



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, August 11, 2015 at 7:50 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoyer, Jr. presiding*

*A moment of silence was held for Judith Robbins, who was the former Mayor of Attleboro who passed away.*

*Prayer was offered by the Mayor*

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

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

**Communications from the Mayor:**

Mayor Hoyer stated that there is a traffic closure coming up. We have waited a long time but the Dean Street railroad crossing will be replaced very shortly. It will begin Friday, August 14, 2015 and Dean Street/Rt.44 will be closed to thru traffic. He asked that residents please plan accordingly. There have been notices sent out to the press and it has also been on Facebook and the City's website for some time now. He stated that it will happen at 6pm on Friday night, August 14<sup>th</sup> and is expected to be completed on August 17<sup>th</sup> at which point the road will reopen. There will be some signal work remaining which will be done after the road reopens. He stated that it is good news and it may be an inconvenience but we are fortunate to be having this done. We have had many referrals to the DPW and various agencies over this particular railroad crossing. Councilor Cleary asked what part of Dean Street will be closed. Mayor Hoyer stated he is guessing from Arlington Street to Longmeadow Road. Councilor Cleary wanted to confirm that you could still cut across from Longmeadow to Taunton High School. Mayor Hoyer confirmed and stated that it will be open to local traffic. Councilor Cleary asked if you are going through the City will be able to take a left onto Arlington Street. Mayor Hoyer confirmed. Councilor Cleary stated that the detour is only going to be down County Street and back onto Gordon Owen Parkway. Mayor Hoyer stated that everything has been posted and there are signs up. It will be an inconvenience a lot of projects are being done in the City and unfortunately the construction season isn't very long because once November 15<sup>th</sup> comes it is done until April. He appreciates everyone's patience but for the first time in a long time things are getting done in the City. He is proud of that and stated that you all should be as well because it has been a group effort. He mentioned the Bridge project on Washington Street and wanted to let people know that it is on schedule. He stated that there is an enormous amount of infrastructure work in that area that has to

be done before the second half of the bridge can be completed. **Councilor Cleary motioned for the Safety Officer to look at the "No Left Turn" sign coming from Court Street down Washington to go over the bridge. So Voted.** He stated that it is not a regular sign and it is hard to see. He stated that there should be a better way to inform people that there are no left turns allowed there temporarily. Mayor Hoye stated that hopefully the downtown will be repaved by early fall. He stated that he had read that someone thought that we were tearing up newly paved road. He stated that it is not accurate; it was an overlay patch that was done just to get through the winter months. He thanked the residents of the City for their patience.

Mayor Hoye congratulated the Taunton East 10 Year old All Stars for finishing second in the State. Councilor Marshall stated that he is extremely pleased and they were 3 runs from beating Cranston in the regional tournament this weekend. It is a huge accomplishment for the ten year old team and he believes that something will be worked out to have them recognized in September after school starts. He stated that they did a great job. Mayor Hoye stated that Cindy Sylvia, the manager, does a great job. Mayor Hoye congratulated the Taunton 10U Tornados softball team for winning their final tournament in Pawtucket a couple of weeks ago. They won 4 out of 7 tournaments which was a great accomplishment. He also congratulated the Taunton 10 year old Twister softball team which won the Hockomock League.

**Council President Borges motioned to go out of the regular order of business to Communications from Citizens. So Voted.** She stated that there are some representatives from Verizon and some parents from Our Lady of Lourdes present here tonight.

**Communications from Citizens:**

Com. from Parents Guild, Our Lady of Lourdes School, 50 First St., Taunton requesting the SAFE House visits as part of their Celebrate Our Local Heroes party on September 26, 2015 from 2pm-4pm at the school property. Councilor Marshall motioned to allow the representatives from the Our Lady of Lourdes Parents Guild to speak to add additional requests. Council President Borges read a communication from Jennifer Bastille, Community Crime Watch requesting a visit from the Police Department as part of their Celebrate Our Local Heroes party on September 26, 2015 from 2pm-4pm at the school property. They are also requesting from the department members of the Dive Team, the ATV Unit, the Traffic Unit and the Motorcycle Unit if possible. Councilor Carr stated that she has asked several times for some type of a policy for these issues. Many months have gone by and there has been no meeting and no policy has been brought forward. Councilor Carr made a motion to refer to the Mayor's Office or the Committee of the Whole that some type of a policy is set up for those things as far as insurance coverage and payment of employees that must go with the trailer or trucks going forward. Council President Borges stated that she has spoken with the Fire Chief both yesterday and today about creating a policy. She stated that there have been several requests for the SAFE Trailer. There are three requests for August 29, 2015 and it is becoming difficult to decide where it will go. She stated that when it first came up she had spoken to the Chief about different cities that have policies in place. They don't allow the SAFE trailer to go out unless there are x amount of people that will attend an event, that way they can better manage who the trailer goes to. She stated that they

talked about creating the policy and it costs \$700 a day to pay the staff when the trailer goes out. She stated that some of the requests that are coming in are from all different organizations and some of them have only ten people that attend. She stated that she thinks that it is great when there are 50 or 100 people but she thinks that the Chief is going to work on the policy for that. Mayor Hoye stated that he thinks that it is good suggestion with the number of people and it makes a lot of sense. Council President Borges stated that in other cities they cap it, and if there aren't 50 or 100 people they don't allow it to go out. **Councilor Costa Hanlon motioned to make the letter part of the record. So Voted. Councilor Cleary motioned to send copies to the Police Chief and the Fire Chief. So Voted. Councilor Marshall motioned to approve. So Voted.**

Com. from Stan Usovicz, Regional Director, Verizon Government Affairs, Verizon, 63 High Street, Danvers responding on double poles. Councilor Croteau stated that he sat here with representatives from Verizon quite some time ago. He stated that the Council was told that there was something like 6 separate locations and there are a lot more than that based on a document we received from the TMLP. He appreciates the fact that Verizon appreciates our interest and he is very pleased with that. He is also pleased for them to acknowledge that this requires significant resources. He would hate to think as to the total amount of money that comes from the people from this community that have Verizon or Comcast. He stated that some of these poles are Comcast poles according to the document from the TMLP even though our contact has always been Verizon. He stated that the City has a problem with ADA and part of that problem is the sidewalks and the double poles. He stated that the letter from Verizon doesn't say much. He would like a response from Verizon on when they are going to take care of the issue which has been going on for about a year and a half. **Councilor Costa Hanlon made a motion to allow the representative from Verizon to address the Council. So Voted.** Barry from UC Synergetic, 400 Winter Street, Mansfield who is contracted through Verizon to do right of way and engineering work was present to speak. He stated that unfortunately, he cannot address the Council's questions. It is a much higher level than the involvement that he has working through Verizon. He stated that it is an age old question that has gone on in a lot of communities for a long time. There are lots of reasons for it such as technology and the increase in road work over the past few years which require pole and conduit relocations. He stated that resources are always a problem. He stated that he really can't answer questions, he is present for a hearing tonight. Councilor Marshall thanked Barry for his honesty. He stated that this has been raised to a much higher level and the Council has had that gentleman in about 8 or 9 months ago and he didn't seem to have a handle on the problem either. He stated that he doesn't care what list they use, there is no denying that when you go to a double pole and the electrical wires and Comcast wires have been transferred over, the pole has been cut in half and the only thing left on it are the telephone wires which is very clear at several of our pole locations. Councilor Marshall stated that he wants to know when the plan is to remove the double poles. There needs to be a start, he can't remember when a pole has been removed by Verizon in the past 6-8 months. He stated that it is not just our community, if you go to the new road way improvements in Raynham near the water tower there is an existing pole in the middle with orange traffic cones around it with Verizon infrastructure. He stated that it has to stop in our community and as Councilor Croteau stated there are several ADA issues. He wants a list of what poles they are going to remove and when they will do it. Councilor Costa Hanlon stated that the letter doesn't answer anything.

She stated that they are talking about a new pole status list and the Council is talking about old poles. She stated that what this says to her going forward is that perhaps there would not be double poles. She stated that the Council is not discussing that, they are discussing the 88 poles that are still there. **Councilor Costa Hanlon motioned to send a letter back to the person who sent this letter, who is the Regional Director of Verizon Government Affairs, and tell him that the Council has received the letter which does not address their needs. We have submitted the list of double poles that was done by our City agency, the TMLP. We are looking for a firm schedule for them to start removing the existing poles. It is understood that going forward, they will have a new system but some kind of date certain is needed, a schedule for them to start removing these poles is what the Council is looking for. Councilor Costa Hanlon made a motion to respond back to the letter and say that specifically to the gentleman that sent it. So Voted. Councilor Croteau motioned that we should look into the legal process of fining them. So Voted.** He stated that this letter is at the height of arrogance and that they had no intention of doing anything and they operate here with our permission. They have to submit a proposal, so does Comcast. He stated that our own TMLP is taking care of the issue and he seconded the letter for discussion. Council President Borges asked if the Council had already referred this to the City Solicitor to get his opinion on this. The City Solicitor confirmed.

**Motion was made to go back to the regular order of business. So Voted.**

**Communications from City Officers:**

Com. from City Solicitor regarding Cell Tower Litigation, 201 Alfred Lord Boulevard. On June 2, 2015, the Municipal Council voted to deny a petition for a special permit to allow a 145 foot wireless communication facility (cell tower) at 201 Alfred Lord Boulevard. As a result thereof, both the petitioner Varsity Wireless (who proposed to erect the tower), and Verizon Wireless (who proposed to locate antennas and equipment on the tower) have filed suit against the City, the Municipal Council and each Councilor in federal district court. Councilor Pottier asked the City Solicitor for updates on this as deemed appropriate. Councilor Pottier stated that he has spent some time looking at the FCC Guidelines and one of the things they had mentioned was the quick turn around on the notice of the decision. He understands that the City Solicitor did notify them of the decision within a certain time frame but the minutes of this meeting are still not posted. He believes the meeting was over two months ago and the minutes before and after this meeting are on the City's website. He asked the Assistant City Clerk to check with the City Clerk to see when those will be posted. He understands that it was a long meeting but he has had people ask him about it who would rather read the minutes instead of watching the four hours meeting on tape. He gave credit to the Mayor's Office for getting that done; all of the meetings are on the internet now. **Councilor Cleary made a motion to receive and place on file. So Voted. Councilor Pottier motioned for the City Clerk to email the Councilors when the minutes will be available. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they received a Form J Plan – Waiver of frontage requirements – for land located on the westerly side of No. Walker Street, known as Property I.D. 63-64, submitted by Antonio Lima, 172 Auburn St., Bridgewater, MA. The Taunton Planning Board will hold a public hearing on this proposal on Thursday, September 3, 2015 at 5:30 PM in the Chester R Martin Municipal

Council Chambers, 141 Oak St., Taunton, MA. **Councilor Marshall motioned to receive and place on file. So Voted.**

Com. from City Auditor submitting the FY2015 Encumbrance List, FY2015 Transfer Report, and the FY2015 Budget to Actual report regarding the approval of the encumbrances and transfers for Fiscal Year ending June 30, 2015 at the August 11, 2015 meeting of the Council Committee on Finance and Salaries. **Councilor Pottier made a motion to refer to Committee Reports. So Voted.** *(The City Auditor sent out the report via email to the City Councilors)*

Com. from Laurinda Fonseca, 185 Winthrop St., Taunton requesting waiver of 5-year moratorium. She stated that she purchased 25 Randall Street in 2011 and wanted to switch from oil to gas but Columbia Gas of Massachusetts told her that there was a 5 year moratorium on Randall St. and the Department of Public Works confirmed that she had to wait for 4 years knowing that one year had elapsed since Randall St. was fixed. She waited 4 years to have the gas service delivered to the property and that she did everything she could to prevent further delays, she is hereby imploring the Council to grant her a special permit to have the Columbia Gas of Massachusetts bring the gas service to the property in reference. **Councilor Marshall made a motion to refer to the Committee on the DPW for a public hearing. Councilor Cleary motioned that the DPW be prepared to address the allegations to the Committee on the DPW. So Voted.**

Council President Borges read a communication from Barry Sanders from the Taunton Opiate Task Force which requested use of the stage, microphone and speakers and accompanying equipment from the DPW. They also requested that the City Council approve the waiver of the \$500 fee associated with the use of the equipment. They have received permission from the Parks, Cemeteries and Public Grounds Department to use the Taunton Green to host a rally on August 31, 2015 from 4pm-7pm. They are waiting for a decision from Chief Walsh about the expense of the Police detail and also a decision from the City's Risk Manager about any need for liability insurance. The rally will be held on National Opiate Overdose Awareness Day and it will be one of many such local rallies held around the country. The Bristol County District Attorney's Office will be hosting a prescription take back and Seven Hills will be providing Narcan training and other health services. They are also grateful for Mayor Hoye who has accepted an invitation to speak at the rally along with family members of people in recovery and advocates. Council President Borges stated that she spoke to Lisa Gregg at the DPW and the stage is available on that date. **Council President Borges motioned to approve this request along with a waiver of the \$500 fee. So Voted.**

Councilor Costa Hanlon stated that all of the Councilors should have a correspondence from Chief Walsh regarding the call for the female list. She stated it will be in the Committee on Police and License for next week. She asked that the Councilors review that before the discussion next week. Councilor Cleary wanted to make sure that the City Solicitor has a copy of it because it refers to the interpretation of a couple of cases as to bypassing people. The City Solicitor stated that he has not received the issue that is

being discussed or any court cases about it. He stated that if it is forwarded to him he would be happy to take a look at it.

Mayor Hoye stated that there were a couple of things that he forgot in Communications from the Mayor. He wanted to thank the Business Improvement District for their movie night on July 30<sup>th</sup>. This Friday night they will be hosting their first car show which will be held from 6pm-8pm at Post Office Square. He stated that it should be a good time and he believes there will be entertainment there as well. Mayor Hoye stated that the City Championship for Little League, best of three will be held on Thursday, Friday and if necessary, Sunday. They will all be held at 7pm under the lights and will start at Taunton West, go to Taunton East on Friday, and if necessary, the Championship Showdown will be held on Sunday at Taunton West. They will be playing for the Galligan trophy which Councilor Marshall claims will come back to Taunton East this year. Mayor Hoye wanted to wish both teams the best of luck. They have worked hard and hopefully it will be a great series.

**Petitions:**

Petition submitted by Daryl Crossman, Right of Way Manager, Verizon New England, Inc., 385 Myles Standish Blvd., Taunton and the Taunton Municipal Lighting Plant proposing to place one new push brace against existing pole 144 and to remove two poles, 142S and 144S on Bay Street, Taunton. (Public Hearing Required) **Councilor Marshall motioned to refer to the City Clerk's Office to set up the appropriate hearing. So Voted.**

At this time the Assistant City Clerk read the addendum to the agenda for the petition submitted by Dennis M. Borges, 75 Point Street, Berkley, MA 02779 requesting a new Class II License located at 157 Dean Street, Taunton. **Councilor Costa Hanlon motioned to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by John & Dawn Matthews, 23 Shores St., Taunton seeking reimbursement for damages to the side door of their home as a result of damage during a 911 call in April. **Motion was made to refer to the Law Department. So Voted.**

**Committee Reports:**

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

**Unfinished Business:**

Council President Borges stated that there is still a lot of discussion about Martignetti coming into the Industrial Park and the use of Bay Street for trucks. She stated that she had a conversation with Councilor Croteau and she had gone back to the minutes of the Council meeting and the TDC meeting. On April 14, 2015 the Martignetti Company came before the Council and Councilors Cleary and Marshall made it very clear that trucks will not be going down Bay Street to Dever Drive. She wanted to make it clear that it is not going to happen. She discussed what route the trucks will be going in the Industrial Park. She stated that the lights are the last phase of the project and will not

happen until early spring of 2016. Councilor Cleary stated that Martignetti said that their 600-800 employees will also be directed to use the regular entrance to the Industrial Park and not the Bay Street entrance. He stated that they were very supportive of the concerns of the Council.

Council President Borges stated that she had a request from the Councilors that during one of the Taunton Development Corp. meetings that she request that the minutes of those meetings be provided to all Councilors so they can be informed of what happens at those meetings. She stated that it is not possible because it is both a public and private entity and they don't usually release those minutes. Councilor Croteau stated that he can understand why certain portions of their meetings would not be released for public minutes but the minutes revolving around discussions of traffic problems or traffic concerns like the ones that were just discussed should be. He stated that they are not private, they exercise jurisdiction over publically owned lands. The people who are expressing concerns happen to be the owners of that land. He stated that this is the whole issue of transparency that is in this state right now. He stated that his understanding is that they are appointed by the Mayor who is a publically elected official with confirmation by the Council. Council President Borges stated that they appoint their own board. Councilor Croteau stated that they were formed by this municipal government 50-60 years ago. He stated that there is no reason that they can't disclose certain portions of their discussion. **Council President Borges made a motion for the TDC to come before the Council quarterly to give an update on what is going on at Liberty & Union and Myles Standish Industrial Parks. She stated that they will come before the Council in September. So Voted.** She stated that it is what she proposed to them and they are in full agreement.

Council President Borges thanked the Safety Officer for going back to Winter Street and School Street. The excavator had not repainted those lines there, that is the ordinance and they are going to make a few ADA modifications and restripe that.

Council President Borges thanked Paul Allison for going out to Whittenton Street. There was an issue with trash going out 6 days before pick up day and he went out took care of that.

Councilor Carr stated that she asked for a second time last week for the Zoning Enforcement Officer to take care of the grass situation at the old Art's Bakery, it is probably 4 feet tall by now. She had asked for some communication to be placed on the Councilors desks or in the packets today about the results of their discussions with the property owner were. **Motion was made that the Zoning Enforcement Officer give the Councilors some type of communication as to when that piece of land will be taken care of. So Voted.**

Councilor Carr stated that during the budget hearings she had asked the Chief to provide her with an update on fire details which she has received. She had also asked for a list of the dates and how many times the SAFE trailer has gone out to any non-public school or any location other than a public school for the last fiscal year and this fiscal year. She also wanted the costs and how many firefighters went out those days. She stated that she did get a list from the Chief of where the trailer has been but did not get a list of how

many officers went with it and the cost of those officers. **Councilor Carr motioned to ask the Chief to provide a list of the number of officers that went out on each trailer date and the cost to the City for those officers. Councilor Costa Hanlon motioned to also ask the Police Chief to provide the costs of the Police Officers that go out with their ATV's. So Voted.** Councilor Carr stated that her main objective is to see what the citizens are paying for.

Councilor Pottier stated that he had brought up in the not too distant past that on County Street heading down Williams Street to Gordon Owen Parkway the stop sign is completely faded. **Motion was made to refer to the Sign Division of the DPW to take care of it. So Voted.**

Councilor Pottier stated that both he and Councilor McCaul had brought up in the past, the situation on Disamar Road. He stated that when it was paved a gentleman who never had water problems in the past now has water problems during every storm. He stated that it is worse in the winter time because it melts and freezes and is there for months. **Motion was made for the DPW to remediate that and get back to the Council within two weeks. So Voted.**

Councilor Croteau stated that he received a concern about the former McCabe Sand & Gravel. He stated that this issue has been going on for a number of months now. Apparently, it has changed hands again and it now goes by RMS. The neighbors are concerned that it is operating on Sundays and disturbing their peace. He was told that they have contacted the Police Department which informed them that the City had approved operating on Sundays. He doesn't recall a request from RMS to operate on Sundays. **Motion was made to refer this concern to the Mayor's Office and the City Solicitor. So Voted.**

Councilor Costa Hanlon stated that the Councilors have two communications from the Safety Officer on their desks. One of them was the crosswalk on School and Winter Streets which was already addressed. The other was Macomber Street which looks like the Safety Officer has reached out to Ms. Basler so hopefully all of that was taken care of. She stated that she wanted to bring them up in unfinished business because they were already discussed in the Committee on Police and License and if any of the Councilors have any questions, they can refer it to the Committee on Police and License.

Councilor Costa Hanlon stated that the Committee on Police and License will be discussing the Police Chief's evaluation of the Taunton Police Department at next week's meeting. The Committee had asked him to come up with a plan, like a wish list for the Police Department. She stated that if any Councilors have any suggestions or want specific things discussed or addressed by the Chief they can get it to her or the Clerk of Committees by noon on Thursday so they can forward it to him.

Councilor Cleary asked if the City is running out of time on the Waste Management contract. Mayor Hoyer stated that we are and the Assistant City Solicitor has been heading up the negotiations and should have something to come back to the Council in the next few weeks. **Councilor Cleary motioned to refer to the Committee on Solid**

**Waste for an update and have the Assistant City Solicitor in within the next couple of weeks. So Voted.**

Councilor Cleary thanked the Fire Chief for the reports on the overtime which is pretty comprehensive and the Fire Watch overdue bills. He stated that he has asked for and is very curious on what it costs to run the 911 program. He stated that this is an expensive operation for a lot of communities in the area. He would like to look at what the City is spending and what would it take for us to provide service to other smaller communities. He stated that if we had the resources to consolidate 911 it would be in the best interest of the City and/or the surrounding towns. He is looking for what is being spent on the 911 operation and what it takes to staff it. He stated then from there we can begin to have a discussion on whether what is being spent is sufficient or too much. **Motion was made for the Fire Chief to forward that report when it is ready. So Voted.**

### **Orders, Ordinances, and Resolutions**

#### **Order for a second reading to be ordained on a roll call vote**

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. Councilor Croteau stated that he still needs clarification of what is involved in the feasibility study. This was not part of the process when we did all of the other projects. All of the other projects were at least planned with the Stated Department of Education. He would like clarification of what we are getting for 1.7M. **Councilor Croteau made a motion to refer to the Mayor's Office for clarification of what we are getting for 1.7M. So Voted.** Mayor Hoye stated that we have had ample time to discuss this and Dr. Hackett was here. He would ask for a vote this evening. Councilor Carr stated that she was absent from that meeting but she watched it on video. She wanted to confirm that the City will get a 74% reimbursement for all of these. Mayor Hoye confirmed and stated that if the plan is presented well enough and a good maintenance program is in place, which has improved; we can qualify for several more points as well. He stated that it could be higher than that which is what

we are hoping for. Councilor Carr stated that she believes all of these improvements to our schools are necessary but asked the Mayor if passing these have any effect on us going forward with City Hall. Mayor Hoye stated that our bottom line is always affected; he won't say that it is not. He discussed the state that some of the schools are in and when the City can borrow the money at 74% or possibly even higher, coupled with the ADA issues that are going on, this opportunity can't be passed up. He stated that we are going to try to move forward with City Hall and are meeting again next week regarding additional funding for Plan D. He thinks that it is a good next step. We are waiting on the law suit with City Hall. He stated that it will affect the bottom line but it will not stop us. Councilor Carr just doesn't want to hear down the line that if these are approved City Hall will have to wait. She stated that we have been in that type of the cycle where the City has built new schools, not that they are not needed, but we continually spend all of our long term bonding on schools. Then we are left with many City buildings that need desperately to be updated or new ones built such as a Public Safety Facility or City Hall. The City never seems to have the funds to move forward with that. She would like to vote for these things but would like to know that it just not automatically going to mean that we can't go forward with City Hall. Councilor Croteau stated that he would be the last person to argue against her reasoning so he respects and agrees with it. He stated that he is not opposed to the building. He stated that our share of that feasibility study is going to be \$350,000 to \$450,000. He discussed how feasibility studies didn't have to be done before and we may have to do this in order to qualify for the 74% reimbursement of the building. It was not clarified. Councilor Croteau stated that we did front hundreds of thousands of dollars to the architect to prepare the proposal required by the State Department of Education. He stated that it is fine if at the conclusion of the feasibility study, the plans are 50% complete so the rest of the plans don't cost as much. He stated that he was also at the meeting and has been involved in the planning of a lot of school construction. He stated that what we will receive for the \$1.7M is not clear at all. He wants to know what we will get for that money. He stated that when we talk about any effect that it has on other City projects, our share of that money is our share. He stated that it will cost the taxpayers \$1.7M and it will cost the local taxpayers \$450,000. He would like to know if the plans will be proposal ready for MSBA for the \$1.7M. Councilor Cleary stated that he thought that part of the motion last time was that it would be proposal ready for the MSBA. He stated that he would have to go back to the minutes. He thought the Superintendent had said that it would be. Councilor Croteau stated that it is not clear to him and he knows that school construction, since it was taken away from the Department of Education, has increased significantly. He has a hard time understanding why that is happening. He stated that 600 pupil schools were built for \$12M. Elizabeth Pole School, with 700 pupils, was built for \$26M. Councilor Costa Hanlon stated that as with Councilor Carr, she was not here for the meeting and watched the video. She thought there was something about including an evaluation of Hopewell School as part of this feasibility study but she doesn't see it in the wording of the order. Mayor Hoye stated that these motions were worked up through the MSBA because they had to be specific to include everything. Councilor Costa Hanlon wanted to confirm that it would include some kind of evaluation of Hopewell School even though it is not in the order. Mayor Hoye confirmed. Councilor Croteau stated that he had a brief discussion with Councilor Cleary a couple of weeks ago. He stated that Hopewell School has to be replaced and doesn't need an architect to tell him that. He stated that all we need to know is if there is sufficient land on the Mulcahey site to house that building. He wants

specifics. He voted in favor of the repair/rehab projects in the other two schools and he voted for the \$1.7M too. Councilor Croteau stated that he would vote for this because he agrees wholeheartedly with the Mayor and it would be hard not to after all of those other projects. He stated that he pitched the same thing. **Motion was made to move approval. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Quinn is absent.**

**Order for a second reading to be ordained on a roll call vote**

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 move approval. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Quinn is absent.**

**Order for a second reading to be ordained on a roll call vote**

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 move approval. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Quinn is absent.**

Mayor Hoye announced that after new business we will go to the addendum and he does not anticipate any votes being taken so he does not think that the Council will reconvene in open session.

**New Business:**

Councilor Costa Hanlon stated that she had read in the newspaper about grants through the Police Department to assist with some mental health issues and reach out in the community. **Motion was made to refer to the Police Chief to discuss that grant and the details on how he intends to use it at the Committee on Police and License meeting next week. So Voted.**

**Councilor Costa Hanlon motioned to refer to the Committee on Police and License for next week, a discussion requesting that the Police Chief submit an itemized list of outstanding details and any matters that still need to be paid to the City and his process for collection. So Voted.**

Councilor Cleary stated that he had a call from a constituent complaining about 271 & 273 Broadway under the blighted properties. He stated that 271 Broadway has at least 2 abandoned cars on it, a lot of trash and is poorly kept and there is a rule against that. **Motion was made to refer to the Zoning Enforcement Officer. So Voted.**

Councilor Cleary stated that he received a call tonight asking what the status is of a dog park in the City. He stated that it was discussed several months ago. Mayor Hoye stated that Councilor Carr has taken an interest in it. He stated that we would love to have a dog park in Taunton. He stated that it would be a great addition to the City. Councilor Carr stated that because it is something that has been in the works and there have been discussions about it. She stated that three weeks ago, she and Marilyn Greene toured a dog park in Sharon so Marilyn could see what one looked like. She stated that she and Mayor Hoye are supportive of it. She knows that there was a petition submitted from a resident and will be contacting her. She stated that it could be talked about in the early fall, and try to determine the best spot to put it. It is not a large ticket item moneywise, but a suitable location needs to be found. She stated that maybe she will have the citizen come in and ask for some public input on where people would like to see one. Councilor Cleary asked what exactly a dog park is. Councilor Carr stated that it is an area to bring your dog to run and exercise. It is also a place for dogs to socialize as well as the dog owners. She stated all of the City's parks are posted that no animals are allowed. In a dog park, it is posted that dog owners need to clean up after their own animals. She stated that if your dog is not sociable you would not bring them there. There will be certain rules and regulations. Mrs. Greene will try to talk to some other town Park & Rec

directors that have them and see if they fall under Park & Rec or some non-profit group. Councilor Cleary stated that he was told that water is needed there. Councilor Carr confirmed. Councilor Croteau stated that the rules and regulations are very important.

At this time the Assistant City Clerk read the addendum to the agenda from the City Solicitor stating that pursuant to G.L.c. 30A, §21(a)(3), requesting to meet in executive session to discuss litigation. Mayor Hoye announced that the Council will not reconvene in public session and there will be no votes taken. He stated that the minutes will be released when it is appropriate. **Motion was made to go into executive session. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor.**

Meeting adjourned at 8:55 P.M.

A true copy:

Attest:



Assistant City Clerk

JLL/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
AUGUST 11, 2015

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WAS CITY AUDITOR ANN HEBERT

**MEETING CALLED TO ORDER AT 5:57 P.M.**

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

**MOTION: Move approval of the vouchers and payrolls for the week. So Voted.**

**2. MEET WITH THE CITY AUDITOR FOR PRESENTATION OF FINAL ENCUMBRANCES AND YEAR END TRANSFERS FOR CITY DEPARTMENTS AS OF JUNE 30, 2015**

**Motion: To Invite the City Auditor into the meeting. So Voted.**

Councilor Pottier asked, regarding the budget to actual, and noted that it would not be fair to the Auditor or to the Committee to go into much detail as the Councilors were just provided with the reports, so he will make a motion at the end of the meeting to go into further detail at a meeting in the not too distant future. However, he noted this is not a bad thing, but you have public safety underspent by \$2 Million. They budgeted for total public safety \$26.9 Million and what they expensed is \$24.8 Million, so they underspent by \$2 million. Councilor Pottier again said this is not a bad thing, but it looks like the main dollar amounts were not spent in salaries. If someone retires it is a big hit to pay out their benefits, so he is guessing, but would like clarity on this by memo, as he does not see the need to have people come in, but he would like an explanation as to what they were thinking when they set the budget and why it is so far under.

The City Auditor said that included in the amount expensed is the amount to be paid to Patrolman Casey. That has already been taken out and is put in unused sick liability because He has not been paid. She expensed it because you cannot encumber salaries.

The Auditor also said that she will send the Committee a breakdown of salaries.

Councilor Pottier would like to review the documents provided again in a week or two. He also said that this money was being anticipated being spent in 2015, so he also wants to make sure that, in years past there have been situations where Fire Chiefs would budget for a piece of fire apparatus that they were told to buy, then they did not buy it. He wants to make sure that the departments are not replacing equipment that they said they were. He also noted that with this \$2 million not spent, it could have been used to hire a couple of extra police officers.

Councilor Carr said that they need to go further in depth on the budget to actual. She would like to have the Budget Director present for the meeting to be scheduled.

Councilor Carr also noted that Health Insurance was also over budgeted by about \$2 million, which seems to be a regular thing.

Mrs. Hebert said it may be because the Treasurer has to estimate the figure, then when the actuals come in January she has a more firm figure.

Councilor Carr said that she also has questions about police and fire overtime. She asked the Auditor if she was saying that she counts that as a salary.

The Auditor said overtime is a salary item.

Councilor Carr also asked about sick leave buyback and vacation buyback, to which the Auditor said anything that has to do with a Patrolman - basically when a patrolman retires, his unused sick and vacation is budgeted in the salaries and at the end of year, June 30<sup>th</sup>, the Auditor questions who has not been paid and she moves that money into liability because it should be paid within 15 months. It looks like it has been expensed in salaries, but it is put into a liability for when it is paid.

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

Councilor Carr asked what the account is that this money is put into, to which the Auditor said it is unused sick liability. Councilor Carr asked if this happens every year. The Auditor said yes, and they have been taking into consideration finding out if they have anyone who has not been paid.

Councilor Carr clarified by saying that if the person never retires, the money to be paid for unused sick and vacation does not go into a liability account, it is used to pay off other line items. The Auditor said it can also go back into free cash if it has not been used.

Councilor Carr said that in her own mind if somebody is paid for unused sick time or unused vacation time that should not be a salary account. It is not their salary it is more of a contractual benefit and not a salary.

The Auditor said it is all budgeted in the salaries category.

Councilor Carr asked if there was a state chart of accounts that dictates what goes into salary. The Auditor said there is. Councilor Carr said she would like a copy of that as she does not think this should be paid under salary.

The City Auditor said it is anything that is paid out under payroll, and all those items are paid on the payroll.

Councilor Carr noted that there are some pretty large encumbrances, for instance under repair of public buildings there is \$152,000.00 to Beta.

The City Auditor said it is the middle of a contract but that a lot of this has to do with the Star Theater demolition. There are still some open items. Until the project is closed, the money carries forward. You must encumber the money until the project is done. Most encumbrances will stay until June 30, 2016.

The City Auditor provided a revised encumbrance list because the School Department sent her some adjustments to theirs which reduced their amount to \$1.5 million from \$1.9 million. Technically what she does with the school is whatever they have left as their balance that is the amount that is encumbered. Whatever they have, because of net school spending that is the amount that is encumbered. She does not turn any school funds to free cash.

Councilor Pottier noted the snow and ice account on the transfer list. Typically the city is allowed to carry any deficit over for a couple of years. Health Insurance was way under so the City was able to apply that difference to the snow and ice deficit, so therefore there is not a problem covering this.

The City Auditor said that there is \$550,000 that they have asked for from FEMA that is still open, and they were told by DOR that it could be brought into a special revenue account. So she has taken \$550,000 for snow and ice expenses and put it in a special revenue account and it is there until the FEMA money comes in. It could be a couple of years before the FEMA money comes in. By putting it there, it does not go against the City when free cash is certified.

Councilor Croteau said his recollection is that in late May or early June while preparing the FY 2016, he asked the Budget Director to procure an end of the year statement showing overdrafts or balances in each one of the accounts which he was going to get from the Department Heads. So (1) he would like to have a copy of that and he will sit down with the Auditor. He wants to analyze it and compare it to what we have now. Because, what we have now is what was actually spent. He wants to see the correlation between what was actually spent and what each Department Head was advising the Council at the time the FY 2016 budget was being prepared. (2) When you look at what was actually spent, you need to take into consideration transfers, snow being one of them. There are many other transfers here. He would like to look at those as to why those transfers were made because obviously this has happened and at this point there is no point in going back. He also said now we have encumbrances, so this is money from FY 2015 that is encumbered, set aside, it is spoken for. The next number he is looking for, taking into consideration the overdrafts, the balances in each account how much has been encumbered of the difference. There should be a difference to the positive side. In other words, the

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

overdrafts and the surpluses in each one of these accounts – the difference between the two should still be positive. We did not have a deficit budget. The question now is, of that positive balance how much of that is encumbered. So after we go through all of this we will end up with a number and that number is how much is left from the FY 2015 budget. The stabilization is made up of two numbers. One number is the number he is talking about. The true balance that we have after everything is done and all of the financial calculations, the true balance of what was left out of FY 2015, so if that is \$1.7 Million, that is the first number we have for stabilization. The next number we look at is how much excess revenue did we have. When the FY 2015 budget was built, it was built on “x” dollars of revenue. Invariably we collect more than what we budget for, so if that is \$2 million, we now have \$3.7 million approximately that would go to stabilization, so that is the number he would also be looking for.

Councilor Croteau said he would like to meet with the City Auditor and go over these documents and come up with a list and then schedule a meeting. Perhaps this meeting could be on a Monday night, because if it is held on a Tuesday night obviously it is going to be televised which the Council is in favor of, but it could also mean that the 7:00 meeting might not start at 7:00. This is the way he wants to approach this. He wants to see the bottom line – how much money do we really have when the books are closed. As far as carrying money forward, his understanding has always been exactly what Mrs. Hebert said – you can carry it and you have a year. However, he has also understood that if a vendor in question has not submitted a bill on or before the end of a fiscal year you do not have to pay, it unless the law has changed. What he did was instruct the bookkeeper to come up with a list of all of the people, and he discussed it with their attorney first and was told this was the law, unless the law has changed, so he thinks this should be referred to the City Solicitor – unless the law has changed you do not have to pay it. In fairness what they did was have a list of all the vendors who traditionally submitted their bills late and sent them a letter advising them that if the bills were not received on time they were not going to pay it. Councilor Croteau said if it is ok with the Committee he will get together with Mrs. Hebert, also speak to the City Solicitor and prepare for the meeting which will be within the next 2-4 weeks.

Councilor Carr asked the Auditor to explain in a little more detail, how the parking garage accounts are done. It always seems to be an issue with City Council, what type of an account is that.

The Auditor said it is a receipt reserved for appropriation. Basically at budget time it can only be appropriated from that account. What she does is, if they over budget and she thinks they put something in every line item, at the end of the Fiscal Year because it is a certain reserve account she sends whatever is left over back to them so they can have the use of the money. She does not put it into free cash because it was not the purpose of the funds. It is not general fund revenue, in order to expend those funds which are from the fees from the garages and the lots; it is to be used for a specific purpose. At the end of the year that is why there is always a large amount going back to them because that is what they will have to draw on if there is further needs for the lots. She also said they had \$6,000 encumbered. This account is not a general fund account; it is one of our special revenues but is called a receipt reserved for appropriation. These are set by law, by the state, and in order to utilize them they have to go before the Council to ask for an appropriation. It cannot be spent otherwise.

Councilor Croteau said the importance to that account right now as opposed to other years is that this account is supposed to generate enough money to pay for all the repairs that are being done. This is a number the Council should be tracking to make sure that there is money there.

Councilor Pottier made the following motion.

**Motion: To have the Budget Director put together a document as we see on the expense side for the revenue side with that amount that was specified in the budget vs. what actually came in for the year. So Voted.**

Councilor Borges asked if there was any other reserved for appropriation accounts.

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

The Auditor said she does the airport revolving at the same time but they overspent their funds. These are the only two and she puts it back because it was there for a specific purpose.

Airport revolving – they used to charge it to the revolving account but it really should be paid out of the general fund, so what she does is at budget time they transfer the money that they need from the airport revolving to pay the salaries. There are certain revolving accounts that you cannot pay salaries out of. It should be a general fund expense. That is why that money is moved.

Councilor Croteau said one thing to keep in mind is, especially with Federal reimbursements, that its always a complicated way of estimating accounts payable and the Feds are usually late with their checks so they come in after the books are closed.

Councilor Cleary noted that the police traffic signals had a deficit of \$155,000.00 and that amount was transferred in from short term debt.

The Auditor said there was a balance left over in short term debt.

Councilor Cleary said this seems like a large number.

The Auditor said this number can be a lot higher; it all depends on the TMLP work done on traffic signals. They bill the City for this along with street lighting.

The Auditor noted that free cash would be at the end of the budget to actual, at the end of the general fund and is roughly about \$4 million being turned back that was not spent in the general fund. She also said that water is turning back \$295,000, golf is turning back \$12,000, sewer enterprise is turning back \$1 million and even the nursing home is turning back \$63,000 this year. They had no deficit.

Councilor Croteau again stated that you take all the accounts that had money left, which he believes is about \$5 million, you take all the other accounts that didn't have money left or are in deficit, so the question to ask the Department Head is why are they in deficit. But, you subtract that amount so that amount comes to about \$4 million. As far as the enterprise funds, water and sewer, by right that money should be going into their reserve account and not into the general fund.

The Auditor said it is separate.

Councilor Croteau further said as far as the nursing home, you need to isolate FY 2015 because of the Federal reimbursements that are late you really are not looking at a real year. You have to make the calculations to isolate the 12 months. That is the only way you can tell whether or not the nursing home is losing money.

Councilor Costa-Hanlon stated that some of the things that are disturbing to her are how we are allocating our funds. She is also concerned with the \$2 million combined for public safety and the \$2 million for health care issues. She would like to know what will be the process from here. She would like to see, when there is an evaluation of Department Heads, for the Council to be looking at what is going on in these budgets and find out why there are some differentials in what is budgeted and what is spent, and perhaps give assistance to some of our Department Heads in their budgeting because it is important. The Council does have priorities that they would like to see met and they go forward with the assumption that this is the budget and this is where the money is being spent and then it comes back to the Council. Her question is, going forward what does the Chairman think the Committee will be addressing as far as what we see in the encumbrances and the year-end spending relative to the Department Heads.

Councilor Croteau said it will depend on the analysis between what the Council was presented in June. What he saw initially was everyone was going to spend everything, now we are going to see what actually happened. So, if a Department Head said there will be no money left and there was \$26,000 left, then their estimate is not very accurate. If a Department Head said we are going to spend everything and they end up in deficit \$150,000 then their knowledge of the budget at the time was not very accurate. The Committee will do a comparison between what the Budget Director presented to the Council from the Department Heads and what is actually on the books is one item. The other item, and the number he is

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**THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED**

looking for is, after all is said and done from an expense side, where you take the money that was left in the various departments, add those up, take how much money that was transferred from that into other departments because they went over, and come up with a number. Then if there are encumbrances placed on that number, then you come up with a final number. The final number is how much cash left over from FY 2015 will actually go into stabilization. The other number is simple, you take a look at how much revenue was projected - \$163 Million – we collected \$164 Million, so there is \$1 Million. In 2-4 weeks the Committee will be sitting here with all parties concerned. After we come up with the numbers, the Council needs to take a look at whom overspent their budget, who had a lot of money left and if there was money left, what happened. He wants the bottom line – how much is going into stabilization

**The above motion was voted on and carried by unanimous vote of the Committee. So Voted.**

Councilor Pottier then made the following motion:

**Motion:** To accept the Encumbrance List and Transfer report as presented, and for those transfers and encumbrances to be made forthwith.

Councilor Carr asked the Auditor if this was time sensitive or could it wait 2-4 weeks for the Committee's discussion to take place. She noted that she does not have an issue with the encumbrances, but she does with the transfers.

**Councilor Pottier retracted his motion.**

Councilor Pottier said that he would just make a motion for the encumbrances and the transfers to be brought up later.

The City Auditor said that the encumbrances and transfers are tied together.

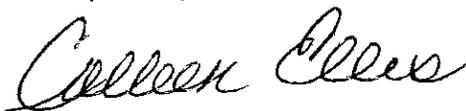
Councilor Carr said that encumbrances should be money that has already been appropriated and it is just being carried forward.

Councilor Pottier said there are transfers related to them and also what we are running up against is that we are now in the 6<sup>th</sup> or 7<sup>th</sup> week of the new fiscal year and we have these items hanging over us, so he would recommend, but he understands the concerns on some of these items, but he would prefer moving both the encumbrances and transfers this evening. You can always move a particular one back if needed.

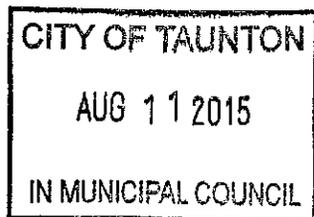
**Motion:** To approve the encumbrance list and the transfer list as presented. So Voted.

MEETING ADJOURNED AT 6:49 P.M.

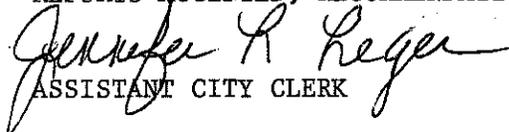
Respectfully submitted,



Colleen M. Ellis  
Clerk of Council Committees



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



JENNIFER R. HEGER  
ASSISTANT CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
AUGUST 11, 2015

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

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

**MEETING CALLED TO ORDER AT 6:53 P.M.**

**1. MEET WITH REPRESENTATIVES OF LATIN PASS FOR A PRESENTATION**

The Council President said that representatives were here this evening but had requested that this presentation be continued until September.

**Motion: To continue this matter until September. So Voted.**

**2. MEET TO DISCUSS SECTIONS 6 THROUGH 10 OF THE RULES OF THE MUNICIPAL COUNCIL**

Councilor Pottier stated that there was much discussion last week about public input and items on the agenda, and even though the Council has never denied someone who was here the opportunity to speak on something, especially if they had a vested interest in the issue, it is not clear that they are allowed to do so. He further noted that he and the Council President had spoken, and thought about floating some language on every week's agenda saying that here is the public agenda, if anyone is here to speak on an issue, let either the presiding official of that Committee or the meeting, being the Mayor, and have a sign in sheet with notation as to what they are here to speak about, and handle it that way so that it is more open and willing for people to come in. Secondly, a thought to consider also is to put something on each agenda mentioning how to get things on the agenda. When he talks to people they are unaware of how they can bring things before the Council. So, to mention there, how to get something on the agenda -- Send something to the City Clerk or the Mayor, Council President or any Councilor to be considered to be included in the packet for the following week. Again, this is further codifying and letting people know that their opinion is welcome and how they can bring this forward for this body to consider. This is not something to be discussed this evening, but it is something for the Council to consider when these are put together.

The Council President read Section 6 and asked for any discussion on this section.

Councilor Costa-Hanlon recommended changing the wording because it says members to rise to be recognized and this is not done. She does not think there is a need for it. She recommends changing the name of the section to read *Members request to be recognized (obtaining the floor); members to confine themselves to debate and avoid personalities*. This is her only suggestion on that.

Councilor Cleary said on that point, where it says *members to request* put in parenthesis *put their hand up* to be recognized.

Councilor Cleary also said he has no problem speaking to a Councilor by name, he does agree that you have to be polite and courteous, etc. but not using the other Councilor's name is old fashioned and does not seem to be appropriate. His recommendation is eliminating that so that Councilors can be addressed by their name.

Councilor Costa-Hanlon made the following motion:

**Motion: That the Clerk make the changes recommended by her and Councilor Cleary and change the Title in Section 6 to be recognized by raising of the hand, and to strike that the Councilors cannot refer to each other by name, but to refer in a respectful manner by name. So Voted.**

Moving on to Section 7 – Order of Speaking when two members rise at the same time,.

Councilor Cleary said to take the word "rise" out of the title and have it say when two members seek to speak at the same time, leave it up to the Chair.

PAGE TWO

AUGUST 11, 2015

**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

**Motion:** To strike the work “rise” in the title and have the section say *When two members seek to speak at the same time, leave it up to the chair.* So Voted.

Moving to Section 8 – No member to speak more than once.

Councilor Pottier stated that it was talked about adding something to section b to make it clearer that people are certainly welcomed to speak on any issue that is before the Council. The thought would be to put on every single agenda a line that says *Anyone wishing to speak on an item on this agenda or anyone with a vested interest on this agenda please check in with the City Clerk or the presiding officer (which would be the Mayor) prior to the meeting being held.* He also noted the same thing with Committee meetings if someone is there to speak about an issue you are welcome to do so, so have the same language there. Secondly, to have something there that further mentions how to place something on the agenda. So, place some language in there stating in order to get something on the agenda contact the City Clerk by such and such a deadline in order for your item to be considered in that weeks packet. This will make it clear that this body is open to public input on the items on the agenda from the public.

Council President Borges asked if Councilor Pottier wanted this placed in section c, to which he said if it is felt that is the best place to put it, or place it in Section 5.

Councilor Croteau said that he still has a problem with having to get five votes to speak. He does not want it to be a majority vote in order to speak. If someone wants to address a Committee or the Council they should be able to.

Councilor Costa-Hanlon noted that in her suggestions she had the following: *Any person seeking to speak during public input shall provide written name and address and a topic to be discussed to be presented to the Chair prior to the call of the meeting. Each person discussing public input shall be limited to no more than 3 minutes per subject per meeting.* She said that remembering the discussion last week, some Councilors were not willing to put a blanket input so she feels that this is a good compromise. This way the public will know that they can address the Council with 5 votes. What she was looking for was not supported by the Council, but this is a good compromise.

Councilor Costa-Hanlon made the following Motion:

**Motion:** To separate one section of 8b, so that it does say what are the rules for public input during a Council meeting and refer back to rule 5 and put something like **The Public Addressing the Council or however the Council may want to put it on the Agenda, and have a blurb about what that entails.**

Councilor Croteau seconded the motion on discussion.

Councilor Pottier said that the concern he has is that he does not necessarily want it to be completely open ended, he wants the discussion to be focused on the agenda. The concern he has is for example, say you have a dispute with your neighbor, we give an open forum to come in and mention your dispute with a neighbor. Because it is not on the agenda, your neighbor does not know you are coming in so he can not give his side. You are talking about a dispute that you are having and the other person is not here to defend himself because no one knows what you are going to talk about that evening. His option was that if something was on the agenda, you are certainly welcome to speak on it and if you want to put something on the agenda we get it on the agenda so that it is publicly posted and people know what is going to be discussed that evening.

Councilor Costa-Hanlon said as a point of information, that she thinks that is what is said in the rule. If you read the rule, it says to address things that are on the agenda. She does not agree with it, she thinks there should be general public input. She agrees with Councilor Croteau, and she has every bit of confidence that whoever the presiding entity is will rule people out of order. She also said it is important

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

that this move forward and at least allow the public to know that there is a mechanism for them to come before the Council, make it consistent with Section 8b. She is having it worded exactly how it is in the rules so she is not looking to change anything.

Councilor Costa-Hanlon then said her motion is whatever is in the rule right now as was read by the Council President – that is going to be on the agenda.

Councilor Marshall said that this was debated last week and it was voted on. A blanket public input section to be placed on the agenda was not agreed upon. What is being talked about this week and what was talked about last week is still within the rules and everyone that did support public input on the agenda thought that there was ample opportunity for a member of the public to address the Municipal Council already within its existing rules. He still holds true to that. He would caution people that he does follow Councilor Pottier's suggestion that it be limited to any item on the agenda. If it is not limited to any item on the agenda, the Council cannot publicly debate it because it violates the open meeting law. To Councilor Pottier's point, if we just allow public input the Council is going to have a very difficult time without a rigid set of rules and regulations around public input because they are going to have to be fair and equitable and everyone is going to have to be treated equally. He understands Councilor Croteau's concern that the Chair has the authority to rule anyone out of order if they so deem fit, but that does not necessarily stop the Council from being held accountable at another level through M.C.A.D. or otherwise. Councilor Marshall said as far as placing it on the agenda, he thinks it is a little late if its on the agenda, to let people know how to get there. He suggests that maybe we could do a frequently asked questions on the Council page on how to get things on the agenda so that way it could get on the agenda more timely because if you are already reading the agenda it is too late to get on the agenda for that week. He does feel that it should be limited to a specific item on that agenda and not just public input. He does not think there is a need to make any changes, just add a sentence to 8b stating *that any member of the public shall be allowed to speak upon majority vote of the Municipal Council* and then with some wording about it being towards an item already on that nights agenda. The person shall notify the Chair, whether it be in Committee or the presiding officer.

Councilor Cleary said that following up on Councilor Pottier's suggestion,, going back to the normal packet that the Council has, just put the statement on the agenda stating *Should you have an item that you would like included on a future agenda you should submit it in writing to....* Second of all, he continued, the Council invites public input on any topics on the agenda, provided there are 5 votes to allow it. He also said to put this as an introduction under the heading that it would be there every week. Everyone would know how to do it. Councilor Cleary also said that going back to the discussion had last week, the Council is not denying anybody to address the Council, and they never have denied anybody from addressing the Council. Councilor Carr said that Section 8b does not state that it has to be an item on the agenda and she feels that is very important.

Councilor Costa-Hanlon said she would amend her motion to include that and to include what Councilor Cleary said so that it would be on the agenda – at the top.

**The motion was clarified to read as follows:**

**Motion:** To add to section 8 b, it is going to be separated out, and that part of 8b that refers to the public addressing the Council will now become 8c, and it will continue on the wording as on 8b, but it will be 8c and it will say "Per the vote of 5 Councilors there would be public input on matters in the agenda", and she would suggest that people would have to give their name and address to the chair prior to speaking. It should be limited to 3 minutes.

Councilor Cleary noted as a point of information, that he spoke to the Clerk of Committees last week and

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

the motions were very confusing.

**The above motions were not voted on.**

Councilor Costa-Hanlon made the following motion:

**Motion: That Councilor Cleary will draft what he said and forward it to the Clerk.**

Councilor Croteau seconded the motion on discussion.

Council President also noted that Councilor Pottier had also suggested adding an e-mail address.

Councilor Pottier said his whole point wasn't necessarily to do anything new it was just to better publicize the policy the Council already has. He clarified again that if someone wants to speak on an item on the agenda, just let the Chair know and if you want to get something on the agenda, here is how.

Councilor McCaul stated that on the agenda we do have Communications from Citizens on the agenda now and it would make a lot more sense to have after this a section for public input. If there is something new that someone wants to bring up that should be the time it should be brought up.

The Council President said that the Committee is revisiting last week's meeting all over again and we do not want to go down that road. She feels that Councilor Cleary made a very good motion and it was very clear. She feels that the suggestion to write it up, bring it to the clerk for next week is a great suggestion.

This is getting way to complicated and she would like to move on to Section 9.

Councilor Costa-Hanlon asked if it could be done by Friday and said **That is her Motion and Councilor Cleary seconded it. So voted.**

Moving to Section 9 – Motions permitted during debate; previous question.

Councilor Pottier said that there should be and every effort should be made to be concise with comments. He feels that since this is not necessarily followed, they should strike both the 30 minutes shall be allowed for debate and no member shall occupy more than 3 minutes, but put something in there about being concise and every effort will be made to get your point across.

**Motion: To strike the 30 minutes and 3 minutes in Section 9 and have it say *Every effort will be made to stay on topic, to make your argument concisely, at the discretion of the chair.***

Councilor Croteau seconded the motion. **So Voted.**

Moving to Section 10 – Direct Bearing and Previously Debated Matters.

Councilor Carr said that the current year needs to be fixed and suggested to have it say in the past 12 months.

**Motion: To change in section 10a the words *in the current year* to say *In the past 12 months.***

Motion was seconded by Councilor Costa- Hanlon.

On discussion, Councilor Pottier said that he mentioned last week some type of provision about suspending the rules. He suggested adding suspending the rules for good reason with a two thirds majority vote of the Council.

Councilor Croteau said he would support a two thirds vote but not a unanimous vote. He further noted that suspending the rules is one thing but his understanding is that if the issue before the Council is not the same issue, that the essence of that issue has changed, which in his opinion you can then bring it up. Something needs to be placed in this section.

Councilor Costa-Hanlon said that she wanted to be clear on the motion. She stated that we are striking current year and inserting 12 months prior. That was stated as being correct. She also said that she does not think this is a rule that she would support suspending. She said it is important to make motions as clear as possible. You need finality and clarity.

Councilor Marshall said he has no problem clarifying current year to be the previous 12 months.

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AUGUST 11, 2015

**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

He further stated that there is nothing wrong with leaving the provision in to suspend the rules. It seems to him that this is being made so restrictive that the Council cannot do business. If the Council votes to suspend the rules then they should be able to do this. Councilor Pottier said asked who would decide, to Councilor Croteau's point, what would be a meaningful change. He would like in here that there would have to be a two thirds majority vote for anything before the Council. Once a motion is made, that it is for 12 months, unless the Council wants to hear it again by a majority vote – a super majority of 6.

**The above motion was voted on. So voted.**

Councilor Pottier made the following motion:

**Motion:** That that rule can be suspended with a super majority of 6 votes by a future Council within a 12 month time frame.

**Councilors Carr and Costa-Hanlon voted in opposition, Councilors McCaul, Borges, Marshall Croteau and Cleary voted in favor. Motion Carries.**

Councilor Marshall made the following motion:

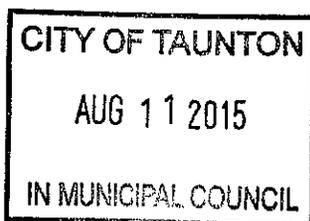
**Motion:** To have the Rules of the Council placed on the Council Page on the web site, rather than having the President read every section. So voted.

Councilor Cleary said the Clerk needs to reproduce the Rules, page by page with the changes. Councilor Costa-Hanlon noted that at the next meeting the Council will be discussing Sections 11-15 and the week after that will be 16-20. The Council President said yes, as time allows. She would like to have the written suggestions be part of the record. Also if someone is not here their recommendations should be discussed.

Councilor Carr clarified that the motion was to change the current year to the previous 12 months, but in the last sentence it says there should be no appeal from this decision and the rules shall not be subject to suspension. Then Councilor Pottier added another motion that the rules can be suspended with a two thirds majority vote. So there will be a conflict.

Councilor Pottier said to delete the last sentence and add the wording of his motion.

MEETING RECESSED AT 7:44 P.M.



Respectfully submitted,

Colleen M. Ellis  
Clerk of Council Committees

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Jennifer R. Regan  
ASSISTANT CITY CLERK



# CITY OF TAUNTON

ORDER #26  
FY 2015  
AUGUST 11, 2015  
AS OF JUNE 30, 2015

*In Municipal Council* ..... 20.....

*Ordered, That*

**THE ATTACHED FISCAL YEAR 2015 TRANSFERS**

**TOTALING TWO MILLION SEVEN HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED  
EIGHTY EIGHT DOLLARS AND SEVENTEEN CENTS (\$2,776,788.17) ARE HREBY APPROVED**

..... *Clerk.*



# CITY OF TAUNTON

ORDER #25  
FY 2015  
AUGUST 11, 2015  
AS OF JUNE 30, 2015

*In Municipal Council* ..... 20.....

*Ordered, That*

**THE ATTACHED FISCAL YEAR 2015 ENCUMBRANCES  
TOTALING FOUR MILLION THREE HUNDRED SEVENTY NINE THOUSAND SIX  
HUNDRED TWELVE DOLLARS AND FOUR CENTS (\$4,379,612.04) ARE HREBY APPROVED**

..... *Clerk.*