

City of Taunton  
Municipal Council  
May 16, 2023

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2023 MAY 22 A 10:38

**The Committee on Finance and Salaries**

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02786 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Phillip Duarte, Chairman and Councilors Pottier and McCaul. Also present were CFO Patrick Dello Russo, City Auditor Ian Fortes, and Budget Director Gill Enos.

The meeting was called to order at 5:33 PM.

**1. Meet to review the weekly vouchers and payroll for City departments.**

**MOTION** by Mr. Pottier and seconded by Mr. McCaul to approve the payroll warrant in the amount of \$4,001,838.25. **So voted.**

**MOTION** by Mr. Pottier and seconded by Mr. McCaul to approve the accounts payable warrant in the amount of \$2,070,868.28. **So voted.**

**2. Meet to discuss requests for transfers:**

- a. \$4,500 from the Reserve Account (01-132-5200-5784) to Tax Title (01-147-5200-5388)
- b. \$2,000 from the Reserve Account (01-132-5200-5784) to Tax. Possession (01-193-5100-5119)
- c. \$3,456 from the Reserve Account (01-132-5200-5784) to Animal Control (01-292-5100-5119)
- d. \$200,000 from the Reserve Account (01-132-5200-5784) to Workers Compensation (84-912-8017-4971)
- e. \$.15 from SRPEDD (01-840-5600-5790) to InterGov-County (01-830-5600-5621)
- f. \$83,778.34 from Water Debt (P) (60-710-5900-5950) to Water Debt (I) (60-751-5900-5984)

**Motion** by Mr. Pottier and seconded by Mr. McCaul to invite in the interested parties. **So voted.**

Councilor Duarte read a letter from Mr. Enos requesting these transfers.

Mr. Enos indicated that the transfer for animal control should be amended to \$26,000.

**Motion** by Mr. Pottier and seconded by Mr. McCaul to approve items a-f with the amendment indicated by Mr. Enos: Transfer \$4,500 from the Reserve Account (01-132-5200-5784) to Tax Title (01-147-5200-5388), \$2,000 from the Reserve Account (01-132-5200-5784) to Tax. Possession (01-193-5100-5119), \$26,000 from the Reserve Account (01-132-5200-5784) to Animal Control (01-292-5100-5119), \$200,000 from the Reserve Account (01-132-5200-5784) to

Workers Compensation (84-912-8017-4971), \$.15 from SRPEDD (01-840-5600-5790) to InterGov-County (01-830-5600-5621), and \$83,778.34 from Water Debt (P) (60-710-5900-5950) to Water Debt (I) (60-751-5900-5984). So voted.

- g. \$20,000 from Golf Retained Earnings (61-3590-3590) to Golf Tree & Shrubs Grounds (61-940-5200-5469)
- h. \$20,000 from Golf Retained Earnings (61-3590-3590) to Golf Supplies – Building Repair (61-640-5200-5542)

Chairman Duarte read the letter from the Golf Commission requesting a transfer from retained earnings.

Motion by Mr. Pottier and seconded by Mr. McCaul to approve as requested and transfer \$20,000 from Golf Retained Earnings (61-3590-3590) to Golf Tree & Shrubs Grounds (61-940-5200-5469) and \$20,000 from Golf Retained Earnings (61-3590-3590) to Golf Supplies – Building Repair (61-640-5200-5542). So voted.

**3. Meet with the CFO to discuss the internal audit program.**

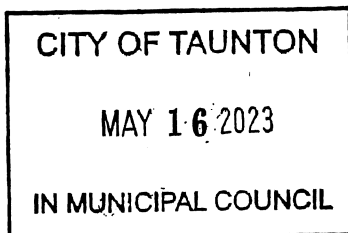
Patrick Dello Russo and Ian Fortes gave a presentation on the new internal audit program that will be led by the City Auditor. Mr. Fortes covered the details of Mass General Law Chapter 41, Section 50. He explained that an internal audit is a tool used to evaluate controls, compliance, financial processes and reporting. His intention is to do this quarterly by randomly selecting departments. The six areas to be audited are payroll, procurement, accounts payable, cash handling, inventory, and compliance with policies. The objective is to enhance efficiencies and the plan is to give a public presentation quarterly.

Councilor Pottier asked if the department has the bandwidth to take this on and Mr. Fortes confirmed. Mr. Pottier stated that he would not be opposed to hiring someone if need be.

Councilor Duarte asked how many departments would be audited each quarter and Mr. Fortes said the goal is about 6. Mr. Duarte also asked how this would be impacted if the update to the Charter passed since there is an audit committee outlined in the Charter. Mr. Dello Russo stated that this would go on regardless of the Charter.

Councilor Dooner stated that she thinks this is a great idea.

MOTION by Mr. Pottier and seconded by Mr. McCaul to excuse the parties with the Committee’s thanks and adjourn the meeting at 5:51 PM. So voted.



Respectfully submitted,

*Maggie E. Clarke*

Maggie E. Clarke  
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

*Joseph Rego*  
CITY CLERK

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Municipal Council  
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### The Committee on Public Property

TAUNTON, MA

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Christopher Coute, Chairman and Councilors McCaul, Dooner, Quintal, and Borges. Also present were Attorney Peter Winters and Parks, Cemeteries and Public Grounds Commissioner AJ Marshall.

The meeting was called to order at 5:58 PM.

- 1. Meet with the Law Department and the Park and Recreation Commissioner to discuss the permitting process for the use of public property for 1st Amendment protected activity.**

***Motion** by Mr. Quintal and seconded by Ms. Borges to invite in the interested parties. **So voted.***

Attorney Winters clarified that 1<sup>st</sup> Amendment activities are allowed on all public grounds. However, parks require a permit with insurance. He also explained that parks and playgrounds specifically fall under the purview of the Park and Recreation Commission.

Commissioner Marshall explained that the Park and Recreation Commission has jurisdiction and would need to set the rules. He reviewed the policies of neighboring cities, particularly New Bedford, Fall River, and Attleboro, and found that the rules and regulations are very similar and all require the same \$1 Million insurance policy. He stated that the issue in Taunton becomes the Taunton Green where folks want to have these types of events but it's a park. He handed out an aerial view of the Taunton Green. He suggested an exemption to the policy that would apply from the sidewalks to the edge of the road. The inside (checkered section on the handout) would remain a park with normal permitting requirements. Activities on the sidewalk surrounding the Green would require a permit with 72 hour notice. No insurance policy would be required in this zone but would require an indemnification agreement. There would be a limit of 4 permits issued with a maximum of 25 people each and there would be no fee for the permit. Requiring a permit would allow them to notify police and fire of potential activities. This compromise, he believes, attempts to solve the problem while trying to protect significant assets on the Taunton Green. Attorney Winters described this as a hybrid where it is somewhat treated like a normal sidewalk while offering some protection to the Park.

Councilor Borges indicated that this is a reasonable request except that people sometimes want to assemble before 72 hours. Mr. Marshall indicated that this could perhaps be shortened.

Councilor McCaul asked about City sponsored events. Mr. Marshall clarified that for City agencies, the City carries insurance. Electioneering was discussed and Mr. Marshall stated that for campaign season this can be dangerous for drivers because sign holding can be a distraction so limiting it to 100 people might help.

Councilor Borges suggested that the Elections Department include this information in the packet provided to candidates.

Councilor Dooner indicated that she believes this is a good compromise.

Councilor Quintal clarified details on electioneering. 1 permit is for 25 people but you could request 2 permits for a total of 50 people.

Councilor Borges suggested that candidates could have 100 people at a time and doesn't think it should be limited.

Councilor Pottier questioned not allowing the use of the sidewalk around the Green just as a regular sidewalk. He expressed concern with limiting people standing on the sidewalk around the Green. Mr. Marshall stated that the assets on the Green should be protected. Mr. Pottier asked if an ordinance could change the sidewalk to no longer be part of the park but he agreed that the Green (the checkerboard on the handout) should be protected.

Councilor Coute stated that there haven't been any problems but that removing the sidewalk as part of the park puts assets at risk so Mr. Marshall's policy is a good first step.

Councilor Borges indicated that she didn't initially think there would be a limit and Mr. Marshall stated that he believes 100 is an appropriate number. Mr. Borges suggested leaving the number off of it and if it becomes a problem then change it.

Councilor Quintal stated that this will be a great year to try this since it's an election year.

Councilor Coute suggested no limit on the number of people on the 4 permits. Mr. Marshall stated again his belief that 100 is a good number and would like to leave that and then increase it if there is a need. Councilor Coute suggested giving Commissioner Marshall discretion. Attorney Winters worried that this could run the risk of being arbitrary and capricious. Councilor Dooner did not like the idea of giving the Commissioner discretion but she would be fine with no number limit.

Councilor Sanders stated that he had referred this to the Committee some time ago. The reason was because community organizations, trying to do the right thing, would call the City about a rally or protest they were hoping to do the next day, for example, only to learn that they needed to have a permit, insurance, perhaps a police detail so would decide not to do it. He wants to make it clear that people exercising their First Amendment rights are able to do so. Mr. Sanders doesn't want people to have to jump through hoops in order to exercise their rights.

Councilor Duarte stated that this was never about elections or political signs. Rather, this is about their constituents, nonprofit groups, and others advocating for themselves. He asked Attorney Winters what insurance or policies protect these properties during their general use or during an unpermitted rally or event. Mr. Marshall stated that the City has insurance but that the City pays the first \$100,000. Councilor Duarte stated that whatever we do there is always risk associated with using public property and that the proposed policy seems cumbersome. He agrees with Councilor Pottier and would suggest designating the sidewalks as regular sidewalks. He clarified that this would only be advisory since the Park and Rec Commission has ultimate decision making authority. He asked Attorney Winters if the Council could pass an ordinance that would supersede the rules of the Park Commission and Attorney Winters indicated that he would need to look into it but he didn't think so. Mr. Marshall stated that Park and Recreation Commissions are created by State Law.

***Motion*** by Councilor Dooner and seconded by Councilor Borges to recommend Commissioner Marshall's suggested policy to the Park and Recreation Commission but for the sidewalk outside of the Green, it would be 48 hour permit and no restrictions on number of people.

Mr. Coute asked when this would be on the agenda for the Park and Recreation Commission and Mr. Marshall indicated most likely the July agenda and they meet the 2<sup>nd</sup> Tuesday of the month.

Ms. Borges stated that she will not support something with limited number of permits or people.

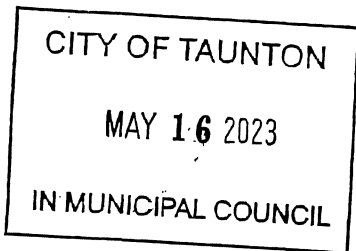
**So voted.**

## **2. Meet with the Park and Recreation Commissioner to discuss the possibility of adding a skate park to the design improvements at Memorial Park.**

Councilor Coute indicated that many people have suggested that the City have a skate park and he thought that Memorial Park might be a good location. Commissioner Marshall explained that the Park and Recreation Commission has \$3 Million for the improvements at Memorial Park and they have laid out a two-step process. They are going out for an RFP in July and the scope of services includes design and a master plan. There will be public hearings and listening sessions and they have a file full of suggestions from people. All of this will be passed to the architect to evaluate and they are going to bring back three different plans. He noted that there may be some challenges with the pond. He stated that the Park and Rec Commission has jurisdiction and will make the selection. He further noted that they will look to the City's master plan for guidance.

***Motion*** by Ms. Borges and seconded by Mr. Quintal to invite Commissioner Marshall to return after he has the plans to give another presentation to the Public Property Committee. **So voted.**

***Motion*** by Ms. Borges and seconded by Ms. Dooner to excuse the parties and adjourn the meeting at 7:08 PM. **So voted.**



Respectfully submitted,

A handwritten signature in cursive script that reads "Maggie E. Clarke".

Maggie E. Clarke  
Clerk of Council Committees

**REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED ON ITEM #2. ON ITEM #1, ON A ROLL CALL VOTE, EIGHT (8) COUNCILORS WERE PRESENT, FIVE (5) COUNCILORS VOTED IN OPPOSITION (COUNCILORS QUINTAL, SANDERS, POTTIER, MCCAUL AND DUARTE), THREE (3) COUNCILORS VOTED IN FAVOR (COUNCILORS COUTE, BORGES AND DOONER). COUNCILOR POSTELL WAS ABSENT. SO VOTED. THE MOTION DID NOT PASS.**

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

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**The Committee of the Council as a Whole**

TAUNTON, MA

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Council President Kelly Dooner, Chairman and Councilors Duarte, Borges, McCaul, Pottier, Couté, Sanders, and Quintal. Councilor Postell was absent. Also present was City Solicitor Matt Costa.

The meeting was called to order at 7:14 PM.

**1. Meet to discuss proposed changes to the form agenda.**

Councilor Dooner explained that the major change would be adding the consent agenda. These changes were proposed to be more in line with the Rules of the Council. She also noted that with the consent agenda, any Councilor at any time can pull something out to be completely read. Additionally, the reading of the record is a little unclear without stating a date.

**Motion** by Mr. Duarte and seconded by Ms. Borges to invite in Attorney Costa. **So voted.**

Attorney Costa indicated that the Council Rules state that it should be listed as "Reading of the Records from *date*". Boards should be approving their minutes and it would be clearer if the date was referenced and this would give the Councilors an opportunity to make corrections.

Councilor Pottier stated that sometimes the minutes aren't done in a week so the date would need to be correct. He also noted that perhaps the recommendations of the committees should be clear as to the date. Attorney Costa suggested the committee minutes should also be reviewed and approved. Mr. Pottier also suggested that executive session minutes be reviewed and approved.

Councilor Dooner asked about the consent agenda. Attorney Costa indicated that the idea is to streamline a meeting where items are routinely approved without discussion. However, any Councilor could pull anything out that they wish.

Councilor Couté asked if the consent agenda would include items to be referred to the committees and Mr. Costa indicated that they could be.

Councilor Sanders asked if information currently published in the agenda would still be published in the same way. Attorney Costa confirmed. Mr. Sanders wants to be sure that there is an opportunity for a councilor to pull an item out. He suggested that at the beginning of the

meeting the Council vote to approve the agenda and then the Councilors would have an opportunity to remove an item from the agenda. He agreed that executive session minutes should be reviewed and approved.

Councilor Dooner wanted to be sure that the Clerk's agenda is not changing. Councilor Sanders stated that he could see circumstances where an item would be removed from an agenda.

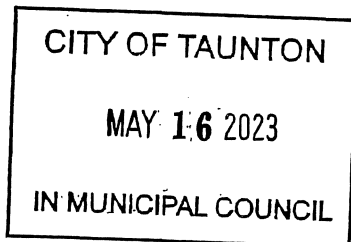
Councilor Duarte indicated that he likes the idea of the consent agenda and suggested grouping items by what action needs to be taken. He also suggested that the recommendations adopted by the committees be kept outside the consent agenda.

Councilor Borges asked about scenarios where something is going to one committee and someone wanted it to go to another committee and Mr. Costa indicated that this type of situation is not likely intended for the consent agenda.

Councilor McCaul asked who makes the decision for something to be off an agenda. Mr. Costa stated that the Council has rules and there are legal considerations. The Mayor with the Clerk set the agenda but if a communication comes in it is not automatically placed on the agenda.

Motion by Mr. Coute and seconded by Mr. Pottier to refer to the Law Department to draft a proposed amendment to the Rules of the Council. So voted.

Motion by Ms. Borges and seconded by Ms. Dooner to adjourn the meeting at 7:36 PM. So voted.



Respectfully submitted,

Maggie E. Clarke  
Clerk of Council Committees

**REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.**

Jennifer R. Regan  
CITY CLERK