



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, October 6, 2009 at 9:10 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

Present at roll call were: Councilor's Hoye, Costa-Hanlon, Pottier, Fiore, Marshall, Croteau, Carr, Buffington, Barbour

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

Hearings:

A hearing came up by assignment on the petition submitted by Verizon New England, Inc. and Taunton Municipal Lighting Plant proposing to place one (1) new pole, 17S on South Street. **Motion was made to open the hearing. So Voted. Motion was made to invite Daryll Crossman, petitioner representing Verizon and TMLP, into the enclosure. So Voted.** Mr. Crossman stated that this was necessary to maintain supports of the existing pole line and to move the pole from private property to the road layout. **No one speaking in favor or in opposition of the petition. Motion was made to close the hearing and grant the petition as presented. So Voted.**

Communications from Mayor:

The Mayor read a communication submitted by Brenda Neugeborn, Executive Director, Taunton Area School to Career, Inc. requesting use of the electronic sign to advertise their Texas Hold-Em Poker Tournament Fundraiser on November 7, 2009 at 7:30 PM at the Taunton Elks. **Motion was made to move approval subject to the Police Chief's confirmation that they have all the necessary permits. So Voted.**

At this time, the Mayor discussed the economic problems throughout the State. Mayor Crowley stated that we should be getting more information around October 15, 2009 that may affect local aid. He also stated that the Governor will likely make one cut now to prevent more cuts later but the Mayor will pass the information along as it comes. The Mayor stated that we need to be concerned about the Water Fees, Sewer Fees and the Nursing Home in comparison with last year's figures at this period.

Communications:

Com. from Treasurer/Collector notifying of Land Court Decrees for a parcel on Ferncrest Drive assessed to Bettina A. Briggs. **Motion was made to refer to the Building Department to secure the property and refer to the Committee on Public Property. So Voted.**

Com. from Director, Emergency Management providing a list of costs associated with the tree removal project at Dean and Arlington Street railroad bridge. **Motion was made to refer to Councilor Pottier. So Voted.**

Com. from City Planner submitting a response that there is no traffic study account in conjunction with the CVS/Washington St. site for a pedestrian sign. **Councilor Costa-Hanlon stated that Condition #24 is for the petitioner to pay and complete a preliminary design. Attorney Gay stated at the hearing there was \$25,000.00 in an account and he agreed to use the money to at least look at a pedestrian traffic light. Therefore, Councilor Costa-Hanlon disagrees with Mr. Scanlon's assessment. She motioned to refer this back to Mr. Scanlon along with the minutes & the conditions for him to speak with Attorney Gay for clarification. Additionally, Councilor Buffington motioned that you inform the Council whether the petitioner paid for and completed a design as outlined in Condition #24. So Voted.**

Com. from City Planner submitting a response on what the Site Plan Review Thresholds are for Municipal Council Site Plan Reviews and Departmental Site Plan Reviews. **Motion was made to receive and place on file. So Voted. Councilor Croteau motioned that the City Engineer provide an update on the status of the four-way stop near the new Walgreen's on Route 138 as there have been reports of signs being covered and uncovered. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing on Proposed Zoning Change – Table of Use – Section 5.2-Medical Facility on November 5, 2009 at 5:30 PM in the Chester R. Martin Municipal Council Chambers. **Motion was made to receive and place on file. So Voted.**

Com. from Zoning Enforcement Officer submitting a response on The Refuge, 96 High Street stating that she has notified the Pastor and property owner that such a use will require a Special Permit. **Motion was made to receive an update in two weeks stating whether the property is properly permitted to be open and if not, what actions will be taken to help them or close them. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds notifying of the Annual Senior Citizens Halloween Costume Party on Friday, October 30, 2009 at the Holiday Inn located in the Myles Standish Industrial Park. **Motion was made to post this event on the electronic sign and maybe the Gazette will list this event in the newspaper. Additionally, refer this to the Councilors. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds providing an update on trees in front of the Portuguese Fire Pit, City Barber Shop and along the pedestrian bridge over the Mill River in the rear of the Court Street Parking and Tallman Insurance lots. **Motion was made to receive and place on file. Additionally, refer to Ms. Greene, the tree at the Disabled Vets headquarters on the Green near the Runnes Café that is overgrown. So Voted.**

Councilor Pottier read and extra communication submitted by Joyce McEntee Emmett, Director, MCPPO Program stating that Wayne Walden has successfully completed the

Public Contracting Overview certification seminar and his accomplishment should be commended. **Motion was made to confer the Council's commendations on this matter. So Voted.**

Councilor Barbour read an extra communication submitted by Pam and Wayne Butler, 35 Bairos Lane, Taunton requesting use of the electronic sign to advertise a fundraiser in memory of their son Heath Millward who passed away from MLS on November 7, 2009 starting at 6:30 PM at the Ward 5. **Motion was made to move approval. So Voted.**

Councilor Pottier read an extra communication submitted by Brenda Ruggiero requesting to use the electronic sign to advertise the Gert Dermody Walk for Literacy on Sunday, October 18, 2009 at 9:30 PM at the Taunton High School Track. **So Voted. Motion was made to move approval. So Voted.**

Petitions and Claims:

Claim submitted by Charles Courcy, 6 Albro Ave., Taunton and Audrey Travers, 4 Albro Ave., Taunton seeking reimbursement for loss of property at their homes due to a power surge on August 30, 2009. **Motion was made to refer to the City Solicitor and the TMLP. So Voted.**

Departmental Site Plan Review to allow a bank with drive thru at 289 Winthrop Street located in the Highway Business District submitted by Brian J. McLaughlin c/o Ed Bishop, P.O. Box 519, 323 Manley St., West Bridgewater. **Motion was made to receive and place on file. So Voted.**

Departmental Site Plan Review to allow a 1,056 sq. ft. office addition and a 400 sq. ft. utility building at 110 Prince Henry Drive submitted by Scott Webster, Tribe Mediterranean Foods, Inc. **Motion was made to receive and place on file. 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 Hoyer motioned that the Commissioner, Parks, Cemeteries, and Public Grounds have the lawn mowed at the site of the old Seeley Building as he has received complaints. **So Voted.**

Councilor Costa-Hanlon motioned to refer any Citizens who have issues with Verizon's services to the Mayor's Office. **So Voted.**

Orders, Ordinances, and Enrolled Bills

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

Ordered That,

\$3,100,000.00 is appropriated, for the Asbestos Abatement and Remediation of the Boiler Hall project at the Taunton Municipal Lighting Plant's West Water Street Generating Facility, consisting of the removal of asbestos in such facility and costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow **\$3,100,000.00** under G.L. Chapter 44 or any other enabling authority: and that the Municipal Light Commission is authorized to take any other action necessary to carry out this project. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting to move approval. So Voted.**

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

Ordered That,

\$4,150,000.00 is appropriated, for the Enterprise Resource Planning (ERP) System Upgrade project for the Taunton Municipal Lighting Plant (TMLP), consisting of the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems and the development, design, and purchase of computer software incident thereto for the TMLP; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow **\$4,150,000.00** under G.L. Chapter 44 or any other enabling authority: and that the Municipal Light Commission is authorized to take any other action necessary to carry out this project. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting to move approval. So Voted.**

New Business:

Councilor Marshall motioned that the Commissioner of Parks, Cemeteries, and Public Grounds take immediate action to rectify the overgrown shrubs at 131-139 Bay Street that are covering the sidewalks as seen in photographs. So Voted.

Councilor Carr motioned to refer to the TMLP, the issue of the traffic light at Washington Street and Broadway, as the light is not long enough for more than one or two cars to travel across Broadway on Washington Street. So Voted.

Councilor Carr motioned to refer the matter of trash that has been littered around the grounds of Taunton High School, especially along the ravine near Williams Street and the tennis courts to the Headmaster at Taunton High School to have it removed. So Voted.

Councilor Croteau motioned that the Mayor provide an update to the Municipal Council on the funding for the water tower that is being considered in the industrial park. So Voted.

Councilor Fiore motioned to refer Linden Street and Columbus Boulevard to the DPW Commissioner to be considered for resurfacing. So Voted.

Councilor Pottier motioned to extend gratitude to Dr. Hackett who pulled together the Punt, Pass and Kick event at Taunton High School on short notice. So Voted.

Councilor Pottier motioned that the Commissioner of Parks, Cemeteries, and Public Grounds have the overgrown brush removed on both sides of Dana Street and on the

sidewalk between Elm Street and Arlington Street. Additionally, that she look into possibly placing some plantings on the median near the Taunton Green where the signboard is located to make the area more attractive. So Voted.


Councilor Pottier stated that the Route 44 West sign that was erected at the Taunton Green has been knocked down and therefore, motioned that MassHighway have it replaced. So Voted.

Councilor Pottier motioned to refer to the Mayor's Office to take some measures to have traffic lights installed at the intersection of Gordon Owen Boulevard and Williams Street. So Voted.

Meeting adjourned at 9:56 P.M.

A true copy:

Attest:


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS CROTEAU AND POTTIER. ALSO PRESENT WAS TAUNTON NURSING HOME ADMINISTRATOR JOHN BRENNAN

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 & PAYROLLS FOR THE WEEK

2. MEET TO REVIEW MATTERS IN FILE

MR. BRENNAN REPORTED THAT THE CENSUS IS UP AT THE NURSING HOME, REVENUE BILLED IS UP 9% AND CASH COLLECTIONS IS UP 24% FROM 2008. AGENCY HOURS ARE DOWN SIGNIFICANTLY ALSO.

REGARDING LEGAL FEES PAID BY THE NURSING HOME, MR. BRENNAN USES DONAGHUE, BARRETT AND SINGAL. THEY ARE A BOSTON BASED MULTI SERVICE LAW FIRM SPECIALIZING IN HEALTH CARE AND GOVERNMENT RELATIONS. THE ADMINISTRATOR SELECTED THEM. LEGAL SERVICES HAVE NOT GONE OUT FOR RFP. THE ADMINISTRATOR USES THREE LAW FIRMS AND AN ACCOUNTING FIRM FOR THEIR EXPERTISE AND COUNCIL. DONAGHUE AND BARRETT WORKS ON GRANTS AND ALSO THE OPERATIONAL BUDGET FOR THE HOME, ONE OF THE LAW FIRMS HANDLES THEIR COLLECTIONS AND ONE HANDLES MEDICARE ISSUES. THE ACCOUNTANT PREPARES THE NECESSARY COST REPORTS.

DONAGHUE BARRETT AND SINGAL PROVIDED THE FOLLOWING SERVICES THIS YEAR: (1) ASSISTANCE WITH OBTAINING AND EXECUTING ONE HUD GRANT FOR \$196,000.00 FOR RENOVATION OF FOUR DINING ROOMS (2) ASSISTANCE WITH OBTAINING AND EXECUTING ONE HRSA GRANT FOR \$292,000.00 FOR THE RENOVATION OF THE DIETARY SERVICES KITCHEN (3) ASSISTANCE WITH OBTAINING ONE HUD GRANT IN FY 2010 FO \$200,000.00 FOR THE TAUNTON SENIOR CENTER (4) ASSISTANCE WITH OBTAINING ONE HUD GRANT FOR \$650,000.00 WHICH IS LISTED IN THE FEDERAL CONGRESSIONAL RECORD FOR FY 2010. THEY WILL WORK TOWARDS OBTAINING SENATE APPROVAL IN THE FEDERAL BUDGET PROCESS. (5) WORKING WITH THE MASSACHUSETTS EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH CARE POLICY AND FINANCE (MEDICARE-MEDICAID) TO ADDRESS THEIR RATE AND COST STRUCTURE AND (6) THEY ARE EXPLORING THE OPPORTUNITY TO APPLY FOR A GRANT TO CONSTRUCT A FIFTY BED LOW INCOME ASSISTED LIVING FACILITY ON THE CAMPUS. DONAGHUE, BARRETT & SINGAL ARE ASSISTING AS THEY WORK WITH MASSACHUSETTS FINANCE DEVELOPMENT AGENCY TOWARDS THIS PROJECT. IN THE EVENT THE STUDY DEMONSTRATES THE NEED FOR SOME FORM OF FACILITY, THEY WILL FULLY EXPLORE THE OPPORTUNITY.

MR. BRENNAN FURTHER INFORMED THE COMMITTEE THAT THE FUTURE FOR NURSING HOME REIMBURSEMENT IS NOT GOOD, RATES HAVE BEEN CUT AND WILL PROBABLY BE CUT AGAIN.

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

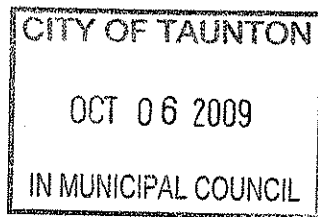
THE COMMITTEE REQUESTED THE BUDGET FOR CONSULTANTS FOR FY 2009 AND FY 2010 AND THE AMOUNTS PAID FOR THE THREE LAWYERS AND THE ACCOUNTANT.

DISCUSSED ALSO WAS WHETHER THE LEGAL SERVICES AND ACCOUNTANT SERVICES GOES OUT TO BID AND WHETHER THE BOARD VOTED TO HIRE DONAHUE AND BARRETT. MR. BRENNAN WAS ASKED TO PROVIDE THIS INFORMATION

INFORMATION WAS REQUESTED FROM THE ADMINISTRATOR AS TO WHAT WAS PAID TO DONAGHUE BARRETT FOR WORK ON THE GRANTS IN FY 2009 AND WHAT WAS THE AMOUNT PAID TO THE CITY IN GRANTS.

MOTION: THAT THE SELECTION OF THE ATTORNEY FOR COLLECTION PURPOSES FOR THE NURSING HOME IS TO GO OUT FOR RFP

MEETING ADJOURNED AT 6:40 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2009

THE COMMITTEE ON POLICE AND LICENSE

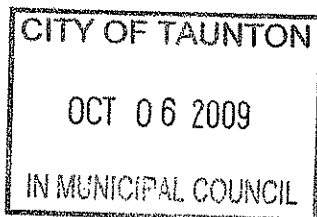
PRESENT WERE: COUNCILOR JASON BUFFINGTON, CHAIRMAN AND
COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE
ACTING CHIEF JOHN REARDON AND DETECTIVE DENNIS
SMITH

MEETING CALLED TO ORDER AT 6:44 P.M.

1. MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON THE
FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
 - A. ROSE MARIE BLACKWELL, 2071 COUNTY ST., EAST TAUNTON –
RENEWAL
MOTION: MOVE APPROVAL – UNRESTRICTED
 - B. RONALD SILVIA, 675 MIDDLEBORO AVE., EAST TAUNTON –
RENEWAL
MOTION: MOVE APPROVAL – CIVIL PROCESS
 - C. DENNIS SMITH, 23 SUMMER ST., TAUNTON – NEW
MOTION: MOVE APPROVAL – UNRESTRICTED
 - D. JOHN REARDON, 23 SUMMER ST., TAUNTON – NEW
MOTION: MOVE APPROVAL – UNRESTRICTED

2. MEET WITH THE POLICE CHIEF & DETECTIVE SMITH ON PETITION OF
JOYCE LEONARD, 430 TREMONT ST., N. DIGHTON, TREASURER OF
SEVENTH DAY ADVENTIST CHURCH, 109 WINTHROP ST., TAUNTON FOR
RENEWAL OF NEWS RACK LICENSE – ONE LOCATION IN FRONT OF
POST OFFICE
MOTION: MOVE APPROVAL

MEETING ADJOURNED AT 6:48 P.M.



RESPECTFULLY SUBMITTED,

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Jennifer R. Reger
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2009

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS MARSHALL, BUFFINGTON, HOYE AND BARBOUR. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, BUILDING SUPERINTENDENT WAYNE WALKDEN, SCHOOL COMMITTEE MEMBERS PETER CORR, JOSEPH MARTIN AND CATHAL O'BRIEN, JIM DEVOL OF GILBANE BUILDING COMPANY AND BOB VOGEL OF DESIGN PARTNERSHIP

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

1. MEET WITH THE SCHOOL ADMINISTRATION, SCHOOL COMMITTEE, BUILDING SUPERINTENDENT AND REPRESENTATIVE OF GILBANE BUILDING CO. FOR AN UPDATE ON THE TAUNTON HIGH SCHOOL/PARKER MIDDLE SCHOOL PROJECT

IT WAS REPORTED THAT C AND D HOUSE AT THE HIGH SCHOOL ARE DONE, PARKER SCHOOL IS OPEN, AND B HOUSE IS CURRENTLY BEING WORKED ON. MR. WALKDEN SAID THEY HAVE A GOOD WORKING GROUP, THE PROJECT IS NICELY DONE AND THERE ARE VERY FEW ISSUES. THERE HAVE BEEN VERY FEW COMPLAINTS, THE PUNCH LISTS ARE SMALL AND THERE ARE NO MAJOR CONCERNS WITH THE PROJECT.

DISCUSSED AT LENGTH WERE ITEMS THAT HAD BEEN TAKEN OUT OF THE PROJECT IN ORDER TO HOLD TO THE BUDGET, WHICH INCLUDED REDUCED SEATING AT THE FOOTBALL FIELD. THE BLEACHER SEATING WAS REDUCED TO 1500 NOT 3500. IF THE 3500 SEATING WAS KEPT IN, THEN THE RESTROOMS WOULD HAVE TO BE DONE AT THE FIELD, WHICH WOULD BE A SIGNIFICANT EXPENSE. DISCUSSED ALSO WAS THE CONTINGENCY BALANCE, AND IT WAS NOTED THAT THE CONTINGENCY BALANCE IS BEING USED FOR CONTINGENCY REASONS, AND THAT THE PROJECT IS ABOUT 60% COMPLETED AND THAT THE CONTINGENCY MONEY HAS BEEN USED AT ABOUT THE SAME RATE. MUCH OF THIS MONEY HAS BEEN USED FOR UNFORESEEN ISSUES. THE BUILDING SUPERINTENDENT FEELS THAT THE CONTINGENCY MONEY WILL BE SUFFICIENT, BUT IT WILL BE TIGHT AS THERE HAVE BEEN SOME BIG TICKET ITEMS THAT HAVE COME UP.

DISCUSSED WAS WHETHER THERE IS A SPREAD SHEET SHOWING THE COST ESTIMATES FOR THE SITE WORK AND THE ACTUAL COSTS.

MOTION: THE COMMITTEE IS TO RECEIVE A COPY OF THIS SPREAD SHEET.

DISCUSSED ALSO WAS THE CULINARY ARTS KITCHEN AT THE HIGH SCHOOL. IT WAS REPORTED THAT HEADMASTER MATTOS DID NOT WANT THIS BECAUSE HE DID NOT HAVE THE STAFF FOR IT. HOWEVER, THE SCHOOL COMMITTEE VOTED TO KEEP IT IN THE PROJECT ON THE RECOMMENDATION OF THE SUPERINTENDENT.

IT WAS NOTED BY A COUNCILOR THAT THE SCIENCE FACILITIES IN PARKER IN NO WAY COMPARE TO THOSE AT THE FRIEDMAN SCHOOL, SO HE IS NOW CONCERNED WITH THE SCIENCE FACILITIES AT THE HIGH SCHOOL.

IT WAS REQUESTED THAT IN THE FUTURE, DR. HACKETT AND ALL OTHER PARTIES BE IN ATTENDANCE TO ANSWER QUESTIONS THAT MAY COME UP.

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

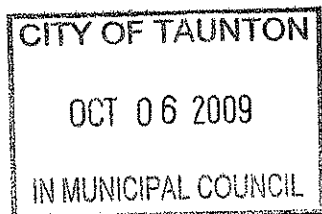
2. **MEET TO DISCUSS FUTURE OF THE LEONARD SCHOOL PROPERTY**
THE CHAIRMAN REPORTED THAT HE HAS REQUESTED THAT DR. HACKETT SEND A LETTER TO THE COUNCIL REGARDING THE ACTIONS OF THE SCHOOL COMMITTEE ON LEONARD SCHOOL.
IT WAS FURTHER REPORTED THAT THE SCHOOL DEPARTMENT SEES NO FUTURE USE OF THE LEONARD SCHOOL BUILDING, BUT THE SCHOOL COMMITTEE WANTS TO RETAIN THE LAND THE SCHOOL IS ON AND WANTS THE CITY TO RETAIN THE LAND BEHIND THE SCHOOL FOR FUTURE SCHOOL USE. THEY WANT TO KEEP THE PROPERTY UNDER THE JURISDICTION FOR FUTURE SCHOOL USE. THIS LAND IS A CRITICAL PART OF THE LONG RANGE PLANNING OF THE SCHOOL DEPARTMENT

MEETING ADJOURNED AT 8:42 P.M.

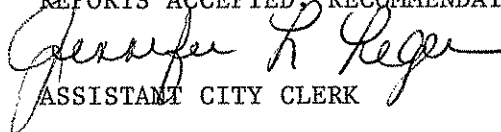
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCILOR DAVID POTTIER, PRESIDENT AND COUNCILORS BARBOUR, BUFFINGTON, CARR, CROTEAU, MARSHALL, FIORE, COSTA-HANLON AND HOYE. ALSO PRESENT WAS CITY SOLICITOR STEVEN TORRES

MEETING CALLED TO ORDER AT 8:51 P.M.

1. MEET WITH THE CITY SOLICITOR AND GOLF COURSE COMMISSION TO DISCUSS THE REVISED AND AMENDED CONTRACT FOR THE OPERATION OF THE JOHN F. PARKER GOLF COURSE

THIS CONTRACT IS BETWEEN THE CITY OF TAUNTON AND LEA GOLF, INC. (FORMERLY SWANSEA LANDSCAPING). THE CONTRACT EXTENSION IS ISSUED PURSUANT TO THE EXTENSION OPTION IN THE CONTRACT AND AS A PARTIAL AWARD IN RESPONSE TO THE REQUEST FOR PROPOSALS TO DESIGN-BUILD-OPERATE THE 18-HOLE EXPANSION.

UPON EXECUTION OF THE AGREEMENT AND AMENDMENT, LEA GOLF INC. WILL BEGIN TO APPLY FOR ALL PERMITS NECESSARY FOR THE 9-HOLE EXPANSION OF THE GOLF COURSE, AND WILL BEAR THE COSTS OF THE APPLICATION PROCESS, INCLUDING THE COST TO PROVIDE AND PROCESS APPLICATIONS, DOCUMENTATION, PLANS, TECHNICAL ADVICE AND SERVICES TO FULFILL ALL REQUIREMENTS FOR COMPLETE APPLICATIONS BY THE PERMITTING OR LICENSING AGENCY, AS WELL AS ALL APPLICATION FEES, COSTS. THE OPERATOR SHALL MAKE ANY NECESSARY MODIFICATIONS TO THE ROUTING PLAN AND/OR CONSTRUCTION SEQUENCING PLAN THAT IT DEEMS NECESSARY OR APPROPRIATE TO FACILITATE THE APPLICATION FOR PERMITS, PERMITTING, DESIGN AND CONSTRUCTION OF THE EXPANSION. DESIGN MODIFICATIONS TO THE EXISTING, APPROVED ROUTING PLAN THAT WAS INCLUDED IN THE REQUEST FOR PROPOSALS CAN BE MADE ONLY WITH THE APPROVAL OF THE GOLF COURSE COMMISSION.

THE PERMITS WILL BE IN THE CITY'S NAME.

ALSO, THE OPERATOR WILL DEDUCT FROM THE 2010-2011 LEASE PAYMENTS ALL OUTSIDE ENGINEERING AND PROFESSIONAL FEES, APPLICATION FEES AND PERMITS.

IT WILL TAKE 18-24 MONTHS FOR PERMITTING, THEN A CONSTRUCTION CONTRACT WILL HAVE TO BE SIGNED.

THE CITY SOLICITOR REPORTED THAT ALL CONCERNS OF THE COMMISSION HAVE BEEN ADDRESSED, AND THE GOLF COURSE COMMISSION AND THE MAYOR HAVE APPROVED THIS CONTRACT.

IT WAS REQUESTED OF THE SOLICITOR TO ASK THE GOLF COURSE COMMISSION IF THE OPERATOR WOULD CONSIDER OFFERING A "STUDENT RATE" AT THE COURSE.

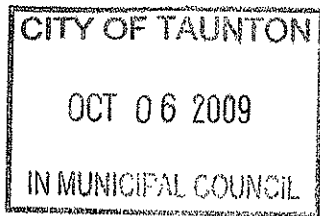
MOTION: MOVE APPROVAL

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OCTOBER 6, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

MEETING ADJOURNED AT 9:09 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Jennifer R. Leger".
ASSISTANT CITY CLERK