



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, October 16, 2012 at 9:00 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 Barbour, Carr, McCaul, Pottier, Costa-Hanlon, Medeiros, Colton, Cleary, Marshall

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

Hearings

On the petition submitted by Jon Connell, Field Engineering Co., Inc., 4 Court Street, Suite 104, Taunton on behalf of his client, Taunton Development Corporation 40 Summer Street, Taunton and others to accept Revolutionary Drive as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted.** The Assistant City Clerk read a communication from Jon Connell, Field Engineering Co., Inc. requesting to continue the hearing to October 30, 2012. **Motion was made to move approval. So Voted.**

Communications from the Mayor:

The Mayor stated this weekend is Liberty and Union Weekend and there will be numerous events throughout the weekend.

The Mayor stated he attended a meeting at the Governor's Office along with area mayors and legislators regarding the South Coast Rail. The Governor was very excited about this project and discussed various possibilities. He stated he wants to start before he leaves office. The Mayor stated there are two possible train depots, one on Arlington Street and one behind Target. Councilor Pottier asked about funding. The Mayor stated the Governor was very aggressive talking to the legislature. The Mayor stated the big question will be how to pay for this. Councilor Costa-Hanlon asked if there was full support from everyone that was there at the Governor's meeting for the South Coast Rail. The Mayor stated no one present expressed opposition.

Appointments:

Appointment of William Manganiello, 100 Princess Kate Circle to the Airport Commission for a term of three (3) years expiring October 31, 2015. **Motion was made to move approval. So Voted.**

Communications:

Com. from City Solicitor requesting an Order for a first reading to make a Special Purpose Appropriation so the City may deposit a check from the Mashpee Wampanoag Tribe in the Amount of \$48,338.33. **Motion was made to move to a first reading tonight. Councilors Medeiros and Colton voting present. So Voted.**

Com. from Assistant City Solicitor submitting a response regarding a request for an easement at 147 Somerset Ave., Taunton made by Attorney Michael Kehoe, Partridge Snow & Hahn LLP, 128 Union St., Suite 500, New Bedford on behalf of his client. **Motion was made to refer to the Committee on Public Property. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds notifying of the Halloween Costume Parade at Hopewell Park – Ronald Arieta Football Field Complex on Sunday, October 28, 2012 from 1:00 PM – 3:00 PM. **Motion was made to refer to the Council President. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing on the Form J Plan for Antonio Bairos, P.O. Box 1126, Taunton to split one lot into two for property located at 3 Claffy Street scheduled for November 1, 2012 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 Safety Officer requesting five (5) “No Parking” signs be installed on Monica Street to alleviate the issues of a school bus having difficulty turning onto the roadway. **Motion was made to move approval and send to the Committee on Ordinance and Enrolled Bills ASAP. So Voted.**

At this time, the Assistant City Clerk read a communication on the Addendum to the Agenda submitted by the Mayor. The Mayor is requesting that \$67,344.00 be transferred from the Reserve Account to Account 01 155 0202 5341 for GeoTMS Permitting funding. This funding is time sensitive due to the expiration period of the fire safety portion of the GEOTMS grant. **Motion was made to refer to Committee Reports.**

Councilor Colton read an extra communication submitted by the Superintendent of Schools regarding the Field House Floor Contract. **Councilor Colton motioned to approve the five year contract for the field house floor at Taunton High School. So Voted. The Mayor requested that the Assistant City Clerk send a communication to Dr. Hackett tomorrow.**

Councilor Barbour read an extra communication submitted by Senator Marc R. Pacheco informing the Mayor and Council that \$1,000,000.00 will be appropriated by the Patrick-Murray Administration in the FY13 Capital Bond for the first phase of the Bristol County Superior Court restoration renovation project. Councilor Barbour stated that he knows the Mayor brought this matter up at the Council Meeting on October 9, 2012. **Motion was made to receive and place on file. So Voted.**

Councilor Costa-Hanlon stated that Carmen Maldonaldo is once again conducting a Thanksgiving Food Drive and motioned that this information be placed on the City website. So Voted. *(The Mayor stated he would do this.)*

Petitions:

Application submitted by Peter Farinha requesting a new Constable License desiring to serve civil process. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Michael Georgajakis, 157 Crane Ave. South, Taunton requesting a new Billiard Table License for Mukteshwar Corp., Inc. –DBA- East Side Pizza located at 1 Caswell Street, East Taunton. (One Table) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Hours of Operation License (Black Friday)

1. AP Pretzels of MA Inc. –dba- Wetzels Pretzels located at 2 Galleria Mall Drive, Taunton
2. Target located at 81 Taunton Depot Drive, Taunton

Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.

Hours of Operation License

1. Work Out World Taunton LLC located at 50 O'Connell Way, East Taunton

Motion was made to refer to the Committee on Police and License and the Police Chief. 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 Pottier motioned to refer the vote for the Safer Grant to next week's Municipal Council agenda. So Voted.

Councilor Pottier motioned that the Treasurer/Collector provide the Council with a list of unpaid trash usage fees from last fiscal year for next week. He motioned that this list include the number of people who were waived and the number of households with the amount of money each household owes. So Voted.

Councilor Pottier stated last week there were issues with the compact. The review from the Bureau of Indian Affairs came down last Friday and wanted to clarify that our IGA is still intact and was not struck down. The City Solicitor stated our IGA remains in full force. The IGA was attached to the compact as an addendum and not incorporated in reference. It was submitted to the Department of Interior who wrote a thorough opinion and did not state anything negative.

Councilor Costa-Hanlon motioned that the Assistant DPW Commissioner and the Water Division Supervisor provide a letter to Councilor Pottier for him to present at his November meeting of the Task Force for Manufactured Homes providing an outline of your thoughts concerning reconciliation on how billing is completed for the mobile home parks within the city regarding water and sewer. So Voted.

Com. from City Solicitor regarding a tabled motion from the October 2, 2012 Municipal Council Meeting asking to create by majority vote a technology Fee Revolving Fund pursuant to G.L. c. 44, §53E ½. **Motion was made to move approval. Councilors Barbour and Marshall voting in opposition. Motion was made to instruct the Clerk to place this matter on the agenda in the third week of June for reauthorization in FY13. So Voted.**

Orders, Ordinances, and Resolutions

Order for a first reading to be passed to a second reading

Ordered That,

The sum of \$48,338.33 is appropriated in addition to the \$340,000 previously appropriated in the form of a “Special Purpose Appropriation”, for the purpose of hiring outside consultants, outside legal counsel and other costs associated therewith, to determine the impact of the proposed tribal gaming development, and, in furtherance of this special purpose appropriation, the Mayor is hereby authorized to enter into such agreements with such outside, consultants and outside legal counsel upon such terms and conditions as the Mayor deems proper, expedient and in the best interests of the City. **Motion was made to pass to a second reading. Councilors Colton and Medeiros voting present. So Voted. Councilor Cleary asked if the \$340,000.00 is at a zero balance and the City Solicitor stated yes.**

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, and hereby is further amended by adding thereto the following:

Special Speed Regulation No. 7915. MA DOT

Thirty-five (35) and Forty (40) miles per hour

JOSEPH E. WARNER BOULEVARD – NORTHBOUND

Beginning at the Dighton Town Line, thence northerly on Joseph E. Warner Boulevard 1.20 miles at 45 miles per hour; 0.34 miles at 35 miles per hour ending at the junction Route 44 (Winthrop Street); the total distance being 1.54 miles.

JOSEPH E. WARNER BOULEVARD – SOUTHBOUND

Beginning at the junction of Route 44 (Winthrop Street), thence southerly on Joseph E. Warner Boulevard 0.27 miles at 35 miles per hour; 1.27 miles at 45 miles per hour ending at the Dighton Town Line; the total distance being 1.54 miles.

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.**

New Business:

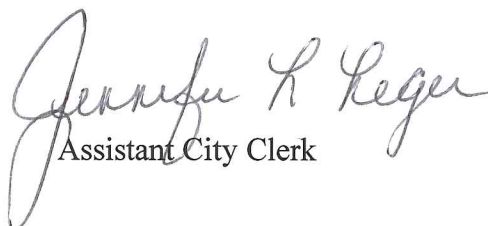
Councilor Costa-Hanlon stated that many of the City's senior citizens have had difficulty with the Dial-A-Ride service. The seniors have stated that their rides are not coming to pick them up within a reasonable amount of time making them late for appointments and volunteer jobs within the City. She asked the Mayor if he could present this matter to the GATRA Board at the next meeting and the Mayor stated the best mechanism would be to send concerns directly to Frank Gay at GATRA.

Councilor Pottier stated in January, the Taunton School Committee and the Taunton Municipal Council held a joint meeting to establish open lines of communication and to discuss school building maintenance needs. He stated that Dr. Hackett has sent him a communication stating that in May, there was discussion of conducting a meeting of the Long Range Planning Subcommittee and the Public Property Committee to discuss the Capital Improvement Plan and prioritize needs. She stated that they have tentatively scheduled a meeting for October 29, 2012 at 6:00 PM and asked that she be notified if this will be possible. **Motion was made to refer to the Committees on Public Property and the Committee to the Council as a Whole to work with the School Committee to set something up in the next couple of weeks. So Voted.**

Meeting adjourned at 9:30 P.M.

A true copy:

Attest:


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 16, 2012

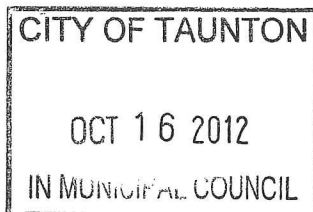
THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CLEARY AND COLTON

MEETING CALLED TO ORDER AT 5:35 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$2,654,761.53. SO VOTED.
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$652,886.16. SO VOTED.

MEETING ADJOURNED AT 5:36 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

JENNIFER L. REGAN
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 16, 2012

THE COMMITTEE ON FIRES AND WIRES

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS CARR AND MCCAUL. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, HUMAN RESOURCE DIRECTOR MARIA GOMES, FIRE CHIEF TIMOTHY BRADSHAW, CAPTAIN DAVID SANTOS, ATTORNEY COLIN CONFOEY, FIREFIGHTERS JASON LAWRENCE AND ROBERT ROONEY

MEETING CALLED TO ORDER AT 5:54 P.M.

1. MEET TO DISCUSS A PERSONNEL MATTER IN THE FIRE DEPARTMENT

MOTION: ON A ROLL CALL VOTE, COUNCILORS CARR, MCCAUL AND CHAIRMAN POTTIER VOTED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER. SO VOTED.

MOTION: TO INVITE INTO THE MEETING UNION ATTORNEY COLIN CONFOEY, UNION MEMBERS, MARIA GOMES, HUMAN RESOURCE DIRECTOR AND CITY SOLICITOR BUFFINGTON. SO VOTED.

MOTION: ON A ROLL CALL VOTE, COUNCILORS CARR, MCCAUL AND CHAIRMAN POTTIER VOTED TO COME OUT OF EXECUTIVE SESSION.

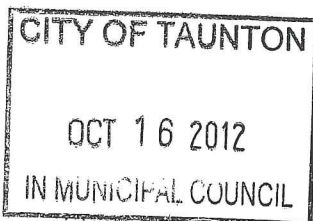
2. MEET TO REVIEW MATTERS IN FILE

THE FIRE CHIEF REPORTED THAT HIS DEPARTMENT RECEIVED A SAFER GRANT IN THE AMOUNT OF \$1,345,784.00. THIS WILL ALLOW THE DEPARTMENT TO HIRE 8 FIREFIGHTERS FOR TWO YEARS AND WILL PAY FOR THEIR HEALTH INSURANCE AND PENSION LIABILITY. THE PERFORMANCE PERIOD FOR THIS GRANT STARTS ON DECEMBER 28, 2012. ALSO, WHATEVER NUMBER OF PEOPLE THAT ARE BROUGHT INTO THE DEPARTMENT WITH THIS GRANT, WHICH WITH 8 NEW HIRES WOULD BRING THE TOTAL NUMBER IN THE DEPARTMENT TO 120, THE DEPARTMENT IS REQUIRED TO STAY AT THAT 120 NUMBER FOR TWO YEARS.

THE CHIEF STATED THAT HE NEEDED APPROVAL FOR THIS GRANT BY NEXT FRIDAY. HE ALSO STATED THAT WHEN THE MONEY RUNS OUT, THE CITY CAN DO WANT THEY WANT, BUT UNDER THE GRANT, THE DEPARTMENT MUST MAINTAIN THE 120 MEMBERS. IF SOMEONE LEAVES, THEY MUST BE REPLACED. THIS GRANT WOULD NOT PAY FOR THE 8 NEW HIRES' OVERTIME, THE CITY WOULD HAVE TO PAY THAT. QUESTIONED WAS WHETHER THE CHIEF IS GOING TO ASK FOR TRANSFERS, BUT HE SAID THAT HE IS NOT AND IS GOING TO HIRE FROM THE CIVIL SERVICE LIST.

THE COMMITTEE ASKED FOR TIME TO REVIEW THE GRANT SO IT WAS REQUESTED THAT A VOTE BE SCHEDULED IN THE FULL COUNCIL NEXT WEEK RATHER THAN HAVE ANOTHER COMMITTEE MEETING.

MEETING ADJOURNED AT 7:30 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 16, 2012

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND BARBOUR. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH AND JENNIFER BASTILLE OF THE SAFE NEIGHBORHOOD INITIATIVE

MEETING CALLED TO ORDER AT 7:35 P.M.

1. MEET WITH THE POLICE CHIEF AND JENNIFER BASTILLE OF THE SAFE NEIGHBORHOOD INITIATIVE FOR AN UPDATE ON SNI AND OTHER SAFETY ISSUES.

MS. BASTILLE PROVIDED CRIME WATCH MEETING PLAN OF ACTION REPORT FOR THE SHORES STREET AREA, WEIR AREA CRIME WATCH AND THE WHITTENTON CRIME WATCH MEETING.

MOTION: DOCUMENTS TO BE PART OF THE RECORD

MS. BASTILLE REPORTED THAT THERE ARE 3 MAIN ISSUES. IN THE WEIR THERE HAVE BEEN A LOT OF PROBLEMS AT MEMORIAL PARK. THIS WAS A BIG ISSUE AT THE MEETING. THERE IS CONSTANT FOOT AND CAR TRAFFIC IN AND OUT OF THE PARK. IN THE SHORE STREET AREA, THERE ARE 2 PROBLEM HOUSES RELATED TO DRUG DEALING. IN THE WHITTENTON AREA THERE ARE A LOT OF TRAFFIC SAFETY ISSUES ON WHITTENTON STREET, THE INTERSECTION AT THE NEW DUNKIN DONUTS ON BROADWAY AND SOME PROBLEM HOUSES WITH DRUG DEALING.

COUNCILOR BARBOUR NOTED THAT THERE IS A COMPANY VEHICLE HANGING AROUND ONE OF THE DRUG DEALING HOUSES AND HE QUESTIONED WHETHER THE BUSINESS HAD BEEN CONTACTED. IT WAS NOTED THAT THERE ARE A COUPLE OF DIFFERENT COMPANIES THAT HAVE BEEN SEEN AT THE ADDRESS ALSO. COUNCILOR BARBOUR SAID THAT WHEN HE HAS ATTENDED THESE MEETINGS, THIS PARTICULAR ADDRESS DOMINATES THE ENTIRE DISCUSSION AND IT DOES NOT SEEM AS IF IT IS GETTING BETTER.

MS. BASTILLE SAID THAT SHE DOES NOT KNOW IF THE BUSINESSES HAVE BEEN CONTACTED REGARDING THEIR VEHICLES BEING SEEN AT THIS HOUSE.

DISCUSSED WAS AN ISSUE OF A TREE BEING DOWN IN MEMORIAL PARK AND IT WAS REQUESTED THAT THIS BE MADE ACCESSIBLE TO THE POLICE.

MOTION: REFER ISSUE OF TREE TO PARKS, CEMETERIES AND PUBLIC GROUNDS

THE TRASH BARRELS AT THE PARK WERE ALSO DISCUSSED. THEY HAD BEEN TAKEN OUT BECAUSE PEOPLE WERE DUMPING THEIR PERSONAL TRASH INTO THEM. THE RESIDENTS WANT THEM BACK, BUT PARK AND RECREATION'S CONCERN IS THAT THEY DO NOT HAVE THE MANPOWER TO PICK UP THE TRASH. IT WAS REQUESTED BY THE CHAIRMAN THAT A MOTION BE MADE THAT IN LIEU OF HAVING BARRELS THAT A REGULARLY SCHEDULED CLEAN UP OF THE PARK BE DONE.

COUNCILOR BARBOUR STATED THAT HE HAD SPOKEN WITH MRS. GREENE OF PARK AND RECREATION ON THIS ISSUE. SHE STATED THAT AT HOPEWELL PARK AND THE PARK IN WHITTENTON ON RICHARD STREET THAT THE CITY HAS PUT BARRELS OUT FOR THE CONVENIENCE OF THE PEOPLE USING THE PARKS AND THE PROBLEM IS THAT EVERYONE USES IT AS A MEANS OF GETTING RID OF THEIR REFUSE, AND THE PROBLEM IS THAT WE DO NOT HAVE THE RESOURCES TO SEND SOMEONE DOWN THERE DAILY. HE KNOWS THAT MRS. GREENE DOES HAVE ON A WEEKLY BASES A CHECK ON THE PARKS.

MS. BASTILLE SAID THAT OUR LADY OF LOURDES CLEANS UP THE FIRST STREET SIDE OF THE PARK.

MOTION: TO SEND A LETTER TO THE DIRECTOR OF PARKS, CEMETERIES AND PUBLIC GROUNDS ASKING HER TO DO RANDOM CHECKS ON THE PARKS FOR LITTER AND TRASH INCLUDING THE RICHARD STREET PARK, HOPEWELL PARK, THE FIRST STREET PARK, AND MEMORIAL PARK.

COUNCILOR CLEARY STATED THAT THE LETTER SHOULD STATE THAT THE COUNCIL UNDERSTANDS THAT THEY ARE SHORT HANDED AND HAVE A LOT ON THEIR PLATE BUT THE COMMITTEE HAS HAD CONCERNS

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

RAISED AT NEIGHBORHOOD MEETINGS AND WHEN THEY CAN GET TO DOING THIS, THE COMMITTEE WOULD APPRECIATE IT.

SO VOTED.

IT WAS NOTED THAT A LIGHT WAS PUT UP AT MEMORIAL PARK, WHICH WAS GREAT, BUT NOW IT HAS PUSHED PEOPLE FURTHER INTO THE PARK.

COUNCILOR BARBOUR STATED THAT MS. GREENE AND THE POLICE CHIEF'S REPRESENTATIVE, CAPTAIN WARISH AND SOME GENTLEMEN FROM THE T.M.L.P. HAD SPOKEN OF A GENERAL PLAN FOR CERTAIN PARKS THAT HAD BEEN ISSUES.

MOTION: THAT A COMMUNICATION BE SENT TO MS. GREENE ASKING FOR AN UPDATE, POST DISCUSSION OF THE MEETING THAT HAD BEEN HELD TO DISCUSS INCREASED LIGHTING AND THE CURRENT LIGHTING TO BE PUT ON BETTER TIMING. SHE IS TO RESPOND BACK TO THE FULL COUNCIL IN WRITING IN TWO WEEKS. SO VOTED.

THE CHIEF NOTED THAT THE PARK IS CLOSED FROM DUSK TO DAWN, SO THERE IS A NEED TO LOOK AT INSTALLING GATES. IT WAS ALSO NOTED THAT CAMERAS ARE THERE, BUT THEY ARE NOT A DETERENT. ALSO DISCUSSED WAS ISSUE OF NEEDLES IN THE PARKS. THE CHIEF STATED THAT HE WOULD SPEAK TO THE BOARD OF HEALTH TO PERHAPS PUT A NEEDLE KIOSKS IN SOME OF THE PARKS. MS. BASTILLE STATED THAT MANY PEOPLE AT THE MEETINGS HAVE SUGGESTED SUCH A KIOSK AT THE CRIME WATCH MEETINGS.

ALSO, PEOPLE ARE NOT CALLING THE POLICE WHEN SOMETHING IS HAPPENING OR WHEN THEY SEE SOMETHING, THE POLICE ARE JUST HEARING ABOUT THIS STUFF AT THESE MEETINGS.

MOTION: REFER TO MRS. GREENE AND THE BOARD MEMBERS OF PARK AND RECREATION, AND THE BOARD OF HEALTH THE INSTALLATION OF A NEEDLE KIOSK AT MEMORIAL PARK. SO VOTED.

THIS IS ON THE RECOMMENDATION OF THE POLICE CHIEF.

DISCUSSED ALSO WAS THAT A PROBLEM PROPERTY THAT IS A MESS. IT HAS BEEN CLEANED UP, BUT IS STILL AN ONGOING ISSUE.

2. MEET WITH THE POLICE CHIEF FOR AN UPDATE ON THE HIRING OF THE NEW POLICE OFFICERS AND THE ASSESSMENT CENTER FOR THE NEW CIVIL SERVICE EXAM

THE CHIEF REPORTED THAT HE IS WAITING FOR A RECOMMENDATION FROM SGT. SANTOS ON A NEW CANDIDATE. HE MAY BE LOOKING AT BRINGING ANOTHER PERSON ON AS THERE IS AN OFFICER THAT MAY BE OUT FOR A WHILE.

IT WAS NOTED THAT HE CAN DO LATERAL TRANSFERS ONLY IF THEY ARE FROM A CIVIL SERVICE DEPARTMENT. THE ISSUE IS THE ACADEMY AS THIS IS LIMITED, IT COULD BE 1 YEAR TO 1 1/5 YEARS BEFORE A NEW OFFICER COULD GO TO THE ACADEMY.L

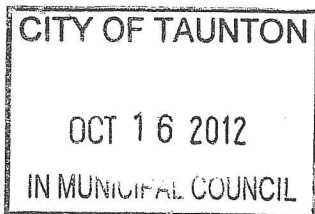
REGARDING THE ASSESSMENT CENTER, THE CITY CLERK HAS FILED THE PAPERWORK, SO THEY ARE ALL SET FOR THE EXAM.

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OCTOBER 16, 2012

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

MEETING ADJOURNED AT 8:12 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 Regan".
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 16, 2012

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT RYAN COLTON AND COUNCILORS BARBOUR, CARR, MCCAUL, POTTIER, COSTA-HANLON, MEDEIROS, CLEARY AND MARSHALL. ALSO PRESENT WERE MAYOR THOMAS HOYE AND CITY PLANNER KEVIN SCANLON

MEETING CALLED TO ORDER AT 8:15 P.M.

1. MEET TO REVIEW PROPOSED CONTRACT WITH GEO TMS/DES LAURIERS MUNICIPAL SOLUTIONS, INC. FOR THE ELECTRONIC PERMITTING SYSTEM

THE CITY PLANNER HAD PREVIOUSLY PROVIDED TO THE COUNCILORS A COPY OF THE PROPOSED CONTRACT WITH THIS COMPANY AND NOTED THAT THERE IS A LETTER IN THE FULL PACKET REQUESTING FUNDING. HE ASKED THAT IF THE COUNCIL IS INCLINED TO APPROVE THE FUNDING, THAT THIS BE APPROVED TONIGHT INSTEAD OF REFERRING IT TO THE COMMITTEE ON FINANCE AND SALARIES AS THERE IS A TIME ISSUE. OVER THE PAST WEEK, THE COUNCIL HAD RECEIVED NOT ONLY THE PROPOSED CONTRACT BUT COPIES OF LETTERS FROM OTHER COMMUNITIES THAT USE THIS AND HOPED THAT THE QUESTIONS THAT THE COUNCIL HAD WERE ANSWERED.

COUNCILOR CLEARY STATED THAT THERE IS A STATEMENT THAT SAYS GEO TMS WILL CHARGE ITS CUSTOMARY FEE OR FEES FOR ANY DATA CONVERSION. MR. SCANLON STATED THAT THIS WILL INCLUDE THE INITIAL SET UP OF THE DATA AND CONVERTING EXISTING DATA BASES. THIS IS ALL INCLUDED IN THE REQUEST FOR FUNDING THAT IS IN THE COUNCIL PACKET. IT IS NOT AN ADDITIONAL COST.

MR. CLEARY NOTED THAT UNDER SECTION 6.3 IT STATES THAT FOR EACH USER FEE AND FINE – HE QUESTIONED THE WORD FINE. IF WE FINE A BUILDER OR CONTRACTOR FOR SOMETHING, ARE THEY GOING TO GET A PERCENTAGE OF THAT FINE ALSO. MR. SCANLON SAID YES BECAUSE IT ALL GOES INTO THE SYSTEM AS COLLECTED FEES.

MR. CLEARY FURTHER NOTED THAT ON PAGE 5 THERE WAS A REFERENCE TO TRAVEL EXPENSES. HE ASKED IF IN ADDITION TO THE 4%, WILL WE HAVE TO PAY TRAVEL EXPENSES FOR THESE PEOPLE TO COME HERE. MR. SCANLON STATED THAT THE TRAINING THAT NEEDS TO BE DONE IS USUALLY DONE AT THEIR FACILITY. WE PAY FOR THAT. IF WE WANT, WE CAN PAY MORE FOR THEM TO COME HERE TO DO THE TRAINING, BUT WE WOULD HAVE TO REIMBURSE THEM FOR THEIR TRAVEL.

MR. CLEARY ALSO REFERRED TO PAGE 7 AND ASKED IF WE WERE DOING A 1 YEAR CONTRACT OR A 3 YEAR CONTRACT. MR. SCANLON SAID IT IS A 1 YEAR CONTRACT THAT IS RENEWED ANNUALLY. WE HAVE TO KEEP IT FOR A YEAR BUT CAN CANCEL THE CONTRACT WITH 90 DAYS NOTICE.

REGARDING THE USER FEE CHART, IF IT IS NOT LISTED ON THIS, THEN GEO IS NOT GETTING THE 4% ON IT, ANY PERMIT THAT IS PUT INTO THE SYSTEM, THEY ARE CHARGING 4%. IF THEY ARE NOT LISTED ON THE USER FEE CHART, THEY WILL NOT GET THE 4% ON THEM.

COUNCILOR CARR ASKED IF WE DID NOT GO WITH THE 4% USER FEE, WHAT WOULD HAVE BEEN THE COSTS FOR THE SOFTWARE AND THEN THE YEARLY MAINTENANCE. MR. SCANLON SAID THE YEARLY MAINTENANCE IS 18% OF WHAT YOU PAY FOR THE SYSTEM. UNDER THE FEE BASED SYSTEM THAT WE ARE TRYING TO GO WITH IT IS UNLIMITED LICENSES, SO YOU CAN HAVE AS MANY PEOPLE ON THE SYSTEM AS YOU WANT AND ALL THE DIFFERENT MODULES THAT YOU WANT. IF YOU BUY IT, YOU WOULD HAVE TO BUY EACH MODULE INDIVIDUALLY PLUS HOWEVER MANY NUMBER OF LICENSES YOU NEED FOR EACH ONE OF THOSE THINGS. IT WOULD BE WELL OVER \$250,000.00, PLUS THE 18%, AND IT WOULD ALSO CONSTRAIN WHAT YOU COULD USE THE SYSTEM FOR. IT WOULD NOT MAKE SENSE.

COUNCILOR CARR ALSO QUESTIONED WHETHER THE \$67,344.00 IS MONEY COMING OUT OF A GRANT OR OUT OF OUR BUDGET. MAYOR HOYE SAID THAT THE ONLY PORTION THAT IS COMING OUT OF THE GRANT IS THE FIRE PORTION, WHICH IS NOT PART OF THE \$67,344.00.

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OCTOBER 16, 2012

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTI NUED

COUNCILOR CARR STATED THAT IF WE PAY 4% YEAR AFTER YEAR, AFTER 5 OR 6 YEARS WE WOULD HAVE PAID FOR THIS. MR. SCANLON SAID THAT IF WE BOUGHT IT AND IT COST \$250,00, WE WOULD HAVE TO PAY THE 18% ON THAT EVERY YEAR, WHICH WOULD BE ABOUT \$45,000.00. ALSO, THE COSTS OF THE LICENSES THAT WOULD BE NEEDED WOULD ADD UP.

COUNCILOR CARR ASKED HOW THE PAYMENT SCHEDULE TO THEM WAS GOING TO WORK. MR. SCANLON SAID THAT THEY GET PAID MONTHLY, WE WILL BE BILLED FOR THE PREVIOUS MONTH AND THE SOFTWARE WILL PROVIDE THE NUMBER OF TRANSACTIONS AND THE DOLLAR AMOUNT.

COUNCILOR CARR ALSO NOTED THAT THE CITY HAS ONLY 1 PERSON IN OUR I.T. DEPARTMENT, AND HE WOULD HAVE TO BE INVOLVED IN THIS. IT WAS NOTED THAT GEO WILL BE HERE WHN THIS IS ALL INSTALLED ON THE SERVER. THEY NEED TO WORK WITH THE I.T. PERSON BECAUSE HE IS THE ONE THAT IS RESPONSIBLE FOR ALL OF THE SERVERS, SO HE NEEDS TO UNDERSTAND HOW IT IS BEING DONE. COUNCILOR CARR ALSO NOTED THAT IN SECTION 4.5 IT SAYS IF INSTALLATION IS MATERIALLY DELAYED BY LICENSEE, WHICH IS THE CITY, THEN THE LICENSEE SHALL MAKE ANY PAYMENTS THAT ARE DUE HEREUNDER AS IF THE LICENSE HAD OCCURRED. SHE ASKED IF THIS MEANS THAT IF FOR SOME REASON THE CONTRACT DOESN'T START ON THE DATE IT IS SUPPOSED TO, WHICH IS NOVEMBER 1ST, OR THE INSTALLATION HAS NOT TAKEN PLACE, WE ARE STILL GOING TO HAVE TO PAY THEM THE 4%. IT DOES SAY AS THOUGH INSTALLATION HAD OCCURRE3D.

THE MAYOR STATED THAT THE COMPANY WON'T BE MAKING ANYTHING UNTIL IT IS ACTUALLY INSTALLED. WE WOULD HAVE TO PAY THEM THE UPFRONT FEES.

COUNCILOR CARR SAID THAT IT SOUNDS TO HER THAT IF SOMETHING HAPPENS THAT WE ARE NOT UP AND RUNNING ON NOVEMBER 1ST, THEY ARE STILL GOING TO GET THEIR 4% STARTING NOVEMBER 1ST. THE MAYOR AND MR. SCANLON UNDERSTAND IT TO BE THAT WE WILL NOT BE PAYING GEO ANYTHING UNTIL WE ARE UP AND RUNNING AND ENTERING ACTUAL TRANSACTIONS. MR. SCANLON SAID THIS IS WHAT WAS SAID DURING THE PRESENTATION LAST WEEK.

COUNCILOR CARR ALSO NOTED THAT UNDER LICENSING IT SAYS THAT THEY WILL RECEIVE A FEE FOR EVERY TRANSACTION ENTERED. SHE ASKED IF SOMETHING WAS PUT IN IN ERROR, THEN CORRECTED, IS THERE SOMEWAY TO ACCOUNT FOR THOSE. MR. SCANLON STATED THAT IF WE REFUND OR BACK ONE OUT, THEN THE CITY GETS A CREDIT.

COUNCILOR CARR ALSO ASKED IF ANYONE HAD DONE A COST ANALYSIS FOR HAVING THE TRAINING HERE OR HAVING THE PEOPLE GO TO THE COMPANY. IT WILL BE \$300 PER PERSON FOR A TOTAL OF 55 PEOPLE. SHE ALSO ASKED HOW LONG THE TRAINING WOULD BE. MR. SCANLON DID NOT KNOW THE SPECIFIC TIMEFRAME BUT IT IS SEVERAL HOURS. EACH DEPARTMENT WILL HAVE THEIR OWN TRAINING. MR. SCANLON SAID THAT THEY WILL FURTHER EXPLORE AND WILL DETERMINE IF IT IS CHEAPER TO HAVE THEM COME HERE VERSUS SENDING PEOPLE THERE.

COUNCILOR CARR NOTED THAT THE LENGTH OF THE CONTRACT IS 2/2012-2/2015, BUT THE 4% IS THROUGH 6/30/2014, SO ARE WE GOING TO GO BACK AND REVISIT THAT 4%.

THE CITY SOLICITOR STATED THAT THE ANSWER IS NO. THE RATE IS SET AT 4% THROUGH JUNE 30, 2014 AND IT IS ALSO CAPPED FOR THE LIFE OF THE CONTRACT INCLUDING ANY EXTENSIONS OR RENEWALS AT 4%. HOWEVER, THERE IS AN OPPORTUNITY FOR THE CITY TO PAY LOWER THAN 4% FOR ANY YEAR WHERE THE TOTAL AMOUNT OF MONEY THAT GOES THROUGH THE SYSTEM IS \$1 MILLION OR MORE. IT WOULD LIKELY GO DOWN TO 3%

COUNCILOR CARR NOTED THAT SHE DID NOT READ ANYTHONG ABOUT THIS IN THE CONTRACT SO HOW WOULD THEY KNOW ABOUT THAT. CITY SOLICITOR BUFFINGTON STATED THAT IT WASN'T MENTIONED AT THE PRESENTATION LAST WEEK BUT IT WAS IN MATERIALS THAT THEY HAD PREVIOUSLY DISCUSSED WITH THEM, SO WHAT HE ANTICIPATES DOING IS PUTTING IN A 5TH BULLET ON PAGE 9 THAT BASICALLY

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

SAYS IN ANY YEAR IN WHICH THE TOTAL REPORTED FEES EXCEEDS \$1 MILLION THE SUBSEQUENT YEAR'S USER FEE WOULD BE SET AT 3% FOR ALL TRANSACTIONS.

COUNCILOR CARR ALSO NOTED THAT ON THE LAST PAGE, IT STATES THAT THE BUILDING DEPARTMENT PARTICIPATION IS "REQUIRED". MR. SCANLON SAID THAT NO MATTER HOW YOU ARE GOING TO RUN THIS SYSTEM AND IN ORDER FOR IT TO BE ELIGIBLE FOR THE USER FEE PAYMENT SYSTEM, THIS IS THE ONE MODULE YOU HAVE TO GET. THAT IS WHY THE FIRST PHASE CONSISTS OF THE FIRE DEPARTMENT AND BUILDING DEPARTMENT, THE FIRE BECAUSE OF THE GRANT, AND BUILDING BECAUSE IT IS THE CORE MODULE THAT IS REQUIRED.

SHE ALSO NOTED THAT IT SAYS A SUFFICIENT NUMBER OF SOFTWARE LICENSES ARE INCLUDED. THE CITY SOLICITOR SAID HE FEELS THAT WE ARE OK WITH THE WORD SUFFICIENT, BUT HE WOULD FEEL BETTER TAKING OUT THE WORD SUFFICIENT AND ADDING "UNLIMITED."

COUNCILOR MARSHALL ASKED IF THE 4% WAS ON ASSESSED PERMITS AND FINES OR COLLECTED PERMITS AND FINES. MR. SCANLON SAID IT WOULD BE ASSESSED. COUNCILOR MARSHALL ASKED WHAT IF A 21D CEASE AND DESIST IS ISSUED WITH A \$300 PER DAY FINE AND IS PUT THROUGH WITH THE HANDHELD DEVICE, IS CHALLENGED IN COURT AND IS THROWN OUT, WE WOULD BE PAYING 4% ON ALL THOSE FINES BECAUSE THEY WERE ASSESSED AND NOT COLLECTED. MR. SCANLON SAID WHAT WOULD HAPPEN IN THAT SCENARIO IS THAT FEE WOULD BE BACKED OUT. COUNCILOR MARSHALL ASKED WHERE IT SAYS THIS IN THE CONTRACT. IT WAS STATED THAT WE WOULD TAKE IT OUT OF THE SYSTEM. COUNCILOR MARSHALL SAID THIS COULD TAKE MONTHS AND THIS IS GOING TO BE PAYED MONTHLY. A COURT CASE COULD TAKE A LONG TIME. MR. SCANLON SAID THAT WE WOULD GET A CREDIT. COUNCILOR MARSHALL ASKED WHERE IT SAYS THIS. MR. SCANLON REFERRED THIS TO THE CITY SOLICITOR, BUT COUNCILOR MARSHALL SAID HE DID NOT NEED AN ANSWER TONIGHT, BUT THE 4% BEING PAID ON FEES ASSESSED VS. FEES COLLECTED MAKES A DIFFERENCE. IT IS NOT SO MUCH ON THE PERMIT SIDE AS IT WOULD BE ON THE FINE SIDE.

COUNCILOR MARSHALL ALSO ASKED WHEN ISSUES LIKE THE FIRE DEPARTMENT GOING IN AND ISSUING A FINE FOR IMPROPER BUILDING SPRINKLERS AND WE HAVE TO PUT A FIRE WATCH ON THAT, IS THIS CONSIDERED TO BE PART OF THE 4%. MR. SCANLON SAID A FIRE WATCH IS NOT A LICENSE OR A PERMIT SO IT WOULD NOT BE PART OF THE 4%. THE CITY SOLICITOR SAID THIS IS ABSOLUTELY NOT A FINE. THE MAYOR STATED THAT WE ARE NOT PAYING ANYTHING UNTIL A FINE IS PAID. COUNCILOR MARSHALL SAID IT DOES NOT SAY THAT, IT SAYS "FINES ASSESSED, SO THE MINUTE YOU SPIT THAT TICKET OUT OF THAT READER, YOU HAVE ASSESSED THE FINE. GEO WON'T CARE IF WE COLLECT IT OR NOT, THEY WILL CHARGE US FOR THE 4% OF THE ASSESSED FINE. THE MAYOR SAID THAT THEY CAN GET CLARIFICATION ON THIS. HOWEVER, THE CITY SOLICITOR SAID HE DOES NOT READ THE CONTRACT TO SAY THAT. HE SAID THE DEFINITIONS SAY A "PAYMENT" FOR EACH FEE, FINE, AND OR INVOICE RECORDED. COUNCILOR MARSHALL STATED THAT IT IS NOT THE PERMIT STUFF, BUT IT IS THINGS LIKE THE 21D TICKETS THAT HE WOULD LIKE TO HAVE LOOKED AT, SO THAT WE ARE NOT PAYING FOR SOMETHING UP FRONT THAT WE ARE NOT GOING TO GET BACK. THE LANGUAGE THAT IS A CONCERN IS ONLY AROUND THE FINES, NOT THE PERMITS.

MR. SCANLON SAID THAT WE WOULD GET A CREDIT IF IT WAS NOT PAID. HE ALSO SAID THAT IT IS INFINITELY CHEAPER TO HAVE THE USER FEE RATHER THAN TO PURCHASE THE SYSTEM OUTRIGHT EVEN WITH A QUIRK LIKE THIS.

COUNCILOR MARSHALL STATED THAT WE REALLY DON'T KNOW IF IT WOULD BE THE \$250,000 DOLLARS BECAUSE WE DID NOT GO OUT TO BID AND ONLY GOT ONE CONTRACT.

COUNCILOR MCCAUL SAID THAT HE FEELS THIS WILL BE AN EASIER PROCESS AND IT IS A STEP IN THE RIGHT DIRECTION. HE IS IN FAVOR OF THIS.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

MOTION: TO MOVE FORWARD WITH THIS PROPOSAL. AND THE CITY SOLICITOR IS TO NEGOTIOTE ANY FURTHER REVISIONS THAT WERE ADDRESSED TONIGHT. SO VOTED.

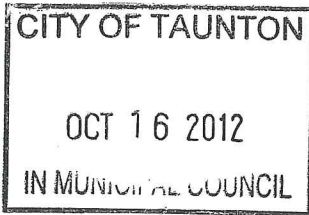
COUNCILORS CARR, MCCAUL, POTTIER, COSTA-HANLON, MEDEIROS, CLEARY AND COLTON VOTING IN FAVOR. COUNCILORS MARSHALL AND BARBOUT OPPOSED. MOTION CARRIES.

MEETING ADJOURNED AT 8:49 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



JENNIFER REGAN
ASSISTANT CITY CLERK



CITY OF TAUNTON

ORDER #7
FY 2013
OCTOBER 16, 2012

In Municipal Council 20.....

Ordered, That

THE SUM OF SIXTY SEVEN

THOUSAND THREE HUNDRED FORTY FOUR DOLLARS AND NO CENTS (\$67,344.00) BE

AND HEREBY IS TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-5784

TO: AUTOMATION ACCOUNT NO. 01-155-0202-5348

..... *Clerk.*