



City of Taunton
Municipal Council Meeting Minutes

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In the Chester R. Martin Municipal Council Chambers
Minutes, February 23, 2010 at 9:40 O'clock P.M.

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

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

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

Hearings:

Continued hearing came up by assignment upon the recommendation of the Liaison Committee to discuss the possibility of sanctions against Fernandes Masonry, Inc. for non-compliance of the City of Taunton Ordinance, Section 2-306. **Motion was made to open the hearing. So Voted. Motion was made to invite the parties in, including --- Victor Fernandes, Counselor Carolyn Francisco representing Fernandes Masonry, Inc., Dave Araujo, representing the 50/50 Liaison Committee, Arthur Lopes, representing the 50/50 Liaison Committee and Maria Gomes, Human Resource Director. So Voted.** The Mayor stated the last meeting was continued and asked Ms. Gomes to begin. Ms. Gomes stated this is a continuation of the hearing that was held a couple of weeks ago regarding Fernandes Masonry at the request of the council as they wanted to give some thought to the Liaison committees request that they review possible sanctions on Fernandes Masonry for the non-compliance of the 50/50 Ordinance. Councilor Marshall asked for the total number of hours. Maria passed out a compilation of that up to the current date of certifications received in the HR office through Feb. 6, 2010 and asked the council to take a moment and look it over now and she would answer any questions. She stated basically we are here to see if the Council has any questions. Councilor Marshall stated we have Arthur Lopes and David Araujo from the 50/50 Liaison Committee to answer questions as well as Ms. Gomes who is the coordinator and Councilor Sherry Costa-Hanlon who is also a member of the Committee. Mr. Marshall asked basically, 9.8% of the employees on the project were Taunton residents and 7.6% were residents of the Greater Taunton Area. Ms. Gomes stated that the percentage represents the total # weeks (some weeks reflected in the spread sheet has no Taunton residents) and takes an average of 64 weeks. If you spread it over the total # weeks, you come up with that average for the resident percentage hours after the key personnel are backed out and you have the remaining hours left. Also, broke down even further for surrounding community percentages of hours. We ranked those up for the benefit of the Council if they have any interest in that #. Councilor Marshall stated he just noted that week # 45 and 64 there was nobody on the job. Maria stated that was correct. Councilor Marshall asked then if the number should have been calculated by 62 and not 64. But he

stated that the number wouldn't jump that much and if no one was working, they can't be held liable. So our main purpose is if you add 9.8% + 7.6% that would be roughly 18% and we say 20%. Councilor Marshall stated it is fair to say that over the course of the 64 weeks, 20% have been employees of the Greater Taunton Area. The City Solicitor stated 20% of the total hours plus the employees. Councilor Barbour asked Ms. Gomes if of that 20% over the course of time and maybe through her to one the members of the Liaison Committee, what would they consider that percentage to be low, average, high? Two weeks ago when the hearing opened, he stated he saw the work details, amounts of healthy wages paid, ads that were typed and prepared, but did not see the frequency they were ran. Sees posted with career center and on line. He stated this is where his ignorance comes in. On one hand he feels Fernandes Masonry made a fair and valid effort to attract local people but then he is not sure they succeeded in that or is it that the trade is so highly skilled that that might not exist locally. So his question is back to the 20%. Is it considered standard for population from our area to represent the needs of Fernandes Masonry? Councilor Barbour asked if the Committee feels it is low or that Fernandes Masonry did not make a valid effort to honor the 50/50 Ordinance. When the company bid on project they knew we had an ordinance whether or not they felt it is constitutionally correct or whether they agreed with it they understood we had this ordinance. Any arguments from that point on with the ordinance is a mute point. They knew that we had one in existence. When they presented their information, that a bricklayer is paid \$64 Councilor Barbour jokingly said he would lay the bricks for them as that seems like a lot of money and why wouldn't people take advantage of that. So he questions whether 20% is a decent # or is it a ratio? Ms. Gomes stated she could not give an answer on that due to the way it is spread out over the number of weeks. Like Councilor Marshall said, during a 62 week period as you can see if you look at the spreadsheet they weren't reflecting any resident hours up until before March 2009 which the Liaison Committee actively began pursuing and getting in touch with these contractors and saying ok you have the contractors but not meeting the requirement of the 50/50 – what's going on? Then we saw a significant spike. If you look at the hours, they had a significant number of hours from January through week 18. Look at the hours. The hours were significant for the first forty weeks of the project. It is not up to the committee. They make a recommendation to the elected body (the Municipal Council) based on the residency ordinance that they voted on and adopted for the city. It is really a decision of the elected body how they feel they want to enforce the ordinance. Councilor Barbour directed his question to Mr. Araujo who by trade is a union representative asking if the number is low compared to our expectations especially for the trade and what was done. He also questions whether Mr. Araujo feels they successfully advertised enough to try to get local talent to perform these tasks or does he feel this is a low number? Mr. Araujo stated he thinks that the information presented to the Council last week with the applications to the career center with the applications Fernandes Masonry filled out seeking masons and laborers and maybe they conducted some career days and advertising in the newspaper, but we asked them for that information two weeks ago before the Committee came before the Council. If we had that info and we decided as a Committee they made a good faith effort to advertise 10 weeks or 15 weeks and so forth then we would not be here with this in front of you tonight because he thinks we are a compassionate body that would say these people are making a good faith effort. He feels that it is the opinion (not speaking for the rest of the Committee) that Fernandes Masonry did not in our minds make a good faith effort or provide the Committee with enough

information to show they made a good faith effort so that is why the Committee brought this issue before the Council. Councilor Barbour stated last time we met which was about 2 weeks ago there were some options on the table. One, for example would be a sanction that they could not in the future bid or work on our projects. Another option was to sanction them financially. He thinks one figure was around 1% or \$40,000. Do you feel that that is a sanction that is appropriate maybe for something such as tardiness or cooperation. That is a lot of money for a smaller company. Mr. Araujo stated he really does not want to make a commitment on sanctions. What he really wants to do as a member of the Committee is bring the information to the Council so they can make that decision. He does not think it is right for him to make the decision. He states the Council asked him to serve on this Committee to do the legwork along with Ms. Gomes to bring the information back to the Council. The Committee recommends to the Council that they feel there should be a sanction but he does not want to, personally, say what the sanction should be. That is up to the Council. Councilor Barbour agrees with him but stated in all the years he has served on the Council he has never had a company before him for a violation of the 50/50 Ordinance. He wants to do what's right by the City but also wants to be fair to the people he is making the judgment on. He looks at it from the perspective that on one level, many of the obligations Fernandes Masonry have attempted to meet, but on the other hand Councilor Barbour has to listen to the opinion of the Liaison Committee that they have formed so that's why he goes back to Mr. Araujo for some guidelines or opinions on how we should go in terms of if collectively, they feel there should be sanctions on this company. Mr. Araujo stated the Liaison Committee was formed some years ago and then disbanded and it has come back to light because there is a high unemployment rate in the City of Taunton and surrounding area and it was regenerated again. He does not know when the Committee met before we started this roughly about a year ago. That is probably why many of the Councilors sitting here now never had the opportunity to have this discussion or this decision to make. He does not think we all sit here and want to sanction any contractor who works for the City. We have to watch out for the people who live in the City and, in this case, the surrounding cities just like they do in New Bedford, Quincy, Boston, Springfield all across the Commonwealth. We need to take care of our area, our own. It is not specifically to go out and punish anybody but it is a matter of taking care of our area. We all do public service to take care of the people who live in the City of Taunton. That's why we are here. We are asking the people who bid on these jobs to make sure they take care of the City of Taunton and the people in it. Councilor Barbour thanked Mr. Araujo and thought he made a good point. The Mayor asked Mr. Araujo for the record, if all the vendors on this project were union. Mr. Araujo stated no. The Mayor asked Mr. Araujo, from the position of a union laborer who is out of work, if you have a company that is non-union, are there rules in the union that they cannot work for that company? The Mayor asked if they would be sanctioned or looked upon unfavorably if they were to join a non-union company? Mr. Araujo stated no. If the union doesn't have work for them, they have to go out and support their family. If the non-union company does not have work, they need to knock on any door they can to seek employment. The Mayor is just looking at what the guidelines are so there are no impediments. Mr. Araujo stated not that he is aware of and he has been doing this for over 30 years. The Mayor asked relative to this, and he applauds the work the committee has done to bring this forward, but he understands there were other companies that were scrutinized but not brought to this point. Mr. Araujo stated the Committee did see evidence introduced that showed they went to the Career

Center. Councilor Costa-Hanlon asked how egregious was their lack of effort to do that that gave rise to them being here and not the others? Councilor Costa-Hanlon stated that they had 6 contractors on this project that they wanted to speak to the Liaison Committee. Their numbers were similar however, they advertised for 10-15 weeks. They showed us that at times they had Taunton residents and for whatever reason those Taunton residents weren't keeping up with the work schedule so they had to let them go. Even after they let those Taunton residents go, they continued to advertise. There was continuous advertising and reaching out to the Career Center on a regular basis. They were reaching out to the local unions as Mr. Araujo said. They were willing to offer apprenticeships that mitigated the need for OSHA training. They came to our meeting and the first thing they said to us was they realized they were not meeting the standard but they were trying. They at least acknowledged there was a standard they were supposed to be meeting and they were trying and gave evidence upon evidence upon evidence, continuing to advertise and do things they needed to do to reach out to the Community. She stated that Mr. Fernandes and Griffin Electric were the two we were going to bring forward. Griffin's numbers came up precipitously they are actually almost in compliance at this point. They are 47% so at that point, Griffin dropped off the radar. We met with all these people in July and August and gave everyone the opportunity before we just presented this so even after that we gave them another six months to reach out to us to show us they are advertising in between that time. We don't see any of that. We see 4 weeks of advertising in the Career Center from Fernandes. Basically when we met with Mr. Fernandes he said he had core group of people that he always hires those he intended to have at the job and the majority of the core group were not from the surrounding areas or Taunton. That's what he stated in July and looking at his numbers there was not much else he was looking to do after that. When Ms. Gomes sent out the letters, there was some improvement but before that there was nothing there. That was our rationale. The Mayor asked if there was any other group that had for example 5 guys, knowing what those guys could do and bid the project on the quality and timeliness that those 5 guys could do and then told they had to hire 5 different guys after they bid based on what their guys could do. Was there anyone else who bid that had a family business that you treated differently? No, they came to us first and explained their situation. The other companies the Committee was looking at advertised much more and not just with the Career Center but also with the local newspaper. Met with Griffin two times and they were able to increase their numbers. Mr. Araujo stated regarding the masonry part, Parker School was the majority of the masonry project and is a certain amount of weeks and certain window. Before that started, Fernandes didn't have a lot of work to do and then they ramped up while they built the school and now during the rehab of the high school they do not have a lot of work. They knew the window of the project was building the Parker School even though the job goes on for 3 ¾ years the window for the masonry work was that one summer so they should have ramped up before or advertised before or come to see the Liaison Committee before the ramp up of the Parker School. Before the Parker School and after, there are just bits and pieces of masonry work and for the rebuilding of the school. Ms. Francisco stated she is unclear as to why the constitutional issues have not been addressed yet simply because something is in a contract or not does not make it constitutional so she is still concerned. She stated the contract documents are not a model of clarity and in fact do not publish the sanctions in the contract. She is also concerned of comparing trades. Electricians, masons and door guys are all very different. She feels that there is comparison between apples and oranges. She has not quibbled about the

numbers. She disagrees with the good faith effort of this company and there is one bricklayer in the room and he is the best position to decide who is skilled to build a quality project that the City deserves which is essentially the disagreement. Councilor Buffington asked the City Solicitor her thoughts. She stated there are complex constitutional issues at stake if a challenge is brought to the ordinance and the cases decided have shown some ordinances being struck down on constitutional grounds with similar provisions to ours. Whether ours would withstand would depend on what supporting documents showing how closely tied our ordinance is to conditions of employment, whether our state residents are contributing factors to employment. She also feels that the cases cited by Attorney Francisco also raise issues of standing and that may be an issue here. She feels as a general matter of this nature she is not prepared to say she would declare the ordinance unconstitutional in this forum without going further. There are issues that are complex and may be subject to challenge. He asked what evidence if any she has that the company raised at anytime? She feels it is now being raised for the first time and they are asking that we take a look at it and goes toward the likeliness of the success of any challenge issues of standing, timing as well as relating to the ordinance itself. Attorney Francisco feels pretty confident that she can meet the standing requirement set by the Supreme Court which is whether this company employs out of state workers. She states the contract the City uses only lists a section of the ordinance, not the entire thing. Maria Gomes stated they send an electronic database to the Liaison Committee of all the certified payrolls to discuss at their monthly meetings for their review. Councilor Carr states it seems that she has only seen their numbers which she feels subjective as she has not seen all the numbers of the other 25 companies. Councilor Costa-Hanlon stated that it is the job of the Liaison Committee and all the Committee's information is public if anyone would like to see it. The Mayor stated the Liaison Committee does a great job. Councilor Croteau feels that the Committee has been on the side of the company and that the constitutionally is for the courts not for the Council. He stated he is familiar with New Bedford and the language they use for their contracts and since the company is from New Bedford they should be aware of the 50/50 rule. **Councilor Croteau motioned to impose sanctions against of 1%. So Voted. Councilors Carr and Barbour in opposition. Councilor Croteau motioned that the City no longer accept bids from this company. Councilor Croteau withdrew this motion. Councilor Costa-Hanlon motioned that the Council motioned to earmark the funds the City receives from these sanctions to conduct an OSHA training for our City Residents. So Voted. Councilor Croteau voted in opposition. The Mayor stated he will take this motion of OSHA training under advisement.**

Communications from Mayor:

Appointments:

Communications:

Com. from Administrator, Taunton Nursing Home requesting to pay prior year bills in the amount of \$3,488.75. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from William Rutherford, President, Taunton Police Patrolman's Association and members endorsing support of the Civil Service Process and requesting that the City

choose the number one candidate on the Civil Service List who is willing to accept for the position of Police Chief. **Motion was made to refer to the Committee on Police and License. So Voted.**

Com. from Lemar Padelford stating he feels he was substantially overpaid in a check dated January 7, 2010 and requesting a copy of his September 2009 agreement and an immediate correction on the overpayment included in this check as well as a detailed analysis of the adjustments made to this check and the basis for those changes. Finally, he requests an explanation of the changes in medical insurance deductions from the last two pay periods in December. **Motion was made to refer to the Mayor's Office and Human Resources. Lemar Padelford's paycheck is in possession of the City Treasurer. So Voted.**

Com. from Sr. M. Margretta Sol, Our Lady of Lourdes School requesting use of the electronic sign to advertise their Annual Penny Sale on March 6, 2010 at 5:00 PM at the school. **Motion was made to move approval. So Voted.**

Com. from Attorney David Gay, 73 Washington St., P.O. Box 988, Taunton requesting to meet with the Committee for the Department of Public Works on the Sewer Betterment Assessment for Garden Street. **Motion was made to refer to the Committee on the DPW. So Voted.**

Com. from Rob and Lisa Faria, 71 Queen Elizabeth Lane, Taunton requesting permission to conduct a road race to benefit Universal Newborn Screening and Hunter's Hope on May 23, 2010 beginning at 10:30 AM at the Holiday Inn. **Motion was made to move approval and notify the Police Chief, Fire Chief, and Ambulance Service and for pre-approval to use the electrical sign. So Voted.**

Petitions and Claims:

Claim submitted by Thomas Donahue, 87 Crooked Lane, Lakeville seeking reimbursement for damages to his automobile from hitting a pothole on Route 79 near the Star Drive-In. **Motion was made to refer to the City Solicitor. So Voted.**

Special Permit Site Plan review submitted by Catherine Cyr, 80 Theresa St., Taunton to allow a Class II (7-12 dog) kennel license at 80 Theresa Street located in the Urban Residential District. **Motion was made to refer to a public hearing. So Voted.**

Departmental Site Plan Review submitted by KGI Properties, LLC, 10 Memorial Blvd, Suite 901, Providence, RI represented by Attorney David T. Gay to allow a 34,811 sq. ft. addition and 15,000 sq. ft of outdoor storage to the existing shopping center at 2085 Bay Street located in the Business District. **Motion was made to receive and place on file. 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:

Motion was made to move the executive sessions to the end of the meeting. So Voted.

Councilor Costa-Hanlon stated that in January she requested a list of grants that have been issued and where they came from. The Mayor stated he will get the Councilors a copy of that. So Voted.

Councilor Croteau motioned that the Council receive an update on the Harris Street betterment assessment for this week. Additionally he asked for that request for next week and he hopes all procedures will be in place and refer to the Committee on the Department of Public Works. So Voted.

Orders, Ordinances, and Enrolled Bills

Ordered That,

The Committee of the Needs of the TMLP on February 9, 2010 voted in favor of the adoption of Chapter 31 Section 28A Appointment of Apprentice Lineman; Age Restrictions

Section 28A. Notwithstanding any general or special law to the contrary, in any city or town which accepts this section, no person shall be eligible to have his name certified for original appointment to the position of apprentice lineman in a municipal light department if that person has reached his thirty-second birthday on the date of appointment. A veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall a candidate for appointment be credited with more than 4 years of active military duty. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

New Business:

Councilor Barbour motioned that weather permitting, the DPW Commissioner have the crosswalk across from Trucchi's on County Street repainted. So Voted.

Councilor Barbour motioned that weather permitting, the DPW Commissioner have the street sweeper clean Main Street in the vicinity of Jimmy's Restaurant. So Voted.

Councilor Barbour stated he has received complaints from residents of Liberty Street expressing concern for 3-4 trees that they feel are dangerous and hazardous to the roadway. Therefore, he motioned to have the Commissioner of Parks, Cemeteries, and Public Grounds look into this issue. So Voted.

Councilor Pottier stated that the Taunton Flea Market owner has a number of signs advertising the flea market on telephone poles which is not allowed per city ordinance. Therefore, a motion was made that he remove these signs. So Voted. Additionally, Councilor Pottier motioned that the Acting Police Chief provide a report stating whether

the flea market located at 437 Whittenton Street has a permit to operate for next week's Council Agenda. So Voted.

Councilor Costa-Hanlon motioned that volunteers be exempt from the ethics training requirements and adopt requirements on the website as long as approved by the City Solicitor in conjunction with the City Clerk. So Voted. Councilors Carr in opposition.

Councilor Croteau motioned to meet with Waste Management to discuss current landfill for the expansion with the Committee on Solid Waste. Therefore, a motion was made to combine the meeting with ARI and have Mr. Bender attend along with the Board of Health. So Voted.

Councilor Hoye asked that the Council receive a copy of the state statute and any City Ordinance along with an opinion from the City Solicitor regarding the legalities on the expansion of the Taunton Redevelopment Authority up to 111 Main Street. Councilor Buffington motioned that the Chairman, Taunton Redevelopment Authority submit a report concerning the Taunton Redevelopment Authority including what their annual budget is and what their assets are. So Voted.

Executive Session – Motion was made from the Municipal Council meeting of February 9, 2010 – Meet to continue the investigation into a claim (Police). **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of entering executive session at 10:30 PM. So Voted. Motion was made to continue until March 23, 2010. So Voted. One motion was made in executive session.**

The Council remained in executive session for the next matter.

Executive Session – Motion was made from the Municipal Council meeting of February 16, 2010 – Meet to discuss the Star Building and Operation Cleanup with the Mayor, City Solicitor, Fire Officials and Building Officials.

Two motions were made in executive session.

On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of coming out of executive session. So Voted.

Meeting adjourned at 12:05 A.M.

A true copy:

Attest:

Rm Blacnwell

City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2010

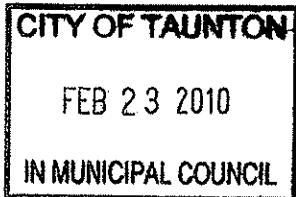
THE COMMITTEE ON FINANCE AND SALARIES

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

MEETING CALLED TO ORDER AT 6:28 P.M.

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK

MEETING ADJOURNED AT 6:29 P.M.



RESPECTFULLY SUBMITTED,
Colleen M. Ellis
 COLLEEN M. ELLIS
 CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

RM Blawie
 CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2010

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR JASON BUFFINGTON, CHAIRMAN AND COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE ACTING CHIEF JOHN REARDON, DETECTIVE DENNIS SMITH, HUMAN RESOURCE DIRECTOR MARIA GOMES, CITY SOLICITOR JANE ESTEY, POLICE OFFICER WILLIAM RUTHERFORD AND ROY MCNAMEE AND JEAN ENTWISTLE OF COOK AND COMPANY

MEETING CALLED TO ORDER AT 6:36 P.M.

1. **MEET WITH THE POLICE CHIEF & DETECTIVE SMITH ON PETITION OF JEAN CHEDID, D/B/A PJC AUTO SALES, 397 WINTHROP ST. FOR NAME CHANGE OF CLASS II LICENSE TO CHEDID MOTORS, INC.**
MOTION: MOVE APPROVAL

2. **MEET WITH THE POLICE CHIEF TO DISCUSS TRUCK TRAFFIC ON BURT STREET**
THE POLICE CHIEF STATED THAT THE COUNCIL HAD MADE A REQUEST TO RESTRICT TRUCK TRAFFIC FROM BURT ST., PORTER ST., AND SHORES ST. AN ENGINEERING STUDY IS NEEDED FOR STATE APPROVAL. HE HAS CONSULTED WITH THE CITY ENGINEER AND HE STATED IT MAY BE POSSIBLE TO DO A STUDY SOMETIME IN SPRING OR SUMMER.
MOTION: SO MOVED

4. **MEET TO REVIEW MATTERS IN FILE**
 - A. DETECTIVE SMITH REQUESTED THAT THE CONSTABLESHIP OF WILLIAM GARCIA WHICH WAS APPROVED ON FEBRUARY 9, 2010 BE MODIFIED FROM CIVIL PROCESS ONLY TO WITHOUT RESTRICTION.
MOTION: SO MOVED.
 - B. DETECTIVE SMITH REQUESTED THAT ANTHONY ROMA D/B/A DE-ANTH MOTORS, 295 BROADWAY BE INVITED TO A FUTURE MEETING TO DISCUSS HIS PETITION FOR RENEWAL OF CLASS II AUTO LICENSE
MOTION: SO MOVED.
 - C. THE POLICE CHIEF PROVIDED A REPORT THAT STATED THAT AT A COUNCIL MEETING HELD ON FEBRUARY 2, 2010, THE COUNCIL MOTIONED THAT THE SAFETY OFFICER INVESTIGATE THE PLACEMENT OF TWO "GO SLOW" SIGNS ON ALEGI AVENUE. THE SAFETY OFFICER HAS CONTACTED THE DEPARTMENT OF PUBLIC WORKS AND INSTRUCTED THEM TO PLACE A "CAUTION CHILDREN" SIGN AT THE BEGINNING OF ALEGI AVENUE

3. **MEET WITH THE HUMAN RESOURCE DIRECTOR, CITY SOLICITOR & REPRESENTATIVE OF COOK & COMPANY TO DISCUSS ISSUE OF RETIRED POLICE OFFICERS & CURRENT POLICE OFFICERS RECEIVING NOTICES FROM COLLECTION AGENCIES REGARDING OVERDUE BILLS FOR PERIOD WHEN THEY WERE OUT OF WORK INJURED**
THE HUMAN RESOURCE DIRECTOR STATED THAT TWO WEEKS AGO THE COMMITTEE MET REGARDING NON PAYMENT OF INVOICES SPECIFIC TO

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FEBRUARY 23, 2010

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

INDIVIDUAL POLICE OFFICERS WHO HAD BEEN RETURNED TO FULL DUTY WITH NO RESTRICTIONS. BILLS HAD BEEN DENIED THROUGH THE CITY'S PROCESSING BECAUSE THERE WAS NO CURRENT ACTIVE INCIDENT REPORT ON FILE. BASICALLY, THEY ARE HERE TO EXPLAIN THE PROCESS TO THE COMMITTEE. COOK AND COMPANY WAS INVITED AS THEY ARE A COMPANY UNDER CONTRACT FOR THE POLICE AND FIRE TO EXPLAIN WHAT THE PROCESS IS, WHAT THEY DO FOR THE CITY, WHAT THE STANDARD PROCEDURE IS FOR OUR CITY AND NUMEROUS COMMUNITIES ACROSS THE STATE.

MR. MCNAMEE OF COOK AND COMPANY GAVE A BRIEF BACKGROUND OF HIS COMPANY AND INTRODUCED JEAN ENTWISTLE WHO IS THE CLAIMS ADMINISTRATOR FOR THE CITY OF TAUNTON FOR COOK & CO.

THE CHAIRMAN OF THE COMMITTEE STATED THAT AT THE LAST MEETING, COOK AND COMPANY WAS SUPPOSED TO MEET WITH THE HUMAN RESOURCE DIRECTOR AND AT LEAST ONE RETIREE THAT HAS BEEN HAVING AN ISSUE WITH SOME BILLS. MR. MCNAMEE STATED THAT THE HUMAN RESOURCE DIRECTOR DID MEET WITH THE RETIREE, THE RETIREE HAS SPOKEN TO OFFICER RUTHERFORD AND HE STATED THAT SOME OF HIS BILLS HAVE BEEN PAID, SOME HE GAVE TO MRS. GOMES AND SHE SAID SHE WOULD BE TAKING CARE OF THEM. THE REASON WHY THE INCIDENT WASN'T PAID, WAS BECAUSE THE BILLS WERE SUBMITTED TO BLUE CROSS BLUE SHIELD BY ACCIDENT, AND THEY DECIDED IT WAS A WORKMEN'S COMP. CLAIM SO THEY DID NOT PAY IT.

FURTHER, OFFICER RUTHERFORD STATED THAT REGARDING THE CURRENT POLICE OFFICERS, ONE INCIDENT COULD BE RESOLVED WITH MRS. GOMES EXPLANATION, BUT THE TWO OTHER INCIDENTS CANNOT.

THE CITY SOLICITOR INFORMED THE COMMITTEE THAT COOK AND COMPANY SHOULD PROVIDE THE PROCESS FOR THE CLAIMS FROM COOK AND COMPANY IN ORDER TO DETERMINE IF THERE IS SOME GAP OR MISCOMMUNICATION.

OFFICER RUTHERFORD STATED THAT COOK AND COMPANY WAS HIRED BY THE CITY AS A CONSULTANT ACCORDING TO THE PATROLMEN'S CONTRACT AND THE SUPERVISORY CONTRACT TO NEGOTIATE RATES FOR SERVICES OR DOCTORS WHEN SOMEONE IS OUT INJURED. FROM THE PATROLMEN'S PERSPECTIVE, COOK AND COMPANY HAS OVERSTEPPED THEIR BOUNDS AND HAVE ACTUALLY DENIED CLAIMS THAT ARE VALID AND HAVE EITHER BEEN AGREED UPON BY THE CHIEF OR BY THE DOCTOR.

WHEN ASKED WHO HAS THE LEGAL AUTHORITY TO DECIDE WHETHER ANY PARTICULAR BILL GETS PAID, THE CITY SOLICITOR STATED THAT THERE HAS TO BE A FIRST STEP, A WRITTEN FILED INCIDENT REPORT FROM THE OFFICER, FILED THROUGH THE CHIEF AND VERIFIED BY A DOCTOR OF THE PERSON WHO IS INJURED'S CHOOSING - SO HIS DOCTOR. THEN THE CITY, ACTING THROUGH THE APPOINTING AUTHORITY, WHICH IN THIS CASE IS THE COUNCIL, AND ACCORDING TO LAW, IT WOULD BE A REPRESENTATIVE FROM THE COUNCIL IN CONJUNCTION WITH THE SOLICITOR'S OFFICE AND A PHYSICIAN APPOINTED BY THE CITY COULD REVIEW AND REQUIRE A SECOND OPINION. SHE FURTHER STATED THAT THERE WAS CORRESPONDENCE PRESENTED AT THE LAST MEETING WHERE IT WAS DISCUSSED THAT IT APPEARED IT HAD COME THROUGH COOK & COMPANY ASKING THAT THE DESIGNATION OF A SECOND OPINION DOCTOR BE GIVEN TO THE TWO CHIEFS. IT APPEARS THAT IT DID NOT HAPPEN, IT WAS GIVEN TO THE HUMAN RESOURCE DIRECTOR. IF THERE IS A QUESTION, IF THE CITY DOES NOT AGREE WITH THE INITIAL WRITTEN REPORT AND THE INITIAL MEDICAL REPORT,

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FEBRUARY 23, 2010

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

THEN THERE WOULD BE A SECOND OPINION. THERE HAVE BEEN SOME ISSUES, WHICH WERE TALKED ABOUT LAST WEEK ON WHETHER THAT FIRST STEP, THE WRITTEN REPORT AND THE MEDICAL EVALUATION IDENTIFYING THE PROBLEM, THE ILLNESS, THE INJURY, HAS BEEN DONE IN EVERY ONE OF THE CASES IN QUESTION WHERE PEOPLE ARE CLAIMING THE BILLS HAVEN'T BEEN PAID. IF IT HAS, THE CITY HAS A RIGHT TO QUESTION AND OBTAIN A SECOND OPINION. MR. MCNAMEE STATED THAT THEIR ROLE IS TO MAKE RECOMMENDATIONS, THEY DO NOT HAVE ANY STANDING IN THE CITY, SO THEY CANNOT ACTUALLY DENY ANYTHING OR APPROVE ANYTHING. THEY MAKE RECOMMENDATIONS TO THE CITY BASED ON WHAT THE CASE IS AND WHAT THE CLAIM IS, THEN THE CITY MAKES A DETERMINATION ON HOW THEY ARE GOING TO GO FORWARD. IT WAS FURTHER STATED THAT WHEN AN INJURY REPORT IS DONE, AND ONCE THIS IS SUBMITTED TO THE CHIEF OF THE DEPARTMENT, HE IS THE ONE THAT DETERMINES THAT THE OFFICER GOES OUT INJURED LINE OF DUTY. WHEN A BILL IS ISSUED, IT IS SUBMITTED TO THE CHIEF, PROCESSED THROUGH ONE OF THE CLERKS IN THE DEPARTMENT, SHE FAXES OR SENDS THE BILL TO COOK AND COMPANY.

COOK & COMPANY STATED THAT THEY THEN RATE THE BILL, CREATE A VOUCHER FOR THE BILL, THEN SEND IT BACK TO THE CITY, IT GOES ON THE WARRANT AND IT IS PAID. WHEN COOK AND COMPANY RECOMMENDS THAT A BILL NOT BE PAID, THEY NOTIFY THE CITY THAT THERE IS A QUESTION ABOUT THE BILL, FOR INSTANCE IF A BILL IS RECEIVED FOR AN ANKLE INJURY AND THE OFFICER IS OUT ON A BACK INJURY, THEY LET THE CITY KNOW THE BILL DOES NOT MATCH UP. IT IS SENT BACK TO THE PROVIDER SO THEY CAN SUBMIT IT TO THE PERSONS OWN INSURANCE COMPANY. IF THE BILL CAN CORRECTLY BE TIED TO AN INCIDENT REPORT THEN IT IS PAID, IF NOT, IT IS SENT BACK. THE PAPERWORK MUST BE IN COMPLIANCE WITH THE INJURY REPORT. QUESTIONED WAS IF THE BILL IS NOT PAID AND SENT BACK TO THE DOCTOR, AND THE PERSON'S OWN HEALTH INSURANCE DENIES IT, WHO PAYS IT.

IT WAS FURTHER NOTED THAT WHEN A PERSON IS INJURED AND THEN IS CLEARED TO GO BACK TO WORK WITH NO RESTRICTIONS, THEN A WHILE LATER THEY CLAIM TO HAVE RE-INJURED OR EXACERBATED THE SAME INJURY, THEY NEED TO SHOW HOW THEY WENT FROM BEING WELL TO RE-INJURING THEMSELVES. AN INJURY REPORT NEEDS TO BE FILED AGAIN.

COOK AND COMPANY STATED THAT WHEN THEY SEE A BILL, AND IT IS DENIED, THEY E-MAIL THE CLERKS IN THE POLICE AND FIRE DEPARTMENTS. COOK AND COMPANY'S ROLE IS A PROCESSOR, THEY DO NOT DECIDE WHETHER IT IS A VALID INJURY. THEY MAKE SURE ALL PAPERWORK IS IN ORDER SO THAT THE BILL CAN BE PAID. BILLS MUST BE CLEAR AND BE TIED BACK TO THE INCIDENT REPORT FILED.

DISCUSSED WAS THE NEED TO GO INTO EXECUTIVE SESSION AT A SPECIFIC TIME SO THAT THE COMMITTEE CAN DISCUSS WITH THE HUMAN RESOURCE DIRECTOR, CITY SOLICITOR AND COOK AND COMPANY ISSUES WITH SPECIFIC INDIVIDUALS. IT WAS ALSO NOTED THAT THERE NEEDS TO BE A CLEAR DELINEATION OF THE PROCESS IN WRITING SO THAT EVERYONE KNOWS WHAT THE PROCESS IS. THERE ARE SOME SPECIFIC ISSUES THAT NEED TO BE RESOLVED.

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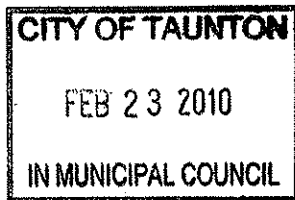
FEBRUARY 23, 2010

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

MOTION: TO MEET IN EXECUTIVE SESSION NEXT WEEK TO DISCUSS SPECIFIC CLAIMS, ALL PARTIES INCLUDING COOK AND COMPANY TO BE PRESENT AT THIS MEETING.

MOTION: THAT A SPECIFIC PROCESS BE PROVIDED IN WRITING FOR NEXT WEEK. ALSO THAT THE ENTIRE COUNCIL BE PROVIDED WITH A COPY OF THE APPLICATION REQUIRED FOR AN OFFICER TO GO OUT INJURED LINE OF DUTY, A COPY OF THE CONTRACT WITH COOK AND COMPANY, A COPY OF THE ORDINANCE THAT MRS. GOMES RELIES ON FOR HER AUTHORITY REGARDING THE BILLS, AND THE STATUTE THAT DEALS WITH THIS ISSUE OF LINE OF DUTY INJURIES AND PAYMENT OF THE BILLS.

MEETING ADJOURNED AT 7:45 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 "RM Blackwell".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2010

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND
COUNCILORS CARR, COLTON, BUFFINGTON AND BARBOUR.
ALSO PRESENT WERE CITY SOLICITOR JANE ESTEY,
TREASURER/COLLECTOR JAYNE ROSS, MR. CHARLES SARKIS,
AND ATTORNEY DANIEL CALABRO

MEETING CALLED TO ORDER AT 7:55 P.M.

**1. MEET WITH THE CITY SOLICITOR AND TREASURER COLLECTOR TO
DISCUSS PROPERTY AT 315 BROADWAY**

THIS PROPERTY HAS BEEN TAKEN BY TAX TITLE BY THE CITY. THE
TREASURER/COLLECTOR INFORMED THE COMMITTEE THAT INITIALLY OWED
WAS \$34,832.40 JUST IN TAXES AND WATER LIENS WITHOUT INTEREST. WHEN THE
DECREE ENTERED AND WAS FINALIZED, THE BALANCE AT THAT POINT WAS
\$24,142.31 WHICH WAS AS OF NOVEMBER 2, 2009. THAT'S TAXES FOR THE PERIOD
2005 THROUGH 2009. THE 2010 TAXES ARE STILL ON THE COLLECTOR'S SIDE, BUT
THERE IS STILL AN OUTSTANDING BALANCE OF \$3,688.80 FOR 2010 TAXES AND
THE FOURTH QUARTER IS NOT ON AS YET. WATER HAS NOT BEEN LIENED TO THE
2010 YET, IT SHOULD BE DONE THIS WEEK.

REGARDING PAYMENTS MADE TO THE CITY MRS. ROSS STATED THAT MR. SARKIS
DID NOT START PAYING ANYTHING UNTIL JUNE 30, 2008 AT WHICH TIME HE PAID
\$2,000. HE PAID ON JULY 11, 2008 AND MADE NO FURTHER PAYMENTS UNTIL JUNE
2009, AUGUST 2009, SEPTEMBER 2009, OCTOBER, 2009 AND NOVEMBER, 2009. THE
TREASURER/COLLECTOR STATED THAT WHEN MR. SARKIS STARTED MAKING
THESE PAYMENTS, THEY HAD INDICATED THAT IT HAD GONE TO LAND COURT,
AND ONCE IT GOES TO LAND COURT YOU CANNOT ENTER A PAYMENT PLAN, HE
COULD PAY IT IN FULL AND THE CITY COULD WITHDRAW IT FROM LAND COURT.
IF HE COULD HAVE PAID IT ALL OFF BEFORE THE DECREE WAS ENTERED, HE
COULD HAVE OWNED THE PROPERTY, BUT HE DID NOT.
NOW THE CITY OWNS IT, AND SOMEONE IS OPERATING A GAS STATION ON CITY
PROPERTY.

IT WAS FURTHER NOTED THAT THIS PROPERTY WENT INTO TAX TITLE ON
DECEMBER 14, 2005. ATTORNEY CALABRO FILED AN APPEARANCE ON FEBRUARY
27, 2009.

IT WAS FURTHER NOTED THAT THE TRUSTEES WERE AWARE OF WHAT WAS
GOING ON BECAUSE THEY HIRED AN ATTORNEY TO REPRESENT THEM. ON
AUGUST 31, 2009 AN AMOUNT CERTAIN WAS PROVIDED FOR ABSOLUTE
REDEMPTION DATE. THIS DID NOT HAPPEN, SO IT MOVED FORWARD.

MR. SARKIS IS RECEIVING \$2,600 PER MONTH FROM THE OPERATOR OF THE GAS
STATION. A NOTICE TO QUIT WAS SERVED TO MR. SARKIN. HE DOES NOT HAVE
ANY LEASE WITH THE OPERATOR. THE CITY DOES NOT KNOW WHO THE
OPERATOR IS SO THE CITY HAS NOT SERVED HIM TO QUIT.

THE CITY NEEDS TO ENTER INTO A LEASE WITH THE CURRENT OPERATOR UNTIL
THE CITY DECIDES WHAT TO DO WITH THE PROPERTY. IF THE OPERATOR
CHOOSES NOT TO LEASE THE PROPERTY HE MUST BE SERVED WITH A NOTICE TO
QUIT.

MR. SARKIS STATED THAT HE COULD PAY \$10,000 NOW AND \$2,500 PER MONTH TO
PAY OFF THE TAX DEBT. HOWEVER, THE CITY STATED THAT BEFORE IT WOULD

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FEBRUARY 23, 2010

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

VACATE ANY JUDGMENT, THE CITY WOULD WANT TO BE MADE WHOLE – ALL OUTSTANDING ISSUES WOULD HAVE TO BE PAID IN FULL.

MR. SARKIS WAS REQUESTED TO PROVIDE THE CONTACT NAME OF THE PERSON OPERATING THE STATION.

A FIGURE WAS REQUESTED FROM THE TREASURER/COLLECTOR THAT MR. SARKIS WOULD HAVE TO PAY IN ORDER TO MAKE THE CITY WHOLE. SHE STATED THAT SHE WOULD NEED A DATE CERTAIN THAT IT WOULD BE PAID IN ORDER TO CALCULATE ALL CHARGES. SHE ESTIMATED THAT IT WOULD BE IN EXCESS OF \$30,000.

MOTION: ENTER INTO AN AGREEMENT TO WORK WITH THE LANDOWNER TO REVERSE THE PROPERTY BACK TO HIM UPON HE SUCCESSFULLY PAYING ALL THE BACK TAXES, WATER LIENS, ATTORNEY FEES, ANY ASSOCIATED FEES, AND AN INTEREST REASONABLY SET FORTH BY THE CITY SOLICITOR. ALSO THAT IN THE EVENT THIS MOTION IS PASSED, THAT THIS MUST BE COMPLETED PRIOR TO THE END OF OUR FISCAL YEAR, AT WHICH TIME ALL TAXES CURRENT INCLUDED, ARE TO BE PAID. THAT A MINIMUM OF \$10,000 BE DEPOSITED FORTHWITH UPON EXECUTION OF THE AGREEMENT WITH THE CITY SOLICITOR AND THAT EQUAL PAYMENTS OVER THE NEXT FOUR MONTHS – MARCH, APRIL, MAY AND JUNE – BE PAID. THE CITY OF TAUNTON NOW OWNS THE PROPERTY SO THE SOLICITOR IS TO NEGOTIATE AND TAKE THE FULL LEASE MONEY FROM THE OPERATOR OF THE STATION. THIS IS TO BE REVENUE TO THE CITY AND NOT COUNT AGAINST WHAT MR. SARKIS OWES.

MOTION WAS NOT SECONDED.

ATTORNEY CALABRA STATED THAT HE GOT NOTICE OF THE HEARING TO BE SCHEDULE ON JUNE 18, 2009 DEALING WITH THE ATTORNEYS IN BOSTON. HE MADE A CALL TO THEM TO LET THEM KNOW THAT MR. SARKIS WANTED TO ENTER INTO A PAYMENT ARRANGEMENT AT THAT TIME. THEY AGREED, AND MR. SARKIS BEGAN PAYING. MR. CALABRA STATED THAT ACCORDING TO THE STATUTE, ONCE A PAYMENT AGREEMENT IS REACHED AND PAYMENTS ARE BEING MADE, YOU CANNOT BRING A PETITION TO FORECLOSE AT THAT POINT, SO HE FEELS THAT THIS PROPERTY SHOULD NOT HAVE BEEN FORECLOSED ON. IT WAS NOTED THAT MR. SARKIS OWNED THE PROPERTY FOR ABOUT 10 YEARS AND HASN'T PAID HIS TAXES FOR ONE HALF OF THAT TIME.

A LETTER OF CAPTAIN ROBERT BASTIS, FIRE INSPECTOR, DATED 2/9/2010 WAS READ IN WHICH HE STATED THAT HE CONDUCTED AN INSPECTION OF THE GAS STATION AT 315 BROADWAY AND FOUND THE FOLLOWING VIOLATIONS:

1. ALL FIRE EXTINGUISHERS WERE MISSING.
FAILURE TO MAINTAIN FIRE EXTINGUISHERS 527 CME 10.02
FAILURE TO COMPLY WITH REQUIREMENTS FOR SERVICE TAGS ON EXTINGUISHERS 527 CME 23.07 (1-6)
2. DAILY INVENTORY RECORDS WERE NOT AVAILABLE FOR REVIEW.
MONITORING IS REQUIRED UNDER 527 CME 5./06. HE INCLUDED A COPY OF

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

THE REGULATION FOR REVIEW. THE PURPOSE OF THIS REQUIREMENT IS THE MONITORING OF LEAK DETECTION ON A DAILY BASIS.

3. SEVERAL POSSIBLE ELECTRICAL CODE VIOLATIONS WERE ALSO NOTED, AND REPORTED TO THE ELECTRICAL INSPECTOR
4. ALL CITY PERMITS AND LICENSES NEED TO BE POSTED.

MOTION: LETTER TO BE PART OF THE RECORD

DISCUSSED WAS THE NEED TO HAVE THE SOLICITOR SEND SOMEONE OUT THERE TO FIND OUT WHO IS OPERATING THERE AND THAT THEY SHOULD SEND THE RENT PAYMENT TO THE CITY.

MR. SARKIS PROVIDED THE NAME OF THE OPERATOR TO BE BASSIL DOUJAJI.

MOTION: ASK THE CITY SOLICITOR TO SEND OUT WHO EVER SHE THINKS IS APPROPRIATE TO THIS PROPERTY TO SPEAK WITH THE OPERATOR OF THE GAS STATION TO INFORM HIM THAT THE CITY OWNS THE PROPERTY AND THAT THE MARCH 1ST RENT PAYMENT SHOULD COME TO THE CITY.

MOTION: THAT THE CITY SOLICITOR, AFTER MARCH 1ST TO NEGOTIATE A LEASE WITH THE OPERATOR OR TO DETERMINE FROM THE OPERATOR WHETHER HE IS INTERESTED IN LEASING IT, BUT TRY TO NEGOTIATE A LEASE, THAT WITHIN THE LEASE IN ADDITION TO ALL THE OTHER STANDAR PROVISIONS, IT CALL FOR A RENT PAYMENT AND ALSO A PROVISION THAT THEY MUST COMPLY WITH ALL LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS, AND IF THEY DON'T COMPLY WITHIN A REASONABLE PERIOD OF TIME THAT CONSTITUTES A LEASE VIOLATION.

MOTION: THAT THE CITY SOLICITOR SPEAK WITH THE AUCTIONEERS TO DETERMINE WHETHER IT WOULD BE PREFERABLE TO AUCTION IT WITH NO TENANT THERE. IF THAT IS THE CASE, THEN THE SOLICITOR IS AUTHORIZED TO EVICT THEM IN A TIMELY MANNER AS SHE DEEMS APPROPRIATE SO THAT IF IT DOES NEED TO BE VACANT AT THE TIME OF THE AUCTION SHE CAN GO INTO COURT, PROBABLY IN MAY, JUNE, OR JULY AND INSTITUTE EVICTION PROCEEDS SO IF IT NEEDS TO BE VACANT AT THE TIME, IT IS READY TO GO. IF IT DOES NOT NEED TO BE VACANT THEN THERE IS NO NEED TO EVICT THEM.

IT WAS NOTED THAT THERE IS NO INDICATION FROM D.E.P. REGARDING CONTAMINATION OF THE PROPERTY.

DISCUSSED ALSO WAS THE NEED TO ADDRESS THE INSURANCE ISSUES WITH THIS PROPERTY.

MOTION: THAT THE CITY SOLICITOR LOOK INTO THE INSURANCE ISSUES WITH THIS PROPERTY IN ORDER TO PROTECT THE CITY.

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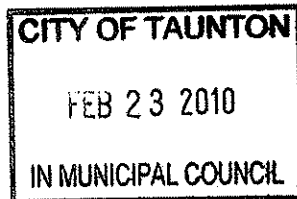
THE COMMITTEE ON PUBLIC PROPERTY -- CONTINUED

CAPTAIN BASTIS STATED THAT THE VIOLATIONS NOTED IN HIS LETTER ARE SIGNIFICANT ENOUGH TO CLOSE THE STATION. CAPTAIN BASTIS IS TO ISSUE THE VIOLATIONS TO THE OPERATOR. THE CITY WANTS THE VIOLATIONS FIXED BY THE OPERATOR AND IF THEY ARE NOT THE STATION SHOULD BE SHUT DOWN. HE STATED THAT IF THE CITY IS GOING TO CONTINUE OPERATING THE GAS STATION, THERE NEEDS TO BE A THIRD PARTY INSPECTION OF THE TANKS, BECAUSE HE CANNOT TELL WHEN THE LAST TIME THE TANKS WERE MONITORED OR A LEAK DETECTION DONE. MR. SARKIS STATED THAT HE HAS ALL THE PAPERWORK AND WILL PROVIDE IT TO CAPTAIN BASTIS.

MOTION: THAT A STATUS AND UPDATE ON THE MEETING BETWEEN CAPTAIN BASTIS AND MR. SARKIS BE PROVIDED TO THE COMMITTEE NEXT TUESDAY NIGHT. CAPTAIN BASTIS DOES NOT HAVE TO APPEAR, HE CAN PROVIDE THE UPDATE IN WRITING.

THIS MATTER IS TO BE PUT ON THE AGENDA IN ONE MONTH FOR AN UPDATE.

MEETING ADJOURNED AT 9:05 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2010

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCILOR DEBORAH CARR, PRESIDENT AND COUNCILORS COLTON, CROTEAU, BUFFINGTON, MARSHALL, HOYE, COSTA-HANLON, POTTIER AND BARBOUR. ALSO PRESENT WERE HUMAN RESOURCE DIRECTOR MARIA GOMES AND ELIZABETH DENNIS

MEETING CALLED TO ORDER AT 9:08

1. MEET WITH THE CITY SOLICITOR AND HUMAN RESOURCE DIRECTOR TO DISCUSS CIVIL SERVICE STATUS OF THE POLICE CHIEF AND FIRE CHIEF POSITIONS

THE HUMAN RESOURCE DIRECTOR HAD BEEN ASKED TO PRESENT DIFFERENT METHODS OF REVIEWING OR CONDUCTING INTERVIEWS FOR CHOICES OF PUBLIC SAFETY CHIEFS, BOTH POLICE AND FIRE CHIEFS. ONE OF THE MOST COMMON THAT IS USED RIGHT NOW ARE ASSESSMENT CENTER TOOLS.

THEREFORE, SHE INVITED MRS. DENNIS TO ATTEND THE MEETING AS SHE HAS HAD SIGNIFICANT EXPERIENCE IN THIS AREA.

MRS. DENNIS REPORTED THAT THERE ARE THREE DIFFERENT WAYS THAT ASSESSMENT CENTERS CAN BE USED IN A CIVIL SERVICE PROCESS.

THE FIRST ONE IS THE POST-LIST ESTABLISHMENT. THE CITY HAS A CURRENT CERTIFICATION FOR POLICE CHIEF AND THREE INDIVIDUALS HAVE SIGNED AS WILLING TO ACCEPT. THIS WOULD BE THE ASSESSMENT CENTER PROCESS THAT THE CITY COUNCIL COULD USE TO MAKE A SELECTION FROM AMONG THOSE THREE INDIVIDUALS FOR THE NEXT POLICE CHIEF.

THE SECOND ONE IS ASSESSMENT CENTER USED AS A WEIGHTED, GRADED EXAMINATION COMPONENT. THIS WOULD BE A SITUATION WHERE IT WAS DECIDED THAT IF THE COUNCIL WANTED TO USE THE HRD WRITTEN EXAMINATION AND THEN HAVE AN ASSESSMENT CENTER ACCOMPANIED BY THE EDUCATION AND EXPERIENCE RATING THAT HRD PERFORMS ANNUALLY. THE WEIGHTED GRADED COMPONENT FOR THE ASSESSMENT CENTER WOULD HAVE TO BE DETERMINED BEFORE YOU ACTUALLY REQUESTED THE EXAMINATION PROCESS FROM HRD, BECAUSE THEY HAVE TO PUT THIS ON THE EXAMINATION ANNOUNCEMENT. NORMALLY WHAT HRD WILL ALLOW IS A EQUAL COMPONENT FOR THE ASSESSMENT CENTER, THE WRITTEN EXAMINATION AND THE LAST COMPONENT WOULD BE FOR EDUCATION AND EXPERIENCE.

LASTLY IS THE ASSESSMENT CENTER AS THE SOLE RANKING DEVICE. THAT WOULD BE A SITUATION WHERE THE CITY WOULD HIRE A COMPETENT CONSULTANT TO PUT TOGETHER THE ASSESSMENT CENTER EXERCISES IN CONCERT WITH THE APPOINTING AUTHORITY.

IT WAS NOTED THAT WITH THE THIRD OPTION, ASSESSMENT CENTER AS SOLE RANKING DEVICE, THE DECISION HAS TO BE MADE BEFORE THE REQUEST FOR A WRITTEN TEST IS MADE.

THE ONLY OPTION THE CITY HAS NOW FOR POLICE CHIEF IS THE FIRST OPTION. WE NOW HAVE THE RANKING BY SCORE, IF THE CITY WERE TO USE THE ASSESSMENT CENTER AND THAT RANKING CAME UP DIFFERENTLY THEN CIVIL SERVICE, YOU COULD USE THE RANKING OF THE ASSESSMENT CENTER AS

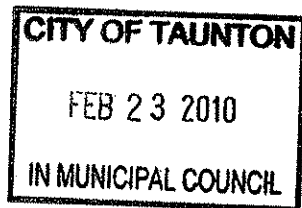
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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

REASONS FOR SELECTING AN INDIVIDUAL OTHER THAN THE FIRST ONE ON THE LIST. CIVIL SERVICE LOOKS UPON ASSESSMENT CENTERS AS REASON FOR SELECTING A LOWER SCORER CANDIDATE. IT WAS NOTED THAT QUESTIONED WHETHER ASSESSMENT CENTER TESTING HAS TO BE NEGOTIATED FOR POLICE AND FIRE CHIEF. IT WAS NOTED THAT IT DOES NOT BECAUSE THEY ARE NOT IN A COLLECTIVE BARGAINING UNIT. IF YOU USE ASSESSMENT CENTER FOR THE LOWER RANKS, IT WOULD HAVE TO BE NEGOTIATED.

MEETING ADJOURNED AT 9:34 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK