

**February 1, 2011
Special Town Council Meeting**

The February 1, 2011, Special Town Council Meeting was called to order by Gordon E. Rogers, President, of the Foster Town Council at the 6 South Killingly Road, Foster, Rhode Island, at 5:00 p.m.

The following members were present:

Gordon E. Rogers, President
Neal C. Whitelaw,
Marianne Knight,
Michael E. Dillon,
Lynne A. DeStefano, Vice President, excused

Also present: David V. Igliozi, Town Solicitor,
Kelli Russ, Town Treasurer,
Steven Gorrarian, Genesys Consulting

The Pledge of Allegiance was recited.

**OLD BUSINESS
COMPUTER
UPGRADE**

Gordon E. Rogers stated that the reason for the meeting was to determine if the computer servers and computer systems in the Police Department and the Town Hall are at an emergency status, which would allow payment of services without going out to bid, to Genesys Consulting Associates, who are current computer consulting associates that the town uses.

- Pursuant to Section 14.02 of the Foster Town Charter, the Town Council will hear evidence to determine if sufficient facts and circumstances exist to declare an emergency and authorize an expenditure of \$5000.00 or more without the necessity of competitive sealed bidding.

Exhibits “1, 2, and 3” attached hereto are three letters of support to request the waiver for this action.

Neal C. Whitelaw moved, Marianne Knight seconded, and it was so voted to consider a declaration for an emergency bid.

Neal C. Whitelaw had concerns that the situation was an actual “emergency” and going through the proper procedures are followed.

Gordon E. Rogers stated that in the letter from Genesys concerning the Police Department, it says that the system cannot backup for more than two days. There are companies out there, for a fee that will backup your whole system, bring it off site and save it. So if the computer goes down, you do have a backup of the whole thing. So it would be saving everything from that date back. So if someone saved the whole thing and put it on a hard drive, it took it off site, it would be saved from that point on. Everything from that point on might be a loss. It states in one of these letters that it would be saving three months; I don’t think it would be saving three months. He thought a bid process would bring that timeframe down. Those are some of his concerns. He has talked with other people who have worked in municipalities and they are interested in bidding on this, and they have municipality experience. He was concerned that not going out to bid, according to charter having the \$5,000.00 limit for the bid process, could bring the cost to \$20,000.00 by the time it’s finished.

Neal C. Whitelaw stated that was his concern in the beginning, but knowing that things can go quickly downhill, He thought we needed to something quickly. It was his understanding that it was not only a backup problem but a space problem also.

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**OLD BUSINESS
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Steve Gorriaran, President of Genesys, stated that there were a lot of different issues with the system other than backup. The biggest problem with the server is the space issue. It is like your PC at home, it has a drive that holds the operating system on it and it fills up and empties out files as it runs. You need some leeway in there for it to run. It is getting more and more full.

Gordon E. Rogers asked if somebody comes in and downloads a lot of the stuff and gets it out of the hard drive, and takes it off site, can some of that be freed up.

Steve Gorriaran stated that you cannot free up anything in an operating system. We have already done that. That is what we have been doing, so we have been taking off and taking off. A lot of what is on the "C" drive is just left to run the machine. There is just one drive that runs the operating system. The information is stored on a data drive. The server has two drives. The data area is fine. The way the server is set up, is the problem. It is the way the space is divided up. The operating system drive is too small. The operating system will shut down.

Gordon E. Rogers stated that he has not seen anything from someone else but this company. This company has everything to gain by the situation.

Steve Gorriaran stated that the council can have someone else look at the situation. It seems that every time the town has a situation with the computer system, they call us because it will be done right, and at an affordable price. The current system is actually a major overkill, but it is set up improperly. We have done and still have many accounts with municipalities, and we are very competitive with our prices. This is why we still have these accounts.

Kelli Russ, Treasurer, stated that once we receive a price we will do the best that we can to determine if that price is competitive by calling other municipalities. The problem is that other bigger municipalities have their own IT departments, and it is done internally. We will do the best that we can to verify the price, within the time constraint that we have.

Robert E. Coyne, Jr., Police Chief, stated that the server that failed last November was built in 1995. There were many things that have been done to it since then to keep it up and running. It was a dual mirror drive, and one of the drives failed about two years ago, so we are only working under one drive. In the last several years he has requested funds for a new server. The tape drive had failed also.

Kelli Russ, Treasurer, stated that the man Gordon E. Rogers asked to come into the town hall never went on to the server. He looked at the Deputy Treasures computer for data space. This has nothing to do with server space. That person never looked at the server information.

Gordon E. Rogers asked if the computer would last six months.

Steve Gorriaran stated that the system could fail tomorrow. There is no memory left. Just backing up the information will not fix the problem. The problem is with the server, even though the backup is not working correctly. The town would be wasting their money to just try to repair the backup system. It does not fix the entire problem. The town would still have to address the

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server problem, which would cost more in the end.

Kelli Russ, Treasurer, stated that Captain Rollinson called an independent company to review the system at the police station and gave them a price, before they actually got the system to where it needs to be, of \$8,500.00, and a price of \$13,000.00 to get the system totally up and running. That price is just for the police department, and is only a temporary fix.

Robert Peterson of Foster Center Road asked if the hard drive could be re-partitioned to create more space.

Steve Gorriaran stated that you could not resize the operating system. It would fail as soon as you restarted it. You could resize the data, but not the operating system.

Lynne Rider of Burgess Road said that the inevitability of failure of the system has been known for quite some time, that is why the money was put in capital to fix it correctly and fix it long term. To just put a Band-Aid is not going to be cost effective. It is not a matter of information storage, it is a matter that the system will just stop operating, and you won't be able to get it back. The money is there it cannot be used for anything else. It goes back into the general fund and unless you plan on building up a surplus at the expense of keeping the town running. That seems very ineffective. The town cannot just give the job to anyone. They will have access to every single thing, social security numbers, bank accounts, tax information, all of the personnel and HIPA policies, everything. Whoever does the work on these systems should have some kind of security bond, especially when working with police departments.

Steve Gorriaran stated that he did not have any problem with going out to bid, and that his company supplies the bids all of the time. He thought his prices were right in line with other companies. Every bid that they submit, they win almost all of them..

Gordon E. Rogers asked Robert E. Coyne, Jr., Police Chief, how long the computer system at the police station has been unprotected.

Robert E. Coyne, Jr., Police Chief stated since the replacement went in, in November.

Steve Gorriaran stated that the town hall and the police station are two different situations. In the police station is that everyone is hoping that nothing happens to the computer, in the town hall it's that the system will just stop working.

Neal C. Whitelaw asked David V. Iglizzi, Town Solicitor, if avoiding an emergency the same as an emergency. If the roof is going to collapse it is not quite an emergency yet, but it will be. If he perceives that as pending or imminent is it as the same thing as an emergency?

David V. Iglizzi, Town Solicitor stated that the charter doesn't define what constitutes an emergency to go outside a bid. The council needs to establish a time for a normal competitive bid. They need to establish whether or not that time frame is a risk they want to take based upon the evidence that they hear. If they feel that risk is too great, then he thinks they have some guidance from the state law, which basically indicates that if it is in the best

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interest of the town, because it is going to avoid a threat to public health and public safety. First you need to agree that there is an emergency, and in this context, the only way you can agree that there is an emergency is to say if I do this tonight, it's going to happen faster than you can go to competitive bid. That has to be the question before this body. You have to weigh whether you want to take that risk. How long is it going to take to go to competitive bid, how long will it take to do it this way? And what is the likelihood that you are not going to succeed in going to competitive bid and getting the bid. That is a risk the town has to weigh, what is the damage.

Gordon E. Rogers said that we should be looking at someone to back up the pertinent information at this point, so if it went down the next day, we have it. It can't be done until next weekend at the earliest. If we let it go out without going out for competitive bid. We should be backing it up in case it goes down.

Neal C. Whitelaw said that the problem is not the backup, the problem is if goes down tomorrow morning, we cannot get the computer to start up.

Steve Gorriaran stated that the system is already not working, things are shutting off. There are no virus definitions going on for the last month.

Neal C. Whitelaw stated that the council needs to decide if this is an emergency, and if something happened tomorrow morning and we knew it was coming is it our fault that we didn't act tonight to do something about it, knowing that it could happen. In his estimation, this is an emergency because he can see it coming, and things happen tomorrow, the computer system shuts down, it is not the backup, it is because the computers are off and now what do we do with the town hall. They cannot retrieve any information whatsoever.

Gordon E. Rogers stated that it is not an emergency until it goes down. At that point he would consider it an emergency, and if you have all that information backed up, it is there. An emergency is when it goes down.

Kelli Russ, Treasurer, stated that without the virus definitions being updated the town hall cannot issue vital records from the state web site.

Steve Gorriaran stated that without the definitions being up to date the State web site denies access.

Kelli Russ, Treasurer, stated that it would take a minimum of two months to go out to bid. The specifications have not even been written.

Tina W. Freeman, CMC, Town Clerk, asked Steve Gorriaran if the computer system failed tomorrow, would he be able to retrieve any of the information on the system.

Steve Gorriaran stated that all of the information may not be retrievable.

Michael E. Dillon asked Steve if it would take a couple of months, based on his expertise, to write the specifications for the work and referring to what is needed, what type of system you need, is that what he was referring to.

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Kelli Russ, Treasurer stated that the specifications are very detailed; it would take time to find out exactly what both building would exactly need. Steve and Wes know our system, they know what we have.

Steve Gorriaran stated that the police station would need some wiring, but not the town hall.

Robert Peterson of Foster Center Road said that considering what Steve is suggesting, he would support the emergency because when an operating system cannot respond to things that are necessary to the operating of the whole system, there is a crisis. If you do not have enough space to take care of virus definitions on the computers, that is a safety issue, especially the police department. I would support the town council in understanding this as an emergency, but I would like to see you do it carefully.

Captain Eric Rollinson stated that the police department has been losing data already. They had a deposition several weeks ago that was a fatal accident on Route Six. They could not pull the photos because they were gone from the computer. When the server went down they lost three or four days of information that they can never get back. Right now the system is working, but working properly. It is an embarrassment to our department and to our town. Someone got killed on Route Six and we do not have the photos to support any evidence that we could have.

Michael E. Dillon asked if the money is specifically held for this project, it cannot be used for anything else.

Gordon E. Rogers said yes, that is correct.

The motion to consider an emergency bid was passed.

Michael E. Dillon aye, Neal C. Whitelaw aye, Gordon E. Rogers aye, Marianne Knight aye.

Neal C. Whitelaw moved that Pursuant to Section 14.02 of the Foster Home Rule Charter, the town council has determined it is a necessity by emergency to award a contract without bid to Genesys Consulting Associates, Box 603224, Providence, RI 02906 for repair and or replace and install a virtual server system for the police station and town hall for an amount not to exceed \$27,000.00 as appropriated at the financial town meeting in capital funds, based upon the letters of evidence by department heads Tina W. Freeman, CMC Town Clerk, Kelli Russ, Treasurer, and Robert E. Coyne, Jr., Police Chief. See exhibits 1, 2, and 3 attached.

**CONCERNED
CITIZENS**

Lynne Rider of Burgess Road asked when the Tax Collector will be sworn in.

Gordon E. Rogers asked Tina W. Freeman, CMC Town Clerk to swear her in, in the morning. She said yes.

Michael E. Dillon moved, Neal C. Whitelaw seconded, and it was so voted to go into Executive Session according to 42-46-5a (1) Personnel and to reconvene in open session and further to keep the minutes of said meeting closed and the minutes of all Executive Sessions held previous to this meeting be closed and remain to provisions of the General Laws of Rhode Island 42-46-4 & 5

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A roll call vote was taken.

Marianne Knight aye, Gordon E. Rogers aye, Neal C. Whitelaw aye, Michael E. Dillon aye.

The regular meeting adjourned at 6:25 p.m.

No votes were taken in executive session.

Executive session adjourned at 7:10 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted By

Tina W. Freeman, CMC
Town Clerk