASED ON THE INFORMATION HEARD THIS EVENING, HE WOULD LIKE TO MAKE THE FOLLOWING MOTION:

MOTION: THAT THE PROCESS BE APPROVED AND BRING THIS TO THE FULL COUNCIL FOR A FIRST READING.

COUNCILOR CLEARY SECONDED THE MOTION FOR DISCUSSION. HE SAID THAT HE WAS THINKING ABOUT MAKING A MOTION BUT HE KNOWS THAT IT HAS TO BE VOTED ON IN FULL COUNCIL.

COUNCILOR POTTIER SAID HE DOES NOT THINK THE MOTION IS PROPER BECAUSE IT IS LISTED IN THE AGENDA IN THE FULL COUNCIL. HE APPRECIATES THE MOTION, BUT HE BELIEVES IT HAS TO BE MADE IN FULL COUNCIL WITH THE MAYOR PRESIDING.

DR. HACKETT SAID YOU HAVE TO APPROVE EACH INDIVIDUAL MOTION AS WELL.

THE ABOVE MOTION WAS NOT VOTED ON.

COUNCILOR MCCAUL MADE THE FOLLOWING MOTION

MOTION: THIS BODY IS IN FAVOR OF WHAT WAS PRESENTED AND WILL MAKE A RECOMMENDATION TO THE FULL COUNCIL. SO VOTED.

ON A POINT OF INFORMATION, COUNCILOR CROTEAU SAID THAT THEY NEED TO CHECK WITH THE CITY CLERK AS TO WHETHER OR NOT YOU NEED 6 VOTES OR 5 VOTES BECAUSE THIS IS A BONDING ISSUE. HE THINKS YOU NEED 6 VOTES IN ORDER TO BOND.

MOTION: TO RECESS THE MEETING (7:54 P.M.)

MOTION: TO CALL THE MEETING BACK TO ORDER (8:03 P.M.)

4. MEET IN EXECUTIVE SESSION WITH THE TAUNTON NURSING HOME BOARD AND ADMINISTRATOR TO DISCUSS ISSUES AT THE NURSING HOME

COUNCILOR MCCAUL MADE THE FOLLOWING MOTION:

MOTION: TO GO INTO EXECUTIVE SESSION.

THE MOTION WAS SECONDED BY COUNCILOR QUINN.

SO VOTED.

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COUNCILORS CROTEAU AND POTTIER SAID THAT A ROLL CALL VOTE IS NEEDED TO GO INTO EXECUTIVE SESSION.

COUNCILOR CLEARY ASKED ON DISCUSSION THE REASON FOR GOING INTO EXECUTIVE SESSION. THE COUNCIL PRESIDENT SAID THE HUMAN RESOURCE DIRECTOR IS HERE TO ANSWER THAT QUESTION. MRS. GOMES SAID THE REASON FOR GOING INTO EXECUTIVE SESSION IS DUE TO POTENTIAL LITIGATION ON THIS MATTER.

COUNCILOR CLEARY QUESTIONED WHETHER WE HAVE PROPERLY INFORMED THE ADMINISTRATOR THAT POTENTIAL LITIGATION OR DISCIPLINE COULD COME OUT OF THIS MEETING, AND IN THAT CASE HE HAS THE RIGHT TO HAVE REPRESENTATION BEFORE WE GO INTO THAT. HE FURTHER NOTED THAT HE UNDERSTANDS THE 2 AUDITS THAT THE COMMITTEE WANTS TO LOOK AT ARE PUBLIC INFORMATION, AND ARE ON LINE. BUT THERE ARE A GOOD AMOUNT OF ACCUSATIONS IN THE REPORTS THAT THE COMMITTEE WILL BE DISCUSSING AND HE FEELS THE COMMITTEE NEEDS A RECOMMENDATION FROM THE CITY SOLICITOR AS TO HOW TO PROCEED ON THIS MATTER.

COUNCILOR CROTEAU SAID THAT HIS UNDERSTANDING WAS THAT THE CITY SOLICITOR WAS GOING TO BE HERE AND HE MADE THE FOLLOWING MOTION:

MOTION: TO RECESS UNTIL SUCH TIME AS THE CITY SOLICITOR IS HERE.

THE PRESIDENT SAID THERE IS A MOTION ON THE FLOOR.

COUNCILOR CLEARY SAID THAT THE NURSING HOME BOARD IS HERE, ALONG WITH THE ADMINISTRATOR BUT HIS CONCERN IS THAT 3 COUNCILORS ARE NOT PRESENT THIS EVENING AND THAT IS A SIGNIFICANT NUMBER ON THE BOARD TO NOT BE PRESENT.

COUNCILOR CROTEAU ALSO SAID HE HAS A CONCERN, AS MR. CLEARY DOES, THAT THERE ARE COUNCILORS THAT ARE NOT HERE. THE COMMITTEE WAS AWARE THAT ONE WOULD NOT BE HERE. HIS SECOND CONCERN IS THAT UNLESS THE CITY SOLICITOR IS HERE, HE INTENDS TO LEAVE THE EXECUTIVE SESSION.

MOTION: TO RECESS THE MEETING (8:08 P.M.) SO VOTED.

MOTION: TO CALL THE MEETING BACK TO ORDER (8:14 P.M.) SO VOTED.

THE COUNCIL PRESIDENT SAID THAT THERE WAS A MOTION ON THE TABLE TO GO INTO EXECUTIVE SESSION AND COUNCILOR CROTEAU HAD ASKED BEFORE WE GO INTO EXECUTIVE SESSION THAT WE GET THE LEGAL OPINION, AS DID COUNCILOR CLEARY, OF OUR CITY SOLICITOR WHO IS HERE NOW TO ANSWER ANY QUESTIONS THE COMMITTEE MAY HAVE.

COUNCILOR CROTEAU SAID THAT HE WOULD LIKE TO MOVE INTO EXECUTIVE SESSION BEFORE ANY FURTHER DISCUSSION TAKES PLACE.

COUNCILOR CLEARY THEN NOTED THE PURPOSE OF GOING INTO EXECUTIVE SESSION. HE SAID HE BELIEVES THE REASON IS TO DISCUSS PERSONNEL MATTERS AND THE NURSING HOME CARE AUDIT. HIS CONCERN WITH THIS IS DOES THE ADMINISTRATOR NEED TO HAVE REPRESENTATION PRESENT BECAUSE THERE ARE A NUMBER OF ACCUSATIONS MADE IN THE AUDIT REPORTS, SO HE WANTS TO MAKE SURE THAT THE INDIVIDUALS RIGHTS ARE PROTECTED. COUNCILOR CLEARY SAID THE ONLY THING HE WOULD ADD TO THAT IS THAT THE AUDIT IS ON LINE AND IT IS PUBLIC INFORMATION.

COUNCILOR CROTEAU SAID HIS CONCERN IS, IT IS PUBLIC INFORMATION, AND A QUESTION HAS BEEN RAISED AS TO THE POSTING OF THIS EXECUTIVE SESSION AND DO WE HAVE THE WORDING OF THIS POSTING OF THIS EXECUTIVE SESSION.

THE COUNCIL PRESIDENT SAID THAT THE POSTING READS *MEET IN EXECUTIVE SESSION WITH THE TAUNTON NURSING HOME BOARD AND ADMINISTRATOR TO DISCUSS ISSUES AT THE NURSING HOME.* COUNCILOR CROTEAU SAID THE PURPOSE OF AN EXECUTIVE SESSION CAN BE TO DISCUSS REPUTATION NOT PERFORMANCE, AND HE IS NOT SURE HOW YOU SEPARATE THE TWO. THE HUMAN RESOURCE DIRECTOR STATED, COUNCILOR CROTEAU SAID, THAT ONE OF THE THINGS GOING TO BE DISCUSSED IS A

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PERSONNEL MATTER BUT HE BELIEVES MRS. GOMES WAS REFERRING TO A STAFF MEMBER, SO HE HESITATES TO SAY ANYTHING MORE UNTIL THE COMMITTEE IS IN EXECUTIVE SESSION. COUNCILOR CLEARLY SAID IF ALL THE PARTIES AGREE TO GO INTO EXECUTIVE SESSION, HE HAS NO PROBLEM, HE JUST WANTS TO MAKE SURE THE COMMITTEE IS NOT VIOLATING ANYONE'S RIGHTS. CITY SOLICITOR BUFFINGTON SAID THAT GOING INTO EXECUTIVE SESSION IS THE EXCEPTION TO THE RULE, NOT THE RULE. THE LAW DELINEATES 10 SPECIFIC REASONS THAT ANY PUBLIC BODY CAN GO INTO EXECUTIVE SESSION. IT ALSO TELLS YOU THAT WHEN YOU DO DECIDE TO ENTER INTO EXECUTIVE SESSION FOR ONE OF THOSE 10 REASONS, YOU HAVE TO FIRST CONVENE IN OPEN SESSION, WHICH THE COMMITTEE HAS DONE, A MAJORITY OF THE MEMBERS OF THE BODY HAVE TO VOTE TO GO INTO EXECUTIVE SESSION BY A ROLL CALL VOTE, SO IF YOU ARE GOING TO DO THAT YOU HAVE TO HAVE 5 VOTES TO DO IT. BEFORE THE EXECUTIVE SESSION THE CHAIR OF THE PUBLIC BODY MUST STATE THE PURPOSE FOR THE EXECUTIVE SESSION, STATING ALL SUBJECTS THAT MAY BE REVEALED WITHOUT COMPROMISING THE PURPOSE FOR WHICH THE EXECUTIVE SESSION WAS CALLED. YOU HAVE TO MAKE ACCURATE MINUTES OF THE EXECUTIVE SESSION AND THE CHAIR MUST ALSO PUBLICLY ANNOUNCE WHETHER THE OPEN SESSION WILL RECONVENE AT THE END OF THE EXECUTIVE SESSION. THAT IS WHAT YOU HAVE TO DO IF YOU DO GO INTO EXECUTIVE SESSION – YOU HAVE TO STATE THE REASONS. THE CITY SOLICITOR CONTINUED, STATING THAT THERE ARE 10 REASONS WHY YOU CAN GO INTO EXECUTIVE SESSION, AND HE THINKS MOST OF THEM, IT'S FAIR TO SAY, DO NOT APPLY. SO YOU LOOK AT WHAT IT IS THE COMMITTEE HAS POSTED ON THE AENDA AND IT TALKS ABOUT MEETING TO DISCUSS ISSUES AT THE NURSING HOME, SO IT DOES NOT TELL EXACTLY WHAT ISSUES IT IS THAT THE COMMITTEE WANTS TO DISCUSS, BUT HE WOULD SAY IT DEPENDS ON WHAT ISSUES THE COMMITTEE WOULD LIKE TO DISCUSS AND THEN WE NEED TO ANALYZE WHETHER OR NOT EACH ONE OF THOSE ISSUES THAT IS PROPOSED FOR EXECUTIVE SESSION FITS WITHIN ONE OF THE 10 EXEMPTIONS. THE CITY SOLICITOR SAID HE IS AWARE, GENERALLY SPEAKING, OF THE ISSUES THAT HE THINKS THE COUNCIL WISHES TO DISCUSS. AT LEAST ONE OF THEM INVOLVES A PERSONNEL MATTER WHERE A PERSON, A MEMBER OF COTMA, HAD A JUST CAUSE HEARING HELD BEFORE THE APPOINTING AUTHORITY MR. BRENNAN. MR. BRENNAN DECIDED THAT THERE WAS JUST CAUSE TO IMPOSE DISCIPLINE UPON THIS PERSON. THAT PERSON HAS APPEALED AND FILED A GRIEVANCE THROUGH THE COTMA GRIEVANCE PROCEDURE. IN STEP ONE THAT GRIEVANCE GOES TO MR. BRENNAN AND HE DENIED IT, STEP TWO THAT PERSON APPEALED THE GRIEVANCE TO THE MAYOR. THE MAYOR MET WITH THAT PERSON THIS MORNING AND HAS 5 OR 10 BUSINESS DAYS TO RESPOND. THAT IS WHERE THAT PARTICULAR MATTER IS. NOW, IF THE MAYOR GIVES A DECISION TO THIS COTMA MEMBER, AND HE OR SHE ISN'T PLEASED WITH IT, UNDER THE COTMA CONTRACT. THE NEXT STEP WOULD BE TO HAVE THE COTMA GRIEVANCE COMMITTEE OF THE MUNICIPAL COUNCIL HEAR THAT GRIEVANCE APPEAL. IF AND WHEN THAT HAPPENS, THAT WOULD BE A SUBJECT OF EXECUTIVE SESSION, BUT WE DO NOT KNOW IF THAT IS GOING TO HAPPEN, WE DON'T KNOW WHAT THE MAYOR IS GOING TO DO AND WE DON'T KNOW WHETHER OR NOT THAT PERSON WILL APPEAL IT TO THE COTMA GRIEVANCE COMMITTEE. BUT, HE WOULD CAUTION THE COUNCIL, SINCE THIS IS A MATTER THAT MAY VERY WELL BE TAKEN UP IN THE NEAR FUTURE, HE REALLY WOULD NOT RECOMMEND THAT THE COUNCIL HAVE ANY DISCUSSION ON THAT ONE PARTICULAR MATTER AT ALL UNTIL WE KNOW WHETHER OR NOT THAT IS SOMETHING THE COUNCIL IS GOING TO HAVE TO PASS SOME JUDGMENT ON. SO WITH RESPECT TO THAT ONE PARTICULAR ISSUE HE THINKS IT WOULD BE WISE, AND IT WOULD BE HIS RECOMMENDATION TO THE COUNCIL, NOT TO ENTER INTO A DISCUSSION OF THAT AT ALL. ATTORNEY BUFFINGTON FURTHER SAID THAT HE THINKS HE IS GENERALLY FAMILIAR WITH SOME OF THE OTHER ISSUES THAT THE COUNCIL MAY WANT TO DISCUSS. HE IS NOT SURE HE KNOWS EXACTLY ALL OF THEM, AND IS NOT SURE WHAT EXCEPTION TO THE GENERAL RULE THAT MEETINGS BE IN OPEN SESSION

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WOULD APPLY. THE MANAGEMENT OF THE NURSING HOME IS ENTRUSTED TO THE 5 MEMBER BOARD OF DIRECTORS. THOSE MEMBERS OF THE BOARD OF DIRECTORS ARE APPOINTED BY THE COUNCIL AND MAY BE REMOVED BY THE COUNCIL, BUT THE MANAGEMENT OF THE NURSING HOME IS IN THE NURSING HOME BOARD. THE BOARD IS THE ONE THAT SELECTS A LICENSED NURSING HOME ADMINISTRATOR NOT THE COUNCIL. HE HEARD SOME OF THE CONCERNS EXPRESSED EARLIER TONIGHT, WE MAY BE VIOLATING SOMEONES RIGHTS, BUT HE IS NOT SURE EXACTLY TO WHOM THE CONCERN WAS BEING ADDRESSED. IF THE CONCERN IS TO THE COTMA EMPLOYEE THAT WAS TALKED ABOUT EARLIER, WE HAVE ALREADY ANSWERED THAT QUESTION. IF THE CONCERN IS, FOR EXAMPLE, ABOUT THE NURSING HOME ADMINISTRATOR, THE COUNCIL DOES NOT HAVE THE AUTHORITY TO DISCIPLINE THE NURSING HOME ADMINISTATOR, SO THAT IS NOT SOMETHING THAT COUNCIL COULD RIGHTFULLY DEBATE AND VOTE UPON. IF YOU LOOK AT WHAT MAY BE ONE OF THE MOST COMMONLY USED EXCEPTIONS, ONE INVOLVES LITIGATION AND COLLECTIVE BARGAINING. THAT MATTER WOULD NOT INVOLVE COLLECTIVE BARGAINING OR LITIGATION. THERE IS CONDUCTING STRATEGY SESSIONS FOR NEGOTIATIONS OF NON UNION PERSONNEL - NO, DISCUSS THE EMPLOYEMENT OF SECURITY PERSONNEL AND DEVICES – NO, TO INVESTIGATE CHARGES OF CRIMINAL MISCONDUCT – NO, TO CONSIDER THE PURCHASE, LEASE, EXCHANGE OR VALUE OF REAL PROPERTY – THAT WOULD NOT APPLY, HE IS NOT SURE ANY APPLY EXCEPT POSSIBLY THE FIRST EXCEPTION WHICH IS TO DISCUSS THE REPUTATION, CHARACTER, PHYSICAL CONDITION OR MENTAL HEALTH OF A SPECIFIC INDIVIDUAL. AS OPPOSED TO A DISCUSSION OF THE PROFESSIONAL COMPETENCE OF AN INDIVIDUAL, THAT IS NOT A PROPER SUBJECT OF EXECUTIVE SESSION. BUT TO DISCUSS REPUTATION, CHARACTER, PHYSICAL CONDITION OR MENTAL HEALTH OF AN INDIVIDUAL IS AN APPROPRIATE TOPIC FOR EXECUTIVE SESSION. TO DISCUSS DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR INDIVIDUAL THAT WOULD BE A PROPER TOPIC, PROVIDED THE COUNCIL HAS AUTHORITY TO IMPOSE DISCIPLINE OR DISMISSAL OF THAT PUBLIC OFFICER OR INDIVIDUAL. THEN THERE IS A THIRD SUBCATEGORY OF DISCUSSING COMPLAINTS OR CHARGES BROUGHT AGAINST A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL. IF THE COUNCIL WERE TO BE INTERESTED IN GOING DOWN THE ROAD OF AN EXECUTIVE SESSION ON THIS BASIS THEN WHAT EVER INDIVIDUAL SHALL BE DISCUSSED SHALL BE NOTIFIED IN WRITING BY THE PUBLIC BODY AT LEAST 48 HOURS PRIOR TO THE PROPOSED EXECUTIVE SESSION. THAT NOTIFICATION COULD BE WAIVED UPON WRITTEN AGREEMENT OF THE PARTIES. AND, EVEN IF THE PUBLIC BODY WISHES TO HAVE AN EXECUTIVE SESSION ON THIS BASIS, THEN THE PUBLIC BODY MUST HOLD IT IN OPEN SESSION IF THAT INDIVIUDAL INVOLVED REQUESTS THAT THE SESSION BE OPEN. THAT IS WHAT THE LAW SAYS.

COUNCILOR CROTEAU SAID THAT IS WHY THE WORDING OF THE POSTING HAS BEEN QUESTIONED. THE ISSUES THAT WERE TO BE DISCUSSED, AS HAVE BEEN POINTED OUT, ARE ALL A MATTER OF PUBLIC RECORD. ONE CAN OBTAIN THOSE ISSUE BY GOING ON A COMPUTER AND ACCESSING MEDICARE.GOV NURSING HOME COMPARE, THAT IS THE FIRST LINE. THE SECOND LINE IS OFFICIAL U. S. GOVERNMENT SITE FOR MEDICARE. THE NEXT LINE IS NURING HOME PROFILE. THE PURPOSE OF THIS DOCUMENT IS TO PROVIDE THIS DATA TO THE PUBLIC SO THAT THOSE PEOPLE WHO ARE IN A SITUATION OF HAVING TO LOCATE AND FIND A NURING HOME TO WHICH THEY CAN BRING THEIR RELATIVE CAN SEE IT. SO, THE GOVERNMENT IS CONCERNED THAT PEOPLE HAVE AS MUCH INFORMATION ABOUT THE QUALITY OF LIFE IN THAT NURSING HOME AS POSSIBLE THE ISSUES THAT THE COMMITTEE WERE TO DISCUSS ARE ALL A MATTER OF PUBLIC RECORD. ANYONE CAN ACCESS IT, THE DATA IS PUBLIC. THIS EFFECTS THE REPUTATION OF THE COMMUNITY IN WHICH WE LIVE. IT COULD OBVIOUSLY EFFECT THE REPUTATION OF ANY NUMBER OF INDIVIDUALS, SO THAT IS THE REASON FOR EXECUTIVE SESSION.

COUNCILOR CROTEAU FURTHER SAID WHAT THE COMMITTEE MAY NEED TO DO IS REPOST FOR NEXT WEEK AND THAT THE CITY SOLICITOR WORD THE POSTING. THE POSTING WILL BE WORDED IN ACCORDANCE WITH THE LEGAL ADVICE OF THE CITY SOLICITOR.

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THE COUNCIL PRESIDENT SAID THAT BASED ON WHAT THE CITY SOLICITOR HAS STATED, SHE WOULD RECOMMEND THAT THE MAKER OF THE MOTION WITHDRAW THE MOTION TO GO INTO EXECUTIVE SESSION UNTIL WE HAVE FURTHER RECOMMENDATION FROM THE CITY SOLICITOR. BUT NOT ONLY THAT, SO THAT WE CAN INFORM THE PARTIES THAT ARE INVOLVED NOT JUST BY AGENDA BUT BY A WRITTEN LETTER, WHICH WAS NOT PROPERLY DONE. THE ISSUES WERE NOT DEFINED, SO THOSE ISSUES WILL HAVE TO BE DEFINED, WITH THE RECOMMENDATION OF THE CITY SOLICITOR, AND POSTPONE THIS UNTIL NEXT WEEK.

COUNCILOR CROTEAU SAID AT LEAST NEXT WEEK, BUT NO LONGER THEN TWO WEEKS BECAUSE WE MAY BE TALKING ABOUT A NUMBER OF PEOPLE.

THE COUNCIL PRESIDENT SAID THIS WOULD NOT BE IN TWO WEEKS BECAUSE THE NURSING HOME BOARD MEETS ONCE A MONTH. IT WILL HAVE TO BE COORDINATED WITH THE NURSING HOME AND THEIR BOARD MEMBERS.

THE MOTIONS AND SECONDS WERE WITHDRAWN. SO VOTED.

COUNCILOR CLEARLY SAID THAT A LOT OF THE CRITERIA THAT THE CITY SOLICITOR PROVIDED IS THAT THE ADMINISTRATOR AND OR THE BOARD HAS A RIGHT TO SAY THEY WANT TO GO INTO EXECUTIVE SESSION OR NOT. THEY ARE HERE. HE HATES TO HAVE THEM COME HERE AND NOT HAVE AN OPPORTUNITY TO AT LEAST EXPRESS WHAT THEY WOULD PREFER WE DO. HE WOULD LIKE TO ASK THE ADMINISTRATOR AND THE BOARD CHAIRPERSON TO GIVE SOME INDICATION OF WHAT THEY WOULD PREFER AT THIS POINT BECAUSE THEY ARE HERE TONIGHT.

THE CITY SOLICITOR SAID THAT HE DOES NOT WANT THE COUNCIL TO THINK HE IS SUGGESTING THIS HAS TO BE IN EXECUTIVE SESSION. FROM WHAT COUNCILOR CROTEAU JUST STATED, THE COUNCIL WANTED TO DISCUSS A DOCUMENT THAT IS ON THE INTERNET, A GOVERNMENT WEBSITE, HE HAS GONE TO THAT WEBSITE, HE HAS SEEN THAT REPORT, BUT AS FAR AS HE KNOWS, IT IS VERY UNLIKELY THAT THE WEBSITE DOCUMENT IDENTIFIES SPECIFIC INDIVIDUALS, SO THERE WOULD BE NO INDIVIDUAL, PARTICULARLY A PATIENT OR A STAFF MEMBER. IF THE COUNCIL WISHED TO DISCUSS THE MATTER IN OPEN SESSION, THE POSTING THAT YOU HAVE FOR TONIGHT IS PERFECTLY FINE. THE COUNCIL COULD PROCEED TONIGHT IN OPEN SESSION.

AS A POINT OF INFORMATION, COUNCILOR CROTEAU SAID THAT HE HAS READ THOSE DOCUMENTS, THE CITY SOLICITOR IS CORRECT, THE RESIDENTS NAMES HAVE BEEN REDACTED AND ARE REFERRED TO AS NUMBERS. HOWEVER, WHEREAS IN MOST CASES THERE ARE NOT ANY NAMES OF STAFF, STAFF ARE IDENTIFIED BY POSITION. WHEN ONE READS THE WORDS DIRECTOR OF NURSING, ONE DOES NOT HAVE TO KNOW THE NAME, IT IS FAIRLY EVIDENT THERE IS ONLY ONE DIRECTOR OF NURSING. WHEN ONE READS THE NURSING HOME ADMINISTRATOR, OR THE SOCIAL WORKER, IT IS OBVIOUSLY VERY EVIDENT WHO IT IS. STAFF ARE REFERRED TO BY POSITION. HE DOES NOT HAVE A PROBLEM DISCUSSING THIS IN PUBLIC, HOWEVER, HE DOES NOT WANT TO SAY ANYTHING THAT CAN BE USED AGAINST THE CITY COUNCIL AT A LATER DATE. HE THINKS THIS MEETING SHOULD BE REPOSTED. HE DOES NOT WANT TO HAVE ANY FURTHER DISCUSSION UNTIL THE COUNCIL IS ON LEGAL GROUND WITH AN UNDERSTANDING WITH THE CITY SOLICITOR THAT WE ARE ON LEGAL GROUND. THAT IS WHY HE ASKED FOR RECESS TO BEGIN WITH, BECAUSE HE DID NOT WANT TO SAY ANYTHING MORE. HE FURTHER SAID THIS IS AS SERIOUS A SITUATION AS HE HAS EVER DEALT WITH AS A MEMBER OF THE CITY COUNCIL.

THE CITY SOLICITOR SAID HE IS HEARING THAT THE COUNCIL WISHES TO HAVE THIS DISCUSSION IN EXECUTIVE SESSION. THE FOLKS FROM THE NURING HOME MAY OR MAY NOT WISH THAT. IF THEY CLEARLY DO NOT WISH FOR THAT TO BE IN EXECUTIVE SESSION, IT IS THE END OF THE STORY. IT HAS TO BE IN OPEN SESSION. BUT, WHETHER OR NOT EACH PARTY WANTS TO HAVE IT IN OPEN SESSION DOES NOT BARE ON THE ISSUE ON WHETHER OR NOT THE LAW PERMITS THE COUNCIL TO GO INTO EXECUTIVE

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SESSION AT ALL, AND IF THE COUNCIL IS GOING TO DISCUSS WHETHER OR NOT SOMEBODY IS DOING A GOOD JOB OR NOT, THAT IS THE DISCUSSION OF PROFESSIONAL COMPETENCE. THAT MUST BE IN OPEN SESSION. A DISCUSSION OF PROFESSIONAL COMPETENCE HE SUPPOSES, COULD HAVE THE EFFECT OF BEARING ON THE PERSONS REPUTATION OR NOT. BUT THE LAW TALKS ABOUT IF YOU ARE GOING TO DISCUSS, SPECIFICALLY DISCUSS THE REPUTATION OR CHARACTER OF A PERSON, THAT IS DIFFERENT FROM DISCUSSING THE PERSON'S PROFESSIONAL COMPETANCE. THE COUNCIL HAS TO DECIDE WHAT IT IS THEY ARE DISCUSSING. IT SOUNDS TO HIM THAT THE COUNCIL WANTS TO DISCUSS WHETHER SOMEONE DOES A GOOD JOB OR NOT.

COUNCILOR CROTEAU SUBMITTED A THOUGHT FOR THE SOLICITOR'S CONSIDERATION. IT HAS BEEN HIS EXPERENCIE, AND HE UNDERSTANDS FULLY THAT THE ADMINISTRATOR OF THE NURSING HOME IS APPOINTED BY THE NURSING HOME BOARD. THAT IS VERY CLEAR. AS FAR AS MONEY IS CONCERNED IT IS AN ENTERPRISE SYSTEM. HOWEVER, IF THERE IS NOT SUFFICIENT MONEY IN THE ENTERPRISE SYSTEM THE MONEY COMES FROM THE GENERAL FUND. SO, THE CITY COUNCIL IS OBVIOUSLY INVOLVED IN THE FINANCES WHETHER THERE ISN'T ANY MONEY IN THE ENTERPRISE SYSTEM, AND ALSO, THE MEMBERS OF THE BOARD OF THE NURSING HOME ARE APPOINTED BY THE MAYOR WITH THE APPROVAL AND AFFIRMATION OF THE CITY COUNCIL, THEREFORE, IN HIS OPINION, THE MAYOR AND CITY COUNCIL ARE RESPONSIBLE FOR THE NURSING HOME. ULTIMATELY THE RESPONSIBILITY FOR THE NURSING HOME RESTS IN THIS ROOM WITH THE MAYOR AS WELL AS THE CITY COUNCIL.

THE CITY SOLICITOR SAID THAT HE UNDERSTANDS THE POINT, BUT ALSO TO BE AWARE 5 DIRECTORS OF THE NURSING HOME ARE APPOINTED BY AND MAY BE REMOVED BY THE MUNICIPAL COUNCIL - NOT APPOINTED BY THE MAYOR.

COUNCILOR CROTEAU MADE THE FOLLOWING MOTION:

MOTION: THAT THE COUNCIL ESTABLISH A MEETING DATE AS SOON AS POSSIBLE, AND THAT THE WORDING OF THE EXECUTIVE SESSION BE PRESENTED TO THE PRESIDENT OF THE COUNCIL FOR POSTING; THAT IT WILL BE POSTED ONLY WITH THE LEGAL LANGUAGE THAT THE CITY SOLICITOR APPROVES. SO VOTED.

COUNCILOR CROTEAU THEN SAID THE FACT THAT IT IS BEING POSTED AS AN EXECUTIVE SESSION DOES NOT MEAN THE COUNCIL HAS TO GO INTO EXECUTIVE SESSION. THE NIGHT OF THE MEETING ONE OF THE FIRST QUESTIONS SHOULD BE, AND IT IS NEEDED TO BE ASKED OF THOSE PEOPLE PRESENT FROM THE NURSING HOME, IF THEY WISH TO GO INTO EXECUTIVE SESSION. THE PEOPLE SHOULD ALSO BE ADVISED THAT IF THEY DESIRE, THEY SHOULD HAVE LEGAL COUNSEL HERE.

COUNCILOR QUINN ASKED THE CITY SOLICITOR IF IT WOULD BE APPROPRIATE TO GIVE THEM AN OPPORTUNITY IF THEY WISH TO BE HEARD NOW, IF THEY WANT TO SAY ANYTHING.

THE CITY SOLICITOR SAID THIS IS UP TO THE COUNCIL, BUT HE IS STILL CONCERNED FROM EVERTHING THAT HE HAS HEARD IS THAT WHAT THE COUNCIL WISHES TO DISCUSS DOES NOT FIT WITHIN ONE OF THE 10 EXCEPTIONS TO THE OPEN MEETING LAW. HE WILL BE HAPPY TO MEET WITH THE COUNCIL PRESIDENT OR WHATEVER COUNCILOR WANTS TO DISCUSS THE ISSUE. IF THERE ARE SPECIFIC INDIVIDUALS WHOSE REPUTATION OR CHARACTER THAT THE COUNCIL ACTUALLY WISH TO DISCUSS, HE NEEDS TO BE MADE AWARE OF WHO THOSE INDIVIDUALS ARE SO THEY GET THE PROPER NOTICE. COUNCILOR QUINN AGREES WITH THAT AS WELL, AND IF IN THE CITY SOLICITOR'S OPINION IT IS NOT SOMETHING APPROPRIATE FOR EXECUTIVE SESSION THAT IS ONE OF THE REASONS SHE VOTED TO POTENTIALLY CONTINUE THIS. SHE WANTS TO MAKE SURE IT IS DONE THE RIGHT WAY. IF IT IS NOT APPROPRIATE FOR EXECUTIVE SESSION, THEN IT SHOULD BE PUT ON THE REGULAR AGENDA FOR AN OPEN CONVERSATION.

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COUNCILOR QUINN MADE THE FOLLOWING MOTION:

MOTION: TO SEE IF ANY OF THE INTERESTED PARTIES THAT ARE HERE WOULD LIKE TO SPEAK NOW OR JUST WAIT UNTIL THE CONTINUED SESSION, WHETHER IT BE IN OPEN SESSION OR EXECUTIVE SESSION.

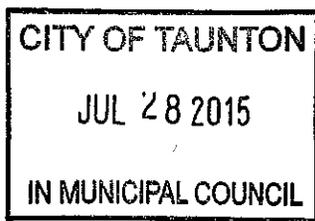
COUNCILORS POTTIER AND CROTEAU VOTED IN OPPOSITION. COUNCILORS CLEARY, QUINN AND MCCAUL VOTED IN FAVOR. MOTION DID NOT CARRY AS 5 VOTES ARE NEEDED.

MEETING ADJOURNED AT 8:47 p.m.

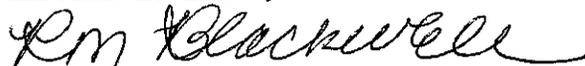
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK