



*City of Taunton
Municipal Council Meeting Minutes*

~
*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, July 31, 2012 at 8:10 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

Present at roll call were:

Councilors Marshall, Colton, Costa-Hanson,

Pottier, McCaul, Carr, Barbour

Councilors Cleary and Medeiros were absent

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

Communications from the Mayor:

The Mayor thanked Council President Colton for filling in for him while he was away.

The Mayor offered his condolences to the families of Joseph Quinn, Larry Lacombe, Dean Cabral, and Joseph Ricketts who passed away in the last two weeks.

Communications:

Com. from Joseph Pacheco, Executive Director, Pro-Home, Inc., 40 Summer St., Taunton providing an update on Pro-Home's HOME program for FY2012 stating that for fiscal year 2012, Pro-Home was awarded \$80,000 to be allocated to eligible first-time homebuyers within their 13 community service area. He further stated that six clients of Pro-Home purchased their first homes in Taunton and were awarded \$30,932.28 in grant assistance for down payments and closing costs. **Motion was made to receive and place on file and thank Pro-Home. So Voted.**

Com. from City Engineer providing an update on the Joseph Warner Blvd. Speed Study stating the data has been submitted to the MassDOT and they have responded that they approve the study's recommendations and in order for the speed limit signs to be legally installed and radar enforced the City must incorporate this Special Speed Regulation (No. 7915) into City ordinances. **Motion was made to refer to the Committee on Ordinances and enrolled bills. So Voted.**

Com. from Chairman, Taunton Planning Board submitting information on Open Space relative to donation of land on Field Street stating that the Planning Board went on record re-affirming that the Conservation Commission's vote to accept the gift of 32 acres as "conservation" land conformed to the Planning Board's stated intent and this is not a Committee on Public Property issue. **Motion was made to refer to the Committee on Public Property when they meet with the Planning Board within the next month and discuss future receivership of land. So Voted.**

Petitions:

Petition submitted by Drew Spaventa, Director of Market Development and Compliance requesting a new Second Hand Article License for ECOATM, Inc., 10515 Vista Sorrento Parkway, San Diego, CA to have a vending style machine that collects used small electronic equipment and pays cash for the equipment in the Silver City Galleria, 2 Galleria Mall Drive, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition for a special permit for a 30,734 Sq. ft. addition to the existing hospital at 88 Washington Street located in the Office District submitted by Theodore J. Aleixo and William D. Rounds, 115 Broadway, Taunton on behalf of their client, Matthew Cipriani, Project Manager, Morton Hospital, A Steward Family Hospital, Inc., 88 Washington St., Taunton for an addition. **Motion was made to refer to the City Clerk to schedule a public hearing. 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 Barbour motioned that the Committee on Fires and Wires discuss the assessment process for promotions no later than the second week of August. So Voted.

Councilor Barbour stated he received a communication from Rodney Hoffman in regards to the landfill stating that a term sheet has been agreed between the two proposers and he motioned that the Assistant City Clerk email a copy to each of the Councilors and refer it to the Committee on Solid Waste to meet sometime this month with the parties to ensure everything is what they would like. So Voted.

Orders, Ordinances, and Enrolled Bills**Order for a third reading to be ordained on a roll call vote****AN ORDINANCE****Chapter 2 ADMINISTRATION****ARTICLE XIX DESIGNER SELECTION PROCEDURES****Section 2-371 Designer Selection Procedures**

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

That the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding thereto the following under a newly created Article XIX, Section 2-371:

- 1. These procedures govern the selection of designers for each City of Taunton ("Awarding Authority") building project that is subject to the Commonwealth's designer selection law. (See G.L. c. 7 §38K). These procedures are intended to comply with the purpose and intent of G.L. c. 7 §§38A½ through 38O, inclusive. Any other local law governing the procurement of services will be inapplicable to these procurements.**
- 2. For each such project, the Mayor has the authority to conduct the designer selection process for the Awarding Authority and make the selection. The Mayor may delegate any duties described herein to the extent such delegation is permissible by law.**
- 3. For each such project, the Mayor shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process. The purpose of the Committee is to assist and advise the Mayor in making the selection. The Mayor shall appoint the Chair of the Committee on Public Property to the Committee. The Mayor may appoint himself to the Committee. The Mayor shall notify the Municipal Council in writing of the individual or individuals so designated. No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:**
 - a. has a direct or indirect financial interest in the award of the design contract to any applicant;**
 - b. is currently employed by, or is a consultant to or under contract to, any applicant;**
 - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or**
 - d. has an ownership interest in, or is an officer or director of, any applicant.**
- 4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Mayor, at least two weeks before the deadline for filing applications.**
- 5. The advertisement shall contain the following information:**
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;**
 - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;**
 - c. when and where a briefing session (if any) will be held;**
 - d. the qualifications required of applicants;**
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;**

- f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - g. when and where the RFQ can be obtained and the applications must be delivered.
6. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at [Procedures for Municipalities and Public Agencies not within DSB Jurisdiction](#) The Application Form may be amended to include additional information on a project-specific basis.
7. The Committee shall evaluate applicants based on the following criteria:
 - a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the project; and
 - e. any other criteria that the Committee considers relevant to the project.
8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Mayor. No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list.
 - a. The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.
10. If the fee was set prior to the selection process, the Mayor shall select a designer from the list of finalists. If the Mayor selects a designer other than the one ranked first by the Committee, the Mayor shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Mayor shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Mayor shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Mayor is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in

the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Mayor prior to selection of finalists. Nothing herein should be construed as prohibiting the Mayor from delegating the designer selection and negotiating functions, subject to final approval by the Mayor.

12. If the Mayor is unable to negotiate a satisfactory fee with any of the finalists, the Mayor shall recommend that the Committee select additional finalists.
13. The Awarding Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Awarding Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Awarding Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in G.L. c. 7, §38K.
14. Every contract for design services shall include the following:
 - a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
 - c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
 - d. certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R(d).
 - e. All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.
15. The Awarding Authority shall not enter into a contract for design services unless the Awarding Authority or the designer has obtained professional

liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Awarding Authority may require, for the applicable period of limitations. A designer required by the Awarding Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Awarding Authority prior to the award of the contract.

16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Mayor may elect to authorize expedited procedures to address the emergency. The Mayor shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.
 - a. The Mayor may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Mayor shall rank the finalists in order of qualification and select the designer for the emergency work.
18. The Awarding Authority shall publish the name of any designer awarded a contract in the *Central Register*.
19. The following records shall be kept by the Awarding Authority:
 - a. all information supplied by or obtained about each applicant;
 - b. all actions taken relating to the project; and
 - c. any other records related to designer selection.
 - d. All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.
20. The Awarding Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and the Commonwealth division of capital asset management as required by G.L. c. 7, §38E(g).

21. **Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.**

22. **If applicable, the Awarding Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.**

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor. Councilors Cleary and Medeiros were absent.**

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

AN ORDINANCE

Chapter 13 MOTOR VEHICLES & TRAFFIC

ARTICLE II OPERATION OF VEHICLES

Section 13.56. Speed zones designated.

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

That Section 13-56 of the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding thereto the following:

Twenty (20) miles per hour

Barnum Street, from a point 155 feet east of Harrison Avenue, 90 feet easterly, school zone, between the hours of 8:30 am and 9:30 am and 2:45 pm and 3:45 pm during school hours.

Monroe Street, from a point 230 feet east of Bay Street easterly, 260 feet, school zone, between the hours of 8:30 am and 9:30 am and 2:45 pm and 3:45 pm during school hours.

Clifford Street, from a point 600 feet north of Shores Street northerly, 900 feet, school zone, between the hours of 8:00 am and 9:00 am and 2:00 pm and 3:00 pm during school hours.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor. Councilors Cleary and Medeiros were absent. Motion was made that the DPW erect these signs immediately prior to the beginning of the start of school in September. So Voted.**

New Business:

Councilor Marshall requested immediate action regarding speeding on Hodges Street but was informed that it was taken care of in the Committee on Police and License.

Councilor Colton stated that speeding in the area of 431 Kingman Street is getting worse and motioned that the Police Chief have the radar trailer placed in this vicinity. So Voted.

Councilor Costa-Hanlon stated she has received a request to have "do not litter" signs erected at 139 Staples Street near Cedar Knoll Cemetery and motioned to refer this matter to the DPW Commissioner for action. So Voted.

Councilor Costa-Hanlon asked the Mayor to post the Take Back the Night Function on August 7, 2012 from 5:00 PM – 7:00 PM on Court Street on the City of Taunton website. *The Mayor stated he believes it is already on the website but he will double check.*

Councilor Costa-Hanlon stated she received an email from the organization Voices Against Violence that they will be meeting at City Hall monthly starting the third Monday in August on the 20th. On October 1st they will conduct their Light The Way memorial service for suicide prevention and asked that this information be placed on the website. *The Mayor asked Councilor Costa-Hanlon to forward the information to his office and it will be posted.*

Councilor Pottier stated that the ADA Committee forwarded a concern to him regarding the crosswalk at Park News which is a hazard for pedestrians due to speeding. Therefore, he motioned to refer this matter to the Committee on Police and License. So Voted.

Councilor Pottier stated that due to the sidewalk construction around the Taunton Green, there is no easy way for pedestrians to cross at Superior Court to the Green. Therefore, he motioned to refer this matter to MOECD and the Safety Officer. So Voted.

Councilor Pottier stated that a fundraiser is being held on August 25-26, 2012 at Taunton High School to raise money for Alzheimer's Association. He motioned to refer this to this to the Mayor's Office for placement of the City's website. So Voted.

Councilor Carr motioned that the City Clerk provide Councilors with a hard copies of the minutes if they would like them and let the City Clerk know. So Voted.

Councilor Barbour motioned that the Board of Health and the Zoning Enforcement Officer provide an update on 53 and 55 Berkley Street for next week. So Voted.

Meeting adjourned at 8:30 P.M.

A true copy:

Attest:


Assistant City Clerk

JLL

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 31, 2012

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILOR COLTON

MEETING CALLED TO ORDER AT 5:42 P.M.

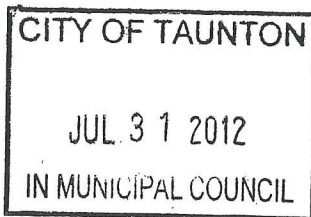
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
- MOTION: MOVE APPROVAL OF THE VOUCHER WARRANT IN THE AMOUNT OF \$1,801,463.77. SO VOTED.
- MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$883,910.66. SO VOTED.

MEETING ADJOURNED AT 5:44 P.M.

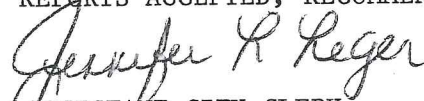
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 31, 2012

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MARSHALL, BARBOUR, CARR AND COSTA-HANLON. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU, BUILDING SUPERINTENDENT WAYNE WALKDEN AND RISK MANAGER SUSAN BARBER

MEETING CALLED TO ORDER AT 5:51 P.M.

1. MEET WITH THE BUILDING SUPERINTENDENT TO DISCUSS THE RECOMMENDATIONS OF THE DESIGNER SELECTION COMMITTEE TO THE COUNCIL AND MAYOR REGARDING THE FEASIBILITY STUDY COSTS FOR CITY HALL.

MR. WALKDEN REPORTED THAT THEY HAVE BEGUN TO NEGOTIATE THE PRICE AND HAVE RECEIVED A PRICE PROPOSAL FROM DURKEE BROWN. THEY HAVE DONE SOME SCENARIOS ON WHAT THEY EXPECT THE POTENTIAL COST OF CONSTRUCTION TO BE. OVERALL THE FEES ARE GOING TO BE IN THE AREA OF 10% OR SLIGHTLY LESS DEPENDING ON THE OVERALL CONSTRUCTION COST.

HE PROVIDED A SPREADSHEET THAT EXPLAINS WHAT WOULD NEED TO BE DONE INITIALLY TO GET THE FEASIBILITY GOING AND THERE IS A COST ASSOCIATED WITH THE VARIOUS PHASES. BASICALLY IT WILL COST \$210,000.00 TO GET TO A CERTAIN POINT THAT PROVIDES ENOUGH INFORMATION TO MOVE FORWARD WITH ACTUAL DESIGN WORK.

COUNCILOR POTTIER STATED THAT PART OF THE CHALLENGE IN MEETING WITH THE DESIGN FIRMS WAS THAT PER THIS COMMITTEE AND ALSO THE ADMINISTRATION, WE WERE NOT COMPLETELY CERTAIN ON WHAT WAS TO BE DONE. PART OF THE COST IS TO ACTUALLY ASK FOR THE FEASIBILITY AS TO WHAT WE CAN DO AND HOW MUCH IT WOULD COST TO DO THOSE THINGS. THAT IS WHAT THE FIRM IS BEING TASKED WITH, TO GIVE THE COUNCIL SOME IDEAS IN SO FAR AS, IF YOU WANT TO DO THIS, HERE IS WHAT IT WOULD COST. DEPENDING UPON THAT EARLY STAGE, IF THE COUNCIL AND THE ADMINISTRATION CAN FIGURE OUT THE BEST COURSE OF ACTION, THEN WE GET A FULL BLOWN PLAN FROM THE FIRM ON THAT ONE COURSE OF ACTION. IF THERE WERE TWO OPTIONS THAT THE COUNCIL AND ADMINISTRATION WOULD LIKE TO SEE FURTHER ANALYZED, THEN IT WOULD COST MORE MONEY.

MR. WALKDEN FURTHER STATED THAT UNDER PREDESIGN SERVICES, THE FIRM IS LOOKING FOR \$34,656.00. THIS WOULD INCLUDE MEETING WITH THE CITY TO REVIEW PROJECT GOALS AND OBJECTIVES, DEVELOP HISTORY AND CHRONOLOGY OF BUILDING, OBTAIN ELECTRONIC DRAWINGS AND ANY AVAILABLE REPORTS FROM THE CITY, CONDUCT ARCHITECTURAL ASSESSMENT OF EXISTING CONDITIONS, COORDINATE CONSULTANTS ASSESSMENT OF EXISTING CONDITIONS, MEET WITH THE CITY TO REVIEW THE INITIAL FINDINGS AND INPUT AND PREPARE AND PRESENT PHASE 1 REPORT.

ALTERNATE 1 OPTIONAL WORK IS TO DEVELOP EXISTING CONDITIONS DRAWINGS. THIS WORK WOULD BE REQUIRED IF THE CITY IS UNABLE TO OBTAIN ELECTRONIC DRAWINGS. THE COST FOR THIS WOULD BE \$8,420.00.

ALTERNATE 2 OPTIONAL WORK IS TO OBTAIN AN ENGINEERED SITE SURVEY OF THE CITY OWNED PROPERTY THAT IS INCLUDED IN THE STUDY. THE COST FOR THIS IS \$14,000.00.

ALTERNATE 3 OPTIONAL WORK DEALS WITH THE STAR THEATER, WHICH INCLUDES OBTAINING AND VIEWING EXISTING REPORTS AND STUDIES FROM THE CITY, CONDUCT VISUAL EXTERIOR ASSESSMENT WITH A STRUCTURAL ENGINEER, IF POSSIBLE CONDUCT INTERIOR ASSESSMENT WITH STRUCTURAL ENGINEER AND DISCUSS PRELIMINARY FINDINGS WITH THE BUILDING COMMITTEE AND OBTAIN INPUT, THEN PREPARE A REPORT OF THE FINDINGS. THE COST FOR THIS IS \$15,000.00.

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JULY 31, 2012

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

PHASE 11 IS THE CONCEPTUAL DESIGN. THIS INCLUDES CONDUCTING PROGRAMMING MEETINGS WITH THE CITY, DEVELOPING A SPACE USE PROGRAM FOR UTILIZATION DURING THE DESIGN PHASES, CONDUCT PRELIMINARY CODE ANALYSIS OF THE BUILDING AND SITE CONSTRAINTS, SITE PLAN, FLOOR PLANS EXTERIOR RENDERINGS, REVIEW THE CONCEPTUAL OPTIONS WITH BUILDING COMMITTEE AND OBTAIN INPUT, REVIEW CONCEPTUAL DESIGN OPTIONS BASED ON THE OWNER'S INPUT, OBTAIN ORDER OF MAGNITUDE COST ESTIMATES FOR 3 CONCEPTS AND PREPARE REPORT AND MAKE A PRESENTATION SUMMARIZING THE CONCEPTUAL DESIGN PHASE. THE COST FOR THIS IS \$69,870.00.

PHASE 111A IS THE SCHEMATIC DESIGN WHICH WOULD INCLUDE MEETING WITH THE CITY TO OBTAIN INPUT INTO THE SCHEMATIC DESIGN, COMPLETE THE FULL SCHEMATIC DESIGN DOCUMENTS FOR ONE DESIGN CONCEPT, OBTAIN THE SCHEMATIC COST ESTIMATE FOR ONE DESIGN CONCEPT AND MAKE A PRESENTATION OF THE SCHEMATIC DESIGN. THE COST FOR THIS IS \$68,020.00. THE TOTAL COST BEING \$209,966.00. BASICALLY IT WILL COST \$210,000 TO GET TO THE POINT WHERE THE CITY COULD MOVE FORWARD TO THE DESIGN WORK.

IF THE CONSTRUCTION COST ESTIMATE WAS \$7.2 MILLION, - WHICH WAS THE COST FROM KAESTLE BOOS - THEIR FEES WOULD BE JUST UNDER \$800,000.00. THEIR FEES ARE BASED ON THE CONSTRUCTION ESTIMATE, SO IF IT WERE HIGHER, THEIR FEES WOULD BE HIGHER.

PHASE IV IS THE DESIGN DEVELOPMENT PHASE, AND THIS FEE IS BASED UPON $20\% \times 9.5\%$ X THE ESTIMATED COST OF CONSTRUCTION. USING THE \$7.2 MILLION FIGURE THIS COST WOULD BE \$136,800.00. THERE ARE REIMBURSABLE EXPENSES NOT TO EXCEED \$6,273.00, THE CONSTRUCTION DOCUMENT PHASE, WHICH FEE IS BASED UPON $40\% \times 9.5\%$ X ESTIMATED COST OF CONSTRUCTION AND USING THE \$7.2 MILLION FIGURE THIS COST WOULD BE \$273,600.00. FINALLY THE CONSTRUCTION ADMINISTRATION PHASE FEE, WHICH IS BASED UPON $20\% \times 9.5\%$ X THE ESTIMATED COST OF CONSTRUCTION. AGAIN USING THE \$7.2 MILLION THIS WOULD COST \$171,000.00. THE GRAND TOTAL THEN IS \$797,639.00. THE GRAND TOTAL IF THE CONSTRUCTION COST ESTIMATE WAS \$10,000,000.00, WOULD JUMP TO \$1,023,739.00, AND IF THE CONSTRUCTION COST ESTIMATES WAS \$12,000,000.00, THE GRAND TOTAL WOULD THEN JUMP TO \$1,185,139,000.

MR. WALKDEN NOTED THAT WE DO NOT KNOW WHAT THE COST IS GOING TO BE AT THIS TIME.

THE DESIGN COMMITTEE IS MAKING THE RECOMMENDATION THAT THE CITY AT LEAST MOVE FORWARD WITH THESE INITIAL PHASES.

COUNCILOR MARSHALL STATED THAT THERE FEE IS BASED ON THE CONSTRUCTION ESTIMATE, SO HOW WOULD THE CITY KNOW THAT THEY ARE NOT GOING TO INFLATE THE CONSTRUCTION COSTS. HE NOTED THAT PHASES 1,2 AND 3 ARE PRETTY STANDARD, BUT THE REST IS TIED TO THE CONSTRUCTION ELEMENT. COUNCILOR POTTIER NOTED THAT COSTING OUT THE JOB IS DONE BY ANOTHER FIRM, BUT THEY ARE HIRED BY THESE PEOPLE, DURKEE BROWN.

COUNCILOR MARSHALL ALSO DISCUSSED THE \$15,000 COST REGARDING THE STAR THEATER. IF ACCESS TO THE BUILDING IS NOT ALLOWED, THAN WE SHOULD NOT SPEND THE MONEY.

IT WAS ALSO NOTED THAT THE CONSTRUCTION ADMINISTRATION PHASE INVOLVES THE SUPERVISION OF THE JOB, HOWEVER IT IS NOT HAVING SOMEONE ON SITE EVERY DAY.

MR. WALKDEN WOULD LIKE TO MOVE AHEAD WITH AT LEAST THE \$209,966.00, SO HE WOULD LIKE THE COUNCIL'S APPROVAL ON THIS.

COUNCILOR COSTA-HANLON ASKED IF ANYONE HAD LOOKED AT ANY OTHER TOWN OR CITY HALLS THAT HAVE BEEN RENOVATED. THE ANSWER WAS NO. SHE WOULD LIKE THE DESIGN SELECTION COMMITTEE TO LOOK AT THIS.

QUESTIONED ALSO WAS WHERE THE FUNDING OF THE \$209,966.00 WAS GOING TO COME FROM. MR. WALKDEN RECOMMENDED LOOKING AT THE INSURANCE MONEY. WITHOUT DOING THIS, HE DOES NOT KNOW WHERE THE MONEY WOULD COME FROM.

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JULY 31, 2012

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

COUNCILOR CARR STATED THAT SHE DOES NOT WANT TO PAY SOMEONE ON AN ESTIMATE. ALSO, IF IT COMES OUT THAT THE COSTS ARE LOWER THAN THE ESTIMATE ARE WE GOING TO BE REIMBURSED. MR. WALKDEN STATED THAT HE DOES NOT THINK THE COMPANY WILL UNDER ESTIMATE IF THEY ARE PAID BASED ON AN ESTIMATE.

MRS. BARBER REPORTED THAT THE BUILDING SETTLEMENT ACCOUNT HAS \$1,347,741.05 IN IT. THIS IS MONEY THAT IS THERE TO RECONSTRUCT CITY HALL.

MR. WALKDEN NOTED THAT PLANS WON'T BE GOOD FOREVER BECAUSE CODES KEEP CHANGING, SO WE NEED TO GET THE FINANCIAL ASPECT IN PLACE.

COUNCILOR BARBOUR STATED THAT THERE IS A NEED TO LOOK AT THE STAR THEATER BUILDING, BUT OBVIOUSLY THE OWNER IS NOT GOING TO LET THE CITY IN THE BUILDING. ATTORNEY DEABREAU STATED THAT HE COULD ASK THAT THE CITY BE ALLOWED ACCESS TO THE BUILDING FOR THIS PURPOSE, BUT HE DOES NOT KNOW WHAT THE ANSWER WOULD BE.

COUNCILOR BARBOUR ALSO STATED THAT THE INSURANCE MONEY THE CITY RECEIVED IS REALLY DRYING UP. HE SAID THE CODE UPGRADES MONEY IS GOING TO DISAPPEAR IN A FEW WEEKS, SO \$1 MILLION WILL BE TAKEN OFF THE TABLE. SO REALISTICALLY WE ARE DOWN TO ABOUT \$1.4 MILLION.

MRS. BARBER SAID WE HAVE \$1.3 MILLION FOR THE BUILDING, WE HAVE \$104,000 FOR THE PERSONAL PROPERTY, FURNITURE ETC. THAT WAS LOST, AND THE EXTRA EXPENSES ACCOUNT STARTED OUT WITH \$545,886.51 AND WE ARE DOWN TO \$361,143.00 – THE EXTRA EXPENSES ACCOUNT IS WHAT WE ARE LIVING OFF OF NOW.

QUESTIONED WAS WHETHER DURKEE BROWN SUPPLIED ANY PROJECTS THAT THEY HAD BEEN INVOLVED WITH. MR. WALKDEN SAID YES. QUESTIONED ALSO WAS WHETHER THEY SUPPLIED ANY COST ESTIMATES AND ACTUAL BILLS RELATING TO PROJECTS THEY HAVE BEEN INVOLVED WITH. MR. WALKDEN SAID NO. IT WAS REQUESTED THAT MR. WALKDEN GET THIS INFORMATION, WHAT PROJECTS THEY HAVE BEEN INVOLVED IN, WHAT THEIR COST ESTIMATE WAS AND WHAT THE ACTUAL COSTS WERE. MR. WALKDEN SAID THAT HE IS SURE THEY WOULD PROVIDE THIS INFORMATION.

COUNCILOR MARHSALL ADDRESSED THE INSURANCE ACCOUNTS AGAIN. HE SAID THERE WAS THE CODE UPGRADES FOR \$1 MILLION, THE RECONSTRUCTION ACCOUNT WITH \$1,347,411.00, THE EXTRA EXPENSE ACCOUNT THAT WAS \$500,00 BUT NOW WE ARE DOWN TO \$361,143.00 AND THEN THERE IS \$104,000 IN BUILDING CONTENTS. MRS. BARBER AGREED. COUNCILOR MARSHALL STATED THAT WE HAVE TO BACK THE \$1 MILLION OUT FOR THE CODE UPGRADES, SO WE HAVE ROUGHLY \$1.7 MILLION LEFT.

IT WAS NOTED THAT THERE IS A NEED TO GET INFORMATION FROM THE TREASURER AS TO THE COST IF THIS PROJECT WAS BONDED. COUNCILOR POTTIER STATED THAT IF THE CITY BORROWED \$8.5 MILLION FOR 25 YEARS AT 4.5%, THE PAYMENT WOULD BE \$573,000 A YEAR FOR 25 YEARS.

COUNCILOR COSTA-HANLON STATED THAT SHE DOES NOT THINK THE \$15,000 FOR THE STAR THEATER SHOULD BE INCLUDED. SHE ALSO STATED THAT THERE SHOULD BE A FINANCIAL COMMITMENT FOR THE PROJECT.

COUNCILOR CARR STATED THAT SHE DID NOT FEEL COMFORTABLE VOTING FOR THIS WITHOUT HAVING A PLAN TO FUND THIS. SHE IS NOT IN FAVOR OF PAYING \$209,000 FOR PLANS THAT WE MAY NOT BE ABLE TO USE. SHE QUESTIONED WHY NOT WAIT UNTIL WE HAVE A PLAN FOR FINANCING – IS THERE A PLAN, WHAT IS THE PLAN.

THE MAYOR ADDRESSED THE COMMITTEE. HE STATED THAT WITHOUT THIS STUDY WE CANNOT GO ANY FURTHER. WE NEED TO DO THIS. HE ASKED THE COMMITTEE TO VOTE FAVORABLY ON THIS AND MOVE FORWARD FROM THERE.

COUNCILOR MARSHALL ASKED, IF WE HAD THE MONEY WHAT THE TIME FRAME WOULD BE, WHEN WOULD THE DOCUMENTS BE OUT ON THE STREET? MR. WALKDEN SAID ONE YEAR.

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MOTION TO AUTHORIZE THE EXPENDITURE TO MR. WALKDEN FROM THE INSURANCE ACCOUNT (THE BUILDING SETTLEMENT ACCOUNT) IN THE AMOUNT OF \$209,966.00 FOR THE STUDIES THAT WERE PROPOSED THIS EVENING. ALSO THAT WITHIN SIX MONTHS THE PUBLIC PROPERTY COMMITTEE MEET WITH THE MAYOR TO DISCUSS A FUNDING MECHANISM

MR. WALKDEN STATED THAT THERE ARE A COUPLE OF QUESTIONS ON SOME OF THE EXTRA EXPENSES FOR THIS BUILDING. OVER TIME, IF WE ARE HERE ANOTHER 3 YEARS, WE ARE GOING TO HAVE TO UPGRADE THE BATHROOMS, ALSO THERE IS A COST TO MOVE THE TREASURER AND AUDITOR TO THIS BUILDING. THERE ARE SOME ROOF PROBLEMS HE CAN COVER OUT OF HIS BUDGET. ALSO, WITH BRINGING OVER TWO MORE DEPARTMENTS TO THIS BUILDING, PARKING WILL BECOME AN ISSUE SO THAT WILL HAVE TO BE ADDRESSED.

MOTION: MR. WALKDEN IS TO PUT A BUDGET TOGETHER FOR AN AUGUST 14, 2012 MEETING OF THIS COMMITTEE AND PRIORITIZE THE ITEMS.

IT WAS ALSO NOTED THAT TAUNTON SELF STORAGE CAN OFFER MORE SPACE. THEY CAN GIVE US THE WHOLE SECOND FLOOR FOR AN ADDITIONAL \$799.00 A MONTH.

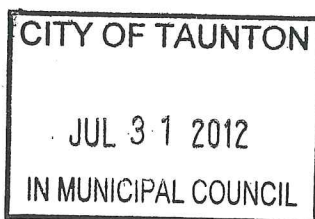
MOTION: TO CONSIDER THIS AND DISCUSS IT IN TWO WEEKS. THE MAYOR IS TO PROVIDE A REPORT ON ELECTRONIC STORAGE. THE COMMITTEE ALSO WANTS TO KNOW THE AMOUNT OF STORAGE SPACE CURRENTLY BEING LEASED AND HOW MUCH ADDITIONAL SPACE MAY BE LEASED. ALSO, THE COMMITTEE WOULD LIKE AN INVENTORY OF WHAT IS IN STORAGE.

MEETING ADJOURNED AT 7:08 P.M.

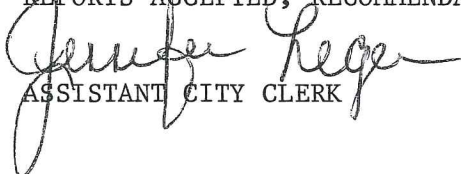
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 31, 2012

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILOR BARBOUR.
ALSO PRESENT WAS POLICE CHIEF EDWARD WALSH AND DETECTIVE DENNIS SMITH

MEETING CALLED TO ORDER AT 7:19 P.M.

1. **MEET WITH THE POLICE CHIEF ON APPLICATION FOR RENEWAL OF CONSTABLE FOR LOUIS BORGES, JR., 123 HART STREET, TAUNTON – CIVIL PROCESS ONLY**
MOTION: MOVE APPROVAL – CIVIL PROCESS ONLY

2. **MEET WITH THE POLICE CHIEF ON PETITION OF BARBARA GENDREAU, 1359 SOMERSET AVE., DIGHTON FOR NEW TEMPORARY FIXED VENDOR LICENSE D/B/A MR. G'S HOTDOG CONNECTION LOCATED AT 408 WINTHROP STREET, TAUNTON**
THE POLICE CHIEF SAID HE WOULD RECOMMEND APPROVAL SUBJECT TO CONFIRMATION OF THE TAX STATUS AND PERMISSION FROM THE OWNER OF THE PROPERTY
MOTION: TO TABLE THIS FOR TWO WEEKS

3. **MEET WITH THE POLICE CHIEF FOR AN UPDATE ON COMPLAINTS OF SPEEDING ON WILLIAMS STREET.**
THE TRAFFIC UNIT AND THE SAFETY OFFICER HAVE BEEN OUT THERE AND WRITTEN QUITE A FEW CITATIONS. FROM JANUARY TO JUNE 22 CITATIONS WERE ISSUED. THEY WILL CONTINUE TO DO ENFORCEMENT AND CONTINUE MONITORING.
MOTION: TO ALLOW RESIDENT OF THE AREA TO SPEAK
SHE STATED THAT HER CONCERN IS THAT WHEN THERE ARE KIDS WALKING TO SCHOOL ON WILLIAMS STREET VEHICLES ARE TRAVELLING AT A HIGH RATE OF SPEED. SHE IS CONCERNED WITH THE SAFETY OF THE KIDS AS THERE ARE 3 SCHOOLS IN THAT IMMEDIATE AREA.
MOTION: TO REFER TO THE POLICE CHIEF, D.P.W., T.M.L.P. AND TRAFFIC BOARD TO DETERMINE IF A FLASHING LIGHT SHOULD BE PLACED ON WILLIAMS STREET WHEREVER THEY RECOMMEND

4. **MEET WITH THE POLICE CHIEF TO DISCUSS THE ISSUE OF THE ASSESSMENT CENTER**
THE POLICE CHIEF AGAIN INFORMED THE COMMITTEE THAT THE COMMONWEALTH OFFERS THE OPTION ON THE CAPTAINS EXAM FOR A STATE ADMINISTERED ASSESSMENT CENTER. THERE IS AN OPTION ON THE OTHER EXAMS FOR A LOCALLY DELEGATED AUTHORITY FOR AN ASSESSMENT CENTER. DURING THE ASSESSMENT CENTER PROCESS YOU WOULD NEED TO SELECT WHAT PERCENTAGES THE ASSESSMENT CENTER WOULD WEIGH AS FAR AS THE GRADES OF THE EXAM. FOR EXAMPLE, IT COULD BE SOLELY THE ASSESSMENT CENTER, A COMBINATION OF THE WRITTEN EXAM AND THE ASSESSMENT CENTER OR YOU COULD GO WITHOUT THE ASSESSMENT CENTER. THE CHIEF'S RECOMMENDATION IS, IF WE OPT FOR THE ASSESSMENT CENTER,, THAT AT THE SERGEANT LEVEL THE WRITTEN EXAM WOULD BE WORTH 75% OF THE SCORE, 25% WOULD BE THE ASSESSMENT CENTER, IT WOULD BE AN EVEN SPLIT AT LIEUTENANT, AND FOR CAPTAINS IT WOULD BE 75% ASSESSMENT CENTER AND 25% FOR THE EXAM.
THE CHIEF DEFERRED TO THE CITY CLERK REGARDING CALLING FOR THE EXAMS.
COUNCILOR BARBOUR STATED THAT THE ASSESSMENT CENTER IS A GOOD IDEA. HOWEVER, HE WANTS THIS TO BE DONE WITH THE FIRE DEPARTMENT AS WELL HE DOES NOT KNOW WHERE THIS STANDS AS

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JULY 31, 2012

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

FAR AS THE FIRE DEPARTMENT. COUNCILOR BARBOUR WILL REFER THIS TO THE FIRES AND WIRES COMMITTEE AT THE FULL COUNCIL MEETING.

THE CHIEF STATED THAT THERE IS POTENTIAL FOR PROMOTIONS BECAUSE OF THE AGE OF THE DEPARTMENT. PEOPLE WILL BE HITTING MANDATORY RETIREMENT IN THE NEXT COUPLE OF YEARS AND PEOPLE HAVE THE OPTION OF RETIRING EARLIER. HE ANTICIPATES SOME TURN OVER IN THE RANKS OF THE DEPARTMENT. HISTORICALLY THE DEPARTMENT HAS GONE STRICTLY BY CIVIL SERVICE LIST, UNFORTUNATELY THE CIVIL SERVICE TEST MAY NOT ACTUALLY GIVE A JUDGE OF ALL THE SKILLS NECESSARY FOR SOMEONE TO BE IN A LEADERSHP POSITION. HE FEELS THE ASSESSMENT CENTER GIVES YOU THAT TOOL AND PROVIDES ANOTHER MECHANISM TO MEASURE PEOPLE.

IT WAS NOTED THAT THERE IS A CAPTAIN, SERGEANT AND LIEUTENANT TEST ON OCTOBER 27TH. WE HAVE TO CALL FOR THE EXAM. WHEN WE DO THAT WE ALSO HAVE TO LET THEM KNOW IF WE ARE USING THE ASSESSMENT CENTER.

COUNCILOR BARBOUR WOULD LIKE TO CONTINUE THIS FOR A COUPLE OF WEEKS IN ORDER TO DISCUSS THIS IN THE FIRES AND WIRES COMMITTEE.

COUNCILOR COSTA-HANLON WOULD LIKE TO HEAR FROM THE CITY SOLICITOR'S OFFICE AS TO WHETHER THIS WOULD AFFECT ANY COLLECTIVE BARGAINING.

IT WAS NOTED THAT YOU DO NOT HAVE TO NEGOTIATE THIS.

COUNCILOR COSTA-HANLON WOULD LIKE THE INPUT OF THE UNIONS ALSO.

MOTION: TO SCHEDULE THIS FOR AUGUST 28TH.

5. MEET TO DISCUSS UNPAID POLICE DETAILS INCLUDING WHAT IS OWED TO THE CITY BY GAFF'S THIRD BASE

THE CHIEF PROVIDED A HANDOUT. HE STATED THAT THE FIRST 3 PAGES ARE JUST THE GENERAL EXCEL SPREADSHEET OF PRIVATE AND CITY INVOICES THAT TOTAL \$305,700.69. EVERYTHING HIGHLIGHTED ON PAGE 4 IS BASICALLY WHAT THEY CONSIDER CURRENT, THE WHITE AREA ARE INVOICES THAT GO BACK A FULL YEAR. THEY ARE WORKING ON THESE. THE ONES HIGHLIGHTED IN BLUE, IN THE CHIEF'S OPINION, ARE VALID FOR SMALL CLAIMS AT THIS POINT. THE ONES IN PINK ARE NOT COLLECTIBLE. THERE ARE 2 HIGHLIGHTED IN GREEN THAT ARE OUTSIDE THE SMALL CLAIMS LIMITS. THE CHIEF ALSO NOTED THAT A LIEN WAS PLACED ON GAFF'S THIRD BASE THIS YEAR FOR WHAT THEY OWED IN DETAILS WHICH IS \$13,797.28.

COUNCILOR COSTA-HANLON STATED THAT SHE IS CONCERNED WITH SOME OF THE COMPANIES THAT THE CITY DOES BUSINESS WITH. THE CHIEF STATED THAT SOME OF THE WORK IS FOR BONDED WORK FOR THE CITY, AND THE BONDS SHOULD HAVE BEEN ATTACHED. THE CHIEF FEELS THAT BEFORE RELEASING THE BONDS, IT SHOULD BE CHECKED, LIKE A TAX STATUS, TO MAKE SURE THAT THERE IS NO MONEY OWED

MOTION: THAT ALL OF THE OUTSTANDING DETAILS HIGHLIGHTED IN BLUE BE FORWARDED IMMEDIATELY TO SMALL CLAIMS. THEY ARE TO BE FILED NO LATER THAN 60 DAYS FROM NOW.

MOTION: THAT ALL OF THE OUTSTANDING DETAILS IN WHITE ON THE HANDOUT BE SENT A NOTICE AND THAT IF THEY ARE NOT PAID IN 30 DAYS THEY ARE TO GO TO THE SMALL CLAIMS PROCESS.

THE CHIEF WAS ASKED THAT HE PROVIDE AN ANSWER AS TO WHETHER THE OUTSTANDING DETAILS HIGHLIGHTED IN PINK SHOULD BE WRITTEN OFF.

MOTION: TO MEET IN THREE MONTHS ON ALL SMALL CLAIMS ISSUES.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

6. MEET TO REVIEW MATTERS IN FILE

A. THE CHIEF REPORTED THAT THE SAFETY OFFICER INVESTIGATED REGARDING A COMPLAINT OF VEGITATION AT THE CORNER OF SCADDINGS STREET AND FIELD STREET HE SAW NO ISSUE. HE PROVIDED A PHOTO OF THAT AREA. THE CLERK WAS ASKED TO SEND A LETTER TO THE PERSON WHO COMPLAINED.

B. COUNCILOR BARBOUR STATED THAT THERE WAS A HIT AND RUN INVOLVING A PET AT 531 HODGES STREET.

MOTION: TO PUT THE RADAR TRAILER OUT THERE AND TO REFER THIS TO THE SAFETY OFFICER TO SEE IF THE SPEED SIGNS ARE APPROPRIATE OR WHAT SIGNS WE COULD PUT UP THERE.

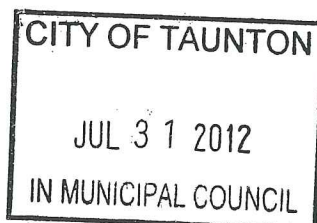
C. COUNCILOR BARBOUR ALSO STATED THAT THERE IS AN ISSUE WITH SPEEDING ON FLORAL AND WINTER STREETS AND ALSO VEHICLES ARE NOT STOPPING AT THE WINTER AND WASHINGTON STREET INTERSECTION.

MOTION: TO PUT RADAR ON BOTH FLORAL AND WINTER STREETS

D. THE CHIEF WAS ASKED FOR AN UPDATE ON THE NEW HIRES. HE STATED THAT ONE NEW HIRE IS WAITING TO BE RELEASED AT A TOWN MEETING. THIS SHOULD BE DONE AT A MEETING NEXT MONDAY. THE OFFICER COMING FROM MANSFILED SHOULD BE RELEASED ON AUGUST 12TH. THE ORIGINAL THIRD CANDIDATE HAD BACKED OUT, BUT SGT. SANTOS IS DOING THE BACKGROUND ON ANOTHER CANDIDATE. THE CHIEF STATED THAT HE WOULD LIKE TO HAVE A FEMALE OFFICER OR SPANISH SPEAKING OFFICER TO REPLACE OFFICER MCMANUS. COUNCILOR BARBOUR WOULD LIKE TO SEE THE CITY HIRE FROM THE LIST VS. LATERAL TRANSFERS.

E. COUNCILOR COSTA-HANLON ASKED THE CHIEF TO CHECK THE ISSUE OF A BACKHOW BEING PARKED OVERNIGHT ON DANFORTH STREET THUS REDUCING THE STREET TO ONE LANE. THIS IS AN ISSUE BECAUSE YOU CANNOT SEE TRAFFIC COMING.

MEETING ADJOURNED AT 7:53 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 31, 2012

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT RYAN COLTON AND COUNCILORS MARSHALL, COSTA-HANLON, POTTIER, MCCAUL, CARR, AND BARBOUR. ALSO PRESENT WERE CITY PLANNER KEVIN SCANLON AND ATTORNEY MATT COSTA OF GAY AND GAY.

MEETING CALLED TO ORDER AT 7:57 P.M.

1. MEET WITH KEVIN SCANLON, CITY PLANNER TO DISCUSS COMMUNICATION RECEIVED FROM ATTORNEY GAY REGARDING THE PROSPECT HILL PRESERVE CONSERVATION RESTRICTION DOCUMENTS

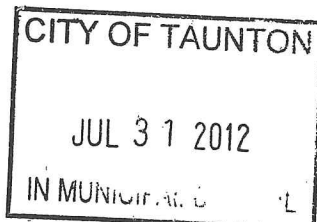
THE CITY PLANNER INFORMED THE COMMITTEE THAT THIS PARTICULAR SUBDIVISION IS AN INCLUSIONARY CLUSTER. AN INCLUSIONARY SUBDIVISION GIVES YOU A DENSITY BONUS ABOVE AND BEYOND WHAT CAN NORMALLY BE BUILT IN EXCHANGE FOR, IN THIS CASE, PROVIDING FUNDS TO THE AFFORDABLE HOUSING TRUST THAT THE CITY HAS. THE ROOT OF THE MATTER WITH THIS PARTICULAR ISSUE IS IT FALLS UNDER THE CLUSTER SUBDIVISION REGULATIONS. IN A CLUSTER SUBDIVISION WHAT YOU DO IS A PRELIMINARY PLAN TO SHOW LOTS YOU COULD GET POTENTIALLY. THE BOARD APPROVES THAT, YOU THEN CONDENSE THAT DOWN UNDER THE REGULATIONS TO USE A PORTION OF THE SITE, WITH THE REMAINDER BEING LEFT AS OPEN SPACE IN PERPETUITY – FOREVER. AS PART OF THAT “FOREVER” YOU NEED TO PUT A CONSERVATION RESTRICTION ON THAT OPEN SPACE SO THERE IS NO THREAT OF DEVELOPMENT ON IT BECAUSE YOU HAVE USED ALL THOSE DEVELOPMENT RIGHTS BY CONSOLIDATING ON A SMALL PORTION OF THE SITE. THE BENEFIT IS THAT THERE ARE LESS ENVIRONMENTAL IMPACTS, LESS ROADS TO MAINTAIN AND PLOW.

THIS IS THE FINAL PIECE OF THE PROCESS UNDER THE CLUSTER REQUIREMENTS, TO PUT THAT CONSERVATION RESTRICTION IN PLACE. ONE OF THE REQUIREMENTS FOR THE STATE CONSERVATION RESTRICTION IS THAT THE CITY COUNCIL HAS TO SIGN OFF. THESE DOCUMENTS WERE SUBMITTED TO THE COUNCIL FOR THAT FINAL SIGNATURE. IT HAS BEEN REVIEWED BY THE SOLICITOR’S OFFICE AND APPROVED, HAS BEEN REVIEWED BY THE STATE AND APPROVED, AND HAS BEEN SIGNED OFF BY EVERYONE ELSE, SO IT IS JUST AWAITING THIS FINAL SIGNATURE SO IT CAN BE RECORDED IT WAS FURTHER NOTED THAT THE DEVELOPMENT RIGHTS HAVE BEEN USED AND THEY CANNOT BUILD ON THIS CONSERVATION PROPERTY. THE STATE ALSO HAS THE AUTHORITY TO ENFORCE THE RESTRICTIONS.

IT WAS ALSO STATED THAT THE HOME OWNERS ASSOCIATION HOLDS OWNERSHIP OF THE OPEN SPACE.

MOTION: TO APPROVE THE CONDITIONS AND SIGN THE CONSERVATION RESTRICTIONS AS REQUESTED AND CLOSE THIS INFORMATION SESSION AND EXCUSE THE PARTIES. SO VOTED.

MEETING ADJOURNED AT 8:05 P.M.



RESPECTFULLY SUBMITTED, .

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

JENNIFER R. PEGER
ASSISTANT CITY CLERK