



*City of Taunton
Municipal Council Meeting Minutes*

*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, August 4, 2015 at 8:10 O'clock P.M.*

Regular Meeting

Council President Borges presiding

Prayer was offered by the Council President

*Present at roll call were: Councilors Cleary, Marshall, Costa-Hanson, Croteau,
Pottier, McCaul, Quinn, Carr, and Borges*

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

Communications from City Officers:

Com. from City Solicitor submitting a copy of the fully executed purchase and sale agreement for the sale of the former Barnum School property. The closing is scheduled to take place on August 13, 2015. Councilor Croteau stated that when the City Council and the Mayor would place a section of land under the jurisdiction of the School Committee the same language would be used that the land was at the discretion of the School Committee until such time as it wasn't used for educational purposes. He is pleased that the City Solicitor included that language in this sale. He stated that in his opinion it means that the building cannot be sold to another organization by Head Start, it would revert to the City. Council President Borges stated that Councilor Quinn had also brought that up during the Committee on Public Property meeting and she is glad to see that it is part of the purchase and sales agreement as well. **Councilor Cleary motioned to receive and place on file. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds requesting consideration to ban smoking including nicotine delivery products such as e-cigarettes in all public parks, playgrounds, and the municipal pool. Councilor Borges asked Councilor Cleary to put this on the agenda as quickly as possible as there is a big problem at Hopewell Park with people smoking all over the place with the kids there. She stated that she did some research and gave the Clerk of Committees a copy of every single city across the United States that has already implemented this for all of their parks. She asks that it be put on the agenda because there is still several weeks left of the summer and the use of that pool and she knows that there is a problem there. Councilor Marshall would like to know what the enforcement options will be. He stated that the City has a hard time enforcing this in City vehicles. He stated that he is not opposed to it, he just hasn't heard enough about it to make a decision. He would like to know before the discussion that evening what the potential enforcement options are and who they are by so that an informed decision should be made. Councilor Cleary stated that he knows that it is political correctness and some towns do not allow smoking in the entire town, where you can only smoke in your home. He asked how far the City can go on the restriction on

people's rights. He stated that at the pool he totally understands because there are a lot of kids there. He stated that he looks at some of the locations of playgrounds in Taunton and pictures parents or grandparents pushing kids in a stroller and the child goes off to play and the parents may have a cigarette outside nowhere near the child. He stated that for the most part, we have smoking in designated areas. We are not talking about designated areas; we are talking about just banning it. He stated that it has worked very well at the schools. He doesn't know if we need to go down the road restricting people from smoking in open air parks. Council President Borges stated that Councilor Marshall brought up getting the enforcement prior to the ordinance meeting. He stated that he would like to know that information in order to make an informed decision about the whole thing. He stated that it may be right now time sensitive for the pool and then later on have a much larger discussion for the parks. Councilor Carr stated that she thinks it is more than political correctness that there should not be smoking where there are children everywhere at playgrounds. She stated that maybe the Council would want to allow it at some municipal parks. Councilor McCaul stated that the intent of this regulation is to protect Taunton parks and to ensure that they are kept safe, clean and healthy for all of the residents. He stated the Council also needs to take into consideration how the City will deal with the medical marijuana coming into play in the next few months. He stated that maybe the Police Department should let the Council know how they will handle that. He stated the possibility of people smoking marijuana in the parks needs to be looked at. Councilor Croteau stated that he had intended to ask that it be referred to the City Solicitor so he certainly supports that. He stated that this is legislation of long standing. He interpreted that legislation to include school grounds. He doesn't recall a problem with enforcement. He thinks that the City Solicitor should look at it and should be prohibited at the swimming pool. He stated that at Massasoit, Watson's Pond and the Bird Sanctuary it could be an entirely different matter than at the pool. Councilor Costa Hanlon stated that a lot of the places that are being talked about are open space areas but they are more susceptible to fires. She stated there may be a monetary benefit if we pass something like this. Councilor Carr wanted to note that Mrs. Greene's letter does say Municipal parks so state parks like Watson's Pond would not be included. She stated that Mrs. Greene would want to apply this to every park in the City. She stated that you never know how many kids would be at any park at any time. She knows that there are some that are frequented by many kids but just the fact that it would help keep all of the cigarette butts off of the ground and the cleanliness of the parks. She stated that people could go in their cars if they really would like a cigarette. She would be in favor of all parks and recreational areas being smoke free. Council President Borges stated that she has two children who attend summer fest so she does see this every day. She stated that it is not only cigarettes; it is vapor cigarettes right by the poolside as the kids are swimming. She thinks that it is something that is important to be addressed. Councilor Carr stated that it should be easy to be enforced at the pool because there is a police officer there but in general it is going to be an issue. **Councilor Costa Hanlon motioned to refer to the Committee on Ordinances and Enrolled Bills. Councilor Marshall motioned that he would just like to know what the proposed enforcement is going to be, whether it would be fines and which City agency is going to be responsible for enforcement under the law. So Voted. Councilor Quinn motioned to refer to the Law Department to get their opinion of what the enforcement provisions would be as well as the legal ramifications of doing this prior to the Ordinance. She also motioned to refer to Marilyn Greene to give the Council a list of which parks and**

playgrounds in the City that she would specifically want included in the Ordinance. Councilor McCaul motioned for a marijuana smoking policy to be included for all public properties, indoor and outdoor. Councilor Costa Hanlon motioned to get input from Ms. Barber or Mr. Smith, who is the City's contractor, relative to insurance issues to determine if we do pass the ordinance and it is enforceable and reasonable will the City see a reduction in the liability. So Voted.

Com. from Chairman, Taunton Planning Board stating that they have received a Site Plan Review for property at 48 Broadway for the addition of auto sales retail (7 vehicles) and with a waiver of landscaping requirements, in conjunction with the existing uses of convenience store, service station and gasoline station, submitted by Taunton Service Center. The DIRB will meet on this on Tuesday, August 25, 2015 at 9:00 AM in the Taunton Planning Board Office, 15 Summer Street, Annex Bldg., and then the Taunton Planning Board will meet to review petition on Thursday, September 3, 2015 at 5:30 PM in the Chester R. Martin Municipal Council Chambers, 141 Oak Street, Taunton, MA. Taunton, MA. **Councilor Costa Hanlon motioned to receive and place on file. So Voted.**

Com. from City Auditor requesting to present the encumbrances and year-end transfers for city departments as of June 30, 2015 to the Committee on Finance and Salaries at the meeting scheduled for August 11, 2015. She will have the above reference reports submitted as part of the packet for the August 11, 2015 meeting. **Councilor Cleary motioned to receive and place on file. Councilor Carr motioned for the City Auditor to provide the Council with those documents by Friday so they have time to look at them in advance. So Voted.**

Com. from City Engineer submitting property impacts due to new FEMA Flood Study. Councilor Marshall thanked the City Engineer for this report as it was his motion during the hearing. Councilor Marshall motioned for the City Engineer to send the letters that he referenced in the last paragraph. Council President Borges wanted to confirm that Councilor Marshall also motioned at that meeting for the spreadsheet to also be placed on the website. He confirmed. Councilor Croteau wanted to clarify if the 37 people that were referenced as no longer in the flood plain will be contacted because he recalls asking the City Engineer at that meeting that they do. He stated that the City Engineer said that the thought had not come up. Councilor Croteau stated that there is a good possibility that some of the insurance companies will not notify people if their rates will go down. Councilor Marshall stated that it is his understanding that everyone will be notified whether they were added or removed from the flood plain. Councilor Croteau stated that there have been situations in the City years past where we did not tell the insurance company about something and they made every effort to try and not pay. Councilor Costa Hanlon stated that what Council President Borges may be referring to that she brought up during the hearing was to post the appeal process on the City's website. She stated that homeowners have an appeal process. She read about how the City of Quincy is holding hearings and is obviously seriously affected much more than we are. Council President Borges stated that if you go to the FEMA website there is a drop down where you can appeal. **Councilor Marshall motioned for the City Engineer to notify any parcel that was added or removed from the new flood plain maps that the Council will approve. Councilor Croteau motioned that the letters should advise**

them to contact their insurance companies as soon as possible. Councilor Costa Hanlon motioned to make sure that there is a link on the City's website for homeowners so they know what their rights are to appeal if they so choose. **So Voted.**

Com. from General Manager, TMLP recommending transferring the cost of lighting from A.L.E. Realty Trust to the City of Taunton. Lights to be transferred will be 70w high-pressure sodium lights on Poles 2 and 4 for a total of two lights on Westville Terrace in Taunton. This is in conformance with the City of Taunton street light policy. Westville Terrace was accepted by the City Council on February 10, 2015. Transfer of cost requested is by A.L.E. Realty Trust, PO Box 1126, Taunton. Estimate cost is \$10.58 per month and does not include fuel adjustment credit. **Motion was made to move approval. So Voted.**

Com. from General Manager, TMLP regarding pedestrian crossing signals at Winthrop and Highland Streets which were not working correctly. He advised that the signals were repaired on July 14, 2015. The signals were also checked on July 20, 2015 and are all working correctly per the appropriate traffic signal permit. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they received a Form J Plan-Waiver of frontage requirements to reconfigure a parcel of land into two lots for property at 9 Woodlawn Street-Property I.D. 109-103 & 109-104 submitted by William Stevenson, Trustee, Stevenson Family Irrevocable Trust, 28 Caswell Street, E. Taunton, MA. The Planning Board will review this proposal on Thursday, August 6, 2015 at 5:30 PM in the Chester R. Martin Municipal Council Chambers, 141 Oak Street, Taunton, MA. **Councilor Costa Hanlon made a motion to receive and place on file. So Voted.**

Com. from Senator Marc R. Pacheco, President, Pro Tempore notifying that Taunton will benefit from appropriations in this year's Senate budget. **Councilor Cleary made a motion to receive and place on file. So Voted.**

Communications in the hands of Councilors:

Com. from Fire Chief submitting outstanding unpaid fire details. Councilor Cleary stated that the Star Theater is still on that one, which can be taken off. There is also an ongoing one from Jefferson Development which continues to cost the City about \$1,000 a day. He stated that they owe the City about \$400,000 and between now and December that will go up approximately \$153,000. Councilor Cleary also discussed a memo from the Fire Chief dated August 3, 2015 in which he submitted the costs of the Whittenton Mills Fire Watch. It explained how there is currently a sprinkler company under contract to start system repairs and once they start working on the property the fire watch will be relieved during the daytime hours when the contractors will be on the property. Com. from the Fire Chief submitting a report regarding overtime usage. **Councilor Cleary motioned to refer to the Committee on Fires and Wires. So Voted.**

Petitions:

Petition submitted by Michael C. Flibotte, 21 Long Boat Road, Buzzards Bay and Patrick E. Flibotte, 18 Brook Street, Plympton requesting to change the ownership of their Class II License –dba- Rte. 44 Tire Shack, 585 Richmond Street, Taunton to just Patrick E. Flibotte who will be the sole owner of Route 44 Tire Shack LLC –dba- Rte. 44 Tire Shack at the same location. The City Clerk stated that this is just a formality and we have checked out and the corporation has changed to just Patrick’s name. She stated that this has normally been done on the Council floor. Councilor Costa Hanlon stated that she thinks it should go to the Committee on Police and License. Councilor Cleary stated that it is a different name. The City Clerk stated that they were both owners and now it is only in Patrick’s name, who will now be the sole owner. **Motion was made to refer to the Committee on Police and License. So Voted.**

Claim submitted by Lindsay Medeiros, 351 Thrasher Street, Taunton requesting reimbursement for damages to her home as a result of a main sewer line backing up from the street into the basement of her home. **Motion was made to refer to the Law Office and the DPW. So Voted.**

Claim submitted by Lillian Manghony, 30 Washington Street, Apt. 105, Taunton requesting reimbursement for damages to her automobile from hitting a raised manhole cover on King Phillip Street, Taunton. **Councilor McCaul motioned to refer to the Law Office and the DPW. Councilor Quinn motioned to forward this to the Town of Raynham. So Voted.** Councilor Quinn stated that she is not sure where that occurred but she doesn’t believe that any part of King Phillip Street that is actually in Taunton except the very end of it. She stated that most of King Phillip Street is in Raynham.

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 Carr stated that she had asked two weeks ago for the Zoning Enforcement Officer go to the corner of Jackson Street and Washington Street for overgrown brush and grass. She stated that it is a hazard for people trying to get out of Jackson Street to cross Washington Street and as of yesterday it is still there. **Motion was made for the Zoning Enforcement Officer to address that issue and submit a written report in one week on the disposition of it. So Voted.**

New Business:

Councilor Pottier motioned that all candidates be added to the weekly agenda packet that the Councilors receive. So Voted.

Councilor Pottier stated that he appreciates the fact that the Committee on Police and License as well as the Safety Officer dealt with a number of issues on Macomber Street today. **Motion was made to refer to the Committee on Police and License the speeding on County Street around Macomber Street, not coming out of Macomber**

Street but around that area has been a problem and maybe the trailer could be set up. So Voted.

Councilor Pottier stated that on South Precinct Street before David's Way the cars coming from 79 continue doing 45 mph heading towards the airport. He stated that it is a heavy traffic and high density area. **Motion was made to refer to the Safety Officer for if not "Speeding" signs, some "Warning Children in the area" signs. So Voted.**

Councilor Pottier stated that a number of communities do this but in his recollection the City has never done referendum questions, binding or otherwise, as part of our election process. He stated that he thinks that the City would have an opportunity to poll the citizens to get their idea on any type of question. Councilor Costa Hanlon stated that she had a conversation with the City Clerk on the issue of the referendum process and she was going to give her information on that. She stated that she emailed everyone a link showing that in the City of Cambridge, when it comes to capital improvement, they actually do that. She stated that they set up a website so it wouldn't have to be a referendum and they set aside a certain amount of capital improvement dollars in the budget and ask the citizens what their priority is for these amounts. She stated that we may not need a referendum if the City could piggy back on what Cambridge does and get input from our constituents that way. She stated that it is actually binding in the budget, we didn't do it in this budget process but maybe it can be considered in the next one. Councilor Costa Hanlon stated that she will email the link again to the City of Cambridge's website that was given to her by one of their City Councilors. Councilor Quinn asked the City Clerk if she knew by what deadline she'd have to get it. The City Clerk stated that she did not know at this time and of course it would not be for September. Councilor Quinn stated that Councilor Pottier mentioned spending the money for a primary and she thought it would be impossible to get it by then. Councilor Pottier stated that he said the City was spending 40 to 45 thousand dollars but he didn't stipulate which election. He didn't know if it could be done for the November election. He just wanted to know what the process was. He stated that there are higher turn outs for non-local election years. Councilor Croteau asked what the deadline is for printing the November ballot. The City Clerk stated that after the primary on September 22nd, she has to get that printed right away. Councilor Croteau stated that if someone wanted to put a referendum question on the ballot, he would assume it is the same deadline that the City Clerk has to get the November ballot to the printer. He stated that we are talking about the end of September. **Councilor Pottier motioned to refer to the City Solicitor's Office if there any M.G.L.'s, Ordinances or parts of the City Charter that would prevent the City from having referendum questions, binding or non-binding on a regular ballot. So Voted. Councilor Costa Hanlon motioned for the City Clerk to disburse the information regarding the referendum process to all of the Councilors. So Voted. Councilor Quinn motioned to refer to the City Solicitor and the City Clerk as to what the deadline would be by which someone would have to investigate the legal process and get the information to be put on the ballot. So Voted.**

Councilor Costa Hanlon stated that on page 24 of the agenda, the communication from the TMLP referenced the City of Taunton's street light policy. **Motion was made that it be forwarded to the Council and that the DPW confirm that the street that we are now taking on the lighting for is an accepted way. So Voted.**

Councilor Carr stated that she received a call from a gentleman who lives on West Adams Street and wanted to know if there were any plans to repave that street in the near future. **Motion was made for the DPW Superintendent to notify her as to what number that street is ranked. So Voted.** Councilor Costa Hanlon stated that she received the same call and she called the DPW Superintendent who is supposed to call the citizen directly.

Councilor Carr received a complaint from a resident of Charles Street about the parking situation there. She also received a complaint from another resident who said that the crossing guard would not let them go down Charles Street so they had to turn around in the cemetery, go down Second Street to West Water, up Third Street and then come up Charles Street the wrong way. She stated that it cannot continue to happen and someone has to deal with the crossing guard there. Councilor Costa Hanlon stated that when that change went on there was supposed to be a follow up meeting. The discussion happened when everyone was out of school so it is part of her matters on file. She stated that she will bring it up if not next week, in two weeks, and they will have a full discussion on that in the Committee on Police and License. **Councilor Carr motioned to refer to the Committee on Police and License and the Safety Officer the parking situation on Charles Street in conjunction with Leddy School and to deal with the crossing guard there. Also, a copy of the discussion in the Committee on Police and License should be sent to the Superintendent of Schools. So Voted.**

Meeting adjourned at 9:10 P.M.

A true copy:

Attest:



City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 4, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND
POTTIER

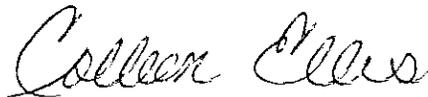
MEETING CALLED TO ORDER AT 5:48 P.M.

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

MEETING ADJOURNED AT 5:49 P.M.

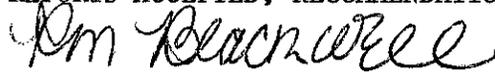
RESPECTFULLY SUBMITTED,

CITY OF TAUNTON
AUG 04 2015
IN MUNICIPAL COUNCIL



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 4, 2015

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WERE DETECTIVE DENNIS SMITH, SAFETY OFFICER CHRIS WILLIAMS, AND DONNA MAHER AND KERRY WHALEN OF MORTON HOSPITAL

MEETING CALLED TO ORDER AT 6:00 P.M.

A letter dated 8/4/2015 of Acting Chief John Reardon which stated that the Taunton Police License Division finds nothing that would prevent the approval of the Petitions listed on the Agenda as numbers 1 through 6.

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF OLD GOLD LICENSE FOR PACHECO JEWELRY, 20-22 TAUNTON GREEN**
Motion: Move Approval. So voted.

2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF TEMPORARY FIXED VENDOR LICENSES:**
 - A. **JOE'S FRESH SEAFOOD, 255 CAPE HIGHWAY**
Motion: Move Approval. So voted.
 - B. **LILLIAN AMARO, 889 MIDDLEBORO AVE., E. TAUNTON TO SELL CHRISTMAS TREES AT 515 MIDDLEBORO AVE.**
Motion: Move Approval. So voted.

3. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF BILLIARD TABLE LICENSE FOR SMOKEY BONES BAR & FIRE GRILL, 1023 COUNTY STREET – 2 TABLES**
Motion: Move Approval. So voted.

4. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF SECOND HAND ARTICLE LICENSE FOR USER-FRIENDLY ELECTRONICS, 336 WEIR STREET**
Motion: Move Approval. So voted.

5. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF SECOND HAND ARTICLE LICENSE, OLD GOLD LICENSE, JUNK DEALER LICENSE AND PAWN BROKER LICENSE FOR MONEY TREE, 49 WEIR STREET**
Motion: Move Approval. So voted.

6. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR NEW TEMPORARY FIXED VENDOR LICENSE FOR STREAMLINER, 447 BROADWAY, TAUNTON (TO SELL HOT DOGS, FOOD AND COLD BEVERAGES, MONDAY – SUNDAY, 7AM-9PM)**
Motion: Move Approval with the Hours to be incorporated as per Detective Smith's recommendation which is Monday through Sunday, 7 A.M. – 9 P.M. So Voted.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

7. MEET WITH THE POLICE CHIEF AND SAFETY OFFICER TO DISCUSS REQUEST OF MORTON HOSPITAL FOR STREET PARKING OPTIONS ALONG NORTH PLEASANT STREET

The Chairman noted that a letter had been received from Donna Maher, Chief Operating Officer of Morton Hospital in which she requested that the Council consider one of two alternate street parking options along North Pleasant Street.

Motion: Letter to be part of the record. So Voted.

A memo was also provided by the Safety Officer in which he recommends a change to city ordinance of parking restriction on North Pleasant Street. To best accommodate the hospital and to be mutually beneficial to all, pedestrians, vehicular traffic, employees and emergency traffic, he recommends prohibiting parking in front of 2 additional residences, #24 and #28 North Pleasant Street. They both appear to have ample off street parking. It will extend the no parking area by 150' to accommodate all the hospital's entrances on North Pleasant Street.

Motion: Safety Officer's Memorandum to be part of the record. So Voted.

The Safety Officer said basically the reports stands, requiring a revision of the ordinance, which will extend no parking from #10 North Pleasant Street to #28 North Pleasant Street. This will accommodate the Morton Hospital entrances.

Motion: To Support the Safety Officer's Recommendation and refer this to the Committee on Ordinances and Enrolled Bills. So voted.

8. MEET TO REVIEW MATTERS IN FILE

A. An e-mail was provided by the City Engineer regarding the intersection of Macomber Street and County Street.

Motion: To make the e-mail part of the record. So Voted.

It was noted that the only difference between the Safety Officer's recommendation and the City Engineer's recommendation is the Safety Officer's request to place stop signs on both sides of Macomber Street at County Street. The City Engineer thinks that only one should be installed. A stop sign on the left side of Macomber Street may be too visible to northbound County Street traffic and cause confusion. The Safety Officer said he is fine with this.

Motion: To approve the recommendation of the Safety Officer and Engineer. Copies of both reports to be provided to Carolyn Basler . Refer to Committee On Ordinances and Enrolled Bills and to the D.P.W. So Voted.

B. The Safety Officer provided a report regarding Galligan Court. The Council requested a review and recommendation due to a report of difficulty of vehicular traffic exiting Galligan Court onto Weir Street, Route 138. In order to improve the line of sight at this location 5 metered parking spaces would be eliminated. Two south and three north of Galligan Court. This will provide approximately 120' looking south and over 120' looking north of Galligan Court.

His report further stated to please consider a balance for the need of the 5 parking spaces, 3 being in front of 55 Weir Street, the TMLP payment center, but with free parking in the rear and consider that he is not aware of any motor vehicle accidents occurring at this location, along with the inherent risk of all downtown traffic at all intersections.

The Safety Officer suggests that this issue be tabled with further discussion between City Councilors. He also noted that as with any of these traffic requests professional engineering judgment should be used.

Councilor Costa-Hanlon said that she has nearly gotten into 3 accidents there. She feels that what has happened is that the city has done an excellent job of redesigning the Taunton Green Weir Street corner

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

so that people are taking that corner and zip down Weir Street, and there is no way to see them. Especially if there is a larger vehicle such as an SUV or truck parked at one of those spots, you cannot see anything. She said she does not know that you have to take 3 spots, perhaps what is needed is to restrict that parking to just vehicles and not trucks, not SUV's that would inhibit the view.

The Safety Officer said his main issue was that this be discussed first. There is free parking in the back, but he did say that with the improvements to the corner of Taunton Green and Weir Street people come flying down there.

Councilor Costa-Hanlon suggested eliminating just the 1 spot that is closest to the entrance/exit on the left, that might help when pulling out of Galligan Court.

The Safety Officer said he will review this and come up with a proposal.

Councilor Croteau said that he will not support the elimination of parking spaces at this point. Reference to utilizing that parking area in the back, he would consider eliminating parking spaces on the street if the parking lot was repaired and blacktopped.

Councilor Costa-Hanlon asked for consideration of looking at 1 spot.

The Safety Officer said eliminating 1 space will not fix the problem.

Councilor Cleary said that he will not support the elimination of parking spots either.

Councilor Costa-Hanlon suggested again restricting SUV's and trucks.

Councilor Croteau said that having an officer monitor Weir Street might help.

Motion: To table this matter for 2 weeks. So Voted.

c. The next issue discussed was traffic complaints pertaining to vehicular traffic when existing Vernon Street onto Winthrop Street, U.S. 44. The Safety Officer's recommendation is to create city ordinance for and post no parking on Winthrop Street 80' both sides of Vernon Street, "No parking from here to corner".

This will allow a sight line of approximately 200+ feet in either direction as driveways exist at each end of this new restriction.

Councilor Cleary said that he is thinking of all the side streets on Winthrop Street, and if we start doing 80 feet on each side of every side street, there will be no parking on Winthrop Street. He further said 20 feet is standard and we are meeting the standard, so he has concerns about over regulating.

Motion: To support the Safety Officer's recommendation and refer to the Committee on Ordinances and Enrolled Bills. So Voted.

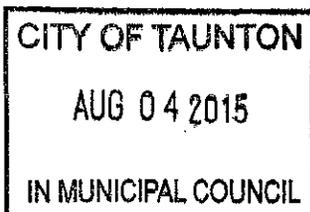
D. Discuss Calling for female list. It was noted that the Chief is not available this evening.

Motion: To table this until the Chief is available, but no later than next week.

Councilors Croteau and Cleary voting in favor, Councilor Costa-Hanlon voting in opposition.

Motion Carries.

MEETING ADJOURNED AT 6:31 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 4, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CARR, QUINN, MCCAUL, POTTIER, CROTEAU, COSTA-HANLON, MARSHALL AND CLEARY

MEETING CALLED TO ORDER AT 6:37 P.M.

1. MEET TO REVIEW RULES OF THE COUNCIL

The President informed the Committee that she had asked the Clerk to hold off copying all of the Councilor's recommendations for tonight, because not everyone submitted them as yet. She also said that the Committee will start with A and do as Councilor Costa-Hanlon had suggested and to break it up into sections.

First discussed was Section 1 – Regular and Special Meetings.

Councilor Potter said that under Section 1, part a, where it says *Regular meetings of the Municipal Council shall be held at 7:00 p.m. on each Tuesday within the chambers of the Taunton Municipal Council or on such other evening in the week or location as shall be fixed by a standing order of the Municipal Council* the word **evening** should be stricken and changed to **time** because sometimes the Council holds morning meetings.

Councilor Pottier made the following motion:

Motion: To change the word evening to time. So Voted.

Councilor Potter said under Section 1 part b where it says *Special Meetings of the Municipal Council may be called by the mayor, the president of the Municipal Council, or by the City Clerk, upon written request signed by four members of the Municipal Council...*, he questioned whether the number should be **five** rather than 4 because pretty much everything they do here is a majority, and secondly in that section itself, Councilor Pottier said it does not mention anything about a public posting for a special meeting. He thinks this should also have to be publicly posted under the same time frames, unless of course it is an emergency circumstance. But, there should be something here that says it has to be posted in the same way that we have to post any regular meetings. Councilor Pottier said it should be posted according to how our regular meeting is posted, with 48 hours notice.

Councilor Pottier made the following motion:

Motion: To change the number four to five and also have something added that there is a public posting requirement for special meetings as well.

Councilor Cleary seconded the motion and on discussion Councilor Quinn said that she agrees with the public posting, it should be added in. She is not really sure about the majority though. She understands the Councilor's position but (1) there may be a situation where an emergency situation exists and we want to be able to call a meeting quicker without having the majority and (2) that is not a voting issue it is just a matter of an emergency type of situation, and she is not sure that you would need a majority at that point. Obviously any votes taken at that emergency meeting would require the majority. She thinks it makes sense to leave it at 4 just to be able to get the group together. She does not have a real problem with changing it to 5 either except she thinks it makes logical sense to keep it at 4 so that we can get the meeting held in a quicker manner, and any votes would still require the majority of 5.

On discussion, Councilor Costa-Hanlon said that she was wondering if the committee was going to make the motions to make the changes at the end of all suggested changes, then get some input from the legal department because as Councilors Potter and Quinn are bringing up, we don't know, there may be a reason for 4 that we don't know is somewhere in another ordinance or another part of the charter. She has no problem to definitely making motions to move it along, but all of our motions should be contingent upon some kind of review of the changes from the Law Department just to make sure that

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we are not doing something that may cause a conflict.

The Council President said this will go to the Law Department and the Ordinance Committee at the end. Councilor Costa-Hanlon said if we do that, all of the motions will be approved pending final review by the Law Department.

The Council President said this was talked about before; the City Solicitor will be involved in the end along with the Ordinance Committee before it goes anywhere.

The motion was voted on with Councilors Carr, Quinn, McCaul, Croteau, Marshall, and Cleary voting in favor, Councilor Pottier voting in opposition.

The Council President said this was to make the change from 4 to 5.

Councilor Quinn said her recommendation would be if the maker of the motion could amend it to, as Councilor Costa-Hanlon said maybe there is a reason for 4 vs. 5, so could we throw this as a suggested change and see if there is a reason for 4. She thinks we do have a reason to keep it at 4.

On discussion, Councilor Croteau said the number does not affect emergencies, does it? In the case of an emergency the Mayor or the President of the Council can call the Council to meet without any votes from any of the Councilors. If you cannot get 5 votes to have a special meeting, why meet? But, as long as the understanding is that the President of the Council or the Mayor can call a meeting at any time he or she so desires, if it is an emergency. As far as the 4 to 5 – whatever.

Councilor Costa-Hanlon noted that this is not even an emergency, this is a special meeting. So this is just who is authorized to call for a special meeting. That just means that you want something to be discussed. To Councilor Croteau's point it may never pass, but this is who is allowed to call a special meeting of the Municipal Council. The Mayor can on his or her own volition, the President of the Municipal Council can on his or her own volition and a certain number of City Councilor's can on their own volition. We are just discussing how many City Councilors of their own volition who make a recommendation to the City Clerk can call for a special meeting. That is the discussion whether it is 4 or 5.

Councilor Cleary said it was already voted on.

Councilor Croteau said the Council President held it open to discussion because Councilor Quinn was going to speak. He then asked, as a point of information, we meet every week, if it is not an emergency, he could make a motion to take the language out. If it is not an emergency, it could wait a week then you could get it on the agenda. He thinks the question as to how someone gets something on the agenda is more relevant. He does not know why you would need a special meeting unless it was an emergency. The President said the vote started then Councilor Quinn stopped it for discussion. She knows that there were some votes that were taken here, so why don't we vote on this – **changing it from 4 to 5**. That is the motion right now on the table.

The motion was voted on with Councilor Cleary voting in favor, Councilors Carr, Quinn, McCaul, Pottier, Croteau, Costa-Hanlon and Marshall voting in opposition. Motion does not carry.

The Council President noted that Councilor Pottier had also included within that Motion the public posting.

Councilor Pottier said he would just like the normal public posting language to be added here.

Motion: To add the normal public posting language to Section 1 part b. So Voted.

Discussed next was Section 2: Agenda.

Part a states *the original of any message, communication, ordinance, resolution, vote or other measure to be considered by the Municipal Council shall be delivered to the office of the City Clerk before two o'clock P.M. on the Friday preceding any meeting of the Municipal Council. Such submission is a prerequisite to any item's consideration at such meeting. Notwithstanding the above, any member of the Municipal*

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Council may submit any communication that was not included within the agenda.

The Council President noted that we close early on Friday.

Councilor Costa-Hanlon said that her suggestion for that was to change 2:00 p.m. to noon, as she thinks that is what we do now.

It was noted that we close at noon.

Councilor Costa-Hanlon said then, to change 2 p.m. to 10:00 a.m. on Friday and to consider another sentence at the end of that paragraph that says *any request or submission to be on the Agenda is to include the name and address of the person or entity submitting said communication to be reviewed.*

The Council President noted that this had been talked about – if the person's name is not on it.

Councilor Croteau said his question is the process for having something put on the agenda, can a single City Councilor, does a single individual City Councilor have the right to put something on the agenda or does that Councilor have to get the approval of someone?

Councilor Costa-Hanlon, as a point of information said the last sentence right now says *Notwithstanding the above any member of the Municipal Council may submit any communication that was not included within the agenda.* So she would say yes, any individual Councilor can submit, that is the way she would interpret that. Everybody else that is submitting for the Council to consider has to meet the requirements in the sentences above. Notwithstanding that, so any member of the council, as she reads it, does not need to comply with all of the rest of that message requirement to be submitted to the Clerk. Any member of the Municipal Council may submit any communication not included within the agenda to be placed on the agenda. That is how she reads it, but again, clarification from the legal department is needed.

Councilor Croteau said he does not read it that way. He reads it that at the meeting if a Councilor has a communication that was not included in the agenda packet, said Councilor can bring that up. He thinks that there is a call from the President of the Council or the Mayor "communications in the hands of Councilors." He is not talking about a communication; he is talking about something on the agenda. He wants to put something on the agenda, can he walk into the City Clerk's office before 10:00 on Friday and tell the City Clerk to place this item on the agenda for discussion.

Both the Council President and Councilor Pottier said that they don't read it that way either, but they think a Councilor should be able to do this.

Councilor Croteau said he wants some language in paragraph a affirming the right of a Councilor. He further noted that on Beacon Hill you have to have the approval of the Chair of that particular Committee. The Council President said that perhaps we could get the City Clerk in here to clarify that, but she also takes that as part of the communications on the agenda from Councilors.

Councilor Croteau said he wants it clear as to whether or not a Councilor without the approval of the subcommittee can put something on the agenda.

The Council President said this is something that needs to be clarified with the City Clerk and the City Solicitor.

Councilor Cleary said that every Committee he has sat with, usually the Chairperson or the President makes up the agenda. If you want something to go on the agenda, in the School Committee you go to the Chairperson. Here, if you want something to go on the agenda you go to the President. This has always been his thought.

Councilor Croteau said his only request is that it be clarified. Because, if an individual Councilor cannot put something on the agenda, as long as that is clarified, then under new business at the meeting the individual Councilor can bring it up.

The Council President said why not get clarification on this and move on.

Councilor McCaul said going through these rules and orders tonight, we keep on saying that

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clarification is needed, wouldn't it be a lot easier and make more sense if the City Solicitor was here at this time, while going through each of these sections.

The Council President said that the only thing they asked for clarification on was Councilors submitting to the Clerk. She does not think there was any other clarification asked for, and at the very end the City Solicitor will review this. To ask them to sit here and listen to what we think should be added or changed is not fair, she thinks it should be done at the very end.

Councilor Cleary as a point of information, said it makes sense to do it this way because it is not fair to the City Solicitor, as he likes to do his research before he gives his position. This way it provides him the questions the Council has and provides him time to provide his opinion and answer.

Councilor Carr added that this is regarding the agenda in general. Anything on the agenda is supposed to be submitted to the City Clerk prior to the deadline on Friday. The Council gets more items placed on their desks to be taken under consideration that the Council knows nothing about. It shows up on the desks that night and puts the Council in a bad position. She would like to see something in there that says no items unless they are of extreme emergency be placed on the Councilors' desks. A lot of it the Mayor puts on the desks, there is nothing in there about the Mayor submitting things on their desks either. She feels that this section needs to have some strong wording about what things can be placed on the Councilors' desks and what things can be placed on the agenda. Everything should be placed on the agenda, is what she is trying to say. The Council should have the time to see it and ask questions, etc. and the Council should not be asked to take things up when they are seeing something for the first time left on the desks. Personally, she would like to see all things go to the City Clerk prior to 10:00 a.m. deadline on Friday. She does not even know what could be of such a magnitude of an emergency that it could not wait a week, but if there is something then the Council should vote to accept it that week or move it to the next week. There are too many things placed on the desks when it comes to the agenda.

Councilor Pottier said to Councilor Carr's point, and he agrees with it, is that he understands the way it is supposed to work is that the only things the Council is really supposed to be deliberating on are in the published agenda so that the public knows what the Council is voting on. The Council should not take anything under advisement, except in extreme circumstances, or vote on it that night that has not been publicly disseminated. He would support some type of language to be in here, and then maybe as a fall back, if there was something in an emergency circumstance, if 2/3 of the Council voted to hear it that evening.

The Council President then asked if he was making the suggestion that the Council should just make the recommendation or get the proper language to place something in this section here that states that things just don't appear on the desks that day, unless it is an emergency.

Councilor Pottier noted that if the Council agrees to take it up that evening it must be by a super majority or something. He does not think it is fair to the Council to have to pass a rate increase or something like that, which puts the Council in a bad place. He said that some kind of language should be in here that gives the provision for not just the Mayor, but for someone else to bring something to the Council if it is really important to be discussed that evening, by a super majority. But otherwise the Council is not going to vote on anything unless it is on the agenda.

Councilor Cleary said that there should be a section c which states *items not on the agenda but placed on the Councilors' desks that evening will either be referred to a particular committee or referred to a subsequent meeting.*

Councilor Quinn also said that she would include within that back up material for things that are on the agenda. There are certain things that are on the agenda and often the Council will get 5, 6, or 7 different letters that are linked to that matter. If the Council could get them e-mailed or sent to them along with the packet or post-packet, as long as the Council has them prior to the meeting, and posted on the city

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website too, things like recommendations of Department Heads, things that refer to things that are on the agenda.

The Council President also said to that point, things that are on the Committee agenda, like today we had the hospital, was on the agenda before.

Councilor McCaul asked if there should be some type of a timeframe on this.

The Council President clarified that if you get something on the desk this evening, you may want to make a motion that we hear that in a week or two. Because, what Councilor Cleary had suggested is most of the things on the desks get referred to a Committee. Any communication that is on the desks is probably going to go to some Committee, whether it is Committee of the Whole or another Committee to be talked about.

Councilor McCaul said he would like to set a timeframe on this.

Councilor Pottier said that his only concern is that some of the things that they get on their desk are not acted upon. So, he thinks the Council is covered. He further noted that some things are not looked at and it is never even referred off the desk. Some things will be referred to a Committee and many instances they just allow the Chair to set the time up, or if it is something that is pressing and this has come up before, the Council can make a motion to refer it to a Committee to be acted upon within 2 weeks, is that ok Mr. Chair – that type of a thing. He does not want to tie up future Councils by saying anything on our desks has to be acted upon within such and such a timeframe. He thinks the process the Council has now works, as long as it is not anticipated to take anything into consideration that evening and vote on it. He thinks that they can look at it and it does not go any further, it is referred to a Committee, or it is referred to a Committee with a suggestion that it be taken under advisement within 2 weeks, 1 week or a month. He thinks coming up with a timeframe now limits what the Council does based on what is in front of them. Because, again, some of the stuff they get does not go anywhere.

Council President Borges said that what Councilor Pottier is saying is that whatever goes to a Committee stays the way it is and the Chair of that Committee will set it up.

Councilor Pottier then said unless, of course, it is pressing. All Councilors have made motions before to refer something to a Committee to be dealt with in 2 weeks. Then the Chair will say fine. Other times, it is referred to a Committee and the Chair will get to it when they can. Coming up with a set timeframe for anything that comes up, he is not sure where it gets the Council.

The Council President then said that there is no change to the motion made by Councilor Cleary earlier, unless Councilor McCaul wants to make another motion to set a time limit.

Councilor Costa-Hanlon said that she wants to bring up one thing that may clarify everything. If we had a catch all phrase that said *Those items where a final action of the Council is sought must be placed on the agenda*. What we are talking about now is how things get on the agenda. If there is something on the desk, it is not on the agenda and the Council should not be voting or deliberating on it. She thinks that you do not have to necessarily be as wordy as we are saying, we simply have to abide by our own rules. Our own rules are if something is not on the agenda there should not be a request for a final decision of this Council. Certainly a motion to refer something to a Committee is not a final decision of the Council. So if there was just wording that says *Any final decision, any final deliberation by this Council has to be an item that is on the agenda*. If it is not on the agenda, there is no final action that gets taken. Councilor Costa-Hanlon said she thinks this clarifies it, and that all that has to be done is for the Council to abide by its own rules and say if it is not on the agenda, it is not going to be considered. If there is something placed on the desks and it has to be referred to a Committee that is not a final decision, so we are not binding ourselves to any timeframe or anything like that. We just have to abide by our own rules, which is if it is not on the agenda, it is not voted on. The other issue is, and what we need clarification on, can any Councilor have something on his or her desk and say I want this as part of the agenda and I want the

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Council to vote on it tonight, which is kind of unfair, but under these rules it could happen. She further said, maybe what we need as a section c, and as Councilor Cleary said, *do not expect the Council to make any final decision on any matter that is not properly placed on the agenda, and for it to be properly placed on the agenda it has to be in the City Clerk's office before 10:00 a.m. on the Friday.* The only other way it gets on the agenda, it says, is that any member of the Municipal Council can submit a communication that was not included within the agenda. It does not mean that the Council necessarily has to vote on it, and maybe we should say that the communication can be placed on the next agenda. The Council should not be getting things placed on their desks that they are expected to make a final judgment on.

Councilor Costa-Hanlon said the other thing she would like to remind everyone is, if they can make the suggestions in writing it make this go a little bit quicker. She further said maybe what we need to do for right now is only act on those things in writing, to focus discussion now for the purposes of motions to only those things that are in writing in front of the Councilors.

The Council President said we could not do that tonight because the only suggestions that the Council has in front of them tonight are Councilor Costa-Hanlon's. The Council President also noted that she had asked the Clerk not to disburse the suggestions submitted by Councilor Cleary and herself.

Councilor Quinn agrees with Councilor Costa-Hanlon in that any matter to be discussed has to be on the agenda, and she thinks that the Council does that now. Her concern is the ancillary documents that the Council gets supporting those things that are being dealt with. For example, in Police and License Committee tonight they were dealing with some instances in file, which they received 6 or 7 documents tonight that the Council has to read while the Council Committee is discussing that. She thinks it is difficult to ask the Council members to be reading these not having them in advance. Those are matters that the Council is voting on tonight as the Committee votes on it and it is ratified in the full Council. So, Councilor Quinn completely agrees that anything that is on the agenda has to be in writing ahead of time, but she would add to that those ancillary documents, like communications from the Chief or the Safety Officer or neighbors that may have an opinion on those things that are part of what is being left on the desks. She feels that those things need to be seen in advance, given to them in advance and posted on the city's website so that people at home watching can know what the Council is talking about and refer to those letters just as the Council can and have a chance to read them in advance. She asked that this language be added in as well.

Councilor Croteau said that when he was discussing the process for placing things on the agenda and said that whatever the process is when we finish all this discussion and an individual Councilor cannot place something on the agenda then that Councilor could bring it up under new business later that night. But, not for discussion and not for a vote that night. He was not suggesting that. He was suggesting that it be placed on the agenda for the following week or a date certain. That is all he was suggesting. Councilor Quinn brings up a good point as far as voting on items that very night. The Council does it all the time, because items are discussed at Committee meetings and then later on in the meeting of the full Council there is a blanket motion made. The Council is voting on all the items that were discussed in the Committee meetings that night. That is kind of a complicated situation. Maybe, when the Council gets to some very complicated issues, such as the one Councilor Quinn raised, maybe we should make a list and put those aside. Do all the ones that are fairly easy to complete and then take on the thorny issues. That is a very important point.

The Council President said that Councilor Cleary made a motion that was voted on that was going to be for a section c, the Council voted on that. This put a lot of this into that section c. Council President Borges then said that if Councilor Quinn would like to make a motion to add that as letter d to section 2, maybe she could make a motion to support that.

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COUNCILOR QUINN SAID SHE WOULD MAKE THAT MOTION AND IF IT FITS APPROPRIATELY INTO SECTION C SHE WOULD BE OK WITH THAT.

Councilor Croteau seconded the motion.

On discussion, Councilor Cleary said that he does not want to tie the hands of progress and decision making. Every group that comes in here to do a presentation, the first thing they do is pass out a packet to the Council. Now that presentation summarizes what they are talking about. They also provide supporting data. As soon as we put in writing that we can't make a decision because we did not get the information in advance, that would be against the Council's own rules. He thinks there needs to be a little flexibility with this because otherwise you would be getting that rule thrown at you all the time – we can't vote on this because we just got the packet. There are some things you do have to take home and study, but some are just a presentation, a chart or a graph and you can get the information you need in time to make a decision. He feels that you have to be careful how you word that.

The Council President said that again this is a recommendation and the City Solicitor will look at this as will the Ordinance Committee.

Councilor Costa-Hanlon said that she agrees with Councilor Cleary. Just to use the Police and License Committee as an example, the Morton Hospital document was actually filed with the regular Council on June 23rd, so that was in front of the Council over a month ago. The only other things that were matters in file were memos from the Safety Officer. In fairness to the Safety Officer he sent it to the clerk. Those were read into the record. So if someone is not comfortable basically making the motion to ratify what a Committee does, then we pull it out of Council. She thinks it is going to be too much paperwork, to Councilor Cleary's point, to have every single thing. Certainly, the most important things, when there are hearings, all those things should be in front of the Council before. But, a memo from a City employee referring to a matter about a street, she thinks that she has to agree with Councilor Cleary. She thinks you are going to get into a position where it is just going to slow the process. She does not think it is unreasonable to read those memos into the record in the Committee and have everybody sitting here have a comfort level about voting for it. If you don't have that comfort level then we pull it out and we do that all the time. If you don't think you have enough information, then you pull it out. That is a totally valid vote. Often times information is just sent to the Committee members. But often times to streamline the process, to basically recognize the jurisdiction of the Committees, because these are Committees it is not Council As A Whole, it is not the regular Council, we often times do have basic correspondence that only goes to the Committee. She is confident that the Clerk of Committees gets the information that is needed to those Committee members for them to make a decision. She is pretty sure that all had the memos that were needed to make the decision for the matters in file. She absolutely agrees that ancillary documents on a major issue, when it is referred to Committees should have all the paperwork, but she can see Councilor Cleary's point about bogging everything down. At some point you have to defer to the Committees. That is why they are given the jurisdiction. If you think a Committee is making a decision and you do not have the right information to then ratify that decision, then pull it out of Committee. She does not think we should be holding up the Committees or holding up the whole Council because every Councilor does not get some paperwork that is part of a Committee. There is a process for that, it is called asking that a vote get pulled out. She also said the Council may want to think about what goes on in the Committees separate then what goes on in the regular agenda and what decisions are being made. Often times the Council does defer to the Committee. She agrees with the motion to have all ancillary documents before we make a final decision when it comes to hearings, when it comes to major issues or if you have an issue with a Committee's vote and you did not get the documents, then pull it out of Committee. It is kind of like the same discussion about whether we could have a timeline for the agenda, as she thinks it may really handicap the Council.

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The Council President said maybe having something where not only the Committee members get that information, but sending it to all 9 Councilors instead of just the 3 that are on that Committee. That is the suggestion she has.

Councilor Quinn amended the motion to be as follows:

Motion: To the extent possible any ancillary documents that are placed on the Councilor's desks, the Clerk will make an attempt to e-mail them to everybody.

Councilor Quinn said she thinks it is difficult to get a big stack of documents that evening. The matters in Committee are just as important as the matters that are dealt with in full Council, sometimes more important. She does not want to see the Council pulling every matter out of Committee and voting on them all separately, that would be tedious and disrupt the flow.

The Motion was So Voted.

Councilor Costa-Hanlon made the following motion:

Motion: To change the 2:00 p.m. to 10:00 a.m. and request that anything that is on the agenda must include the name and address of the person or entity submitting said communication.

Councilor Pottier seconded the motion on discussion. He asked that the maker of the motion **change the 10:00 a.m. on the Friday to 10:00 a.m. on the day 2 days prior to the scheduled meeting** because we have Monday meetings. **So Voted.**

Councilor Pottier said that maybe the Council should come up with a general section here somewhere where the Council can suspend the rules if there is a super majority. As Councilor Cleary said earlier, people bring stuff before the Council, such as the Budget Director, saying that he or she needs the Council to vote on this tonight for a certain reason. If you get a super majority we will vote on anything. Or, thinking about Black Friday stuff, if it comes between a store opening on the busiest shopping day of the year or not, it is common sense to suspend the rules and vote on this.

Councilor Pottier made the following motion:

Motion: To add a section e which states that the Council can suspend the rules if there is a super majority vote to take things under consideration. So Voted.

Moving to Section 3, the Council President asked if there was anything the Committee wanted to discuss or change.

Councilor Cleary said that ever since he has been on the Council, he has had problems with reading in the record. He knows it's the minutes of the last meeting or the meeting before, but this is the only organization that he can recall where he is approving minutes when he does not have the minutes in front of him. He believes that the minutes should be on the desks or in the packet, and the Council should be able to look at them before they vote. People tell him that they are on the web page, but he would like to see a copy of the minutes, and he would like to see the dates on the agenda that says approving the minutes for a certain date. It does not have to be last week, it could be 2 weeks ago, but the Council should have the minutes in case they want to correct them in the event of an error. He said that he thinks the Council would be more efficient if they had the minutes they were approving.

The Council President noted that there is a certain time that they have to get the minutes together.

Motion: To Invite the City Clerk in. So Voted.

The City Clerk said sometimes the minutes take a while, and in fact the Clerk of Committee's last minutes took 2 weeks. Also, her minutes take a couple of weeks sometimes. They do word for word so the Council should not see any mistakes. She knows that the Clerk of Committees does not do word for word, but they do. If you would like to do that you may, it is up to the Council. The turn around for minutes, the

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state says, is a reasonable amount of time. That is what the law says also.

Councilor Costa-Hanlon said at least she would like to see what the date of the minutes on the agenda so that they know what they are approving. If they get the agenda with the date of the minutes on it, then it is incumbent upon the Councilors to look up those minutes and review them.

The City Clerk said that her suggestion would be that it would be great to have the dates on there but not with the full agenda, because they are too long at times – the minutes are too long.

Councilor Costa-Hanlon said she feels just the date would be fine.

Council President said, to Councilor Cleary's point, regardless if you have the date, if it is 5 weeks out and you haven't seen the minutes of that meeting, what is the difference, next week you are not going to put the date on the agenda if the Council hasn't seen the minutes or if the Clerk hasn't had the time to type up those minutes.

Councilor Costa-Hanlon said if it is on the agenda they will be able to approve the minutes for a certain date. Councilors can go to the website and look at the minutes or ask for a hard copy. If it is on the agenda, those minutes would already have been completed.

Councilor Marshall asked why we would put draft minutes on the web site so the whole world can see if they have to be changed or corrected. He does not want them attached to the agenda, but maybe they can come in a separate e-mail. Lets just say, this week's Council agenda, August 4th, minutes to be approved for July 1st, then the Council receive in a separate e-mail just the minutes. He feels it would be very confusing to have draft minutes put out there, so he would not want them on the web site unless they have been approved. He does not want non-approved minutes on the web site. However the City Clerk wants to get them to the Council he is ok with. He suggests to put on the agenda, for example, Minutes to be approved from July 1st, and the Council will have received the July 1st draft minutes prior to the meeting, and if anybody has questions they can bring them up when the roll is called that night. Once they are approved, then they can be placed on the City web site.

The Council President asked if the Council wanted to make this part of Section 3, and make it letter a.

Councilor Costa-Hanlon said it may be better to make it part of Section 5 which is the Order of Business.

Councilor Pottier said that in Section 3, letter c regarding seniority, seniority should be based on consecutive terms and not the number of years served. The reason being is for example, if Register of Deeds Amara! should run for Council, he has been out for 6 years, but if he were to run next year and get on the Council, he would have more time then Councilor Borges, Councilor Quinn, tied with Councilor Carr and some others. He feels that it should be consecutive terms only because if someone is out, they are not really into the flow of how the meetings are on the floor, what the business is on the floor or what have you. He feels that it should read that *seniority shall be based upon consecutive terms*. Consecutive terms should count for something if only for continuity of the body. He would stipulate that whatever we have here today stays, but if future Councilors come on, they come on as starting fresh.

Councilor Pottier made the following motion:

Motion: Seniority shall be based upon consecutive terms or consecutive years on the Council not by total number of years – not just for presidency but for all ranking.

Councilor Croteau seconded the motion.

Councilor Marshall asked that other then Council presidency and picking Committees what else is seniority used for. If someone should have to take a break from Council for whatever reason, then all those years served do not count? He does not think it has anything to do with the flow or anything like that. He feels that all years should count.

Councilor Croteau said he seconded the motion because he thinks the most important factor is not the number of years. It is just a number. Respect and recognition for service – yes. But it is still just a

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number and it is far more important to be able to function within the current Council. He has seen situations where there are 8 or 9 people and all but one are re-elected. One person can change all the dynamics. It is very important. The ability to work effectively within a committee is far more important than the number of years.

The motion was voted on with Councilors Costa-Hanlon and Marshall voting in opposition.

Motion Carries.

Councilor Pottier said that also in section c where it says *In the event that two or more members have equal seniority, the President shall be chosen by alphabetical order.* He said rather than go alphabetically in this day and age, we draw lots so far as breaking ties. Not just that, but we go by alphabetical order for a lot of things when it comes to Civil Service too.

Councilor Pottier said he is making this as a motion.

Councilor Quinn seconded the motion.

Motion carried with unanimous vote.

Councilor Costa-Hanlon said that in section 3, that what has happened since she has been here a couple of times when you start doing alpha order and you have new Councilors that are not comfortable taking the presidency, which she understands, they were in a situation where they would have to have someone who has already served, which is in direct conflict with the last sentence. That sentence says *No person shall serve a second term as the President of the Municipal Council until all members have served one term.* So when you have a situation when someone does not want to serve, it puts the Council in a situation where they are in violation of that last sentence. This needs to be discussed. You need to get rid of that last sentence. Also, if after the person serves again because someone declines and the Council goes back to the alpha order some people will miss the opportunity to become Council President.

Motion: To strike the last sentence in Section 3, paragraph c. so that you can have people who have served a second term as President, and then revert back to whoever bypassed the presidency for their own reasons, it would revert back to them.

Councilor Marshall said that he interpreted this as the next election cycle.

Councilor Costa-Hanlon said it would be for the next choosing of the President.

The motion was clarified to read as follows:

Motion: To delete the last sentence of section 3 paragraph c and to add if a Councilor chooses to not serve as President he or she will not be considered until the next calendar year.

Councilor Cleary seconded the motion on discussion.

Councilor Quinn suggested instead of deleting that last sentence, to leave it in and put *unless otherwise voted by a majority vote of the Municipal Council.* She thinks that automatically that would revert that when the next term comes, would not be an election year but a new Council President, you look at the status again and the person that has not yet served but with the most seniority would be that person who may have bypassed the presidency because of being newly elected or something like that. That automatically would fall into place, so leave that in there but add no person shall serve a second term unless otherwise voted by majority vote of the Municipal Council.

Councilor Cleary suggests on that last sentence in section c is that no person shall serve, and he thinks it refers to a second term, it does not refer to the least senior, it talks about second term. No person shall serve a second term as the President of the Municipal Council, unless, he would add the least senior Councilor declines. Then he would put in that the most senior Councilor will be appointed.

Councilor Costa-Hanlon said she will amend her motion to say exactly what Councilor Cleary said.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Councilor Costa-Hanlon was asked to repeat her amended motion.

Motion: No person shall serve a second term as the President of the Municipal Council until all members have served one term unless the current eligible Councilor recuses themselves, or declines. Then the Councilor with the most seniority will be nominated as President.

Councilor Quinn asked, if it is the most senior person, when this happened last year, would the most senior person have been Councilor Croteau.

It was Councilor Marshall and he did serve as President.

Councilor Costa-Hanlon again clarified the motion to be as follows:

Motion: To replace the last sentence of section 3, letter c with *No person shall serve a second term as the President of the Municipal Council until all members have served one term unless the Councilor otherwise eligible to be President declines and in that case the most senior Councilor will be nominated to be Council President by a majority vote.* So Voted.

The Council President moved to Section 4 titled *Clerk to call meeting to order in absence of Mayor and President: Duties of Clerk generally; Clerk Pro Term*

There were no changes to this section.

Moving to Section 5 titled *Order of Business.*

Councilor McCaul said that the Pledge of Allegiance and the Prayer should be added within the order of business. It should be inserted into the order of business. He also said that there should be Public Input added.

Councilor McCaul made the following motion:

Motion: To add to the Order of Business the Pledge of Allegiance and Invocation.

The motion was seconded on discussion.

Councilor Costa-Hanlon said we now have Communications from Citizens so that should be incorporated in here also. She asked the maker of the motion to add Communications from Citizens.

Councilor Pottier said going down the list on the agenda, there is Invocation, Roll Call, Records, Hearings, Communications from the Mayor, Appointments, Communications from City Officers, and then Communications from Citizens, Petitions, Committee reports, Unfinished Business and then Notices, orders or resolutions which should be changed to Orders, Ordinances and Resolutions. He said to have the current agenda completely tie with this section.

The Council President said what is missing is Communications in the hands of Councilors, which is not on the agenda but is usually done.

Councilor McCaul amended his motion as follows:

Motion: That section 5 reflect the current agenda, including the Pledge of Allegiance and Communications in the hands of the Councilors. So Voted.

Councilor McCaul then made the following motion:

Motion: To add public input.

Councilor Pottier seconded this on discussion.

Councilor Pottier said that whenever the Council has had a Committee meeting, someone has made a motion to allow public input, and he thinks it is better to do it that way then to have an open forum. This is a better way to do this rather than have it on the weekly agenda.

Councilor Marshall said that he agrees with Councilor Pottier. Public input is already addressed in the rules of the Council. It is addressed that any citizen that wants to speak to a Councilor must get a majority vote. What is more important is that public input, in order to be on the agenda, the Council is going to

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

have to restrain themselves because they cannot act or make any decisions on anything that is said because it will be a violation of the open meeting law. Whatever they come up and say has not been posted on the agenda. It is far more important that we do it this way and we need to educate citizens that if they want to be heard and have action taken, they have the ability to do that same public input by writing a communication and submitting it and it would be on the agenda as a communication from citizens. We are not stopping public input in any way we are just codifying it and following the open meeting law. If there was a section that simply said Public Input, the Council couldn't do anything except refer that business to the following week. There is no need for public input on the agenda where every citizen has that ability right now to write their communication to the City Council, and get on the agenda. He will not support this.

Council President Borges said that it is important that citizens have their name and address on the communication or it will not be heard.

Councilor Costa-Hanlon said the point of public input is not to bring up new business. The point of public input is to have input about what is already on the agenda. Right now that does not happen. So if you look at the agenda and see something that you would like to provide input on that is the point of public input. It is not about bringing new items, it is about allowing the public to have comment on the items that are already on the agenda. If someone tries to bring up a new item, it is up to the Chair to rule them out of order. Public input as she sees it is not necessarily new business to be discussed with the Council. It is the ability of the public to comment on the things that are already on the agenda. You can limit the discussion and some cities and towns that do this, people have to submit their questions before the meeting. You could put public input pending approval of the Council or by vote of the Council.

Council President Borges said doesn't the ordinance state that with the vote of the Council that they can have public input. So the public would have input if they get the votes. She would not say that they don't allow the public to have public input.

Councilor Costa-Hanlon said if we already allow it, why not just put it on the agenda so that people know they can provide input.

Councilor Croteau said he does not know what the process is today, but the process with the School Committee when he was Superintendent was that there was a section on the agenda called public input. The person just had to go to the School Committee secretary and sign in, and when they got to that section on the agenda you were allowed to speak to the School Committee. He would again ask for clarification of the process. He has a problem with needing 5 votes from the Council to speak.

Councilor Pottier said that in his years on the Council he has never once known of a time where a citizen was here to speak on something on the agenda that they would be denied. In so far as bringing up new business, the only problem he has with that is that he thinks the way things are currently brought before the board through a written process to the Council that is put on the agenda is publicly then noted, then the Council deliberates at a time thereafter. Open forum every week would be very difficult.

Councilor Borges also said that she does not feel that the Council has limited public input and that it would be challenging to have at every meeting.

Councilor Croteau said he does not want it on the agenda, but if someone wants to speak they should not need 5 votes and it should not be limited to something on the agenda.

Councilor McCaul also noted that there should be a time limit on public speaking.

Motion: To allow public input on the agenda.

Councilors Cleary, Marshall, Pottier, Borges and Carr voted in opposition. Motion does not carry.

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AUGUST 4, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

2. MEET TO REVIEW MATTERS IN FILE

The Council President said that Senator Pacheco was here a few weeks ago and talked about the 5 year Capital Investment Plan and he talked about the torch on the Taunton Superior Court. She went back to look at the 5 year Capital Investment Plan that the Governor has and she did not find the torch on the plan, so she is asking that the Council to send a letter to our representatives and ask them why this was not placed in that Capital Plan for 2016-2020.

Councilor Costa-Hanlon said it was her understanding that it was included in the override, that it passed the Senate override.

Motion: To send a letter if it is not part of the override.

On discussion, Councilor Croteau said the letter would be appropriate anyway.

Councilor Costa-Hanlon said it should be sent to the Governor also.

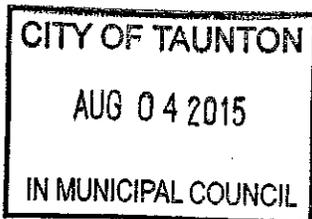
So Voted.

MEETING RECESSED AT 8:17 P.M.

Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK