



City of Taunton
Municipal Council Meeting Minutes

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Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, September 8, 2015 at 7:42 O'clock P.M.

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

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

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

Communications from the Mayor:

Mayor Hoye stated that this Friday is September 11, 2015 and Irene Fernandes will be putting together a service to pay tribute to the victims of 9-11. Each and every year she does a good job putting this together. It will be held at 2pm at the Shea Apartments. He stated that the public is welcome to attend as is it a very moving tribute. He stated hopefully we will see folks there as we remember the terrible tragedy of September 11th. Councilor Costa Hanlon stated that it has been a challenge to get it put in the local paper so she asked if it could be put on the City's website. Mayor Hoye stated that he believes that it is already there but will double check. Mayor Hoye discussed Miles with the Mayor which will be held on Sunday, September 27th at 10am at Hopewell Park. It is a 5k run and a 1 mile fun run/walk that will help support the Mayor's Worthy Cause which in turn helps support many charitable organizations in the City. He stated that hopefully members of the public and the City Council will be able to attend.

Communications from City Officers:

Com. from City Solicitor requesting to meet in executive session regarding Varsity Wireless, LLC v. City of Taunton, Taunton Municipal Council, et al. United States District Court, Dist. Of Mass., Civil Action No. 1:15-cv-12853. The purpose of the meeting is to discuss strategy with respect to ongoing litigation. **Council President Borges made a motion to go out of the regular order of business and do this after unfinished business. So Voted.**

Com. from Administrator, Taunton Nursing Home thanking Chief Bradshaw for providing a fire truck and crew to visit Taunton Nursing Home during their annual Summer BBQ on August 29, 2015. The children enjoyed the learning experience and the crew was wonderful to them. **Motion was made to receive and place on file. So Voted.**

Com. from Human Resource Director submitting Local 1701 Library Union Memorandum of Agreement. The purpose of this Memorandum of Agreement is to extend the Collective Bargaining Agreement between the parties which expires on June 30, 2015. **Councilor Pottier made a motion to refer to the Committee of the Whole. So Voted.**

Com. from Chairman, Taunton Planning Board stating that they have received a Site Plan Review for property at the Silver City Galleria Mall to allow Parker Driving School and other miscellaneous events on "PARCEL A", submitted by Kenneth Darling, Operations Manager. The Development Impact Review Board (DIRB) will meet on this on Tuesday, September 15, 2015 at 9:30 AM in the Taunton Planning Board Office, 15 Summer Street, Annex Bldg., and then the Planning Board will hold a public meeting on this proposal on Thursday, October 1, 2015 at 5:30 PM at Chester R. Martin Municipal Council Chambers, 141 Oak Street, Taunton, MA. **Councilor Marshall made a motion to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board stating that they have received a Site Plan Review for property at 265 Bay Street for the addition of auto sales in conjunction with the existing auto repair facility, submitted by Jessica Leonard, Leonard's Auto Repair. The Development Impact Review Board (DIRB) will meet on this on Tuesday, September 15, 2015 at 9:00 AM in the Taunton Planning Board Office, 15 Summer Street, Annex Bldg., and then the Planning Board will hold a public meeting on this proposal on Thursday, October 1, 2015 at 5:30 PM at Chester R. Martin Municipal Council Chambers, 141 Oak Street, Taunton, MA. **Councilor Marshall made a motion to receive and place on file. So Voted.**

Communications from Citizens:

Com. from The Friends of the Taunton Animal Care facility, P.O. Box 2231, Taunton extending an invitation to their 2nd annual "Woof Walk" at Araujo Farms & Greenhouses, at 1522 Williams St., Dighton, MA. The event will take place on Sunday, September 20, 2015 from 11am-3pm. **Council President Borges made a motion to receive and place on file. So Voted.**

Com. from Katie MacDonald, Director, Old Colony Historical Society, 66 Church Green, Taunton notifying of the Liberty and Union Weekend and requesting a road closure. This year's weekend is scheduled for October 15-18. A highlight of the weekend will be the Liberty and Union Festival on Saturday, October 17 from 10am-2pm on Church Green. They are requesting a temporary road closure, from the intersection of Church Green and Summer Street to the intersection of Church Green and Dean Street, from 8am-3pm on Saturday, October 17, 2015. **Councilor Costa Hanlon made a motion to approve the road closure and refer to the Police Department. So Voted.**

The City Clerk read a communication announcing the 1st Annual Motorcycle Ride in memory of Jennifer Martel hosted by New Hope. It is called Let's Ride Domestic Violence Out of Town! It will be held on Saturday, September 19, 2015 at the PACC Club, 175 School Street, Taunton, MA 02780. Registration starts at 10am, Kickstands up at 12pm. They are inviting people to join them from 1pm-5pm. There will be meat on a stick, a cookout, music, raffles and kids activities. Admission is \$20.00 for riders and

\$10.00 for passengers if registered prior to August 31, 2015. Admission on the day of registration is \$25 for riders and \$15 for passengers. **Councilor Carr motioned that this be posted on the City's website. Councilor Costa Hanlon motioned to approve the route and refer to the Police Department. So Voted.**

Petitions:

Claim submitted by Tammy Dunham, 52 Cottage St., Taunton seeking reimbursement for damages to her automobile from hitting a water main cover on Broadway in front of Auto Zone. **Councilor Marshall made a motion to refer to the City Solicitor's Office. So Voted.**

Claim submitted by Paul Finney, 14 Couch St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole near 61 Robert Treat Paine Dr., Taunton. **Councilor McCaul made a motion to refer to the City Solicitor's Office. So Voted.**

Committee Reports:

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

Unfinished Business:

Councilor Cleary stated that regarding the issues at Taunton Nursing Home, the discussion was never finished and no meeting was held. He questioned if it was a Committee of the Whole meeting. Mayor Hoye stated that there is a meeting scheduled with the Board of Directors and the Director of Taunton Nursing Home in the near future. He stated that his office and the City Solicitor's office have been looking at other options on the Nursing Home. He said that it is a complicated issue as far as whether the City should hold on to it or look to change ownership of it. He stated that a good time to have the meeting with the Municipal Council would be after their Board Meeting. Councilor Cleary stated that the issue that he would like to bring closure to is the State Audit Report. **Councilor Cleary motioned that the meeting should be rescheduled in the near future between the Council of the Whole, the Administrator and the Board of the Taunton Nursing Home to bring closure to this issue. So Voted.**

Councilor Marshall motioned to appoint Mr. Jon Chase as the City of Taunton's Water Division Supervisor. On a roll call vote, nine (9) Councilors present, nine Councilors voting in favor. So Voted. Mr. Jon Chase was then sworn in by the City Clerk. Councilor Croteau stated that there has been some question about Mr. Chase's salary. He is voting with the understanding that Mr. Chase be paid a reasonable amount of money as there is a problem in the contract language. Mayor Hoye stated that it will be determined by the COTMA contract.

Councilor Marshall stated that the issue of the asphalt recycler and whether the Committee on the DPW had given approval was brought up last week on the Council floor. He stated that he and the Clerk of Committees went back into the minutes and found that on April 14, 2015 a motion was made for the DPW to begin the procurement process. He asked the Councilors if they would like to have another Committee on the

DPW meeting or would they like to instruct the DPW Commissioner's Office to work with the Mayor's Office for funding. Mayor Hoye stated he fully supports this. **Councilor Marshall made a motion to instruct the DPW Commissioner's Office to work with the Mayor's Office for a funding source and then bring it back to the Committee on Finance and Salaries. So Voted.** Councilor Carr asked what the cost was. Councilor Croteau stated that it was \$178,000. Mayor Hoye stated that it was the approximate cost at the time.

From the August 19, 2014 Municipal Council Meeting:

Motion was made at the August 19, 2014 Municipal Council Meeting to review the Kennel License granted to Joan Kilroy, 1 Seaver St., East Taunton in one (1) year to be sure there are no issues. Com. from Animal Control Officer stating that he has not received any complaints to date on this kennel. **Councilor Carr motioned to receive and place on file. So Voted.**

Orders, Ordinances, and Resolutions

Ordinance for a third reading to be ordained on a roll call vote

**AN ORDINANCE
Chapter 14
Offenses and Miscellaneous Provisions**

Article I

IN GENERAL

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

SECTION 1. Chapter 14, Section 14-25, of the Revised Ordinances of the City of Taunton, as amended, is hereby created by adding the following:

Sec. 14-25 Smoking at Hopewell Pool and Splash Pad Prohibited

No person shall smoke within the fenced-in area containing the swimming pool at Hopewell Park, including the seating areas therein. No person shall smoke within or upon the splash pad at Hopewell Park, or within 25 feet of any part, including seating areas, of said splash pad.

For the purposes of this section, the term smoke shall include: (1) inhale, exhale, burn, possess or carry any lit tobacco or non-tobacco product in any form, including marijuana for medical or any other purpose; (2) possess or carry any lit cigar, cigarette or pipe; and, (3) use an e-cigarette or vaporizer.

The Parks, Cemeteries, and Public Grounds Department shall cause appropriate signs to be conspicuously posted and may promulgate such rules and regulations as may be reasonably necessary to implement this ordinance.

Any person in violation of this ordinance shall be fined \$100 (one hundred dollars) per offense. Enforcement of this section shall be by noncriminal disposition under G.L. Chapter 40, Section 21D or by criminal complaint.

any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Reference: G.L. c. 270 §22(j).

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. So Voted.**

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

**Chapter 13
Article IV Parking Meters**

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

SECTION 1. Chapter 13, Section 13-128, of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by adding the following sentence to said section: "All credit card transactions will require a minimum purchase of one dollar (\$1.00)."

SECTION 2. Chapter 13, Section 145, of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by deleting paragraphs (a), (b) and (c) therein and inserting the following paragraphs (a), (b) and (c) in their place:

(a) Parking at the Leonard Street Garage will be as follows:

1. Parking on the upper deck and ramp will be at the rate specified in Section 13-128.
2. Parking on the lower level of the deck will be pre-paid parking via parking permit. Spots will be individually numbered and reserved for the permit holder. Parking permits will be available at a rate of \$60 per month, or annually at \$660 per year. The Parking Commission will determine the number permits available for the lower deck and may opt to make unpermitted spaces available on an hourly rate as provided in Section 13-128.

3. Vehicles illegally parked in a permitted location will be subject to a \$30 fine and towing at the owners expense.

(b) In lieu of parking by meter or kiosk, the Taunton Parking Commission is hereby authorized to issue monthly and annual parking permits for the off-street parking lots on Pleasant Street and Court Street only. The fee for a monthly permit shall be thirty dollars (\$30.00) and the fee for an annual permit shall be three hundred thirty dollars (\$330.00).

Such permits shall indicate the period for which the permit is valid. Any motor vehicle properly displaying such a permit shall be entitled to park at either of the off-street parking lots without further charge during the period for which the permit is valid. Such a monthly or annual permit shall not entitle a vehicle to park at a parking meter, kiosk or the Leonard Street Parking Facility without first complying with the provisions of Section 13-128 of the Revised Ordinances of the City of Taunton or this section.

The Parking Commission and the Chief of Police shall ensure that monthly and annual permits are available for purchase by the general public during normal business hours at the police station.

SECTION 3. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Councilor Marshall motioned to move approval. On a roll call vote, nine (9) Councilors present, eight (8) Councilors voting in favor. Councilor Costa Hanlon voting in opposition. So Voted.** Councilor Cleary stated that this is for the parking meters and the different fees that have been already approved so that people at home would know what is being voted on.

Ordinance for a first reading to be passed to a second

**AN ORDINANCE
Chapter 14
Offenses and Miscellaneous Provisions**

Article I

IN GENERAL

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

SECTION 1. Chapter 14, of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating the following section:

Sec. 14-26 Nuisance Properties because of documented criminal activity

I. PURPOSE

The purpose of this ordinance is to empower the City to police properties that have become a public nuisance so elevated as to endanger the common good and general welfare of a neighborhood or the City as a whole.

This ordinance is intended to provide a process to remedy nuisance properties. This ordinance is intended to afford relief from nuisance properties to neighboring property owners, landlords, tenants and the community as a whole. This ordinance does not provide an exclusive remedy and may be used in conjunction with any other ordinance, regulation or law. This ordinance does not replace, revise or amend any other existing ordinance.

II. DEFINITIONS

A. Nuisance Property because of documented criminal activity:

A property to which police have come more than four times in any twelve-month period resulting in a documented charge of criminal activity. A property may be deemed a nuisance property if it is reasonably determined by the Chief of Police to be a cause of criminal activity on or in the immediate area of the property. No incident shall be counted toward the incident limit if the Chief of Police reasonably determines that doing so would discourage crime reporting, provide a disincentive for a crime victim to call police, or, for any other reason not inconsistent with the purpose of this ordinance.

B. Documented charge of criminal activity

Activity documented in a police report that has resulted in either an arrest based upon probable cause or an application for a criminal complaint by a police officer, for a violation of the General Laws related to firearms, illegal drug use and other Chapter 94C violations, prostitution, trespassing, disorderly conduct, disturbing the peace or loitering.

C. Responsible Person:

1. The owner of the property as reflected in the records of the City Assessor or the records of the Northern Bristol County Register of Deeds; or,
2. For any property which is the subject of a foreclosure proceeding, the mortgagee.

D. Chief of Police:

The Chief of Police or Chief's designee.

E. Reasonable efforts to abate criminal activity

The effort that a reasonable person in the position of the Responsible Person would take to abate the criminal activity on the property. The exercise of a standard of care that a reasonably prudent person would exercise in a similar situation.

III. VIOLATION

The Responsible Person associated with a Nuisance Property because of documented criminal activity is in violation of this ordinance. This Ordinance shall not apply to the Commonwealth of Massachusetts or any of its political subdivisions.

IV. ENFORCEMENT

The Enforcement Officer for this ordinance shall be the Chief of Police.

The Chief of Police shall determine which properties are Nuisance Properties because of documented criminal activity. Upon such a determination the Chief shall issue a written notice to the Responsible Person at the owner's address as reflected in the records of the City Assessor. The notice shall sufficiently identify the property and the criminal activity giving rise to the Nuisance Property determination and include a copy of the police reports for each instance of criminal activity that serves as the basis for the determination.

The notice may contain a plan to abate the criminal activity at the property, and, the notice may contain a request that the Responsible Person contact the Chief to discuss a plan to abate the criminal related activity. By way of illustration and not limitation, a plan may include the installation of lighting, the installation of fencing, the installation of "no trespassing" signs, the installation of "no loitering signs", lawful eviction of tenants through G.L. c. 139 section 19 or other lawful means. The plan must be reasonable in cost and scope taking into account the nature and use of the property and the nature and type of the criminal related activity. The notice shall contain a warning that fines may be assessed against the Responsible Person in the absence of reasonable efforts to abate the criminal activity.

If, after the written notice, the Responsible Person has not made reasonable efforts to abate the criminal activity, the Chief may issue a citation and assess fines in the following amounts:

First violation: (5 th incident)	\$100.00
Second violation: (6 th incident)	\$200.00
Third and each subsequent violation: (etc.)	\$300.00

The fifth incident of a documented charge of criminal activity as defined above shall be the first violation, the sixth incident shall be the second violation, and so on. Said fines shall constitute local charges for the purposes of General Laws chapter 40 section 58.

V. APPEAL

Any person aggrieved by a determination that the person is a Responsible Person; by a determination that a property is a nuisance property hereunder; or, by the receipt of a citation, may appeal, in writing, to the Committee on Police and License of the Municipal Council. The decision of the Committee shall be the final decision of the City of Taunton. Any person aggrieved by the imposition of a fine may appeal in accordance with the provisions of General Laws chapter 40 section 21D.

VI. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance shall remain in effect.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. Councilor Marshall motioned to pass to a second reading. So Voted. Mayor Hoye stated that this ordinance was worked on by the Committee on Ordinances and Enrolled Bills for some time which came out of the Community Meeting that was held several months ago.

New Business:

Councilor Pottier motioned for the Budget Director to provide the Council with the last five years of indirect costs and the Year End Surplus/Deficit for the Taunton Nursing Home. He also motioned to include the Pension liability and the OPEB liability for the employees. Councilor Croteau motioned to also receive an analysis of the payments from the Federal and State Governments. So Voted. Councilor Pottier stated that he spoke to the Budget Director this evening and he said it wouldn't be a problem. Councilor Croteau stated that his understanding was that the State or Federal accounting system does not allow for accounts payable and discussed how that could make it look like the nursing home is losing more money than it really is.

Councilor Pottier stated that Governor Street is a one way which heads away from the hospital and it might be a good idea to consider having it go towards the hospital. He discussed how there may be traffic situations with the new trauma center being opened at Morton Hospital which will be used for emergencies and large scale traumas. **Motion was made to refer to the Safety Officer and Morton Hospital to see if it would be a viable option. So Voted.** He stated that a constituent brought this to his attention.

Councilor Carr stated that it is her understanding that the City is in the process of hiring an Assistant Auditor and the Council is responsible for confirming the appointment even though it is made by the Auditor. **Motion was made that all resumes and applications be made available in the HR Department to any Councilors who wish to review them prior to the appointment.** She stated that she is not asking for all of the Councilors to receive copies of everything, just for it to be made available to look at.

Councilor Costa Hanlon motioned for the DPW Street Division to review the potholes in Nichols Mills and report back to the Council in two weeks. So Voted. She stated that she believes that all the Councilors have received phone calls on this issue.

Mayor Hoye stated that there is no anticipated vote being taken in Executive Session so the Council will not be reconvening in open session. **Motion was made to go back to page one of the agenda to Communications from City Officers and go into Executive Session for the purpose of discussing litigation with Varsity Wireless. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. So Voted.**

Meeting adjourned at 8:00 P.M.

A true copy:

Attest: 
City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 8, 2015

RECEIVED
CITY CLERK'S OFFICE
2015 SEP 11 A 9:35

THE COMMITTEE ON FINANCE AND SALARIES

TAUNTON, MA

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WERE BUDGET DIRECTOR GILL ENOS, ACTING WATER SUPERINTENDENT JOHN CHASE, PARK AND RECREATION DIRECTOR MARILYN GREENE, HUMAN RESOURCE DIRECTOR MARIA GOMES AND PLANNING AND CONSERVATION DIRECTOR KEVIN SCANLON

MEETING CALLED TO ORDER AT 5:59 P.M.

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

Motion: Move Approval of the vouchers and payrolls for the week. So Voted.

2. MEET TO REVIEW REQUESTS FOR FUNDING

Mr. Enos said that Park and Recreation missed an anniversary date so the City owes someone money. The Water Department wants to purchase a vehicle, so they want to transfer money from within their own budget, from other expenses to capital expense.

Councilor Pottier made the following motion:

Motion: To approve both requests.

Councilor Croteau seconded the motion on discussion. He said the question he would have on the truck is why wasn't the money budgeted in the appropriate account to begin with. Mr. Enos said it was a previous Superintendent at the time, and he did not put money into Capital, but the Acting Superintendent feels there is a need for a vehicle. The money will be coming from other expenses.

Motion: To invite Mr. John Chase into the meeting.

Councilor Croteau said he personally does not have a problem with the expenditure, the question simply is why wasn't it budgeted in the appropriate account and when we talk about other expenses, what was the original budget for other expenses.

Mr. Enos said it is coming from line item Water Treatment Other Expenses. There is \$600,000 in that line item and Mr. Chase does not believe that will be needed. This line item is for chemicals at the Water Treatment Plant. It would be a transfer of \$40,510.00.

Councilor Croteau noted for Mrs. Carr, that the question asked was why the money was not budgeted under equipment, but said that the budget was put together by the previous person in charge of the Water Department. Mr. Chase has been on board but he was not in charge. He informed Mrs. Carr that it has been moved and seconded to approve it, but Councilor Croteau would just put a note in that we need to specify other expenses a little bit better than \$600,000. Mr. Enos said it is Other Expenses – Water Chemicals.

Councilor Croteau said he would like to know how much was spent on water chemicals last year. Mr. Enos said what has been spent as of right now is approximately \$63,000.00.

Councilor Croteau asked how much was spent last year, to which Mr. Chase said it was about \$450,000.00.

Councilor Carr asked what was budgeted for the chemicals this year? The answer provided was \$600,000.00.

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SEPTEMBER 8, 2015

THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Councilor Croteau then asked Mr. Chase to give the Committee a 5 year history, from 2009 to the present as to how much was budgeted for water chemicals each year and how much was spent on water chemicals each year.

The Motion to approve the transfer request for the Water Department was approved. So voted.

Mr. Enos said regarding the request of Park and Recreation, this was a step increase that was missed for one of the employees for last year. The amount is \$434.62. Mr. Enos said this is for last year and part of this year, as the anniversary should have been last fiscal year.

Councilor Croteau asked if the \$434.62 covers both years.

Councilor Cleary said that there are 2 fiscal years involved, FY 2015 and FY 2016.

Mr. Enos said that they only need 2015, because once the Council approves it they will do retro from July 1st on. They do not need permission for the current fiscal year.

Mrs. Greene said this is paid weekly. The longevity increase that you get going from 15 years, to 16 years under the COTMA contract. The amount is based on the contract amount and the full year is \$434.62.

Councilor Croteau asked when this started. Mrs. Greene said it would have started on the anniversary, but they were under the impression that you had to complete the full year.

Councilor Croteau asked, if this is based on the anniversary date, what is the first time this pay should have happened.

Mr. Enos said last year. Mrs. Greene said in July.

Councilor Carr asked if anyone had the wording of the contract, but Mrs. Greene did not, but did have the calculation that was prepared by Human Resources.

Councilor Croteau asked when this was brought to the Committee's attention.

Mrs. Greene said when her anniversary date came up to complete the 15 years, she was to start paying it, because it is already budgeted for this year, Mrs. Greene was told it should have been in the prior year, because it is not at the end of the completion of the year. She was told in July of this year. It was then realized that the employee should have gotten this the previous year, that is the reason for the \$434.62.

Councilor Carr asked what Ms. Menard's anniversary date is.

Mrs. Greene said she was hired in 1999, she believes, but did not have the actual date. Her anniversary date is 6/1/2014, and that would have brought her to the beginning of 15 years.

Councilor Carr said that she would like to see the contractual language that pertains to this.

It was clarified that this is paid after someone completes 15 years, not at the beginning of their 15th year, to which Mrs. Gomes said this is correct. Then Mrs. Gomes said this is not correct, that at 15 years they go to that step, but it was again clarified that if someone works 15 years and 1 day, and then get that increase.

The total amount is \$434.62 based on the spreadsheet Mrs. Greene was provided.

Councilor Croteau said it is up to the Committee whether to pay this but legally the City does not have to pay her because it is for a different fiscal year.

Motion: To approve the \$434.62 for the Recreation Supervisor. So voted.

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SEPTEMBER 8, 2015

THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Mr. Scanlon then discussed his request for a new position. He has had 2 part time people working for conservation and he is requesting to make it 1 full time person to facilitate continuity in the office. Mr. Scanlon said he has the money in his budget to pay this salary. It was noted that now this person will receive benefits. Health insurance is a major issue, and a family plan would cost about \$15,000.00. Mr. Enos said this should be able to be absorbed in the Health Insurance budget.

This will be a Senior Clerk position and an 1144 position. There are no supervisory duties. It was noted that the Union wants this posted and the qualified people must be interviewed and they should hire the most qualified person.

Motion: Move approval. So voted.

Discussed next was the clerk in the Human Resource Department. The Council had requested a copy of the contract for the Benefits Clerk which was provided to the Committee. Mrs. Gomes said that after she did the performance evaluation, she went to the Mayor and asked for a 2% increase and he agreed, and then it was brought to the Council

Councilor Carr asked why the Benefits Clerk did not have a 3 year contract like everyone else , a 3 year contract that says what she would get this year, next year and the following year, then it would be submitted in regular intervals like all the other contracts. That would make more sense.

Councilor Costa-Hanlon noted that it does say it would be subject to a performance evaluation every year.

Motion: To approve the 2% salary increase.

Mrs. Carr noted that she would like to get this on some sort of schedule.

Mrs. Gomes said this is a three year contracts. She also did suggest an addendum to the contract and indicate that this position would be entitled to any contractual increase similar to the clerical union – similar to that effect.

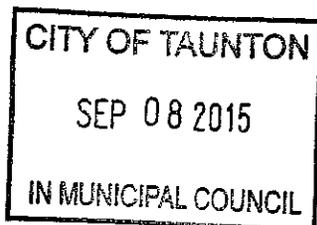
Motion was voted on. So Voted.

MEETING ADJOURNED AT 6:48 P.M.

RESPECTFULLY SUBMITTED, '



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 8, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CARR, MCCAUL, POTTIER, CROTEAU, COSTA-HANLON, MARSHALL AND CLEARY. ALSO PRESENT WAS HUMAN RESOURCE DIRECTOR MARIA GOMES

MEETING CALLED TO ORDER AT 6:52 P.M.

1. MEET WITH MARIA GOMES, HUMAN RESOURCE DIRECTOR TO REVIEW AFSCME COUNCIL 93 LIBRARY AND I.T. MEMORANDUM OF AGREEMENT

Motion: That the Memorandum of Agreement and document showing the Library Union Costs be made part of the record. So Voted.

Mrs. Gomes said that this is a 1 year Memorandum of Agreement for the Library. They entered into a 1 year agreement with the Library because for the first time in over 30 years they are doing a wage compensation study for the Library. One has never been done, according to Suzanne Duquette who has been there for over that period of time. It has been something that this particular union has requested a number of times. This year she has hired a consultant to do wage compensation study. They are meeting with the Library staff members next week to determine comparable communities to do that study with. After they come up with those figures they will make a presentation to the Mayor and to the Library Union.

Councilor Cleary asked if the consultant was a shared cost with the Union.

Mrs. Gomes said no, the consultant is a cost that is incurred through a line item within her budget. She has used a portion of this a few years ago for the DPW contract. It is part of what is called for in the local ordinances that the City strive to provide competitive wages. They are going group by group and analyzing where we are and are budgeting for that. The consultant cost is \$2,000.00.

Mr. Cleary said it seems to him that every contract he has ever worked on if the Union wanted something they went out and did their own homework. If the City felt they were overpaid or paid very well, then they would do the comparison and show that they are being well paid because the surrounding communities are less. He does not understand how the City got stuck with the bill.

Mrs. Gomes said that they are initiating the study just because of the fact it is specifically stipulated within the City ordinances that they strive to pay competitively and will do compensation studies. That is why she thinks this falls on the City especially at no time in over 30 years has this ever been done for this specific group.

Councilor Carr said that she would not be voting for the contract because it states in the contract that the City agrees to meet with them, within 2 weeks after completion of the study to review the findings. Why the City would pay for a study to have someone come back and say they want to get paid more money is crazy. Why can't we just go to different cities and towns and ask them for a copy of their library staff.

Mrs. Gomes said they are doing the benefit analysis of this study and the consultant is focusing on wage comparison. She also said that they try to be somewhat objective in having an outside consultant do this. It is a full time job for this individual and it is what they do professionally. It is very professional; it is something that was done for the local laborers union just recently and

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

she does not see why we would not want to use it for our paraprofessional group. Councilor Carr said she disagrees, and if they want a wage study done then their Union should be paying for it, then they can come in to negotiations with their study, but for the City to pay for a study, she does not see where it makes sense.

Councilor Costa-Hanlon asked if this is going to be our study and not be released to the Union?

Mrs. Gomes said they will discuss the result but they are not bound to do anything.

Mrs. Gomes said that she already has the money in her budget.

Councilor Costa-Hanlon said that the City should do this more often as it is important. They should have an expert do an analysis of benefits and as stated it has been 30 years since a study was done.

Councilor Cleary said it is only \$2,000.00; it's not a lot of money. It is the principal and precedent

setting if we take on this responsible. The memorandum clearly states that the City will sit down and negotiate within 2 weeks after the study and negotiate another year. The intent there, and what it seems to be saying is that they deserve more money. He further said don't be naïve and think that it is just a study. They are basically telling the City when you get the results, we want to see them.

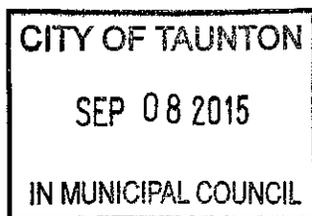
It was also noted that the Serials Librarian position will be replaced by the Young Adult Librarian and the Reserves and overdue Assistant position is to be replaced with the title Audio Visual Cataloger. Both job descriptions were attached to the Memorandum of Agreement.

Motion: To approve the Memorandum and the 2 positions.

Councilor Carr voted in opposition. Motion Carries.

MEETING ADJOURNED AT 7:07 P.M.

RESPECTFULLY SUBMITTED,




COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 8, 2015

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL MCCABE, POLICE CHIEF EDWARD WALSH AND DETECTIVE LIEUTENANT DANIEL MCCABE

MEETING CALLED TO ORDER AT 7:09 P.M.

1. MEET WITH THE POLICE CHIEF, LT. MCCABE AND ASSISTANT CITY SOLICITOR TO FURTHER DISCUSS THE TOW CONTRACT

The Chairman read a letter dated 9/8/2015 to the Council from the Risk Manager which stated that she was asked to provide the Council with some insurance guidelines with respect to the proposed contract for the tow companies. As is required with most of the City's outside contractors, she would like to see each tow company carry the following insurance coverages:

\$1 million in General Liability

\$1 million Auto Liability

\$1 million in Garage Keeper's Liability – (or at least a limit that is equal to the maximum average value of all vehicles stored at any one location)

The letter further stated that often times the auto is covered under the garage keepers legal liability policy so if that is the case, a separate auto policy would not be needed. Additionally, the garage keeper's policy should include "Direct Damage" which basically means that coverage is available for the towed vehicle no matter who is liable for the accident/incident (whether it be the tow driver or another party).

She further said that she is unable to give an estimate for the cost to go from \$500,000 to \$1 million because each tow company may have different factors taken into consideration when insurance rates are quoted (such as driving record, claims history, etc.)

Motion: Letter to be Part of the Record. So Voted.

Mr. Cleary said that his understanding, after having a conversation with one of the tow contractors, is that their insurance companies have some confusion over what the City is requiring.

Lt. McCabe said that from the last meeting, they had \$500,000, but that this is something that the Committee will have to decide.

Attorney DeAbreu said that prior to the meeting he spoke to some of the tow operators. They want to have the Risk Manager or the City's agent speak directly to their insurance agents.

Councilor Croteau said that he is more concerned about what the City is carrying. If there is a lawsuit, the City will be involved. If the towing company's coverage is not sufficient to meet the award, the towing company has a problem. He would like in writing, a document that says the City is adequately covered.

Councilor Cleary said that the Committee has made significant progress and that Lt. McCabe and Attorney DeAbreu have included the changes that have been requested. It is basically ready to go except for issues with the insurance and the annual fee. The Committee is not ready to approve this yet, but Councilor Cleary made the following motion:

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SEPTEMBER 8, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

Motion: The Committee ask the Assistant City Solicitor to meet with the Risk Manager and to have her contact a couple of the tow company's insurance companies to explain her position, they will explain their position, and between those experts come to the Committee with what they would like to see in the Contract.

Councilor Croteau seconded the motion for discussion. Councilor Croteau said that he still wants to hear from the City's insurance Company, at some point, there be a meeting with the Risk Manager and the City's insurance company.

Councilor Cleary agreed to add to the Motion the following:

That the Risk Manager and a representative from the City's Insurance Company attend a meeting of this Committee and explain the final resolution to this Committee including Councilor Croteau's concern about the City side insurance. So Voted.

Councilor Croteau then said that he would like to include in the motion, and he has had conversations with several of the tow operators, and there is a concern amongst them that they have to provide a lot more paperwork than they think they should have to, which is something to do with towing slips. They are asked to provide towing slips to the extent that the State does not even ask for. This is something that needs to be addressed. He asked to have included in the motion that the Committee receive from the towing contractors signed by all 6, a statement as to concerns they have about the most recent document as to what is in it and what is not. The Chairman asked to have this as a separate motion but that she wanted to hear what Attorney DeAbreu had to say. Attorney DeAbreu answered that he had nothing to say at this time.

Councilor Croteau then made the following motion:

Motion: That the 6 Towing Companies submit to the Committee a written statement as to what is in the contract that they agree with and disagree with and what is not there that they would like to see.

Councilor Cleary seconded the motion and on discussion said he believes that Lt. McCabe has taken the draft contract and sat with the towing contractors and got their input.

Lt. McCabe said that is correct, and as to the receipts they modified the language that was in the original draft so they have the option of doing receipts or a log.

Councilor Croteau said this has been going on a while and he wants to see a written document from these 6 people signed by every one of them that this is it, because he wants to vote on this by the end of the month.

The Chairman said Councilors just received the document and it is going to be the Council's working draft. A copy of this will be given to the tow contractors, all Councilors have it, and she would request that the input in writing be provided by 9 or 10 a.m. on Friday so that this can be put back on the agenda for Tuesday for a final vote. The Committee would consider all the input.

Attorney DeAbreu said that a later draft was sent out later this afternoon that included the numbered paragraphs and also in reviewing it, the one that was sent out this afternoon was an amendment to one that was sent out earlier as the most current. The Clerk was asked to provide all Councilors with the latest draft.

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SEPTEMBER 8, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

Councilor Croteau said regarding the document that is going to be submitted by the Contractor's on Friday morning, he would like a copy be given to all of the Councilors, Lt. McCabe and Assistant City Solicitor DeAbreu.

Councilor Cleary said that significant progress has been made on this very complicated matter. He is not comfortable making a motion directing the 6 tow companies, telling them they must do this, sign it, etc. He would rather see a motion to have Lt. McCabe contact each of the tow contractors to get their concerns about the current contract draft and put together a response, one report, and go from there.

Councilor Croteau said he did not want to change his motion. He wants something in writing so that when he votes on this, he knows they are comfortable with what has happened.

The Motion was voted on with Councilor Croteau voting in favor, Councilors Cleary and Costa-Hanlon voting in opposition. Motion does not carry.

Councilor Cleary made the following Motion:

Motion: To ask Lt. McCabe to contact the Tow Operators and gather any input they have with the final draft and this will be discussed at the next meeting. They can send their input either in writing to Lt. McCabe or orally. Lt. McCabe will create an Executive Summary and provide copies of all submissions.

The Police Chief suggested having the tow companies, if they have concerns or issues, submit them to the Clerk of Committees who will then provide them to Lt. McCabe so he can consolidate them into a final draft.

The above motion was voted on. So Voted.

Motion: To continue this matter for 3 weeks.

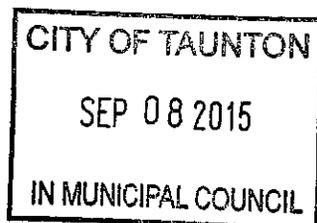
At this time Mr. Boucher addressed the committee stating that the tow operators had 3 concerns: the record keeping, the insurance and the fee.

The Motion to continue this matter was voted on. So Voted.

2. MEET TO REVIEW MATTERS IN FILE

Councilor Pottier asked the Chief to look into issues with speeding on Worcester Street and Alfred Lord Boulevard.

MEETING ADJOURNED AT 7:39 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK



CITY OF TAUNTON

ORDER #1
FY 2016
SEPTEMBER 8, 2015

In Municipal Council 20.....

Ordered, That

THE SUM OF FORTY THOUSAND FIVE HUNDRED TEN

DOLLARS AND NO CENTS (\$40,510.00) BE AND HEREBY IS TRANSFERRED FROM

WATER DEPARTMENT OTHER EXPENSES ACCOUNT NO. 60-450-5200-5771 – WATER

CHEMICALS

TO: CAPITAL EQUIPMENT ACCOUNT NO. 60-450-5300-5853

..... *Clerk.*



REVISED
CITY OF TAUNTON

ORDER #2
FY 2016
SEPTEMBER 8, 2015

In Municipal Council 20.....

Ordered, That THE SUM OF FOUR HUNDRED THIRTY FOUR DOLLARS
AND SIXTY TWO CENTS (\$434.62) BE AND HEREBY IS TRANSFERRED FROM PARK,
CEMETERIES & PUBLIC GROUNDS ACCOUNT NO. 01-630-5100-5101

TO: ACCOUNT NO. 01-630-5520-5101 – ASST. DEPT. HEAD/REC. SUPERVISOR

IN MUNICIPAL COUNCIL SEPTEMBER 8, 2015
APPROVED,

ROSE MARIE BLACKWELL, CITY CLERK

PRESENTED TO THE MAYOR AND APPROVED,
DECEMBER 2, 2015

THOMAS C. HOYE, JR., MAYOR

A TRUE COPY:
ATTEST:

Rm Blackwell
CITY CLERK

..... *Clerk.*