



*City of Taunton
Municipal Council Meeting Minutes*

*In the Gerald A. Croteau Theater, Benjamin Friedman Middle School
Minutes, August 31, 2010 at 10:37 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

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

*At this time, a moment of silence was conducted to honor Ann Hebert, City Auditor's
mother who passed away.*

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

Communications:

Com. from City Clerk for the appointment of One Permanent Full Time Fire Chief.

Motion was made to refer to the Committee on Fires and Wires. So Voted.

Com. from Chairman, Taunton Christmas Parade Committee requesting to conduct a traffic stop on September 16th from 8:00 AM – 4:30 PM and on September 18th from 8:00 AM – 12:00 PM at the Taunton Green, St. Mary's Square and Longmeadow Road to collect money for the Christmas Parade. **Motion was made to move approval. So Voted.**

Com. from James and Nancy Ritchie, 1359 Cohannet St., Taunton regarding the shaking and vibration on their property that they feel are related to work performed on Winthrop Street. **Motion was made to refer to the Committee on Health and Environment for three weeks. Councilor Marshall voting no. So Voted.**

Com. from Irene Fernandes, John Shea Court, 21 Hodges Ave., Apt. 206, Taunton extending an invitation to their 9th anniversary of the aftermath of 9/11/2001 on Saturday, September 11th at 2:00 PM. **Motion was made to refer to the Council President. So Voted.**

The City Clerk read an extra communication submitted by Mary E. Quinn-Patten, 283 Plain St., Taunton stating that as the owners of Turtle Lane feel that since the City paved the road without prior authorization, the City should be held responsible for maintenance and repair of the roadway. She states she would like to deed to the City her respective portion of Turtle Lane with an acceptable easement for her so the City can take control of Turtle Lane and maintain it safely. **Motion was made to refer to the Committee on the Department of Public Works. So Voted.**

Councilor Carr read an extra communication submitted by the Fire Chief requesting that the Mayor and Council extend a letter of appreciation to the Orcutt family for their generous donation of the new Taunton Fire Dive truck. **Motion was made to move approval. So Voted.**

Petitions and Claims:

Business Operation between 1:00 AM – 4:00 AM

1. Work Out World – 50 O’Connell Way, East Taunton
2. McGrath’s Café – 12 West Water Street
3. PACC – 175 School Street
4. Steve’s Back Stage Pass – 15 School Street
5. CVS – 284 Winthrop Street

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 Hoye motioned that the Committee on Police and License discuss the crosswalk safety (Leonard Street and Broadway) near Bristol County Savings Bank with the Police Chief. Additionally, that the Committee on Police and License also discuss the crosswalks overall in the downtown area. So Voted.

Councilor Hoye motioned that the DPW Commissioner have the catch basin cleaned out in the vicinity of Middleboro Ave. and Viking Street. So Voted.

Councilor Hoye extended gratitude to MassHighway for completing a portion of brush removal on Winthrop Street. Additionally, Councilor Hoye requested that MassHighway complete brush removal on Winthrop Street from Range Avenue to Readmore Book Store. So Voted.

Councilor Marshall motioned that a Dead End Sign be placed on Homestead Crossing. So Voted. *(The City Clerk spoke with the DPW and they stated the sign will be installed on September 7, 2010.)*

Councilor Barbour motioned that the DPW install Go Slow Children signs on Floral Street and Hopewell Street. So Voted. *(The City Clerk spoke with the DPW Sign Division and they stated the signs are on order.)*

Councilor Barbour motioned that the Police Chief have the Safety Officer investigate the crosswalk at St. Mary’s Square and Silva’s Funeral Home and report his findings to the Committee on Police and License within two weeks as the Department of Public Works

cannot go out and paint until the Safety Officer responds back to the Committee on Police and License. So Voted.

Councilor Barbour motioned that the DPW Commissioner have the crosswalks near the East Taunton Post Office re-stripped. So Voted.

Councilor Barbour motioned that the Council go into executive session next week concerning the fire at City Hall with the Fire Chief and City Solicitor. Voting in opposition were Councilors Colton, Croteau, Marshall, Hoye, and Pottier. Voting in favor were Councilors Barbour, Costa-Hanlon, Carr, and Buffington. Motion does not pass.

A motion was made to move the Council Meeting scheduled for September 14, 2010 to September 13, 2010 at 7:30 AM at Maxham School. So Voted. Councilors Hoye, Barbour and Croteau voting in opposition.

New Business:

Councilor Buffington motioned that the City Solicitor present the draft ordinance in proper form for the sewer betterment for the Council agenda for next week. So voted.

Councilor Marshall motioned that the weeds and brush be removed from the tennis courts near the Oakland Education Complex on Norton Avenue to the entrance to the Taunton West Little League complex. So Voted. *(The City Clerk spoke with Jack Kelley on this matter.)*

Meeting adjourned at 11:05 P.M.

A true copy:

Attest:



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 31, 2010

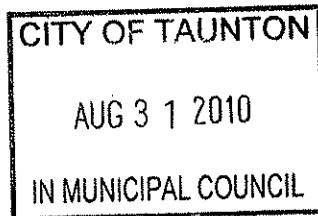
THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND
COUNCILORS POTTIER AND COSTA-HANLON

MEETING CALLED TO ORDER AT 5:39 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE PAYROLLS FOR THE WEEK
COUNCILOR COSTA-HANLON VOTING IN OPPOSITION. COUNCILORS POTTIER AND CROTEAU VOTING IN FAVOR. MOTION CARRIES.
MOTION: MOVE APPROVAL OF THE VOUCHERS FOR THE WEEK

MEETING ADJOURNED AT 5:40 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 31, 2010

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS CARR, COLTON, BUFFINGTON AND BARBOUR. ALSO PRESENT WERE ATTORNEY ROBERT TREANO AND COLLEEN DOHERTY, EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY, BUILDING SUPERINTENDENT WAYNE WALKDEN, AND BUILDING INSPECTOR ROBERT PIROZZI

MEETING CALLED TO ORDER AT 6:32 P.M.

1. **MEET WITH ATTORNEY ROBERT TREANO AND COLLEEN DOHERTY, DIRECTOR OF THE TAUNTON HOUSING AUTHORITY TO DISCUSS DRAFT COPY OF PROPOSED CORRECTIVE DEED FOR FEDERALIZATION OF CASWELL GROVE APARTMENTS**

THE PROPOSED LANGUAGE CHANGE IS A MINOR CHANGE AND WAS APPROVED BY THE ZONING BOARD OF APPEALS. THE CHANGE WILL ENABLE THE HOUSING AUTHORITY TO OBTAIN FEDERAL FUNDING.

MOTION: MOVE APPROVAL

2. **MEET WITH WAYNE WALKDEN, SUPERINTENDENT OF BUILDINGS AND BOB PIROZZI, BUILDING INSPECTOR FOR AN UPDATE ON THE REPAIRS AT CITY HALL**

MR. WALKDEN REPORTED THAT THEY HAVE DECIDED ON THE AREAS TO BE DEMOLISHED, THEY HAVE REMOVED STANDING WATER, THE ELECTRICAL HAS BEEN CUT OUT AND AN ARCHITECT HAS BEEN HIRED TO SURVEY THE BUILDING. THE INSURANCE COMPANY HAS IT'S OWN ARCHITECT, SO BOTH RECOMMENDATIONS WILL MERGE IN AN EFFORT TO COME UP WITH THE BEST PLAN.

ALL OFFICES HAVE BEEN MOVED OUT OF CITY HALL TO MAXHAM, T.E.M.A. IS IN A TRAILER BEHIND CITY HALL. THERE IS ALSO A CONSTRUCTION TRAILER IN FRONT OF CITY HALL CAUSING SUMMER STREET TO BE CLOSED INDEFINITELY.

IF THERE IS ASBESTOS IN THE BUILDING THAT HAS TO BE REMOVED, IT SHOULD BE COVERED BY THE INSURANCE COMPANY. LEAD PAINT IS NOT AN ISSUE.

IT WILL BE 6 MONTHS TO ONE YEAR BEFORE IT IS COMPLETED. THE SPRINKLER SYSTEM ALONE WILL BE EXPENSIVE AND TAKE ABOUT THREE MONTHS TO INSTALL.

IT WAS NOTED THAT MAXHAM IS NOT ADA COMPLIANT. THE BUILDING DEPARTMENT HAS A PLAN TO ADDRESS THIS BY PUTTING IN A RAMP AND WHEELCHAIR LIFT. THIS SHOULD BE COVERED BY THE INSURANCE COMPANY.

MOTION: TO INSTRUCT THE BUILDING COMMISSIONER THAT WHEN HE GETS A SET OF PRELIMINARY PLANS FOR CITY HALL, THE COUNCIL IS TO BE PROVIDED A COPY OF SAME.

IT WAS FURTHER NOTED THAT THE CLEAN UP AND THE MOVE OUT WILL BOTH BE COMPLETED THIS WEEK.

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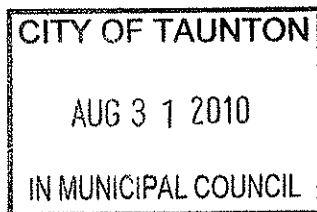
THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

3: **MEET TO REVIEW MATTERS IN FILE**

DISCUSSED WAS THAT AT THE NEXT SCHOOL COMMITTEE MEETING DISCUSSION WILL TAKE PLACE REGARDING THE SELLING OR LEASING OF COHANNET SCHOOL.

MOTION: REFER TO THE CITY SOLICITOR TO RESEARCH WHO HAS THE AUTHORITY TO SELL OR LEASE PUBLIC BUILDINGS. AN OPINION IS TO BE PROVIDED IN TWO WEEKS. A COMMUNICATION IS TO BE SENT TO THE SUPERINTENDENT OF SCHOOLS ASKING HER TO NOT TAKE FURTHER ACTION ON THE COHANNET SCHOOL AND E. POLE SCHOOL UNTIL THE SOLICITOR HAS RESEARCHED AND PROVIDED AN OPINION. ALSO, THAT DISCUSSION BE HELD REGARDING THE POSSIBILITY OF COHANNET SCHOOL BEING USED AS A POLICE STATION AS IT HAS JAIL CELLS, SECURITY CAMERAS, ETC.

MEETING ADJOURNED AT 6:45 P.M.



RESPECTFULLY SUBMITTED,

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

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Rm Blacwell".
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 31, 2010

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR JASON BUFFINGTON, CHAIRMAN AND COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, BUDGET DIRECTOR GILL ENOS, POLICE CHIEF EDWARD WALSH, ATTORNEY WILLIAM ROUNDS, HEATHER GALLANT, DIRECTOR OF BOARD OF HEALTH, MICHELLE RESTINO, CONSERVATION AGENT, ROBERT PIROZZI, BUILDING INSPECTOR, MARY JANE BENKER, ZONING ENFORCEMENT OFFICER AND MICHAELINE SALADYGA OF THE TAUNTON HIGHLAND NEIGHBORHOOD ASSOCIATION

MEETING CALLED TO ORDER AT 6:50 P.M.

1. MEET WITH THE POLICE CHIEF, ZONING ENFORCEMENT OFFICER, CITY PLANNER, CONSERVATION AGENT, DIRECTOR OF BOARD OF HEALTH, THE TAUNTON HIGHLAND NEIGHBORHOOD ASSOCIATION, ATTORNEY WILLIAM ROUNDS AND OWNERS OF PLANET PETROLEUM, 272-274 WINTHROP ST. TO DISCUSS ISSUES WITH THIS PROPERTY

A LETTER THAT WAS SENT TO ATTORNEY WILLIAM ROUNDS DATED 8/9/10 BY THE CHAIRMAN OF THE COMMITTEE ON POLICE AND LICENSE WAS READ. THE LETTER STATED THAT THE COMMITTEE HAD MET WITH THE TAUNTON HIGHLANDS AREA NEIGHBORHOOD ASSOCIATION AND SOME CITY OFFICIALS TO DISCUSS A PETITION SUBMITTED BY THE ASSOCIATION LISTING CONCERNS WITH THE ACTIVITIES OCCURRING AT 272 AND 274 WINTHROP STREET.

AFTER A LENGTHY DISCUSSION, THE COMMITTEE'S POSITION IS AS FOLLOWS:
*THERE IS A NEED FOR THE PROPERTY OWNERS TO COME BEFORE THE ZONING BOARD OF APPEALS IN ORDER TO OBTAIN AN APPROVAL FOR ANY USE OF THE PROPERTY AT 272 WINTHROP STREET. THE COMMITTEE WAS INFORMED THAT UNTIL SUCH TIME AS THIS APPROVAL IS RECEIVED, THERE SHOULD BE NO ACTIVITY TAKING PLACE ON THIS PROPERTY WHATSOEVER.

- AT 274 WINTHROP STREET, THE LANDSCAPED BUFFER BETWEEN 272 AND 274 WINTHROP STREET NEEDS TO BE RESTORED
- THE COMMITTEE AND APPLICABLE CITY DEPARTMENTS ARE WILLING TO WORK WITH MR. ROUNDS AND HIS CLIENTS TO RECTIFY ANY AND ALL CONCERNS WITH THIS PROPERTY AND TO ASSIST IN OBTAINING THE NECESSARY APPROVALS TO REDEVELOP 272 WINTHROP STREET INTO AN ATTRACTIVE AND VIABLE BUSINESS. HOWEVER, THE COMMITTEE REQUESTS THAT MR. ROUNDS AND HIS CLIENTS FILE FOR THE NECESSARY APPROVALS IN THE NEAR FUTURE AND KEEP 272 WINTHROP STREET CLEAR OF ANY ACTIVITY IN THE MEANTIME.
- THE COMMITTEE INSTRUCTED THE CITY SOLICITOR TO ADVISE IT AS TO ANY AND ALL LEGAL OPTIONS AVAILABLE TO THE CITY IN THE EVENT THAT YOUR CLIENTS CHOOSE TO CONTINUE TO OPERATE AT 272 WINTHROP STREET, FAIL TO RECTIFY THE LANDSCAPED BUFFER ISSUE, AND OTHERWISE FAIL TO BE IN COMPLIANCE WITH ANY AND ALL OTHER APPLICABLE PROVISIONS OF LAW.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

IT WAS FURTHER NOTED THAT THE COMMITTEE'S PRIMARY GOAL IS TO WORK WITH MR. ROUNDS AND HIS CLIENTS AND THE NEIGHBORHOOD ASSOCIATION TO ACHIEVE A SOLUTION TO THIS LONG-STANDING PROBLEM.

THE COMMITTEE ALSO VOTED TO REVISIT THIS MATTER ON AUGUST 31, 2010.

MOTION: LETTER TO BE PART OF THE COMMITTEE REPORTS

MR. PIROZZI REPORTED THAT THE CITY ISSUED 21D TICKETS ON THIS PROPERTY WHICH WERE APPEALED IN COURT. THE COURT DECIDED IN FAVOR OF PLANET PETROLEUM. ATTORNEY ROUNDS STATED THAT THESE ARE NOT ISSUES BECAUSE THEY WERE RESOLVED IN COURT. HE FURTHER STATED THAT DURING THE PAST WEEK THE FIRE DEPARTMENT TOOK ACTION AT THE GAS STATION FOR FIRE CODE ISSUES. HIS CLIENTS SATISFIED THE ISSUES. ATTORNEY ROUNDS WANTED TO KNOW THE SPECIFIC VIOLATIONS THE CITY CLAIMS EXIST NOW.

THE NEIGHBORS WANT THE PROPERTY CLEANED UP. THE SCOPE OF THE BUSINESS NOW EXCEEDS WHAT HAS GONE ON IN THE PAST. MRS. MICHAELINE SALADYGA STATED THAT WHENEVER THIS PROPERTY COMES BEFORE THE COUNCIL, THEY CLEAN IT UP, BUT THEN IT GOES BACK TO THE CONDITION IT WAS BEFORE.

ATTORNEY ROUNDS AGAIN STATED THAT HE WANTS TO KNOW IF THERE IS A VIOLATION OF LAW. HE HAS COPIES OF THE COMPLAINTS WHICH WERE DENIED DUE TO NO PROBABLE CAUSE. HE FURTHER STATED THAT SINCE THE HOUSE IS ZONED HIGHWAY BUSINESS, VEHICLES CAN BE PARKED THERE.

DISCUSSED WAS WHETHER A NOISE ORDINANCE EXISTS IN THE CITY BECAUSE TRUCKS ARE DROPPING OFF CARS ALL HOURS.

THE CITY SOLICITOR FEELS THAT THERE IS A CIVIL AVENUE TO EXPLORE. THE COURT FELT NO PROBABLE CAUSE TO ISSUE CRIMINAL COMPLAINTS, BUT THE SOLICITOR DOES NOT KNOW WHY, PERHAPS THE EVIDENCE DID NOT MEET THE STANDARD. ATTORNEY ROUNDS SAID THAT HE WOULD PROVIDE THE COURT DOCUMENTS TO THE CITY SOLICITOR AND THE COMMITTEE.

MOTION: THE CITY SOLICITOR IS TO PROVIDE A LEGAL OPINION OUTLINING THE ISSUES WITH THE PROPERTIES AT 272 AND 274 WINTHROP STREET AND WHAT THE CITY'S OPTIONS ARE.

MS. DANIELLE BRIGGS OF 268 WINTHROP STREET ADDRESSED THE COMMITTEE. SHE STATED THAT SHE COMPILED A LIST OF VIOLATIONS WHICH SHE WILL PROVIDE TO ATTORNEY ROUNDS. THERE WAS ALSO AN ISSUE WITH 272 WINTHROP AS THEY HAVE A TOW BUSINESS THERE. SHE SAID THAT CARS ARE BEING TOWED THERE AND THEY DO NOT HAVE AN ALLOWED USE BECAUSE THE BUILDING DOES NOT HAVE THE REQUIRED FRONTAGE. SHE ALSO STATED THAT ON AUGUST 5TH AT 3 A.M. CARS WERE DROPPED OFF, AT 8:55 A.M. A FLAT BED TRUCK WAS AT 272 WINTHROP STREET AND AT 9:00 A.M. A SECOND FLAT BED TRUCK ARRIVED. SHE WANTS THEM TO STOP DOING BUSINESS AT 272 WINTHROP. SHE WANTS TO WORK WITH THEM, BUT WANTS HER PROPERTY RESTORED TO THE WAY IT WAS.

IT WAS NOTED ALSO THAT 272 WINTHROP STREET IS NOT A GRANDFATHERED USE AS IT WAS A RESIDENCE.

MS. BRIGGS INFORMED THE COMMITTEE THAT A VARIANCE WAS FILED FOR BUT THE PETITIONERS DID NOT SHOW UP FOR THE MEETING. IT WAS CONTINUED SEVERAL TIMES AND FINALLY CONTINUED WITHOUT PREJUDICE. ATTORNEY ROUNDS STATED

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

THAT IT WAS WITHDRAWN.

ATTORNEY ROUNDS WAS ASKED TO LET THE OWNERS OF THE BUSINESS KNOW THAT THEY CANNOT OPERATE BETWEEN 1 A.M. AND 4 A.M., AS THE CITY DOES HAVE AN ORDINANCE RELATIVE TO THIS.

REQUEST WAS MADE FOR THE SOLICITOR TO DETERMINE HOW MANY VEHICLES ARE ALLOWED AT REPAIR SHOPS.

IT WAS ALSO NOTED THAT SOME OF THE ISSUES COULD BE SOLVED WITH THE INSTALLATION OF A FENCE AND RESPECT OF THE CITY'S HOURS OF OPERATION. THE SOLICITOR STATED THAT THE CITY NEEDS TO DEAL WITH THE ISSUES AT 272 WINTHROP STREET BEFORE FENCING SHOULD BE DONE, THE PARTIES NEED TO IRON OUT WHAT WILL HAPPEN AT 272 WINTHROP STREET. THERE ARE PROCEDURAL STEPS TO BE TAKEN WITH REGARD TO 272 WINTHROP. THE CITY SOLICITOR WILL MEET WITH ATTORNEY ROUNDS TO TRY TO ADDRESS THE ISSUES AND WILL IDENTIFY WHAT ZONING STEPS NEED TO BE TAKEN.

MOTION: THE CITY SOLICITOR IS TO IDENTIFY HOW MANY VEHICLES ARE ALLOWED ON EACH LOT, 272 AND 274 WINTHROP STREET IN TWO WEEKS.

MOTION: MEET ON THIS MATTER IN FOUR WEEKS.

2. MEET WITH THE MAYOR, BUDGET DIRECTOR AND POLICE CHIEF TO DISCUSS ADDITIONAL MANNING

DISCUSSED WAS THE NEED TO COMPLIMENT THE POLICE DEPARTMENT STAFFING AND INCREASE THE NUMBER OF OFFICERS ON THE STREET. THE CHIEF STATED THAT HE IS DOWN A TOTAL OF 17 PATROLMEN. HE HAS 13 LESS OFFICERS THAN 10 YEARS AGO. HE HAS PUT OFFICERS ON BIKE PATROLS AND HAS ALSO RE-ASSIGNED OFFICERS. HE IS CURRENTLY RE-EVALUATING THE STRUCTURE OF THE DEPARTMENT. DISCUSSED WAS THE NEED TO LOOK INTO AND DISCUSS SPECIAL ASSIGNMENTS, PERHAPS CURTAIL THEM.

THE MAYOR STATED THAT IT IS DIFFICULT TO FILL POSITIONS DUE TO SIGNIFICANT CUTS FROM THE STATE. HE CANNOT AFFORD TO ADD ADDITIONAL EMPLOYEES.

REQUEST WAS MADE TO CONTINUE THIS DISCUSSION FOR THREE WEEKS.

IT WAS ALSO NOTED THAT FROM 7/1/2009-6/30/2010, \$245,945.11 WAS SPENT ON COURT OVERTIME. REQUEST WAS MADE THAT THE CHIEF SPEAK TO SUTTER'S OFFICE TO SEE IF THERE IS ANYTHING THEY CAN DO TO ADDRESS THESE COSTS.

ALSO DISCUSSED WAS THE NEED TO LOOK AT RETIREMENT BENEFIT PACKAGES IN BOTH PUBLIC SAFETY DEPARTMENTS. THERE ARE HIGH PAYOUTS WHICH CAUSE THE CITY TO BE UNABLE TO BACK FILL. IT IMPACTS THE CITY'S ABILITY TO DO BUSINESS AND IS IMPACTING THE OPERATIONAL BUDGET OF THE CITY.

3. MEET TO REVIEW MATTERS IN FILE

DISCUSSED WAS REQUEST FOR A LEAVE OF ABSENCE BY PATROLMAN IAN MARCOTTE. PATROLMAN MARCOTTE HAS BEEN OFFERED A POSITION WITH ANOTHER LAW ENFORCEMENT AGENCY AND IS REQUESTING A SIX MONTH UNPAID LEAVE OF ABSENCE FROM THE POLICE DEPARTMENT TO PURSUE THIS OPPORTUNITY.

MOTION: TO DENY THE REQUEST

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AUGUST 31, 2010

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MEETING ADJOURNED AT 8:35 P.M.

<p>CITY OF TAUNTON</p> <p>AUG 31 2010</p> <p>IN MUNICIPAL COUNCIL</p>

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 31, 2010

THE COMMITTEE ON SOLID WASTE

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS CARR, COSTA-HANLON, HOYE AND MARSHALL. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, CITY SOLICITOR JANE ESTEY, FRED CORNAGLIA, D.P.W. COMMISSIONER, FALL RIVER MAYOR WILL FLANAGAN, FALL RIVER CORPORATION COUNSEL, STEVEN TORRES, ATTORNEYS TENO WEST, WILLIAM O'GARA AND BRIAN LAMOUREUX OF PANNONE LOPES DEVEREAUS AND WEST, ATTORNEY MICHAEL VHAY OF DLA PIPER, MARK AUGENBLICK OF IWT AND JIM BINDER OF A.R.I.

MEETING CALLED TO ORDER AT 8:44 P.M.

2. **MEET WITH THE CITY SOLICITOR, JIM BINDER OF A.R.I., ATTORNEY TINO WEST, MEMBERS OF THE BOARD OF HEALTH, D.P.W. COMMISSIONER, FALL RIVER MAYOR WILL FLANAGAN, FALL RIVER CORPORATION COUNSEL STEVEN TORRES, REPRESENTATIVE OF I.W.T. AND REPRESENTATIVE OF T.M.L.P. TO DISCUSS ALTERNATIVES AVAILABLE AND REVIEW THE D.E.P. DECISION FOR THE TAUNTON LANDFILL PROJECT AND A COURSE OF ACTION PLAN TO MOVE FORWARD FOR THE PERMITTING PROCESS. PORTIONS OF AGENDA'S DISCUSSION MAY ENTER INTO EXECUTIVE SESSION TO BE DETERMINED BY THE CITY SOLICITOR**

MAYOR FLANAGAN INFORMED THE COMMITTEE THAT THE FALL RIVER LANDFILL IS SLATED TO CLOSE IN THE NEXT TWO YEARS. THEY WOULD SEND 450 TONS PER DAY OF TRASH TO TAUNTON WHICH IN TURN WOULD PROVIDE FALL RIVER WITH A SITE FOR THEIR TRASH, SAVE THE CITY MONEY AND CREATE JOBS IN THIS AREA. HE BELIEVES THAT THE TWO CITIES CAN PARTNER TO ACHIEVE THIS GOAL. ALSO, FALL RIVER CITY COUNCILOR MITCHELL SPOKE TO THE COMMITTEE VOICING HIS SUPPORT OF THE PROJECT. HE FURTHER STATED THAT HE HAS BEEN A SUPPORTER OF WASTE TO ENERGY FOR A LONG TIME. IF TAUNTON BUILDS THIS PLANT, HE BELIEVES THAT THE CITY OF FALL RIVER SHOULD LEND ITS SUPPORT.

DISCUSSED WAS THAT D.E.P. HAS NOT DENIED THE PERMIT BECAUSE THE CITY HAS NOT PURSUED A PERMIT. THE BIGGEST ISSUE NOW IS TO GET AN OPINION AS TO WHETHER THE CITY COULD APPEAL IF A TRASH TO ENERGY PROJECT IS DENIED BY D.E.P.

DISCUSSED WAS WHETHER THE CITY RECEIVED A LETTER FROM THE STATE SAYING THAT THE STATE WOULD NOT PERMIT THE ELECTRICITY PART OF THE PROJECT. THE ANSWER IS NO. THEY SAID THAT D.E.P. AND THE STATE WOULD LOOK AT A CERTAIN PROJECT WITH THREE COMPONENTS (1) GASIFICATION, (2) UPFRONT RECYCLING AND (3) THE PRODUCTION OF ETHANOL FROM THE GASIFICATION PROCESS. IN DECEMBER AT A MEETING WITH THE GOVERNOR A VERBAL NO WAS GIVEN REGARDING THE PRODUCTION OF ELECTRICITY. THE CITY LOOKED AT WHAT MIGHT WORK BECAUSE OF THE MORATORIUM AND EXPLORED ETHANOL. IT WAS FURTHER NOTED THAT A CARVE OUT OF THE MORATORIUM FOR ELECTRICITY WAS LOOKED AT BUT THE GOVERNOR IN DECEMBER STATED THAT HE WOULD NOT APPROVE ELECTRICITY AND WILL NOT CHANGE THE MASTER PLAN. HE WOULD APPROVE

BIOFUELS. HOWEVER, IWT IS NOT ABLE TO OBTAIN A LONG TERM CONTRACT FOR ETHANOL. THE STATE FEELS THAT TRASH TO ELECTRICITY WOULD VIOLATE THE MORATORIUM. THERE IS A POSSIBILITY THAT THE CITY COULD DO THE CREATION OF ELECTRICITY THROUGH FUEL CELLS. MR. BINDER SAID THAT IN ADDITION, AFTER THE MEETING WITH THE GOVERNOR IN DECEMBER, A LETTER FROM THE STATE WAS RECEIVED WITH THE REASONS WHY TRASH TO ELECTRICITY WOULD VIOLATE THE MORATORIUM. THE CITY SOLICITOR STATED THAT THIS IS NOT THE SAME THING AS A DENIEL OF THE PERMIT. SHE SAID THAT LEGALLY, THERE ARE TWO ROUTES THE CITY COULD TAKE, SHE HAS EXPLORED BOTH ROUTES. THE SOLICITOR STATED THAT THE COMMITTEE SHOULD GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND LEASE NEGOTIATIONS.

MOTION: ON A ROLL CALL VOTE, ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION

MOTION: ON A ROLL CALL VOTE, ALL COUNCILORS PRESENT VOTED TO COME OUT OF EXECUTIVE SESSION

NO VOTES WERE TAKEN OR MOTIONS MADE IN EXECUTIVE SESSION.

MOTION: TO HAVE THE SOLID WASTE COMMITTEE GATHER LEGAL OPINIONS AND MEET IN TWO WEEKS IN EXECUTIVE SESSION.

4. MEET WITH THE CITY SOLICITOR TO DISCUSS CURB SIDE RECYCLING CONTRACT

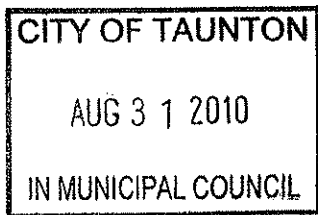
ALLIED WASTE CURRENTLY HAS A TWO YEAR CONTRACT AS THEY WERE THE LOW BIDDER AT \$1.5 MILLION/YEAR. THEY CAME TO THE CITY PROPOSING A 5 YEAR CONTRACT WITH PRICES FORWARDED. THERE WOULD BE A SAVINGS TO THE CITY IN THE EARLY YEARS AND IT WOULD INCREASE IN THE LATER YEARS.

MOTION: REFER TO THE COMMITTEE IN TWO WEEKS. CITY SOLICITOR TO PROVIDE OPINION AS TO WHETHER THERE ARE PROCUREMENT ISSUES.

5. MEET TO REVIEW MATTERS IN FILE

THE BOARD OF HEALTH ADDRESSED THE COMMITTEE INFORMING THEM THAT THERE IS A NEED FOR TRASH ENFORCEMENT IN THAT THE CITY TRASH BAGS SHOULD BE PLACED IN A BARREL WHEN THEY ARE PUT OUT FOR PICK UP. THIS HAS BECOME AN ISSUE IN THE CITY, AND PHOTOS WERE PROVIDED OF TRASH IN THE ROADWAY DUE TO A CITY BAG BEING LEFT ON THE SIDEWALK.

MEETING ADJOURNED AT 10:35 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Colleen Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in black ink that reads "Rm Blackwell".

CITY CLERK