



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, January 26, 2010 at 7:20 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-Hanson, Pottier, Barbour*

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

Communications from Mayor:

The Mayor presented a proclamation proclaiming January as Monitor Month to Nancy Anticuchi. **Motion was made to move adoption. So Voted. Motion was made to invite Nancy Antonucci of the Taunton Area School to Career into the enclosure to accept the proclamation. Students and numerous mentors were also invited into the enclosure. Councilor Hoye motioned to send a letter of appreciation to the area businesses thanking them for their time. So Voted.**

Letter of appreciation to businesses thanking them for their time.

Motion was made to recess at 7:35 PM. So Voted.

Motion was made to revert back to the regular order of business at 8:40 PM. So Voted.

Communications:

Com. from Acting Police Chief requesting a transfer of funds in the amount of \$3,000.00 for training and education. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Economic Development Director providing an update on the Esterline (Haskon) TIF stating that while there has been no date set for the closing, there is little chance of the company continuing to occupy the building. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing for the proposed zoning map amendment for County Street & Hart's Four Corners submitted by Bruce Thomas. **Motion was made to receive and place on file. So Voted.**

Com. from Building Commissioner submitting a response on burned properties stating that the Building Department does not maintain a file on burnt structures be he sent a

request to the Fire Department to be notified on all structure fires to be sure proper permits are obtained for repairs. **Motion was made to receive and place on file. So Voted.**

Com. from Assistant Director of Retirement notifying of the retirement for Superannuation of Richard Correia, an employee of the Fire Department on March 20, 2010. **Motion was made to move approval and send the appropriate scroll. So Voted.**

Councilor Marshall read an extra communication submitted by Home Service USA Repair Management Corp. offering Taunton homeowners the opportunity to have Water Line Service Coverage to protect their home from leaks or broken water service lines. **Councilor Marshall stated that this is not a City sponsoring event as this is misleading and residents that have received this letter are very concerned. Motion was made to refer to the City Solicitor to also contact the Attorney General's office on this issue. Also Councilor Marshall requested of the press to release this in the paper as the City does not endorse this letter. Councilor Pottier stated it is up to the City Solicitor if she feels she should contact the Attorney General. So Voted.**

Councilor Barbour read an extra communication submitted by the TMLP General Manager stated that the TMLP Commission voted to petition the City Council for a handicapped parking spot in front of their Customer Care Payment Center located at 33 Weir Street at their meeting held on Monday, January 11, 2010 and requested consideration on this matter. **Motion was made to refer to the Committee on Police and License and the Safety Officer, Police Chief and the Parking Commission. So Voted.**

Councilor Carr read an extra communication submitted by Catherine Cyr, Yorkies, Inc. requesting a waiver of the fee for a Special Permit so she can open her Kennel License to rescue, rehabilitation and placement of Yorkshire Terriers. **Motion was made to waive the \$500.00 fee for the Special Permit. So Voted.**

Councilor Carr read an extra communication submitted by Shawn Doyle, Taunton Girls' Softball League President requesting use of the electronic sign to advertise their tryout date of February 6, 2010 at Friedman Middle School Gym beginning at 9:00 AM. **Motion was made to move approval. So Voted.**

Councilor Carr read an extra communication submitted by Stacy Travis, Benjamin's Mom, regarding a chili cook-off that the Benjamin TJ Mills Fund will be hosting at the Lafayette on January 31, 2010 from 12:00 PM – 8:00 PM and requested use of the electronic sign. **Motion was made to move approval. So Voted.**

Petitions and Claims:

Application submitted by Tex Holloway, 237 Milton Street, Fall River requesting a renewal of his Constable License desiring to serve civil process. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Application submitted by William Garcia, 28 ½ Worcester Street, Taunton requesting a new Constable License desiring to serve civil process. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Jonathan Dost, Sr., 100 Solitude Dr., Taunton seeking reimbursement for damages to his mailbox due to a snowplow hitting it between December 20-21, 2009. **Motion was made to refer to the City Solicitor's Office. So Voted.**

Claim submitted by Rick Warren, Arrow Fuel, 102 Pond St. D-1, Seekonk seeking reimbursement for towing charges for his truck which fell into a trench near 24 Knight Street. **Motion was made to refer to the City Solicitor's Office. So Voted.**

Claim submitted by Jose Moutinho, 170 Juniper Lane, Taunton seeking reimbursement for damages to his mailbox due to a snowplow hitting it. **Motion was made to refer to the City Solicitor's Office. So Voted.**

Petition submitted by the City Engineer on behalf of Yvon Nadeau Development for the acceptance of Libby Lane within Libby Estates as a public way in the City of Taunton. **Motion was made to refer to a public hearing. So Voted. Motion was made to notify the City Engineer to have the contractor submit the street acceptance in the future. So Voted.**

Petition submitted by the City Engineer for the acceptance of Williams Park (Duffy Drive, Phyllis Road, Ervin Road, Ellen Road, Barbara Road) as public ways in the City of Taunton. **Motion was made to refer to a public hearing. So Voted.**

Petition submitted by residents of Marilyn Drive (six signatures) requesting that city sewage be installed on Marilyn Drive. **Motion was made to refer to the Committee on DPW. Councilor Croteau requested that all residents be notified. So Voted.**

Decision of the Development Impact Review Board on the Petition for the Departmental Site Plan Review for 1,056 sq. ft. temporary office trailers and 2,058 sq. ft. addition for utilities in conjunction with the 400 sq. ft. utility building approved on October 13, 2009 at 110 Prince Henry Drive, Taunton which is located in an Industrial District submitted by Scott Webster, Tribe Mediterranean Foods. **Motion was made to receive and place on file. So Voted.**

Site Plan Review to allow the restaurant use with 48 seats at 1423 Somerset Ave. located in the Suburban Residential District submitted by Dennis DeSilva, Frates Drive-In. **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:

Councilor Croteau asked when the presentation of the landfill will take place. The Mayor stated he met in Boston with the City Solicitor and Jim Bender with Laurie Burke and others from Environmental Affairs as they have asked for additional information which we will submit to them then when we receive the input back from them then the Mayor stated he will forward the information back to the Council. He said hopefully before the end of February by receiving the information from them it will streamline the process. Councilor Croteau would like the Council to meet with Mr. Bender as the Council does not have any information on this. Councilor Croteau stated that the nine (9) Councilors that are sitting here know the least about this project. He respectfully requests that the Council President schedule a meeting with Mr. Bender and any other parties deemed appropriate to discuss what is now the next best option that is on the table as well as other options so if the second one does not pass by Beacon Hill as the first one did not, we will not be spending a lot of time thinking about the third option. Therefore we schedule this with Mr. Bender within the next two weeks. The Mayor stated we are trying to work with the Governor's Office, Secretary of Environmental Affairs, and the Department of Environmental Protection to streamline the process. The Mayor stated that the option which is favored is the Bio-fuel. The Governor is moving forward with this Bio-fuel. The Governor chose not to go forward with the electricity one. The meeting the other day was positive. Once they evaluate the information we gave them, they will give us their input and we will include in the recommendation and then we can meet with Mr. Bender. The Mayor stated for the Council to allow 2-3 weeks before we meet so we will have all the information and I will set up a meeting with the Council President in the Committee to the Council as a Whole. Councilor Carr stated she does not see any advantage of having the meeting before we have the information. Councilor Barbour respectfully asked that these matters go before the Committee on Solid Waste, as this is what the Solid Waste Committee is. Councilor Croteau asked that we have the following information: What was the proposal that was made to Beacon Hill?, What information Beacon Hill asked for in addition to this proposal? Why did Beacon Hill ask for more?. Councilor Buffington stated he supports Councilor Croteau's request for this meeting and asked Councilor Croteau to change his motion to the Committee on Solid Waste. Councilor Croteau stated he is amending his motion to the Committee on Solid Waste on an evening other than a Tuesday and that the understanding is it will be on television and published for the people in this community to watch. Councilor Carr stated he will leave it up to the Chairman of Solid Waste. Councilor Barbour motioned that this presentation could be scheduled for a Tuesday evening with the only other Committee scheduled being the Committee on Finances and Salaries and to also wait until we have all the information. So Voted.

Councilor Barbour motioned that the Interim Fire Chief submit an update on whether Cherry Avenue requires a fire lane as the Council is waiting to hear back from him. So Voted.

Councilor Pottier motioned that the Mayor submit an update in two weeks concerning the identification of the exterior door, both inside and outside, at Taunton High School. A copy of this communication was provided to the Superintendent of Public Buildings. So Voted.

Councilor Hoye stated that he just learned that Free Cash was negative \$2.3 million dollars and asked the Mayor to explain this to the Council. The Mayor stated he asked the Department of Revenue to revisit the City of Taunton's Free Cash. The Mayor stated he feels that all the information was given to them, we have asked the Department of Revenue for documentation on how they calculated this figure and as of this date we do not have any information. The Mayor stated possibly grant monies have not been received as yet, but stated that the DPW sent this information in. Councilor Marshall asked if this is not the figure that you stated it should be, are you still going to be in the red. The Mayor respond that it could be. The Mayor stated he will have Mr. Enos and Ms. Hebert give to the Council a snapshot explanation as to how this is addressed regarding having to pay back any monies in the red. Councilor Marshall stated he is very concerned with the red figure. Councilor Buffington asked the Mayor how much money do we have in these grants? The Mayor responded there is over a million. The Mayor stated he will get the correct figure. The Mayor states he feels this is an inaccurate figure. Councilor Buffington asked if communications were sent to the Department of Revenue stating that the City feels this figure is incorrect. The Mayor stated yes, numerous communications from Mr. Enos and Ann Hebert. The Mayor stated to make up this money it is not something we have to appropriate. Motion was made to ask Mr. Enos and the City Auditor to provide to the Councilors any and all communications sent or received from the Department of Revenue on this matter. Councilor Buffington asked to see the documents by the end of the week. Councilor Croteau asked for all information between City Hall and Boston going back to July 1, 2009 concerning the 2009 budget. Councilor Croteau asked may this be a situation that we take too much credit for Federal and State grant monies. Councilor Croteau asked that the City Auditor and Budget Director report on this question. So Voted.

Councilor Hoye motioned that the Committee on the Needs of the Airport schedule a meeting to discuss the issues that are going on with the airport at this time, as there are numerous concerns and Councilors are receiving emails and complaints. Therefore, a motion was also made to answer back to the complainants on the outcome of said meeting. So Voted.

Councilor Buffington motioned that the Automation Department update the City website as it lists Steven Torres as the current City Solicitor. Additionally, Councilor Costa-Hanlon motioned that he obtain the organizational charts for each department from the City Clerk and place them on the website and include who appoints each department head. Finally, that Mr. Bouchard give an update on these changes on or before February 5, 2010 at 2:00 PM. So Voted.

Councilor Buffington motioned that the City Solicitor read the executive session minutes for the purpose of having them released and if any Councilor has an amendment, please submit it so that these minutes can be released soon. So Voted.

New Business:

Councilor Costa-Hanlon motioned that the Committee to the Council as a Whole schedule a hearing on February 9, 2010 with Fernandez Masonry regarding the City of

Taunton 50/50 Ordinance, Article X1, Hiring Policy for Public Works Projects. So Voted.

Councilor Costa-Hanlon motioned that the Human Resource Director forward all information on the recommendation concerning the 50/50 Ordinance of Fernandez Masonry to the City Council, the City Solicitor, and the Mayor by February 5, 2010 for their review for the Committee to the Council as a Whole hearing that is scheduled to take place on February 9, 2010. Additionally, that the President of the company be notified. So Voted.

Councilor Costa-Hanlon motioned that the City Auditor and Budget Director provide a full itemization of all grants that come into our City, what department they go through, and how they are spent from July 1, 2009 to this date. For example, if a contractor is paid out of said grant, list the name of the contractor. If an employee is paid out, list the employee's name and how much they were paid. So Voted.

Councilor Barbour motioned that the Acting Police Chief have radar and the radar trailer stationed in the vicinity of 137 North Walker Street. So Voted.

Councilor Barbour read an extra communication submitted by the General Manager, TMLP requesting approval from the Council to finalize the age requirement for appointment of Apprentice Linemen in accordance with Massachusetts General Law, Ch. 31, Sect 28A. **Motion was made to have the Clerk of Committees send this packet to all Councilors and refer to the Needs of the TMLP. So Voted.**

Councilor Colton motioned that the Committee on Economic Development and Technology discuss what can be used to entice Haskon to stay in our City and what are we doing as a City to prevent this happening in the future? So Voted.

Meeting adjourned at 10:00 P.M.

A true copy:

Attest:

City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2010

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND
COUNCILORS POTTIER AND COSTA-HANLON. ALSO
PRESENT WAS BUDGET DIRECTOR GILL ENOS

MEETING CALLED TO ORDER AT 5:44 P.M.

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

2. **MEET TO REVIEW REQUESTS FOR FUNDING**
MOTION: MOVE APPROVAL OF REQUEST OF RISK MANAGEMENT
FOR AN APPROPRIATION OF \$31,922.02 FOR PAYMENT OF A
SETTLEMENT. FUNDS TO BE TRANSFERRED FROM
RESERVE ACCOUNT NO. 1-132-202-5784 TO RISK
MANAGEMENT LOSS FUND ACCOUNT NO. 1-945-202-5760,
AND
MOVE APPROVAL OF REQUEST OF RISK MANAGEMENT
FOR AN APPROPRIATION OF \$68,606.00 FOR PAYMENT OF A
SETTLEMENT IN THE U.S. DISTRICT COURT. FUNDS TO BE
TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-
5784 TO RISK MANAGEMENT LOSS FUND NO. 1-945-202-5760.

THE BUDGET DIRECTOR REPORTED THAT THE BALANCE IN THE RESERVE
ACCOUNT AFTER THESE TRANSFERS IS \$393,551.98

THE BUDGET DIRECTOR REQUESTED THAT ORDER NO. 7 DATED JANUARY 12, 2010
BE RESCINDED AS THIS TRANSFER WAS PREVIOUSLY DONE.

MOTION: TO RESCIND ORDER NO. 7 DATED JANUARY 12, 2010

THE LAW DEPARTMENT HAD REQUESTED \$49,961.75 TO PAY SOME INVOICES FOR
OUTSIDE LEGAL SERVICES.

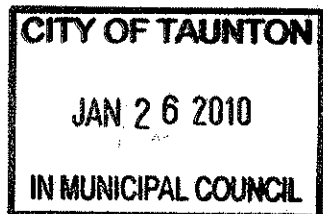
MOTION: REFER THE \$49,961.75 REQUEST FOR FUNDING FROM THE
LAW DEPARTMENT FOR ONE WEEK. THE LAW
DEPARTMENT IS TO PROVIDE TO THE COMMITTEE
COPIES OF THE BILLS, DESCRIPTION OF THE COSTS, THE
AMOUNTS PAID DURING THE FIRST SIX MONTHS FOR
OUTSIDE LEGAL FOR (1) NON SOLID WASTE FACILITY/
LANDFILL ISSUES AND (2) SOLID WASTE
FACILITY/LANDFILL ISSUES. ALSO, IN CONNECTION WITH
THE SOLID WASTE/LANDFILL ISSUE, THE LAW
DEPARTMENT IS TO PROVIDE A LISTING OF ALL BILLS
PAID, WHAT HAS BEEN INCURRED AND NOT PAID AND
ANTICIPATED FUTURE COSTS ASSOCIATED WITH THE
PROJECT.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

MEETING ADJOURNED AT 6:02 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 Blachut".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 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 AND MR.
CHAOUKI SARKIS.

MEETING CALLED TO ORDER AT 6:39 P.M.

**1. MEET FOR AN UPDATE ON TAX TITLE PROPERTY AT 315
BROADWAY**

LETTER DATED 1/26/10 OF RISK MANAGER CAROL SOUZA WAS READ IN WHICH SHE STATED THAT TODAY, 1/26/10, SHE PHONED ATTORNEY DONALD COLABRO, WHO REPRESENTS THE TRUSTEES, JOSEPH GANAME AND CHAOUKI SARKIS, AND LEFT A MESSAGE REQUESTING THAT PROOF OF LIABILITY AND POLLUTION COVERAGE BE PROVIDED TO THE CITY THIS EVENING. IF IT IS NOT PROVIDED, SHE WOULD REQUIRE THAT THE PROOF OF COVERAGE BE PROVIDED TO HER NO LATER THAN TOMORROW WITH THE CITY OF TAUNTON ADDED AS AN "ADDITIONAL INSURED" ON THEIR POLICIES. THEN THE CITY CAN, IF THE COUNCIL SO CHOOSES, LEASE THE PROPERTY TO THEM, AND THE CITY CAN PURCHASE LESSOR'S RISK COVERAGE AT A REASONABLE COST. SHE FURTHER STATED THAT IF THERE IS NO PROOF OF EXISTING COVERAGE BY TOMORROW, OUR INSURER RECOMMENDS THAT THE BUSINESS BE SHUT DOWN IMMEDIATELY.

IF THE COUNCIL CHOOSES TO CLOSE DOWN THE BUSINESS, THE PROCESS OF INSURING THE BUSINESS AS THE OWNER WILL HAVE TO BEGIN, A PROCESS WHICH WILL REQUIRE FAR MORE DETAILED INFORMATION THEN THE CITY CURRENTLY POSSESSES. SHE IS AWAITING FURTHER INFORMATION FROM THE INSURER ON THE COSTS TO PURCHASE POLLUTION AND LIABILITY INSURANCE. SHE FURTHER STATED THAT THE UNDERGROUND TANKS ARE PROPERLY PERMITTED.

MOTION: LETTER TO BE PART OF THE RECORD

THE CITY SOLICITOR REPORTED THAT THE LAND COURT DECREE WAS ENTERED NOVEMBER 2, 2009. THE TITLE IS NOW WITH THE CITY. BECAUSE IT IS A GAS STATION IT HAS RAISED VARIOUS ISSUES WITH LIABILITY AND INSURANCE. SOME OF THE THINGS THAT ARE STILL NOT KNOWN IS WHETHER MR. SARKIS OPERATES THE PROPERTY HIMSELF OR IS IT LEASED OUT. IF THE CITY WERE TO RETAIN IT, THE INSURANCE IS A BIG ISSUE THAT THE CITY WOULD NEED TO GET RESOLVED. INITIALLY, IT APPEARS THAT SOME OF THE PERMITS ARE IN PLACE. THE CITY COULD ENTERTAIN ENTERING INTO SOME TYPE OF LEASE AGREEMENT WITH MR. SARKIS OR THE OTHER OPTION WOULD BE TO START AN EVICTION PROCEEDING IN ORDER TO ENSURE THAT THE CITY IS NOT LIABLE FOR THE GAS STATION. THE SOLICITOR STATED THE MR. SARKIS WOULD LIKE TO HAVE THE OPPORTUNITY TO REDEEM THE PROPERTY AND THAT IS SOMETHING THAT THE COUNCIL COULD ENTERTAIN.

THE COUNCIL WOULD HAVE TO EVALUATE THE BENEFIT THE CITY MIGHT HAVE IN RETAINING THE PROPERTY GIVEN THAT IT IS A GAS STATION, GIVEN THAT THERE ARE LIABILITY INSURANCE ISSUES AS OPPOSED TO LOOKING AT WORKING WITH MR. SARKIS SO THAT HI MIGHT BE ABLE TO REDEEM THE PROPERTY. THE CITY SOLICITOR STATED THAT THE 30 DAY NOTICE TO QUIT WENT OUT ON

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JANUARY 26, 2010

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

DECEMBER 31, 2009, BUT TO GO TO COURT, IT COULD TAKE SIX MONTHS TO A YEAR. IT COULD BE A DIFFICULT PROCESS AND IN THE MEANTIME THE CITY WOULD STILL HAVE TO DEAL WITH THE INSURANCE ISSUE AND HAVE TO MAKE SURE THE CITY WAS OUT THERE AS AN ADDITIONAL INSURED ON AN EXISTING POLICY, AND IF THAT DOES NOT HAPPEN THE CITY WOULD NOT BE IN A GOOD POSITION RELATIVE TO LIABILITY.

SHE FURTHER STATED THAT THE CITY DOES OWN THE PROPERTY, SUBJECT TO MR. SARKIS' RIGHTS TO FILE A PETITION IN THE LAND COURT TO VACATE THE DECREE. HE HAS ONE YEAR TO DO THIS.

THE CITY SOLICITOR ALSO INFORMED THE COMMITTEE THAT MR. SARKIS INDICATED THAT HE HAS AN ATTORNEY, BUT SHE HAS NOT BEEN ABLE TO SPEAK WITH HIS ATTORNEY DIRECTLY.

BASICALLY, THIS IS WHERE THE CITY STANDS, IT IS A QUESTION OF DOES THE CITY WANT TO OWN THIS PROPERTY. THE SOLICITOR STATED THE DIFFICULTY WITH A LEASE OR SALE IS THAT THE INSURANCE COULD BE VERY EXPENSIVE.

MOTION: INVITE MR. SARKIS INTO THE MEETING

MR. SARKIS STATED THAT HE WANTS TO PAY AND CATCH UP ON HIS TAXES. HE SAID HE HAS BEEN PAYING SINCE JULY, 2009 AND THAT THE CITY HAS BEEN TAKING HIS MONEY. MR. SARKIS STATED THAT HE OWNS THE PROPERTY BUT LEASES IT TO SOMEONE WHO RUNS THE GAS STATION. HE SAID THAT HE RECEIVED A PAPER SOMETIME IN JULY AND HAS BEEN MAKING PAYMENTS. HE WENT ON VACATION THE BEGINNING OF DECEMBER, AND AFTER THAT, WHEN HE WENT TO PAY, THE CITY REFUSED THE CHECK. HE WAS INFORMED THAT THE CITY COULD NOT ACCEPT THE CHECK BECAUSE THE CITY OWNED THE PROPERTY.

IF THE COUNCIL WISHES TO WORK TOWARDS MR. SARKIS GETTING THE PROPERTY BACK, THE FULL AMOUNT OWED NEEDS TO BE DETERMINED AND THEN THE SOLICITOR WOULD NEED TO GET AN ASSENTED TO AGREEMENT FOR LAND COURT.

MOTION: TO INSTRUCT THE CITY SOLICITOR TO WORK WITH MR. SARKIS TO RESTORE THE PROPERTY FROM THE TAX TITLE POSSESSION BACK TO HIS OWNERSHIP UNDER THE CONDITIONS THAT ALL TAXES, LATE FEES, LEGAL FEES, COURT COSTS, ANY FEE THAT THE CITY SOLICITOR DEEMS APPROPRIATE THAT MR. SARKIS WOULD HAVE TO COMPLY WITH. THAT THIS ISSUE COME BACK TO THE COMMITTEE IN A COUPLE WEEKS WITH A ROUGH IDEA OF WHAT IS OWED.

MOTION SECONDED

THE CITY REQUESTED THAT THE ISSUE OF THE INSURANCE BE DEALT WITH NOW AND HAVE MR. SARKIS MAKE THE CITY AN ADDITIONAL INSURED.

THIS IS TO BE PART OF THE ABOVE MOTION.

ON DISCUSSION, IT WAS NOTED THAT IT MAY TAKE SOME TIME FOR THIS PROPERTY AND ALL THE ISSUES WITH LAND COURT TO BE STRAIGHTENED OUT, SO THE CITY NEEDS TO ENTER INTO SOME TYPE OF LEASE AGREEMENT UNTIL THIS IS OFFICIALLY DONE AND THERE SHOULD BE SOME TYPE OF LEASE PAYMENTS TO THE CITY SINCE IT IS NOW THE CITY'S PROPERTY.

FURTHER DISCUSSION WAS HELD REGARDING THAT IT WAS PRESENTED TO THE

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

COMMITTEE PREVIOUSLY THAT THE TAKING WAS FOR UNPAID TAXES FOR 2005 – 5 YEARS AGO. THEREFORE, THIS IS NOT SOMETHING THAT JUST SPRUNG UP – IT HAS BEEN GOING ON A WHILE. SOME COUNCILORS FELT THAT BEFORE THEY COULD VOTE FAVORABLY ON THE ABOVE MOTION, THEY WOULD LIKE TO HAVE MORE INFORMATION, INCLUDING HAVE MRS. ESTEY REVIEW THE FILE OF THE TAX TAKING ATTORNEY. IT WAS FURTHER STATED BY SOME COUNCILORS THAT IF THIS HAS BEEN GOING ON FOR 5 YEARS AND THE TAKING WAS DONE PROPERLY, THEY ARE NOT GOING TO BE INCLINED TO GIVE IT BACK FOR WHAT IS OWED. IT IS PROBABLY WORTH A COUPLE HUNDRED THOUSAND DOLLARS.

ABOVE MOTION WITHDRAWN

MOTION: TO REFER THIS BACK TO THE CITY SOLICITOR FOR TWO WEEKS TO GIVE HER AN OPPORTUNITY TO REVIEW THE TAX ATTORNEY'S FILE. REPORT BACK TO THE COMMITTEE REGARDING THE PROPER LEGAL SERVICE. MR. SARKIS IS TO PROVIDE THE CITY OF TAUNTON RISK MANAGER PROOF THAT THE CITY OF TAUNTON IS AN ADDITIONAL INSURED, AND WHATEVER ELSE THE RISK MANAGER DEEMS IS NECESSARY BY 5:00 P.M. TOMORROW, JANUARY 27TH, OR THE EVICTION PROCESS IS TO COMMENCE IMMEDIATELY. THE TREASURER COLLECTOR IS TO BE PRESENT AT THE MEETING IN TWO WEEKS TO PROVIDE ALL NECESSARY DOCUMENTATION ON THIS MATTER INCLUDING A PAYMENT HISTORY.

MOTION: TO EXCUSE MR. SARKIS

FURTHER DISCUSSION WAS HELD REGARDING THE NEED TO LOOK AT A PLAN FOR THE CITY TO GET SOME RENT. MR. SARKIS SHOULD NOT BE ABLE TO RUN THE BUSINESS FREELY SINCE THE CITY OWNS THE PROPERTY AND IT COULD TAKE A WHILE BEFORE THIS MATTER IS RESOLVED IN LAND COURT. THE CITY SOLICITOR WAS ASKED TO ALSO PROVIDE IN TWO WEEKS WHAT SHE THINKS THE CITY'S BEST LEGAL OPTIONS WOULD BE, WHETHER IT WOULD BE TO TRY TO ENTER INTO SOME TYPE OF AN AGREEMENT FOR REPAYMENT AND GET THE ASSENT THROUGH LAND COURT, WITH SOME TYPE OF LEASE AGREEMENT IN THE INTERIM. THE SOLICITOR STATED THAT AS LONG AS THE INSURANCE ISSUE IS ADDRESSED TOMORROW THEY CAN PROCEED THAT WAY. MRS. ESTEY WAS ASKED TO OBTAIN A COPY OF THE TAX ATTORNEY'S FILE. DISCUSSED WAS ALSO THAT ON THE EVICTION NOTICE, THE TRUSTEES WERE NAMED ON IT, BUT THAT THE OPERATOR OF THE BUSINESS WAS NOT NAMED. THE PERSON RUNNING THE STATION NEEDS TO BE IDENTIFIED AS THEY ARE IN POSSESSION OF THE PROPERTY.

MOTION: TO ASK THE CITY SOLICITOR TO IDENTIFY THE OCCUPANTS RUNNING THE BUSINESS AND HAVE THEM SERVED WITH A NOTICE TO QUIT ALSO

IT WAS ALSO NOTED THAT THE FIRE DEPARTMENT WAS ASKED TO INSPECT THIS STATION AND REPORT BACK TO THE COMMITTEE AND THE CONSERVATION AGENT WAS TO REQUEST D.E.P. TO NOTIFY THE COUNCIL OF ANY 21E THAT HAS BEEN DONE ON THIS PROPERTY. NOTHING HAS BEEN RECEIVED.

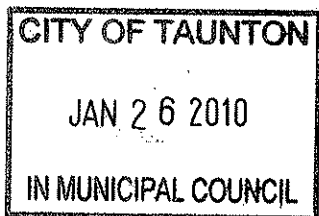
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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MOTION: TO INSTRUCT THE FIRE DEPARTMENT TO INSPECT THE PROPERTY AND CONSERVATION AGENT TO CONTACT D.E.P. AND PROVIDE THE INFORMATION TO THE COMMITTEE IN ONE WEEK.

MEETING ADJOURNED AT 7:16 P.M.



RESPECTFULLY SUBMITTED,

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

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMEDATIONS ADOPTED.

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

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 26, 2010

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCILOR DEBORAH CARR, PRESIDENT AND COUNCILORS BARBOUR, POTTIER, COSTA-HANLON, HOYE, MARSHALL, BUFFINGTON, CROTEAU AND COLTON. ALSO PRESENT WERE CITY SOLICITOR JANE ESTEY AND ASSISTANT CITY SOLICITOR JORDAN FIORE

MEETING CALLED TO ORDER AT 7:40 P.M.

1. **MEET WITH THE CITY SOLICITOR TO DISCUSS POSSIBILITY OF REMOVAL OF FIRE & POLICE CHIEF'S POSITIONS OUT OF CIVIL SERVICE & CREATING A PUBLIC SAFETY COMMISSIONER**
SUPPLEMENT TO OPINION #09-10-C – REMOVAL OF POLICE AND/OR FIRE CHIEF FROM CIVIL SERVICE RECEIVED FROM THE CITY SOLICITOR WAS READ. SEE ATTACHED.

MOTION: PART OF THE COMMITTEE REPORTS

OPINION #10-01-C – CREATING A PUBLIC SAFETY COMMISSIONER ALSO RECEIVED FROM THE CITY SOLICITOR WAS READ. SEE ATTACHED.

MOTION: PART OF THE COMMITTEE REPORTS

IT WAS NOTED THAT THE CITY OF TAUNTON HAD THE TWO POSITIONS (POLICE CHIEF & FIRE CHIEF) ON DIFFERENT OCCASIONS PLACED UNDER CIVIL SERVICE THROUGH SPECIAL LEGISLATION, EACH OF WHICH PROVIDED A DIFFERENT METHOD FOR ENACTMENT. MASS GENERAL LAW CHAPTER 4, SECTION 4B PROVIDES THAT WHEN A CITY ACCEPTS THE PROVISIONS OF AN OPTIONAL STATE LAW IT CAN ONLY REVOKE THAT ADOPTION IN THE SAME MANNER AS IT WAS ACCEPTED BY SUCH CITY, TOWN OR MUNICIPALITY. IN THE CASE OF THE POLICE CHIEF CHAPTERS 155 AND 156 OF THE ACTS OF 1946 PROVIDED THAT THE POSITION WOULD BE PLACED UNDER CIVIL SERVICE IF THE VOTERS OF THE CITY SO VOTED AT THE NEXT BIENNIAL STATE ELECTION. THE VOTERS ADOPTED THE PROVISION AND THE COUNCIL PROCEEDED TO SELECT A CHIEF BASED UPON A CIVIL SERVICE EXAM. IN ORDER TO REMOVE THE CHIEF FROM CIVIL SERVICE, THE CITY WOULD AGAIN HAVE TO SEEK A HOME RULE PETITION OR SPECIAL ACT CONTINGENT UPON RATIFICATION BY THE VOTERS AT A REGULAR GENERAL ELECTION.

THE FIRE CHIEF'S POSITION IS A SOMEWHAT SIMPLER MATTER. TO REVOKE THIS POSITION FROM CIVIL SERVICE WOULD MERELY REQUIRE THE ENACTMENT OF A SPECIAL ACT, WHICH COULD THEORETICALLY BE ACCOMPLISHED IN A TIMELY FASHION. AT THE PRESENT TIME, DEPUTY CHIEF NASTRI IS ACTING AS FIRE CHIEF BECAUSE THERE IS NO PROMOTIONAL LIST FOR CHIEF CONTAINING ACTIVE FIREFIGHTERS. GIVEN THAT IT WOULD TAKE MONTHS TO ADMINISTER A CIVIL SERVICE EXAMINATION AND CERTIFY ITS RESULTS, IT IS QUITE POSSIBLE THAT THE LEGISLATURE COULD ACT TO REMOVE THE POSITION FROM CIVIL SERVICE BEFORE A PROMOTIONAL LIST IS ESTABLISHED AND THERE IS PRESENTLY NO TIME PRESSURE TO CONTINUE OR TERMINATE ACTING CHIEF NASTRI'S APPOINTMENT SINCE NO ACTIVE PROMOTIONAL LIST EXISTS.

THE SCENARIOS IN THE POLICE DEPARTMENT IS MORE COMPLICATED. CAPTAIN REARDON IS ACTING AS POLICE CHIEF BECAUSE THE CIVIL SERVICE LIST FOR CHIEF HAD EXPIRED AT THE TIME OF HIS APPOINTMENT. HOWEVER SINCE THAT TIME A NEW PROMOTIONAL LIST FOR POLICE CHIEF HAS BEEN CERTIFIED BY THE

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

DIVISION OF PERSONNEL. THE NEW POLICE CHIEF LIST HAS AT LEAST THREE WILLING CANDIDATES AND NO CHANGE IN THE CIVIL SERVICE STATUS OF THE POSITION CAN BE EFFECTED UNTIL NOVEMBER BECAUSE OF THE TERMS UNDER WHICH THE POSITION WAS ORIGINALLY PLACED UNDER CIVIL SERVICE. THEREFORE, UNLESS THE CITY RECEIVES SOME KIND OF EXEMPTION UNDER SPECIAL LEGISLATION, AN OCCURRENCE THAT DOES NOT APPEAR LIKELY, THE COUNCIL WILL NEED TO MAKE A PERMANENT APPOINTMENT OF A POLICE CHIEF UNDER CIVIL SERVICE AND THAT CHIEF WOULD RETAIN CIVIL SERVICE PROTECTION THROUGHOUT HIS TENURE. GIVEN THAT THE WILLING CANDIDATES ON THE POLICE CHIEF LIST ARE ALL RELATIVELY YOUNG, IT WOULD BE MANY YEARS BEFORE THE POSITION COULD BE EFFECTIVELY TAKEN OUT OF CIVIL SERVICE, EVEN IF THE REMOVAL IS ENACTED THIS YEAR. THE REASON THE ISSUE OF CREATING A PUBLIC SAFETY COMMISSIONER HAS BEEN BROUGHT UP NOW IS THAT THIS IS THE FIRST TIME THE CITY HAS HAD TWO ACTING CHIEFS.

SOME COUNCILORS FEEL THAT THE CITY SHOULD LOOK FURTHER INTO HAVING A PUBLIC SAFETY COMMISSIONER AND SOME FEEL THAT THE CITY SHOULD MOVE FORWARD AND APPOINT A POLICE CHIEF AND A FIRE CHIEF. DISCUSSED WAS WHAT TOOLS THE COUNCIL MAY HAVE TO INTERVIEW CANDIDATES, WHAT DOES IT TAKE TO BY-PASS SOMEONE ON THE LIST. THEY ALSO WANT TO KNOW WHAT THE CIVIL SERVICE TEST SCORE ACTUALLY REPRESENTS.

CIVIL SERVICE INSTRUCTS TO PICK ONE FROM THE LIST. THE COUNCIL WOULD NOT HAVE TO PICK THE TOP CANDIDATE, BUT THEY MUST GIVE REASONS FOR THE BY-PASS AND THE REASONS MUST BE MERIT BASED.

IT WAS FURTHER NOTED THAT IF A CANDIDATE IS BY-PASSED, THEY CAN APPEAL TO CIVIL SERVICE. CIVIL SERVICE, AND THE COURTS ALSO, WILL LOOK FOR JUSTIFIABLE REASONS TO BY-PASS.

THE LAW DEPARTMENT WAS ASKED TO PROVIDE IN WRITING, WHAT TOOLS THE COUNCIL HAS REGARDING THE APPOINTMENT OF A POLICE CHIEF AND TO ADDRESS AND ANSWER CONCERNS REGARDING BYPASSING. THE COUNCIL WOULD LIKE ADDITIONAL TOOLS TO USE TO HIRE A POLICE CHIEF RATHER THAN JUST THE CIVIL SERVICE TEST SCORES. IF THIS POSITION STAYS IN CIVIL SERVICE, WHAT ARE OTHER TOOLS THAT CAN BE USED TO ASSES A CANDIDATE.

MOTION: CITY SOLICITOR TO PROVIDE AN OPINION REGARDING WHAT OTHER TOOLS ARE AVAILABLE TO ASSESS POLICE CHIEF CANDIDATES, AN OUTLINE OF WHAT IS REQUIRED FOR THE CIVIL SERVICE LIST AND AN EXAMPLE OF THE POLICE AND FIRE CHIEF'S CIVIL SERVICE TESTS. REVISIT THIS ISSUE IN FOUR WEEKS.

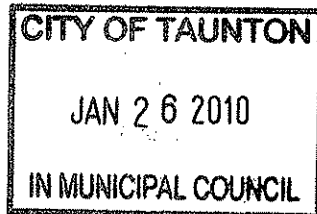
THE COMMITTEE ALSO REQUESTED INFORMATION AS TO WHAT OTHER TOWNS AND CITIES WHO DO HAVE CIVIL SERVICE AND THOSE THAT DO NOT HAVE CIVIL SERVICE, BASE THEIR HIRING ON. ALSO TO ADDRESS, UNDER CIVIL SERVICE, HOW TO USE A REFERENCE CHECK.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

MEETING ADJOURNED AT 8:33 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 "Kim Beachwell".
CITY CLERK



CITY OF TAUNTON

ORDER #9

FY 2010

JANUARY 26, 2010

20

In Municipal Council

Ordered, That

THE SUM OF THIRTY ONE THOUSAND NINE HUNDRED

TWENTY TWO DOLLARS AND TWO CENTS (\$31,922.02) BE AND HEREBY IS TRANSFERRED FROM

RESERVE ACCOUNT NO. 1-132-202-5784

TO:

RISK MANAGEMENT LOSS FUND ACCOUNT NO. 1-945-202-5760

Clerk.



CITY OF TAUNTON

ORDER #10
FY 2010
JANUARY 26, 2010

In Municipal Council 20.....

Ordered, That

THE SUM OF SIXTY EIGHT THOUSAND SIX HUNDRED

SIX DOLLARS AND NO CENTS (\$68,606.00) BE AND HEREBY IS TRANSFERRED FROM

RESERVE ACCOUNT NO. 1-132-202-5784

TO: RISK MANAGEMENT LOSS FUND ACCOUNT NO. 1-945-202-5760

..... *Clerk.*