



*City of Taunton*  
*Municipal Council Meeting Minutes*

~

*Temporary City Hall, 141 Oak Street, Taunton, MA*  
*Minutes, February 4, 2014 at 8:30 o'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were:*

*Councilor's Borges, Carr, Quinn, McCaul, Pottier,  
Croteau, Costa-Hanlon, Marshall, and Cleary*

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

**Hearing:**

Hearing came up by assignment upon the petition submitted by Attorney Jill A. Zajac on behalf of her clients, Harvey Street LLC, 490 Winthrop Street, Taunton and others for the acceptance of Brandy Lane as a public way. **Motion was made to open the hearing. So Voted.** The City Clerk read a communication from the City Engineer informing that the Engineering Division has reviewed the plan and legal description for the acceptance of Brandy Lane and found them to be satisfactory. Therefore, he recommends Brandy Lane to be accepted as a city street. **Motion was made to make part of the record. So Voted.** The City Clerk read a communication from the Chairman, Taunton Planning Board submitting a positive recommendation on the acceptance of Brandy Lane as a public way in the City. **Motion was made to make part of the record. So Voted.** Speaking in favor of the petition was Mark Hampston, 701 Winthrop Street, Project Manager and Vice-President of TLC Development under the Lopes entity that was responsible for the construction of Brandy Lane. Councilor Pottier asked where Brandy Lane was located in the City. Mr. Hampston informed that it is just outside of the Myles Standish Industrial Park. Councilor Carr asked how many homes are located on Brandy Lane. Mr. Hampston stated that there are a total of nine (9) sub-division lots with four (4) mini lots out front near Harvey Street and eight (8) lots interior. Councilor Carr asked for the number of telephone poles in the sub-division and if the poles are located four (4) feet away from the edge of the road for ADA compliance. Mr. Hampston stated that the sub-division has all underground utilities with lights per TMLP specifications and all ADA compliances have been met and inspected by Mr. Scanlon. The poles are within the 50 foot right-away but outside of the sidewalk and street area. Councilor Carr stated that she wanted to make sure that any of the new street acceptances, especially a new sub-division, is ADA compliant. Mr. Hampston stated that the outside engineer firm hired by the City and paid with the retainer, was on site and inspected every driveway and locations where the sidewalks entered onto the street. The street does have curb cuts. No one present speaking in opposition of the petition. **Motion was made to close the**

**hearing and move approval on the acceptance of Brandy Lane as a public way. So Voted. Motion was made to excuse Mr. Hampston. So Voted.**

**Appointments:**

Re-appointment of Renny Chapman, 125 West Lake Drive, Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Cornelius J. Kelly, 104 Partridge Circle, Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Steven Turner, 160 Seekell Street, East Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Ernest Enos, 47 Field Street, Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of David Tipping, 19 Briggs St., Taunton to the Mobile Home Park Eviction & Discontinuance Review Board for a term of two (2) years expiring February 2016.

Re-appointment of Benjamin Rosa, 450 Somerset Ave., Taunton to the Mobile Home Park Eviction & Discontinuance Review Board for a term of three (3) years expiring in February 2017. **Motion was made to move approval on all the above read re-appointments. Councilor Cleary stated although he knows the majority of the individuals being appointed, it is an advantage to have a copy of their resumes so that people can see that Council is appointing qualified individuals. He would encourage that as Council moves forward with the appointments, that a copy of the resume be attached. The Mayor informed that they try to do this with all new appointments, but these are all re-appointments. So Voted.**

**Communication from the Mayor:**

The Mayor stated that the area is expecting another major snow storm tomorrow, actually starting this evening. There will be a parking ban in effect from midnight tonight to 4:00pm and parking will be available at the same locations as last time with locations being publicized on the City's website, in the Taunton Gazette and on Facebook. All schools are closed tomorrow and that a determination on the closure of City Hall will be made first thing in the morning, by 6:00am. If City Hall is closed, a State of Emergency will be called. Councilor Pottier asked about residents who are not on the computer and how would they find the information. The Mayor stated that it is on local access and they can also call TEMA. The Mayor stated that trash will also be delayed one day. He said that he will have a report next week from Mr. Enos as to where the City is with the snow budget. It will be costly because salt is at its premium with all the storms going on through the country. Councilor Carr stated that she appreciates the fact that bad weather makes it difficult for people to come to work, but City employees are being paid whether they come in or not. She said that she, being an employee of a school district, being required to go to work when it was a snow day whether there was school or not is a day when you get a lot done because you do not have a lot of that foot traffic that you would have on a normal day. If City Hall is closed and individuals who are working such as the

street department and park department who has to go to work because of the situation, they get another day off. She encouraged the Mayor to reconsider calling the whole day off for employees. Obviously, if it was a blizzard or the Governor called a State of Emergency and did not want people on the roads, it would be another story. With another possible big snow storm coming in on Sunday/Monday, the City cannot continue closing City Hall all the time. The Mayor said that he appreciates what Councilor Carr is saying, and that he is not just closing City Hall on a whim, but if it a public safety issue, he will close. If he feels that it is safe in the morning, then City Hall will be open, if not, then it will be closed. The Mayor stated that it is not about people having a day off and that he will be in whether the City Hall is open or not. It is all about the safety of the employees. Councilor Carr asked the Mayor to consider a late start. The Mayor stated absolutely.

**Communications:**

Com. from Administrator, Taunton Nursing Home – Requesting to transfer Free Cash in the amount of \$17,000 from TNH Free Cash for FY2013 totaling \$431,000. The Mayor stated that it has already gone before his office and before the Committee on Finance and Salaries and it is now being referred back. The Mayor stated that he is not going to allow all the funds to be spent, but in this case, Mr. Enos is in agreement and if Council is in agreement, we would move it forward. Councilor Carr stated that it was approved in the Committee in Finance and Salaries but they did not have the proper paperwork, but would request that the \$17,000 transfer be approved on the floor tonight. **Motion was made to move approval. So Voted.**

Com. from Assistant DPW Commissioner – Requesting additional funding in the amount of \$42,895 for COTMA contractual pay raises and vacation/sick buyouts. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Water Supervisor – Requesting a transfer of funds from Water Free Cash in the amount of \$189,984.44. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. Councilor Cleary asked for clarification as to the expense. The Mayor informed that the information Councilor Cleary asked about will be available through the Committee on Finance and Salaries. So Voted.**

Com. from City Engineer – Requesting additional funding in the amount of \$5,730 to the Engineering FY2013 budget. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Assessor – Requesting a transfer of funds in the amount of \$40,956.85 for the COTMA Contract. **Motion was made to refer to the Committee on Finance and Salaries and the Budget Director to make sure of the balances. Councilor Croteau stated that when the notice was sent to Department Heads, it was informed that all requests were being referred to the Committee on Finance and Salaries and that the sub-committee is requesting the employee's name, position title and amount of the increase and the new salary total. The Mayor stated that all increases were included in the Reserve Account with the anticipation of the increases. Councilor Pottier asked if there has been any efforts to change the amount of time that can be carried**

for buy back. The Mayor stated that sick time buy back is limited to \$13,000 in the COTMA contract and in the past, vacation and unused personnel time typically has not been limited. The Mayor stated that it is difficult to force Department Heads to use their time, especially in DPW and Park & Rec. where there is a lot of demand on their time. He stated that in the collective bargaining contracts, the number has been limited. Councilor Pottier stated that it is on a dollar basis, not on a number of days basis. The Mayor stated that you can carry as much as you want, but the maximum that would be received is \$13,000. Councilor Pottier asked who signs the Department Heads time sheets. The Mayor stated that everything goes through the Department Head, then it is transferred to the Treasurer's Office and then to Mrs. Gomes Office where she tracks all the information. Councilor Pottier asked if Human Resources tracks all the time for Department Heads. The Mayor stated that this was one of the difficulties a couple of years ago with the auditors in tracking all the vacation and sick time. Councilor Pottier stated that he is not trying to say anyone is falsifying documents, and asked if the City was going to move to some type of system. The City Clerk informed that a spreadsheet is used for everyone in her office and there is also a KRONOS system where all time must be put in and Mrs. Gomes tracks the information. The City Clerk stated that COTMA is limited to unused vacation up to two (2) years. The Mayor stated that when Department Heads need to take time-off, they notify his office and Mrs. Gomes office. Councilor Pottier asked if vacations requested need to be approved by the Mayor's Office. The Mayor stated that they do not need to be approved per the contract. The City Clerk informed that employees, under a Department Head, need approval for vacation requests and that Department Heads will forward a letter to Mrs. Gomes for their vacation requests. **So Voted.**

Com. from Director of Technology – Requesting to pay a prior year bill in the amount of \$301.62. **Motion was made to move approval. So Voted.**

Com. from Treasurer/Collector – Notifying of a Land Court decree for Parcels #63-1 – Glebe Street and 63-4 North Walker Street. The City of Taunton is now the owner of the property. **Motion was made to receive and place on file and to notify the City Solicitor and Tax Possession Custodian. So Voted.**

Com. from Treasurer/Collector – Notifying of a Land Court decree for Parcel #106-151 – 40 Pratt Street. The City of Taunton is now the owner of the property. **Motion was made to receive and place on file and to notify the City Solicitor and Tax Possession Custodian. So Voted.**

Com. from Executive Director of Retirement – Notifying of a cancellation of a retirement for Superannuation of Mark Riendeau, an employee of the Taunton Fire Department, which was scheduled to take effect on February 22, 2014. **Motion was made to receive and place on file and cancel the Scroll. Councilor Carr stated that at the time of the initial notice of retirement, Council probably voted to pay out sick leave and to hire a new firefighter to take his place because of the requirements with the SAFER Grant. She said she is not sure what the procedure is to reverse these. The Mayor stated**

**that the retirement has been cancelled through the Retirement Board, and they will receive a copy of the motion and the City Clerk is aware so she will not call for that particular position. So Voted.**

Com. from Assistant Director of Retirement – Notifying of a retirement for Superannuation of Colby L. Crossman, an employee of the Police Department on February 15, 2014. **Motion was made to receive and place on file and to send a Scroll. So Voted.**

Com. from Fire Chief – Updating on 437 Whittenton Mills Fire Detail. Unpaid fire details and fire prevention fines through 1/25/14 in the amount of \$379,686.14. Councilor Croteau stated that there is a significant amount of money owed in back taxes, and asked what that amount was. City Solicitor stated that the figures are well over \$400,000 with the amount of fire watches and taxes. Councilor Croteau asked if the property is auctioned off, is a lien in this amount placed on the property. The City Solicitor stated that in respect to the real estate taxes, it would be taken care of at the time of a purchase. With respect to the fire watch details, it is the City's position as well. The City has recorded a Municipal Charges Lien pursuant to Chapter 40, Section 58 upon the property. At the time when the Assessors are preparing their warrant for real estate taxes it would be signed over to the Collector. If there are any unpaid Municipal Liens at that time, then the Board of Officers who has assessed the unpaid fine can certify that to the Collector as well and it will be added to the real estate tax. This procedure was done in November on the property. The City recorded a Municipal Charges Lien at that time. In December the Fire Chief filled out the appropriate paperwork and it was sent to the Collector so that any monies that were due for unpaid fire details, at the time of the Municipal Charges Lien in November, was added to the real estate tax. Therefore, the property owner would have seen the amount on the tax bill mailed out in December. The City Solicitor stated that they have updated the Municipal Charges Lien for those unpaid fire details from the November details through February 1, 2014. He said the holder of the first mortgage is the entity that is seeking to foreclose. The Mayor informed that there is currently another investor in the picture; hopefully they have met with the Fire Department this week to look at what has to be done to make the sprinkler system compliant. The Mayor stated that if this does not work with this investor that the first mortgage holder will step in and do what they need to do and they have indicated to Attorney Buffington that they would be willing to do so. Councilor Quinn asked for the assessed value of the property. The City Solicitor did not have the value in front of him, but the holder of the first mortgage commissioned an appraisal of the property and they were informed that the appraisal is \$3.3 million. Councilor Pottier asked for the current note holder. The City Solicitor does have the information, but it is some type of investment group or retirement or pension fund. Councilor Pottier asked if the City is in first position to get paid through the auction proceeds or would they be attached to the purchaser. The purchaser at the foreclosure auction would take it subject to the City's lien. Councilor Pottier asked if additional charges will be filed on a monthly basis because fire watches are still on going. The City Solicitor stated that there has been an additional \$100,000 since November. Councilor Cleary stated that Mr. Murphy and investors have collected rent from groups or organizations that are renting the front portion of the building and there is also a major cell tower in the rear of the building. The Mayor stated that they believe the money was paid up front for the cell tower and that it

is not a monthly thing. Councilor Cleary stated that if they owe the City all this money, how they can be collecting all this money. He asked if the City should be going to court to state that this money belongs to the City to pay down this debt. Councilor Cleary stated that the total is going to reach a half a million dollars with all of this coming out of the City's budget until we get reimbursed or if we get reimbursed. Councilor Cleary asked the City Solicitor to respond to that. Councilor Cleary stated that for this kind of money, a rough smoke detector/fire alarm system could have been installed and been done with it instead of having someone sitting there all the time. The City Solicitor stated that in respect to the fire alarm system, that would need to be directed to the Fire Chief because he is the one making the decisions. **Motion was made to refer to the Committee on Fires and Wires. Councilor Cleary stated that he is talking about an alarm system similar to the one at Star Theatre so that the fire watch can be pulled off. The City Solicitor stated that he was not the Solicitor at that time, but when reviewing the records from the Housing Court, the City sort conjunctive relief from the then owner of the Star Theatre property to force that to happen. He said this is another way the situation could have gone. He stated that he has been in touch with the first mortgage holder's attorney and he said that he would not necessarily assume that there are all these rents out there for which people think there are. Although, there are some rents out there and the first mortgage holder has exercised its right to recoup the rents. So Voted.**

Com. from Chairman, Zoning Board of Appeals -Increase in compensation for the Chairman, Clerk and Members totaling \$7,700. **Motion was made to refer to the Mayor's Office. Councilor Costa-Hanlon stated that there are a couple of more requests for increases in compensation from Planning and the Conservation Commission. She previously requested a program for training for those on elected boards. She said that the School Committee attends a yearly session that is state-wide and are required to attend. Some of the other elected or appointed boards do not necessarily have the luxury of having the City Solicitor present to answer questions. Some have complicated regulations that they need to reinforce and she said that she is hoping to reconsider to give them some type of resources on a regular basis so that they are trained in the areas that they are supposed to be reinforcing. Councilor Costa-Hanlon asked that the Mayor consider regular training. The Conservation Commission also has a yearly meeting, although it is not required. She said it is important for people who hold these positions to feel comfortable in making these decisions and the ramifications. She also stated that some boards are televised and some are no. She asked that the Mayor have a discussion on this. There was a discussion previously as to whether there would be someone to operate the camera. Now that we are offering a bit of a stipend, we possibly can get someone to operate the cameras. The Mayor stated that as far as the training goes, and with an elected board, he does not think that you can require anybody to do anything. If there is effective training for these boards, the Mayor stated that he would not have any issue with looking into sending individuals to the appropriate venues. Councilor Pottier asked that with the motion to refer to the Mayor's Office that the Mayor will give a recommendation to the Council. The Mayor stated that it would go to the Committee on Finance and Salaries for an Ordinance change before it comes back to the Council. The Mayor asked for**

**thoughts, input from the Council in going forward. He said that he knows that some Committees have stipend is for the Chairman and some do not. So Voted.**

Com. from Chairman, Taunton Planning Board – Increase in compensation for the Chairman, Clerk and Members totaling \$7,700. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from Police Chief – Concerning Police Department new hires and a request to revisit the issue and evaluate whether in the interim, the City considers hiring a few laterals in addition to recruits. The Mayor stated that the Chief is informing that in order for us to get spaces in the academy, we need to make some rapid decisions because we have missed out on the next academy, so it will be further down the line. There also have been some changes in Civil Service regarding the reserve list. Councilor Costa-Hanlon stated that she is happy to have this discussion in Committee on Police and License. The City Clerk stated that it has to do with retirements too. The Police Chief would have more information. She also informed that she did call for the reserve list and two (2) have signed. There is a state-wide list with one (1) individual who has an opportunity to sign the list until February 11<sup>th</sup>. **Motion was made to refer to the Committee on Police and License with discussion in one week with the City Clerk and Police Chief. Councilor Cleary stated that he thought there were two (2) individuals that were from the reserve list. The Mayor stated that there were actually four (4) and two (2) did not move forward. The City Clerk informed that once they are sworn in, they are placed on a reserve list. In order for them to attend the academy, they must be police officers. She informed that the academies require a letter saying that they are full pledged police officers, but there was not enough time to do this and the academy in Plymouth is full. The next academy is in September 2014, therefore how can you appoint those police officers now. Councilor Cleary asked if once they are appointed, are they getting paid. The City Clerk informed that they do not. It is just too soon to hire for the academy. The Mayor stated that should a vacancy occur, we could act rapidly and do that. The Police Chief will also be looking at lateral hires because it is vital the spots are filled. The City Clerk stated that the PAT's are only good for six (6) months. Councilor Cleary stated that it seems that the Chief is looking for transfers because he is in demand. Councilor Costa-Hanlon pressed the motion. The Mayor said that it is a difficult situation because there are individuals on the list waiting their turn and then it does not happen. So Voted.**

Com. from Fire Chief – Extending Commendation for ice water rescue especially to Deputy Chief Eric Dumont and Lieutenant Gary Trudeau and the crew of Engine 1. **Motion was made to recognize the fire fighters and to invite them in for a commendation. Councilor Cleary stated that he assumes it will be a letter from the Council commending the entire Engine 1 crew and a copy to be filed with their personnel records. So Voted.**

Com. from Deputy Chief Dumont – Requesting Commendation for Lt. Trudeau and his crew for a recent ice water rescue. **Motion was made to send a letter of commendation. So Voted.**

Com. from City Solicitor – George Ferreira et al. v. City of Taunton et. al, Bristol County Superior Court, Docket No. BRCV2010-01199. Four lawsuits against the City centering on sewer betterments and I&I fees. The Superior Court on October 9, 2012 entered final judgment in the first three cases in the City's favor and returned to the city a check in the amount of \$360,685.59. In Superior Court on January 13, 2014, the fourth case was dismissed. **Motion was made to receive and place on file. So Voted.**

Councilor Marshall read extra communication from Frank Lagasse, 36 Stevens Street, East Taunton. Mr. Lagasse is requesting a truck exclusion zone for several streets in East Taunton for which he filed this with MassDOT. **Councilor Marshall motioned to refer to the Committee of Department of Public Works. Councilor Marshall said that he has not heard of a no truck zone filing with MassDOT. He said that he does not know much about this and that he does not support this, therefore he is referring this to the DPW Commissioner. Motion passed. Mr. Cleary voting in opposition.**

Councilor Carr read extra communication from the Taunton Literacy Council concerning their Spring Social and Diamond Raffle to take place on May 28, 2014 at the Columbia Cultural Council Center beginning with cocktail hour at 6:00pm. Sandra Lahey will be the guest speaker. Councilor Carr asked that the notice be placed on the City's website.

**Petitions:**

Petition submitted by Herbert Shoemaker, 24 Monroe St., Taunton requesting a Renewal of his 2012 and 2013 Livery License for Skip-A-Round Limousine, Inc. located at 24 Monroe St., Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted**

Hours of Operation - E-Z Clean Laundry Center, Inc. located at 89 Winthrop St., Taunton **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted**

Claim submitted by Judith Bruno, 46 Indian Cove, South Easton seeking reimbursement for damages to her vehicle from hitting a pothole on Tremont Street near Crapo and Wildwood Streets.

Claim submitted by Michael McCloud, 211 Copley Dr., Taunton seeking reimbursement for damages to his vehicle from hitting a pothole on Ingell Street between High Street and County Street.

Claim submitted by Alicia Rapojo, 110 Grant Ave., Somerset seeking reimbursement for damages to her vehicle from hitting a pothole on Cohannet Street near number 899.

Claim submitted by Jillian Ford, 3 General Cobb St., Taunton seeking reimbursement for damages to her vehicle from hitting a pothole on Pratt St. near number 36.

Claim submitted by David Ricci, 254 East St., Attleboro seeking reimbursement for damages to his vehicle from hitting a pothole on Tremont Street near number 605.

Claim submitted by Robert Bianchi, 64 White Pine Dr., Taunton seeking reimbursement for damages to his mailbox from a snowplow hitting it.

Claim submitted by Theresa Charest, 55 Reynolds Ave., Rehoboth seeking reimbursement for damages to her vehicle from hitting a pothole on Tremont Street near number 603.

**Motion was made to refer the above read Claims to the City Solicitor's Office and DPW Commissioner. 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 McCaul stated that last month he brought to the Council's attention the burnt-out building at Chateau Estate. The Enforcement Officer was requested to report back and did so last week indicating their findings. Councilor McCaul stated that he met with the residents of Chateau Estate and toured the entire grounds. He said he was really taken back when he saw a pool in disrepair, windows broken, pot holes throughout the complex, speed bumps falling apart, and stairs in need of repair. He said the whole place looks terrible and would like to see some actions taken. He said that possibly the Board of Health should take a look at what is going on at the facility. Some of the areas are very deplorable and residents are living in these areas. Councilor Carr stated that she was not happy with the response letter received last week from the Code Enforcement Officers because if you read their letters, it would seem like everything is fine, but if you look at it yourself, it is a mess. The City Council does not have the authority to tell the Board of Health agents what to do. It would be a more desirable situation for individuals in the apartments to reach out to the Board of Health. The Board of Health will conduct an inspection. They have a wonderful staff that does this. Councilor Pottier suggested a communication to be forwarded to the Board of Health Commissioners so that they are aware of the situation. He said that it will be in Committees, and agreed with the City Solicitor to go through the Board of Health first for some satisfaction. Councilor Carr stated that the Committee can first discuss and forward to other agencies if need be. The Mayor stated that the City Solicitor suggested that the residents of Chateau Estates contact the Board of Health themselves. Councilor Carr stated that she is referring this for the general areas, entrances, exits and anything that is an open area for residents. The Mayor stated that there is a process that the City of Boston is presently doing, where building inspectors are going through apartment units or rentals every three years. Mr. Pirozzi would like to be doing this with the City's Inspectors to make sure units are all up on their codes. New Bedford is beginning the same program and that Taunton is looking into implementing it here. **Councilor Carr motioned to refer this whole complex to the Committee on Public Health. So Voted. Councilor Carr motioned to request that the Code Enforcement Officers and Board of Health Inspectors and Building Inspectors conduct a visit of the Chateau Estate complex to inspect all structures to make sure that it is habitable for human beings especially with mold and water**

**damage and windows that are boarded up. Also, to request Mr. Scanlon to inspect the complex for compliance with ADA. The City Solicitor stated that common areas are fine, but when you are talking about people homes, he would recommend to instruct the people who live there what their rights are and to have them contact the Board of Health. So Voted.**

Councilor McCaul stated that there was a response regarding the burnt out building at Chateau Estates and it was stated that an architect was looking at rebuilding the building. He asked for an update as to when this may take place and to secure the property because there are windows exposed to the weather, and even though there is a fence around the building, it is open to everyone. With the area being open to anyone, a child could get in there or someone could get into the building and get hurt. There is a big problem there and it really should be secured and to make sure that the owner understands that the windows should be boarded up. Councilor Marshall stated that he truly appreciates what Councilors are trying to get at especially if it is a public safety issue, but this is a private property owner problem and it is his liability and responsibility to ensure that his property is safe and secure. It is not a city building or city property and he said he is not sure how much the City can order the gentleman to do. He said that if there are no code violations or public safety issues, the Council may not be able to order him to tear the building down at this point. If the owner wants to leave the windows broken and deteriorate his building, that's his right. Councilor Marshall stated that Council could entice the owners to get the property done. There is nothing the City can really do, and the Code Enforcement Agent reported last week that there were violations. It may be an eye sore, but Councilor Marshall said he is not sure how much the City can force the owner to do because it is not public property. The Mayor asked if there was any communication with the Building Inspectors. Councilor McCaul stated that he did communicate with the Building Inspectors and was informed that there are procedures that need to be done and if we have the Fire Chief stating that the building should be secured, the Building Commissioner's stating the same and the Enforcement Officers stating that it should be done and the owner does not do it, then what happens is that the City takes the whole responsibility and we would tear it down and politically we would have another property. Councilor McCaul stated that we need to let the owner know that we mean business and that we want it to be taken care of. The bottom line is that the property needs to be secured properly. Councilor Cleary suggested sending a letter to the owner stating that communication has reached the Council level, complaints have been received, and that the City Council wanted to bring it to their attention with hopes to rectify the issue. Councilor Quinn stated that she is in agreement with both Councilors, and with Councilor Carr's motion, we need to get the information from the Code Enforcement Officers to see if there are violations and if it is a public safety issue then a letter should be sent to the owner of the property stating that they need to clean up the property. Until that time, she said that Council should be careful with private property. **Councilor McCaul motioned to refer to the Building Inspector the Chateau Estate property to see what needs to be done to secure the building and to address a letter to the owner. Motion passed. Councilor Marshall voting in opposition.**

New Business:

Councilor Pottier motioned to refer to the DPW Commissioner 9 Shores Street to regarding granite curbing that is sticking up in the sidewalk that is a hazard. So Voted.

Motion was made to adjourn at 9:36 p.m. So Voted.

A true copy:

Attest:

A handwritten signature in cursive script that reads "Ron Blackwell". The signature is written in dark ink and is positioned to the right of the word "Attest:".

City Clerk

RMB/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 4, 2014

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WERE GILL ENOS, BUDGET DIRECTOR AND POLICE CHIEF EDWARD WALSH

MEETING CALLED TO ORDER AT 5:55 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS

**MOTION:** MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

2. MEET TO REVIEW REQUESTS FOR FUNDING

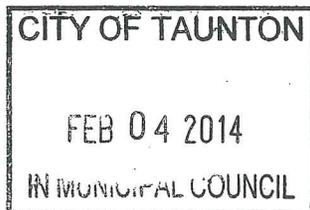
**MOTION:** MOVE APPROVAL OF REQUEST OF POLICE CHIEF FOR A TRANSFER OF \$55,000.00 FROM THE RESERVE ACCOUNT NO. 1-132-202-5784 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-0203-5852 TO PURCHASE TWO NEW UNMARKED CRUISERS.

COUNCILOR CARR ASKED IF THESE WOULD BE ADDITIONAL NEW CRUISERS OR REPLACEMENT CRUISERS. THE CHIEF SAID THAT THEY ARE REPLACEMENT VEHICLES. THEY MAY GET AN SUV, BUT IT DEPENDS ON WHAT IS AVAILABLE. COUNCILOR CARR NOTED THAT A LOT OF DEPARTMENTS ARE GETTING 4 WHEEL DRIVE VEHICLES, BUT THE CHIEF STATED THAT THE NEW MARKED CRUISERS ARE ALL WHEEL DRIVE AND HAVE BEEN MORE EFFECTIVE.

**COUNCILOR CARR SECONDED THE MOTION. SO VOTED.**

THE BUDGET DIRECTOR NOTED THAT THE BALANCE IN THE RESERVE ACCOUNT WILL BE \$610,007.99 AFTER THIS TRANSFER.

MEETING ADJOURNED AT 6:02 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 4, 2014

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CROTEAU AND CLEARY. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH, SERGEANT JOSEPH LOTT, PATROLMAN STEPHEN RICKETTS, ATTORNEY JOHN PAUL THOMAS, HARRY SOARES OF 68 WHITSBOROUGH STREET AND BRIAN SILVEIRA, MR. SOARES GRANDSON

**MEETING CALLED TO ORDER AT 6:13 P.M.**

**1. MEET FOR A HEARING REGARDING HARRY SOARES TOWING COMPANY**

A LETTER DATED JANUARY 21, 2014 TO THE COMMITTEE FROM THE POLICE CHIEF WAS READ. THE LETTER STATED THAT AT A COMMITTEE MEETING ON 1/14/14, DISCUSSED WAS AN ISSUE WITH ONE OF THE CURRENT TOW VENDORS. AS A RESULT OF THIS MEETING A HEARING IS SCHEDULED TO BE CONDUCTED IN FRONT OF THE COMMITTEE ON JANUARY 29, 2014 TO DETERMINE WHETHER HARRY'S SHOULD CONTINUE TOWING FOR THE POLICE DEPARTMENT. AS THE CHIEF PREVIOUSLY STATED, THERE ARE NO EXISTING CONTRACTS WITH ANY OF THE TOW VENDORS AND AS A RESULT, THE COMMITTEE MAY OPT TO REMOVE AN EXISTING VENDOR FROM THE LIST FOR ANY REASON AND WITHOUT A HEARING. THE CHIEF ENCLOSED A COPY OF THE LETTER BEING PROVIDED TO HARRY'S AS WELL AS A COPY OF THE POLICE REPORT.

**MOTION: THAT THE COVER LETTER AND ATTACHED PACKET BE MADE PART OF THE RECORD. SO VOTED.**

THE CHAIRMAN STATED THAT THE CHIEF HAD FORWARDED SOME CASE LAW TO HER RELATIVE TO THEIR BEING A REQUIREMENT FOR A HEARING IN THE EVENT THAT SOMEONE'S LICENSE TO TOW IS CALLED INTO QUESTION.

**MOTION: TO HAVE MR. SOARES AND ANYONE REPRESENTING HIM COME INTO THE ENCLOSURE. SO VOTED.**

THE CHIEF STATED THAT THE REASON THIS MEETING IS TAKING PLACE TONIGHT IS BECAUSE AT A RECENT COMMITTEE ON POLICE AND LICENSE MEETING DISCUSSION HAD TAKEN PLACE REGARDING MOVING FORWARD ON CHANGES TO THE CONTRACTING FOR TOWING. CURRENTLY, THE DEPARTMENT HAS NO CONTRACTS WITH ANY OF THE TOW COMPANIES. BASED UPON THAT MEETING AND SOME DISCUSSION HAD, THE COMMITTEE REQUESTED THAT HE BRING THE TOW COMPANY THAT HE HAD QUESTIONS AND CONCERNS ABOUT TO DISCUSS AT LEAST THE LATEST INCIDENT INVOLVING THEM. THE CHIEF FURTHER STATED THAT THEY HAVE HAD SOME ISSUES WITH HARRY'S OVER THE LAST COUPLE OF YEARS. HE ALSO STATED THAT SERGEANT LOTT IS HERE IF THE COUNCIL WOULD LIKE TO HEAR SOME TESTIMONY RELATIVE TO THOSE ISSUES, RELATIVE TO THE INSURANCE COMPANIES AND THE NOTICES THAT WERE GIVEN TO HARRY'S IN THE PAST. BASICALLY, HARRY'S HAD A SET POLICY THAT HE WAS OPEN BETWEEN 7 AND 8 IN THE MORNING FOR INSURANCE COMPANIES AND IF ANYONE SHOWED UP AFTER 8 THEY WERE NOT ALLOWED ENTRY INTO HIS LOT TO LOOK AT THE VEHICLES.

THE CHIEF SAID THAT TONIGHT SPECIFICALLY THEY ARE DEALING WITH AN INCIDENT THAT PATROLMAN RICKETTS COULD ACTUALLY TESTIFY TO. THIS IS AN INCIDENT INVOLVING A TOWED VEHICLE, THE OWNER, THE OWNER'S WIFE AND HARRY'S. THEREFORE THE CHIEF REQUESTED THAT PATROLMAN RICKETTS BE INVITED INTO THE MEETING. THE CHAIRMAN WANTED TO VERIFY ON THE RECORD THAT ATTORNEY THOMAS HAD THE PACKET.

THE CHAIRMAN PROVIDED ATTORNEY THOMAS WITH A COPY OF THE PACKET THAT HAD BEEN MADE PART OF THE RECORD. ALSO, THE CHIEF SAID THAT HE SENT THE LETTER AND A PACKET TO HARRY SOARES.

PAGE TWO

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

**MOTION: TO INVITE PATROLMAN RICKETTS INTO THE ENCLOSURE. SO VOTED.**

OFFICER RICKETTS SAID THAT HE WAS CALLED IN FOR A LOBBY INVESTIGATION ON 1/8/14. ORIGINALLY HE WAS CALLED IN FOR AN INVESTIGATION REGARDING THREATS. UPON ARRIVING AT THE STATION, HE SPOKE TO A STEVEN QUINN. MR. QUINN STATED THAT HIS WIFE, TERRI QUINN, WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THE PRIOR DAY AT THE INTERSECTION OF SUMMER AND SPRING STREETS. THE VEHICLE WAS TOWED FROM THE SCENE BY TONY'S WHO WAS ACTUALLY WORKING FOR HARRY'S AUTO WRECKING. MR. QUINN CONTACTED MR. SOARES THE FOLLOWING DAY, THE EIGHTH OF JANUARY AND MR. QUINN STATED THAT HE WANTED TO MAKE ARRANGEMENTS TO MOVE HIS VEHICLE, AND WANTED TO KNOW THE COST FOR THE TOWING AND STORAGE. MR. SOARES ADVISED MR. QUINN THAT THE VEHICLE SHOULD STAY IN THE YARD UNTIL THE INSURANCE APPRAISER TOOK A LOOK AT IT. MR. QUINN SAID THAT HE WANTED TO REMOVE THE VEHICLE DUE TO A RADIATOR LEAK AND HE WAS CONCERNED THAT THE COLD WEATHER WOULD CAUSE FURTHER DAMAGE TO THE VEHICLE. MR. SOARES INFORMED MR. QUINN THAT THE COST OF REMOVAL FOR THIS VEHICLE WOULD BE \$160.00 - \$90.00 FOR THE TOW, AND \$35.00 PER DAY FOR STORAGE. MR. QUINN INFORMED MR. SOARES THAT HE WOULD HAVE AAA REMOVE THE VEHICLE.

AT APPROXIMATELY 10:00 MR. QUINN WENT TO HARRY'S ON THRASHER STREET. HARRY MET THE COUPLE IN THE TOW YARD AND STATED THAT THEY WERE MAKING A BIG MISTAKE AND SHOULD RECONSIDER LEAVING THE VEHICLE AT HIS YARD. MR. QUINN TOLD MR. SOARES THAT HE WAS COMFORTABLE WITH HIS DECISION TO REMOVE THE VEHICLE.

MR. SOARES THEN INFORMED MR. QUINN THAT HE ONLY ACCEPTS CASH AND THAT THE FEE WAS GOING TO BE \$260.00. MR. QUINN REMINDED MR. SOARES OF THE EARLIER CONVERSATION WHEN HE SAID THE FEE WOULD BE \$160.00. MR. SOARES THEN STATED "WHAT DO YOU CARE, THE INSURANCE COMPANY WILL REIMBURSE YOU." MR. QUINN STATED THAT HE AND HIS WIFE FOLLOWED MR. SOARES TO THE OFFICE. ONCE INSIDE TERRI QUINN VOICED HER OPINION ON WHAT HAD TRANSPIRED WITH THE PRICE CHANGING FROM \$160.00 TO \$260.00 FOR THE TOW AND STORAGE FEES. THE CONVERATION ESCALATED WHERE MR. SOARES SAID SOME THINGS TO MR. QUINN ABOUT HIS WIFE, AND THAT IS WHERE THE THREATS CAME IN.

MR. QUINN STATED THAT HE WAS IN FEAR AT THAT TIME, PAID MR. SOARES THE \$260.00 AND THE VEHICLE WAS TOWED FROM THE YARD.

DURING THIS INTERVIEW, OFFICER RICKETTS WAS ADVISED BY HIS SUPERVISOR AND WAS INSTRUCTED TO DO A REPORT ON THIS AND ALSO TO OBTAIN THE STATEMENT FROM MR. QUINN.

OFFICER RICKETTS SAID THAT HIS REPORT IS BASICALLY A SUMMARY OF MR. QUINN'S REPORT, AND MR. QUINN DID PROVIDE A MORE DETAILED WITNESS STATEMENT.

COUNCILOR CROTEAU ASKED IF MR. QUINN HAD UNRESTRICTED RIGHT TO REMOVE THE VEHICLE WHEN HE FIRST APPROACHED MR. SOARES? WAS IT HIS RIGHT TO HAVE THAT CAR TAKEN SOMEWHERE ELSE. OFFICER RICKETTS SAID YES.

COUNCILOR CORTEAU STATED THAT HE DOES NOT UNDERSTAND WHY MR. SOARES GAVE MR. QUINN A HARD TIME. HE HAS A RIGHT TO REMOVE THE VEHICLE AND MR. SOARES HAS NO RIGHT TO KEEP THE VEHICLE THERE.

COUNCILOR CROTEAU ALSO STATED THAT HE WOULD, IF NECESSARY, BECAUSE THERE SEEMS TO BE A DISAGREEMENT HERE, ASK THE OFFICER TO READ THE REPORT AGAIN, BECAUSE IT SOUNDED TO HIM AS THOUGH MR. SOARES WAS TELLING MR. QUINN THAT HE DIDN'T HAVE THE RIGHT TO TAKE THAT VEHICLE.

OFFICER RICKETTS SAID THAT ACCORDING TO MR. QUINN, THEY AGREED ON A PRICE PRIOR TO HIM GOING TO HARRY'S TOW YARD. HIS REPORT STATES THAT MR. QUINN SAID THAT MR. SOARES TOLD HIM HE WAS MAKING A BIG MISTAKE TAKING THE VEHICLE, AND WHEN MR. QUINN SAID HE WAS

PAGE THREE

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

COMFORTABLE WITH HIS DECISION, MR. SOARES SAID AGAIN, HE WAS MAKING A BIG MISTAKE AND WHAT DO YOU CARE, THE INSURANCE COMPANY WILL REIMBURSE YOU. THAT IS THE ARGUMENT THAT THEY HAD. MR. QUINN WAS ADAMANT ABOUT HAVING HIS VEHICLE REMOVED AND THAT IS WHEN MR. QUINN STATED TO OFFICER RICKETTS, AND ALSO NOTED IT IN HIS WRITTEN STATEMENT, THAT THE PRICE WENT FROM THE \$160.00 TO \$260.00. FROM THE \$90.00 FOR THE TOW, \$35.00 FOR THE DAY OF THE TOW AND \$35.00 FOR THE NEXT DAY IT THEN WENT UP ANOTHER \$100.00. OFFICER RICKETTS SAID HE DID NOT THINK IT WAS A QUESTION OF WHETHER OR NOT HE COULD TAKE HIS VEHICLE, IT CAME DOWN TO THE INCREASE IN PRICE. OFFICER RICKETTS SAID HE DIDN'T THINK MR. QUINN WANTED TO PAY THE EXTRA MONEY BUT ENDED UP PAYING IT JUST TO GET OUT OF THERE.

COUNCILOR CROTEAU STATED THAT HE WOULD HOPE THIS DOESN'T HAPPEN, IF AT ALL, WHEN SOMEBODY GOES TO GET THEIR CAR, WHICH THEY OWN, THERE SHOULD NOT HAVE BEEN ANY DISCUSSION AT ALL. JUST OK, THIS IS HOW MUCH IT IS. IT SEEMS TO COUNCILOR CROTEAU THERE WAS A LOT OF DISCUSSION HERE THAT WAS NOT NECESSARY, AND ALSO SOME INAPPROPRIATE LANGUAGE, AND SOME THREATS. HE DOES NOT FEEL THAT ALL OF THIS IS NECESSARY.

OFFICER RICKETTS SAID THAT HE AGREES, AND THAT IS WHY HE WAS INSTRUCTED TO WRITE THIS REPORT AND FORWARD IT TO THE CHIEF.

COUNCILOR CLEARY ASKED HOW LONG MR. SOARES' COMPANY HAS BEEN TOWING FOR THE CITY. THE CHIEF SAID HE DID NOT HAVE THE EXACT NUMBER, BUT HE HAS BEEN TOWING AS LONG AS HE HAS BEEN ON THE DEPARTMENT WHICH IS 26 YEARS.

ATTORNEY THOMAS SAID MR. SOARES HAS BEEN TOWING FOR 45 YEARS.

MR. CLEARY SAID THAT HE THINKS WE ARE HERE BECAUSE SOMEHOW THE INCIDENT CAME TO THE COMMITTEE AND THEY WERE TOLD THAT THIS IS NOT THE FIRST INCIDENT WITH THIS PARTICULAR VENDOR. ARE THERE OTHER INCIDENTS THAT THE COMMITTEE SHOULD BE AWARE OF?

THE CHIEF SAID THAT THERE HAVE BEEN INCIDENTS OVER THE YEARS GOING BACK APPROXIMATELY 10 YEARS, THAT HE IS AWARE OF. SERGEANT LOTT, WHO IS HERE, COULD PROBABLY SPEAK TO SOME OF THOSE INCIDENTS. SERGEANT LOTT HAS HAD CONVERSATIONS WITH MR. SOARES ABOUT IRREGULARITIES ON SOME OF HIS PRACTICES.

MR. CLEARY ALSO QUESTIONED THE DIFFERENCE ON THE COST OF THE TOW. WHY DID IT CHANGE FROM \$160 TO \$260. HE WOULD LIKE TO KNOW WHY.

THE CHIEF SAID IT IS SET BY STATE STATUTE.

COUNCILOR CLEARY ASKED WHAT IS THE CORRECT CHARGE. ATTORNEY THOMAS SAID \$260.00.

OFFICER RICKETTS SAID THAT ACCORDING TO DOCUMENTATION THAT THEY HAVE ON THE WALL AT THE STATION, IT IS \$90.00 FOR THE TOW AND \$35.00 PER DAY STARTING THE DAY OF THE ACTUAL TOW. SO IT WAS TOWED ON THE 7<sup>TH</sup>, THEN THE NEXT DAY WOULD BE ANOTHER \$35.00, SO IT SHOULD HAVE BEEN A TOTAL OF \$160.00. HOWEVER, WHEN MR. QUINN WENT IN TO PAY MR. SOARES, THAT IS WHEN THE PRICE WAS STATED AT \$260.00.

COUNCILOR COSTA-HANLON ASKED OFFICER RICKETTS IF HE CONTACTED MR. SOARES AND HOW HE VERIFIED THE OTHER SIDE OF THIS SITUATION.

OFFICER RICKETTS SAID HE DID NOT CONTACT MR. SOARES, HE WAS ASKED TO DO A DETAILED REPORT BY THE LIEUTENANT AND THEN FORWARD IT TO THE CHIEF AND LIEUTENANT MCCABE. HE WAS ALSO INSTRUCTED TO MAKE SURE THAT THE COMPLAINANT DID A WITNESS STATEMENT FORM WHICH HE DID PROVIDE TO THE COMMITTEE TONIGHT. OFFICER RICKETTS SAID THAT HE DID NOT CONTACT MR. SOARES. HE WAS NOT TAKING OUT CRIMINAL CHARGES AT THIS TIME.

ATTORNEY THOMAS ASKED OFFICER RICKETTS REGARDING THE STATUTE THAT HE REFERRED TO ON THE TOW CHARGE, IF HE KNEW WHAT STATUTE THAT WAS. OFFICER RICKETTS SAID HE DID NOT BUT IT IS ON THE WALL IN THE C.O.'S OFFICE.

PAGE FOUR

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

ATTORNEY THOMAS ASKED IF OFFICER RICKETTS KNEW ANY OTHER STATUTE THAT REGULATES THE TOW CHARGES FOR THE CITY. OFFICER RICKETTS SAID NO.

ATTORNEY THOMAS ASKED IF OFFICER RICKETTS WAS FAMILIAR WITH THE D.P.U. STATUTE. OFFICER RICKETTS SAID NO.

ATTORNEY THOMAS ASKED OFFICER RICKETS IF HE KNEW THAT THEY ALSO REGULATE TOW COMPANIES FOR MUNICIPALITIES AND WHAT THEY ARE ALLOWED TO CHARGE. OFFICER RICKETTS SAID HE WAS NOT AWARE OF THAT.

HE THEN ASKED, WHEN OFFICER RICKETTS SPOKE WITH THESE PEOPLE THAT THEY TOLD HIM HOW THE WHOLE CONVERSATION TOOK PLACE, DID THEY GIVE OFFICER RICKETTS THE TIME THEY CALLED AND WHAT TIME THEY CAME IN? OFFICER RICKETTS SAID IT MIGHT BE IN MR. QUINN'S STATEMENT.

ATTORNEY THOMAS THEN ASKED OFFICER RICKETTS, WHEN MR. QUINN TOLD HIM THAT HE CALLED MR. SOARES, AND HE ASKED HOW MUCH IT WAS TO REMOVE THE CAR, THAT WAS THE ONLY QUESTION HE ASKED, HE DID NOT GIVE ANY MORE DETAIL. THE REASON HE IS ASKING THIS IS HE JUST WANTS TO GET TO THE CRUX OF THE COST.

OFFICER RICKETTS SAID MR. QUINN INFORMED HIM THAT THE PRICE THAT HE WAS INFORMED OF OVER THE PHONE BY MR. SOARES WAS \$160.00 AND IT WAS EXPLAINED TO THEM WHY - \$90 FOR THE TOW AND \$35 FOR STORAGE THE DAY OF THE TOW, AND THE NEXT DAY. THE HEARTBURN CAME WHEN HE WENT THERE AND IT HAD CHANGED TO \$260.00.

ATTORNEY THOMAS THEN ASKED OFFICER RICKETTS AGAIN, WHETHER HE WAS FAMILIAR WITH THE DPU STATUTE. OFFICER RICKETTS SAID NO.

THE CHAIRMAN ASKED ABOUT THE REPORT SHE HAD RECEIVED. IT SAYS THE TYPE OF INCIDENT IS THREATS. SHE IS CURIOUS, IF YOU ARE INVESTGATING A THREAT, YOU DO NOT CALL THE OTHER PERSON TO SEE WHAT THEY SAY.

OFFICER RICKETTS STATED AGAIN, THAT HE WAS INSTRUCTED TO DO THIS REPORT TO BE REVIEWED, AND POSSIBLY THERE WOULD BE AN INVESTIGATION BY A HIGHER AUTHORITY, MEANING THAT HE SENT IT TO LIEUTENANT MCCABE. OFFICER RICKETS STATED THAT AT THIS TIME HE WAS NOT SEEKING CRIMINAL CHARGES.

COUNCILOR COSTA-HANLON SAID THAT IT MEANS POSSIBLE THREATS.

OFFICER RICKETTS SAID THE REASON IT SAYS THREATS ON THE COVER SHEET IS BECAUSE THAT IS HOW IT CAME IN FOR THE DEPARTMENT'S CAD SYSTEM. THAT IS HOW IT WAS DOCUMENTED INITIALLY, NOT BY OFFICER RICKETTS, BUT HOW IT CAME IN.

ATTORNEY THOMAS ADDRESSED OFFICER RICKETTS AGAIN. HE SAID THAT OFFICER RICKETTS TOLD DR. CROTEAU THAT MR. QUINN WAS FREE TO TAKE THE VEHICLE. OFFICER RICKETTS SAID HE BELIEVES HE HAS THE RIGHT TO TAKE HIS VEHICLE OR HIS WIFE'S VEHICLE UNDER HER AUTHORITY.

ATTORNEY THOMAS SAID HE DID NOT WANT TO SPEAK FOR DR. CROTEAU, BUT THE QUESTION IS DOES HE HAVE THE RIGHT TO TAKE THE VEHICLE WITH OR WITHOUT PAYING.

COUNCILOR CROTEAU SAID "THE RIGHT TO TAKE THE VEHICLE IF HE PAID THE \$160.00."

**MOTION: TO INVITE SERGEANT LOTT INTO THE ENCLOSURE. SO VOTED.**

SERGEANT LOTT STATED THAT HE IS ASSIGNED TO THE TRAFFIC DIVISION OF THE POLICE DEPARTMENT. PART OF HIS JOB IS TO MONITOR THE WRECKER SERVICE AND MAKE THE SCHEDULE FOR THEM ONCE A YEAR. EACH OF THEM GETS TURNS 2 WEEKS AT A TIME THROUGHOUT THE YEAR. HE FURTHER STATED THAT ABOUT 4 YEARS AGO THE CHIEF GAVE HIM A PACKET WITH SOME LETTERS OF COMPLAINT FOR HARRY'S. SOME OF THEM WERE THERE FROM WHEN CAPTAIN REARDON WAS THE ACTING CHIEF, SO THEY WERE OLD. THERE WERE ABOUT 4-5 LETTERS IN THE PACKET. A COUPLE OF THEM WERE FROM INSURANCE ADJUSTERS WHO WERE MAKING A COMPLAINT THAT THEY COULD NOT GET INTO LOOK AT

PAGE FIVE

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

THE VEHICLES TO APPRAISE THEM BECAUSE MR. SOARES WANTED THEM TO BE THERE BETWEEN 7 AM AND 8 AM. THERE WERE ANOTHER COUPLE COMPLAINING ABOUT HIS Demeanor BEING CALLOUS AND UNCARING. SERGEANT LOTT SAT DOWN WITH MR. SOARES, AND CAME TO AN UNDERSTANDING THAT HE WOULD WORK BETTER WITH THE ADJUSTERS. BASICALLY HE SPOKE TO MR. SOARES, THOUGHT THE PROBLEMS HAD BEEN SOLVED AND THERE WERE NO COMPLAINTS FOR ABOUT A YEAR TO A YEAR AND A HALF.

THEN, HE RECEIVED A CALL FROM OFFICER RODERICK, WHO HAD GOTTEN A CALL FROM A LADY ABOUT MR. SOARES. OFFICER LOTT WAS ASKED TO CALL THE LADY.

SHE SAID THAT THE INSURANCE ADJUSTER INFORMED HER THAT THEY WERE ONLY GOING TO PAY FOR A FEW DAYS MORE STORAGE BECAUSE THEY HAD MADE 5 ATTEMPTS TO GET INTO THE LOT AND HAD NOT BEEN ABLE TO GET IN. THE ADJUSTER CAME FROM WORCESTER, OR SOMEWHERE, AND WAS NOT ABLE TO GET THERE BETWEEN 7 AND 8 AM. OFFICER LOTT SAID THAT MR. SOARES SUPPOSEDLY TOLD THE ADJUSTER THAT IF HE COULDN'T GET THERE BETWEEN 7 AND 8 AM, HE WAS NOT GOING TO GET IN. OFFICER LOTT CALLED MR. SOARES. MR. SOARES SAID THAT HE IS A ONE MAN OPERATION, YOU HAVE TO UNDERSTAND. MR. SOARES FINALLY DID ALLOW THE ADJUSTER IN. THAT WAS THE LAST COMPLAINT OFFICER LOTT HAD GOTTEN, UNTIL HEARING THE COMPLAINT THAT OFFICER RICKETTS WAS INVESTIGATING. HE FURTHER SAID HE HAD NOT HEARD COMPLAINTS ABOUT MONEY, IT IS USUALL MR. SOARES' Demeaner AND ACCESS TO THE VEHICLES.

COUNCILOR CROTEAU ASKED IF IT HAS BEEN SERGEANT LOTT'S EXPERIENCE WITH THE OTHER PEOPLE THAT DO THE TOWING FOR THE CITY THAT THE ADJUSTERS ARE RESTRICTED TO A ONE HOUR WINDOW. SERGEANT LOTT SAID NO. IN FACT, HE CHECKED WITH THE OTHER COMPANIES AND THEY SAID THEY WOULD LET SOMEONE COME IN ANYTIME.

COUNCILOR CLEARLY NOTED THAT IT WAS A GOOD INITIATIVE ON SERGEANT LOTT'S PART THAT HE DID SIT DOWN WITH MR. SOARES IN ORDER TO WORK THINGS OUT.

ATTORNEY THOMAS ADDRESSED SERGEANT LOTT, STATING THAT HE MENTIONED THAT HE HAD NOT HAD ANY OTHER ISSUES WITH MR. SOARES.

SERGEANT LOTT SAID FOR ABOUT A YEAR AND A HALF. YES.

ATTORNEY THOMAS SAID THAT THIS WOULD BE UP TO THAT POINT, RIGHT.

SERGEANT LOTT SAID YES.

ATTORNEY THOMAS SAID HE IS NOT SPEAKING FOR MR. SOARES, BUT IT IS SAFE TO SAY THAT AFTER SERGEANT LOTT SPOKE WITH MR. SOARES, HE READJUSTED HIS APPOINTMENT SCHEDULE, HIS HOURS. ATTORNEY THOMAS ASKED SERGEANT LOTT IF HE HAS HAD ANY OTHER COMPLAINT EVER, SINCE HE HAS BEEN ON THE DEPARTMENT, FROM ANY OTHER TOW COMPANY – ANY KIND OF COMPLAINT.

SERGEANT LOTT SAID HE HAS NOT.

ATTORNEY THOMAS ASKED IF THE POLICE DEPARTMENT HAS HAD ANY.

SERGEANT LOTT SAID HE BELIEVES THE DEPARTMENT MAY HAVE, BUT HE HAS NOT. HE FURTHER STATED THAT SINCE HE HAS BEEN DOING THE JOB, HE HAS NOT RECEIVED ANY COMPLAINTS.

SERGEANT LOTT STATED THAT MR. SOARES HAS BEEN AROUND A LONG TIME, AND HE GETS ALONG WITH HIM. THAT IS WHY HE SITS DOWN WITH HIM. BUT IT HAS COME TO THE POINT WHERE IT IS DIFFICULT TO WORK WITH HIM. ESPECIALLY WHEN YOU LOOK AT IT AND SEE THAT THERE ARE NO PROBLEMS WITH ANY OF THE OTHER WRECKERS. IT IS ALWAYS HARRY. HIS Demeaner TENDS TO OFFEND AND UPSET SOME PEOPLE. MR. SOARES HAS BEEN GIVEN MANY CHANCES BUT HE DOESN'T STRAIGHTEN UP. HIS Demeaner DOES NOT REFLECT FAVORABLY UPON THE CITY OF TAUNTON OR THE TAUNTON POLICE DEPARTMENT.

PAGE SIX

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

ATTORNEY THOMAS SAID THAT HE PERSONALLY HAS HAD ISSUES WITH OTHER TOWERS, SO HE FINDS IT HARD TO BELIEVE THAT THIS ISSUE WITH MR. SOARES IS THE ONLY ISSUE. HE FINDS IT DIFFICULT TO BELIEVE.

COUNCILOR COSTA-HANLON STATED THAT SHE THINKS OFFICER LOTT SAID THAT THIS IS THE ONLY ONE THAT FILTERED DOWN TO HIM. THERE MAY HAVE BEEN COMPLAINTS TO THE POLICE STATION. COUNCILOR CROTEAU ASKED OFFICER LOTT IF HE HAD BEEN SWORN IN, WOULD HIS TESTIMONY BE THE SAME. OFFICER LOTT SAID YES, ABSOLUTELY.

THE CHIEF STATED THAT HE WAS HOPING NOT TO GET TO THIS POINT, AND IT INVOLVED A LOT OF SOUL SEARCHING TO BRING THIS HERE. AS HE STATED BEFORE, HE WAS LOOKING TO MOVE FORWARD ON THEIR TOWING POLICY, AND AS A MATTER OF FACT HAS SOMETHING FOR THE COMMITTEE WHEN IT GETS TO ITEM NO. 2, MATTERS IN FILE. HE FURTHER STATED THAT HE HAS BEEN CHIEF FOR 4 YEARS AND WAS A MEMBER OF THE COMMAND STAFF FOR ANOTHER 5 YEARS ON TOP OF THAT. HE HEARD ATTORNEY THOMAS ASK ABOUT OTHER TOW COMPANIES, AND HE CANNOT RECALL ANY FORMAL COMPLAINTS OR INVESTIGATIONS THAT THEY HAVE DONE IN THE LAST 10 YEARS ON OTHER TOW COMPANIES. HE FURTHER STATED THAT SERGEANT LOTT HIT IT ON THE HEAD, MR. SOARES' DEMEANER DEALING WITH THE PUBLIC IS NOT A GOOD REFLECTION ON THE POLICE DEPARTMENT OR THE CITY. THE CHIEF SAID THEY GET COMPLAINTS THAT AREN'T DOCUMENTED, PHONE CALL COMPLAINTS, WHETHER IT IS THE INSURANCE ADJUSTERS OR THE PUBLIC TRYING TO DEAL WITH HIM. UNFORTUNATELY, IT IS WHAT IT IS, AND AS A DEPARTMENT HEAD HE NEEDS TO TRY TO ADJUST THIS SOMEHOW. HE WAS HOPING NOT TO COME FORWARD TO THE COUNCIL ON THIS BUT WAS HOPING TO MOVE ON WITH A POLICY ON TOW COMPANIES, AND HOPEFULLY CONTRACT OUT FOR TOWING. HE STATED THAT HIS COMMENTS ECHO SERGEANT LOTT'S, THIS IS UNACCEPTABLE.

COUNCILOR COSTA-HANLON STATED THAT SHE WAS CONFUSED BECAUSE THIS COMMITTEE DID NOT ASK FOR A HEARING. SHE SAID THAT WE ASKED TO MOVE FORWARD ON THE POLICY AS THE CHIEF SAID AND WE ASKED FOR A REPORT FROM HIM ABOUT THE ISSUES. NOT A HEARING, A REPORT.

COUNCILOR CLEARY SAID THAT DR. CROTEAU SPECIFICALLY SAID, CHIEF IF YOU HAVE A PROBLEM WITH A PARTICULAR TOWER, YOU HAVE TO BRING HIM IN HERE AND MAKE A RECOMMENDATION, AND THAT IS WHAT THE CHIEF IS DOING. HE WAS TOLD TO DO THIS BY THIS COMMITTEE.

COUNCILOR COSTA-HANLON SAID THAT SHE WENT THROUGH THE MINUTES. THE MOTION WAS FOR A REPORT IN 2 WEEKS, THIS COMMITTEE DID NOT MOTION FOR A HEARING. THE CHIEF SENT A LETTER TO MR. SOARES AND SAID THERE WAS A HEARING. WHEN SHE GOT THE LETTER, SHE CONFIRMED WITH THE CLERK AND THERE WAS NO HEARING.

THE CHIEF SAID THAT HE WAS TOLD TO BRING THIS FORWARD NOW. THAT IS THE DIRECTION HE GOT.

COUNCILOR COSTA-HANLON SAID THAT ONE COUNCILOR DOES NOT MAKE POLICY. WE VOTE ON MOTIONS AND MOTIONS FOR HEARINGS MATTER, AND WHAT 1 COUNCILOR SAYS TO SOMEONE DOESN'T MAKE IT SO. THAT IS HER FRUSTRATION.

COUNCILOR CLEARY STATED THAT SHE WAS GOING THROUGH A TECHNICALITY AND TO LETS JUST FINISH WHAT WAS STARTED.

COUNCILOR CROTEAU CLARIFIED THAT IT IS CLEAR IN HIS MIND THAT HE WANTED THIS ISSUE DISCUSSED IN THIS COMMITTEE IN PUBLIC.

COUNCILOR CLEARY SAID WHETHER YOU CALL IT A HEARING OR A MEETING, IT MAKES NO DIFFERENCE TO HIM.

THE CHAIRMAN THEN STATED TO THE CHIEF, THAT BASED ON WHAT HE HEARD AT THE COMMITTEE MEETING, HE SENT A LETTER TO MR. SOARES THAT SAID THAT HE WAS ON THE AGENDA FOR JANUARY 29<sup>TH</sup>.

PAGE SEVEN

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

THE CHIEF SAID HE BELIEVES HE SAID THAT WE WERE GOING TO HAVE A MEETING OR A HEARING TO DISCUSS WHETHER HE WOULD CONTINUE AS A TOW SERVICE. HE ALSO STATED, AS HE EXPLAINED TO THE CHAIRMAN, THAT THERE WAS A QUESTION IN HIS MIND WHETHER HE IS ENTITLED TO A HEARING BECAUSE HE DOES NOT HAVE A CONTRACT WITH THE CITY. BASICALLY HE IS AN AT WILL VENDOR, AND THERE WAS A QUESTION AS TO WHETHER THERE WAS EVEN A LEGAL STANDING TO HAVE A HEARING RELATIVE TO HIS RIGHT TO BE HERE AS PART OF THE HEARING.

COUNCILOR COSTA-HANLON SAID THAT SHE E-MAILED THE CHIEF ASKING IF HE WAS SURE THAT WE HAD TO HAVE A HEARING – IS THIS NOT SOMETHING HE COULD DO ON HIS OWN. THE CHIEF THEN E-MAILED HER THE COURT CASE FROM REVERE THAT SAID ANYTIME SOMEONE HAS A CONTRACT WITH THE CITY AND IS BEING TERMINATED, THEY ARE ENTITLED TO A HEARING.

THE CHIEF SAID THAT IS CORRECT, BUT WHAT HE ALSO SAID WAS THAT HE DOES NOT HAVE A CONTRACT WITH THE CITY, HE IS NOT A CONTRACTOR WITH THE CITY. THE CASE SPECIFICALLY SAYS IF HE DOES NOT HAVE A CONTRACT THERE IS NO RIGHT TO A HEARING. YOU CAN TERMINATE THEIR SERVICE AT ANY POINT. THE QUESTION THAT CAME UP THAT NO ONE SEEMS TO BE ABLE TO ANSWER IS HOW IS IT DETERMINED WHO TOWS AND WHO MAKES THAT DETERMINATION. SO IF IT IS WITHIN HIS AUTHORITY TO MAKE THE DETERMINATION WHO TOWS FOR THE CITY OF TAUNTON POLICE DEPARTMENT HE WILL DO SO, BUT HE DOES FEEL THAT THE COUNCIL SHOULD MAKE THE DETERMINATION ON WHETHER TO ALLOW MR. SOARES TO CONTINUE.

THE CHAIRMAN ASKED THE CHIEF, WHEN HE ASKED FOR THE HEARING FOR MR. SOARES, THE CHIEF ALSO ASKED FOR A HEARING OF THIS COMMITTEE. CORRECT?

THE CHIEF STATED THAT HE DID ASK FOR A HEARING.

THE CHAIRMAN SAID THAT SHE WANTED IT CLARIFIED THAT THE CHIEF DID COME HERE AND ASK FOR A HEARING NOT JUST BASED ON WHAT HE WAS ASKED TO DO THE WEEK BEFORE BUT BECAUSE HE WANTED IT CLARIFIED HIMSELF.

THE CHIEF THEN STATED THAT HE IS NOT SURE HE NEEDED CLARIFICATION AT THAT POINT, BECAUSE THEY WERE MOVING FORWARD REGARDLESS. HE WAS ASKED TO BRING IT FORWARD SO HE ASKED FOR A HEARING BEFORE THE COMMITTEE TO MAKE A DETERMINATION WHETHER HARRY'S TOWING SHOULD CONTINUE TOWING FOR THE POLICE DEPARTMENT. HE DOES NOT BELIEVE IT IS WITHIN HIS AUTHORITY TO MAKE THAT DETERMINATION, HE BELIEVES THAT THE COMMITTEE ON POLICE AND LICENSE MAKES THE DESIGNATION OF THE TOWING CONTRACTORS FOR THE CITY SO HE WOULD SAY THAT THEY HAVE THE ONLY AUTHORITY TO MAKE THE DETERMINATION WHETHER A TOWING CONTRACTOR SHOULD CONTINUE TOWING FOR THE CITY.

COUNCILOR COSTA-HANLON THEN SAID TO THE CHIEF THAT HE WAS JUST HOPING THAT THIS WAS GOING TO BE RESOLVED WITHOUT A HEARING.

THE CHIEF SAID THAT WHAT HE WAS SAYING BEFORE, WAS THAT HE THOUGH THAT IF WE MOVE FORWARD WITH THE TOWING PROCESS IT WOULD NOT BECOME AN ISSUE.

COUNCILOR CROTEAU ASKED IN THE ABSENCE OF A WRITTEN CONTRACT, BUT GIVEN THE LENGTH OF YEARS OF SERVICE DOES MR. SOARES HAVE A CONTRACT. MR. SOARES FELT IT WAS A HEARING BECAUSE HE WENT TO THE EXPENSE OF HAVING AN ATTORNEY HERE.

COUNCILOR CROTEAU REFERENCED THE STATEMENT MADE BY MR. QUINN, AND ASKED IF MR. SOARES WOULD LIKE TO CHALLENGE THE STATEMENT.

ATTORNEY THOMAS SAID THAT THEY HAD JUST BEEN AWARE OF THE STATEMENT A FEW MINUTES AGO SO THEY HAVEN'T HAD A CHANCE TO REVIEW IT, BUT THEY WOULD LIKE TO ADDRESS SOME ISSUES IN THE POLICE REPORT, AND IF THE STATEMENT RESEMBLES THE POLICE REPORT, THEY WILL CHALLENGE THAT, YES.

PAGE EIGHT

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

COUNCILOR CROTEAU STATED THAT HE WOULD LIKE TO SEE, IF THERE IS GOING TO BE A CHALLENGE, THAT THIS HEARING BE RECESSED TO GIVE ATTORNEY THOMAS AND MR. SOARES THE OPPORTUNITY TO READ IT AND CHALLENGE IT. ALSO, THAT WHEN THAT CHALLENGE TAKES PLACE, THAT MR. AND MRS. QUINN HAVE THE OPPORTUNITY TO BE HERE. IF WE ARE GOING TO TALK ABOUT MR. QUINN'S STATEMENT, MR. QUINN NEEDS TO BE HERE.

ATTORNEY THOMAS SAID HE HAS NO OBJECTION TO THAT, BUT HE THOUGHT THE QUINNS HAD AN OPPORTUNITY TO BE HERE TONIGHT.

COUNCILOR CROTEAU WANTS TO KNOW WHETHER OR NOT MR. SOARES FEELS THAT THIS IS AN ACCURATE STATEMENT. IF IT IS, HE HAS SOME VERY SERIOUS CONCERNS. THERE ARE STATEMENTS THAT WERE NOT VERY NICE AND NOT READ IN PUBLIC.

COUNCILOR COSTA-HANLON ASKED COUNCILOR CROTEAU IF HE NEEDED MORE TIME.

COUNCILOR CROTEAU SAID THAT HE DOES NOT. BUT THAT IS UP TO ATTORNEY THOMAS AND HIS CLIENT. IF THE ATTORNEY AND MR. SOARES ARE NOT GOING TO QUESTION THE REPORT AND THIS IS AN ACCURATE DOCUMENT, THEN HE DOES NOT NEED ANY MORE TIME.

THE CHAIRMAN QUESTIONED, THAT ATTORNEY THOMAS IS SAYING THAT HE IS COMFORTABLE AT LEAST DISCUSSING WHAT HIS CLIENT SAYS IS A RESULT OF THE POLICE REPORT. CAN WE AT LEAST GET TO THAT. AND THEN, TO DR. CROTEAU'S POINT, IF HE WANTS MORE TIME WITH IT, THE DETAILED STATEMENT, WE CAN ENTERTAIN A MOTION TO CONSIDER. OR IF ONE OF THE COMMITTEE MEMBERS OR THE POLICE CHIEF WANTS THE QUINNS HERE, SHE IS HAPPY TO DO THAT. SHE DOES NOT THINK ANYONE WAS SUBPOENAD, AND SHE THOUGHT THEY WERE READY TO MOVE ON FROM HERE, BUT IT IS UP TO ATTORNEY THOMAS.

ATTORNEY THOMAS SAID HE IS READY TO MOVE FORWARD RIGHT NOW.

ATTORNEY THOMAS SAID THAT HE HAS BRIAN SILVEIRA HERE AS HE WAS A WITNESS. WHAT THE COMMITTEE IS GOING TO HEAR IS TESTIMONY FROM MR. SOARES AND MR. SILVEIRA AS TO WHAT HAPPENED THIS DAY. HE CAN CERTAINLY START BY SAYING THAT HE THINKS AND IT WILL CERTAINLY BE HIS ARGUMENT LATER, THAT HE CAN TELL THAT THE POLICE DEPARTMENT HAS A STATUTE, OR THE STATE HAS A STATUTE IN WHICH THEY HAVE TO BE REGULATED BY, BUT AS HE MENTIONED EARLIER THE DPU ALSO REGULATES THEIR FEES. THIS ALSO HAS TO COME INTO CONSIDERATION AS FAR AS MONEY IS CONCERNED.

MR. SOARES SAID THAT A NORMAL TOW IS \$90. IT IS \$35/DAY STORAGE AFTER A 24 HOUR PERIOD. RIGHT NOW THEY ARE ALLOWED A FUEL ADJUSTMENT WHICH HE THINKS AT THAT TIME IT WAS \$5.49. DPU REGULATES THIS. HE ALSO CHARGES \$75 TO BRING A CAR OUT OF THE PEN, AND SOMETIMES THEY HAVE TO MOVE 2 OR 3 CARS. THEY ARE ALSO ALLOWED TO CHARGE \$50.00 TO WASH THE TRUCK. MR. SOARES FURTHER STATED THAT WHEN MR. QUINN CALLED HIM, HE THOUGHT IT WAS A REGULAR TOW, HE NEVER SAID IT WAS AN ACCIDENT. MR. SOARES SAID THAT MR. QUINN CALLED HIM, AND HE SAID WELL FIGURE IT WILL COST \$130 FOR A REGULAR TOW, THAT'S \$90 FOR THE TOW, \$5.49 FUEL CHARGE AND \$35 IN STORAGE. HE ALSO TOLD MR. QUINN THAT IT COULD GO AS HIGH AS \$160.00 IF THERE IS EXTRA MILEAGE, BECAUSE MR. SOARES DID NOT KNOW WHERE THE CAR WAS TOWED FROM. MR. SOARES FURTHER STATED THAT HIS MISTAKE WAS THAT HE GAVE THE MAN A PRICE, BUT HE WAS TOWING A CAR AND WAS NOT AT THE OFFICE SO HE DID NOT KNOW, AND MR. QUINN DID NOT SAY, WHAT KIND OF CAR IT WAS. HE DID NOT KNOW UNTIL HE GOT BACK TO THE OFFICE. THEN HE SAW THAT HE HAD TO MOVE CARS, AND ALL OF THAT BECAUSE THERE WERE CARS IN FRONT OF IT.

ATTORNEY THOMAS ASKED IF ALL OF THE TOW COMPANIES THAT TOW FOR THE CITY CHARGE THE SAME FEE THAT HE DOES. MR. SOARES SAID YES, THEY ARE THE SAME ALL ACROSS THE BOARD.

ATTORNEY THOMAS SAID THAT MR. SOARES MENTIONED THAT WHEN MR. QUINN CALLED HIM, TO TELL HIM THAT HE WAS COMING TO PICK UP THE CAR HE NEVER MENTIONED THAT IT WAS A CAR ACCIDENT.

PAGE NINE

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MR. SOARES SAID THAT MR. QUINN JUST SAID HE WAS COMING DOWN TO PICK UP HIS CAR AND HE WANTED TO KNOW HOW MUCH IT WAS. ATTORNEY THOMAS THEN ASKED MR. SOARES IF MR. QUINN TOLD HIM WHAT KIND OF CAR IT WAS. MR. SOARES SAID NO. ATTORNEY THOMAS ASKED IF MR. QUINN HAD GIVEN MR. SOARES HIS NAME. MR. SOARES SAID NO. ATTORNEY THOMAS THEN ASKED IF WHEN MR. QUINN ARRIVED AT MR. SOARES' SHOP, DID HE TELL HIM WHAT CAR IT WAS. MR. SOARES SAID WHEN MR. QUINN GAVE HIM THE POLICE RELEASE, AND THIS IS NEEDED BEFORE THE CAR CAN BE RELEASED. THE COST OF THIS RELEASE IS \$20 AND THAT GOES TO THE POLICE DEPARTMENT. THE PEOPLE PAY THE POLICE DEPARTMENT DIRECTLY. ONCE THEY GET THE RELEASE, MR. SOARES KEEPS A COPY, THAT IS WHEN HE FOUND OUT WHAT KIND OF CAR IT WAS AND THAT IT WAS AN ACCIDENT. MR. SOARES SAID IF INSURANCE IS INVOLVED, THE PEOPLE GET REIMBURSED FOR THIS FEE. MR. QUINN ASKED IF HE COULD PAY BY CHECK. MR. SOARES SAID HE DID NOT ACCEPT CHECKS. MR. QUINN INFORMED MR. SOARES THAT HE HAD AAA COMING AND HE WAS GOING TO THE BANK TO GET THE MONEY. HE KNEW AT THIS POINT THAT IT WAS \$255.00. AAA ARRIVED BEFORE THEY GOT BACK FROM THE BANK, AND HE NORMALLY DOESN'T DO THIS, BUT HE GOT THE CAR OUT OF THE PEN AND WHEN THE QUINN'S GOT BACK IT WAS SITTING ON THE TRUCK BELONGING TO AAA, WAITING FOR THEM TO COME BACK AND PAY THE BILL. THEY WENT INTO THE OFFICE, AND AGAIN MR. SOARES SAID THEY KNEW WHAT THE BILL WAS BECAUSE THEY WENT TO THE BANK TO GET THE MONEY, AND THAT IS WHEN MRS. QUINN STARTED SAYING THIS IS EXTORTION, THIS IS BLACKMAIL. SHE KEPT GOING ON, AND MR. QUINN SAID PAY THE MAN. SHE JUST WOULDN'T PAY. AFTER A FEW MINUTES OF GOING BACK AND FORTH, MR. SOARES SAID THE INSURANCE COMPANY WILL REIMBURSE YOU. MR. SOARES SAID THAT THEY COULD LEAVE THE CAR THERE AND LET THE INSURANCE COMPANY COME DOWN AND LOOK AT IT. IF THEY TOTAL IT, THEY WOULD PAY MR. SOARES. IF IT IS FIXABLE, THEY PAY THE BODY SHOP TO FIX IT UP. OR, THEY COULD PAY THIS BILL AND GET REIMBURSED BY THE INSURANCE COMPANY. THIS WENT ON FOR 5-10 MINUTES.

ATTORNEY THOMAS ASKED MR. SOARES IF HE THREATENED THEM OR SWORE AT THEM.

MR. SOARES SAID NO. HE SAID HE TOLD THEM TO GET OUT, THAT HE WAS NOT GOING TO STAY THERE AND ARGUE. HE OPENED THE OFFICE DOOR AND TOLD AAA TO DROP THE CAR BECAUSE HE WAS GOING TO PUT IT BACK IN THE PEN. THAT IS WHEN MR. QUINN PAID.

ATTORNEY THOMAS ASKED IF ANYONE ELSE WAS IN THE OFFICE AT THIS TIME. MR. SOARES SAID THAT MR. SILVEIRA WAS THERE.

COUNCILOR CROTEAU STATED THAT HE HAS TO MAKE THE DECISION, SINCE THE QUINNS ARE NOT PRESENT, THAT THIS IS MR. SOARES' SIDE OF THE STORY AND THEIR SIDE OF THE STORY. NOW THERE ARE OTHER PEOPLE HERE THIS EVENING THAT SAY THERE IS A PROBLEM WITH MR. SOARES DEMEANER. THE ISSUE IS NOT MONEY, IT IS MR. SOARES DEMEANER. IT IS ONLY FAIR TO LET MRS. QUINN SPEAK. THIS IS NOT THE FIRST TIME THAT HE HAS HEARD ABOUT MR. SOARES DEMEANER.

ATTORNEY THOMAS SAID THAT PERSONALLY HE THINKS THAT THERE IS AN ISSUE BETWEEN SERGEANT LOTT AND MR. SOARES TO BEGIN WITH.

COUNCILOR CROTEAU NOTED THAT HE ASKED SERGEANT LOTT IF HE WOULD SAY THE SAME THING UNDER OATH AND HE SAID YES. AS AN OFFICER OF THE COURT, ATTORNEY THOMAS IS QUESTIONING THIS OFFICER'S INTEGRITY.

ATTORNEY THOMAS SAID THAT HE CANNOT SPEAK TO OFFICER LOTT'S INTEGRITY AND HE CAN'T SPEAK TO WHETHER HE IS TELLING HIM WHAT HE WOULD DO OR NOT DO.

ATTORNEY THOMAS SAID THE QUINNS HAD AN OPPORTUNITY TO PRESENT THEIR SIDE, AS THERE IS A WRITTEN STATEMENT. ATTORNEY THOMAS SAID HE WAS READY FOR THE FIRST NIGHT AND HE IS READY FOR THIS SECOND NIGHT. THE COMMITTEE COULD HAVE INFORMED THE QUINNS OR THE POLICE COULD HAVE DONE THAT.

PAGE TEN

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

COUNCILOR CLEARY NOTED THAT MR. SOARES DID NOT SPEAK TO HIS CAVALIER STATEMENTS REGARDING SAYING "DON'T WORRY ABOUT IT, THE INSURANCE COMPANY WILL PAY FOR IT". COUNCILOR CLEARY SAID HE DOES NOT LIKE THAT ATTITUDE.

MR. SOARES STATED THAT HE TOLD THEM THEY HAD 3 CHOICES. LEAVE THE CAR AND LET THE INSURANCE COMPANY LOOK AT THE VEHICLE. IF THE VEHICLE IS TOTALED, THE INSURANCE COMPANY PAYS THE BILL. IF THE INSURANCE COMPANY DETERMINES THAT THE VEHICLE IS FIXABLE, THE BODY SHOP OF THEIR CHOICE WOULD COME DOWN AND PICK IT UP. OR THEY COULD PAY THE BILL AND THEY WOULD GET REIMBURSED. HE SAID THAT HE COULDN'T EXPLAIN IT ANY CLEARER.

BRIAN SILVEIRA, WHO WAS A WITNESS FOR MR. SILVEIRA AND IS HIS GRANDSON STATED THAT STATEMENTS MADE IN THE QUINN REPORT WERE NOT MADE. MR. SOARES DID NOT THREATEN THEM, HE DID NOT SWEAR. MR. SOARES SAID NOTHING LIKE AS WAS STATED IN THE QUINN'S REPORT. MR. SOARES EXPLAINED EVERYTHING TO THEM.

MR. SILVEIRA SAID THAT HE DOES NOT WORK FOR MR. SOARES, HE JUST HELPS HIM OUT.

THE POLICE CHIEF IS RECOMMENDING TO CEASE USING HARRY'S AUTO WRECKING AS A TOW COMPANY FOR THE CITY. THERE IS A LONG HISTORY OF ISSUES AND UNFORTUNATELY MR. SOARES IS A REFLECTION OF THE POLICE DEPARTMENT AND THE CITY BECAUSE THEY ARE THE DEPARTMENT'S VENDOR.

ATTORNEY THOMAS SAID THAT HE CAN SPEAK FROM HIS PERSONAL EXPERIENCE, AND HE HAS A CASE GOING ON WITH ANOTHER TOW VENDOR IN THE CITY THAT TOWS FOR THE POLICE DEPARTMENT AND THE SITUATION IS MUCH WORSE. HE WILL GO HOME AND TELL HIS CLIENT THAT THEY SHOULD FILE A REPORT. HE FINDS IT HARD TO BELIEVE THAT MR. SOARES IS THE ONLY PERSON IN THE CITY THAT HAS HAD AN ISSUE. HE HAS TOWED FOR 45 YEARS, HE IS A CITY RESIDENT. ALSO, A YEAR AND A HALF AGO SERGEANT LOTT SPOKE WITH MR. SOARES, AND THERE WAS NO ISSUE AFTER THAT. THERE WAS NO ISSUE AFTER THAT BECAUSE ANY TIME AN ADJUSTER CALLED HE MADE ACCOMMODATIONS. THEN TODAY THERE IS AN ISSUE. ATTORNEY THOMAS FURTHER STATED THAT COUNCILOR CROTEAU SAID IT'S NOT ABOUT MONEY ITS ABOUT HIS PERSONALITY, THEN HE SAID IT IS ABOUT THE MONEY, SO HE IS NOT REALLY SURE. THEY HAVE A WITNESS HERE, THEY CAME PREPARED. OFFICER RICKETTS TOOK A REPORT, HE CAN CERTAINLY APPRECIATE THE CHIEF'S RECOMMENDATION, BUT HE FEELS GIVEN THE SEVERITY OF THE PUNISHMENT, HE THINKS THAT THERE IS A CONTRACT, AND THAT CITY GOVERNMENT IS HELD AT A DIFFERENT DEGREE OF SCRUTINY. HE DOES NOT BELIEVE THAT THIS PUNISHMENT TO ELIMINATE MR. SOARES TOW CONTRACT FITS THE CRIME.

ATTORNEY THOMAS ALSO STATED THAT MR. SOARES HAS A REPUTATION FROM YEARS AGO THAT ATTORNEY THOMAS FEELS HAS CARRIED WITH HIM. ALSO THAT THERE IS A PARTICULAR ISSUE WITH THIS PARTICULAR SITUATION, BUT HE DOES NOT KNOW THAT THIS IS AN ONGOING ISSUE. HE FEELS THAT THERE SHOULD BE AN ALTERNATIVE TO TERMINATION. THERE HAS TO BE SOMETHING THAT CAN BE PUT IN PLACE UNTIL EITHER THE CITY CHANGES THE WAY THAT IT DOES ITS TOW OPERATIONS SO THAT THEY CAN MONITOR MR. SOARES AND ALL OTHER TOWING COMPANIES. HE DOES NOT THINK THAT MR. SOARES SHOULD BE SINGLED OUT. HE THINKS THIS SETS A PRECEDENCE.

COUNCILOR COSTA-HANLON STATED THAT THE CHIEF AND SERGEANT LOTT HAVE BEEN DEALING WITH THIS. SERGEANT LOTT HAS TAKEN TIME, AT LEAST TWICE, TO ADDRESS THESE ISSUES.

COUNCILOR CLEARY STATED THAT THIS IS NOT AN EASY ISSUE. HE NOTED THAT HE HAS LISTENED TO ALL OF THE TESTIMONY AND RECOGNIZES ALL THE EFFORT THAT THE QUINN'S WENT TO, AND THEN THERE ARE TWO POLICE OFFICERS THAT CAME IN ALONG WITH THE CHIEF, WHO ALSO SAID HE HAS ISSUES WITH HARRY'S TOWING.

**MOTION: TO SUPPORT THE CHIEF'S RECOMMENDATION TO TAKE HARRY SOARES TOWING COMPANY OFF OF THE TOWING LIST**

ATTORNEY THOMAS ASKED THAT AN ALTERNATIVE BE GIVEN, PERHAPS PROBATION FOR A YEAR OR EVEN

PAGE ELEVEN

FEBRUARY 4, 2014

**THE COMMITTEE ON POLICE AND LICENSE - CONTINUED**

2 YEARS, OR UNTIL THEY CHANGE THE WAY THEY DO IT.  
THE MOTION WAS NOT SECONDED.

COUNCILOR CROTEAU STATED THAT HE WOULD PREFER A YEARS PROBATION WITH 3 MONTH INTERVALS WITH REPORTS FROM THE CHIEF

**MOTION:** THAT HARRY'S TOWING COMPANY BE PLACED ON A YEARS PROBATIONARY PERIOD WITH A REPORT PROVIDED BY THE CHIEF EVERY 3 MONTHS, AND IF ANY SUBSTANTIATED REPORTS OF COMPLAINTS OR ISSUES IN THE JUDGEMENT OF THE CHIEF COME IN HARRY'S TOWING WILL BE TERMINATED.

COUNCILOR COSTA-HANLON SECONDED THE MOTION.

THE CHIEF ASKED FOR CLARIFICATION ON THE 1 YEAR'S PROBATION. IF THE DEPARTMENT MOVES TO A TOWING CONTRACT OUTSIDE OF MR. SOARES IN THE FUTURE, HE DOES NOT WANT THE COMMITTEE TO BE GIVING MR. SOARES A PERIOD OF TIME THAT HE COULD CONTINUE TOWING.

**THE MOTION WAS AMENDED TO SAY "PROBATION FOR NO MORE THAN A YEAR OR UNTIL THE NEW POLICY COMES INTO EFFECT. IF MR. SOARES MAKES THE LIST UNDER THE NEW POLICY, HE IS STILL ON THE PROBATIONARY PERIOD FOR THE ONE YEAR."**

COUNCILOR MARSHALL NOTED THAT THIS IS GOING TO HAVE TO BE RATIFIED BY THE FULL COUNCIL, SO HE WAS TRYING TO CLARIFY THE MATTER. MR. SOARES' COMPANY WILL BE PLACED ON PROBATION FOR 1 YEAR AND THEN THE CHIEF IS GOING TO DETERMINE IF THERE ARE ANY VIOLATIONS OR INFRACTIONS WITHIN THAT 1 YEAR, IF THERE ARE HE IS AUTOMATICALLY OFF THE LIST WITHOUT COMING BACK TO THE COUNCIL. THE CHIEF COULD REMOVE HIM FROM THE LIST, AND HE COULD BE OFF THE LIST UNTIL HE HAS AN APPEAL HERE. HE MISSES HIS ROTATION. COUNCILOR MARSHALL ASKED IF THERE WERE ANY PARAMETERS SET FOR THE CHIEF TO REMOVE HIM FROM THE LIST

COUNCILOR COSTA-HANLON SAID IT WOULD HAVE TO BE A SUBSTANTIATED COMPLAINT THAT MR. SOARES WAS NOT ADDRESSING THE NEEDS OF THE INSURANCE ADJUSTERS OR IF THERE IS A COMPLAINT SIMILAR TO WHAT WAS SEEN IN THE QUINN COMPLAINT ABOUT HIS Demeanor.

COUNCILOR MARSHALL NOTED THAT FOR ONE YEAR, THIS WHOLE THING RESTS IN THE CHIEF'S OFFICE. COUNCILOR COSTA-HANLON SAID THAT IS THE MOTION THAT WAS SECONDED.

ATTORNEY THOMAS ASKED THAT IT NOT BE LEFT IN THE CHIEF'S HANDS, THAT IT COME BACK BEFORE THE COMMITTEE FOR A TERMINATION.

**COUNCILORS COSTA-HANLON AND CROTEAU VOTED IN FAVOR OF THE MOTION. COUNCILOR CLEARY VOTED IN OPPOSITION. MOTION CARRIES.**

ATTORNEY THOMAS STATED FOR CLARIFICATION THAT MR. SOARES IS STILL ON ROTATION AND EVERY 3 MONTH INTERVALS REPORT IS TO BE PROVIDED BY THE CHIEF AND HE IS ON 1 YEARS PROBATION. ALSO IF THE CHIEF PUTS THIS OUT FOR BID AND MR. SOARES DOES NOT GET IT THEN IT ENDS. IF HE IS ON THE LIST, THE PROBATION CONTINUES.

**2. MEET TO REVIEW MATTERS IN FILE**

A. THE CHIEF PROVIDED A PACKET OF INFORMATION REGARDING TOW CONTRACTS. THERE NEEDS TO BE A MEETING ON THIS. THE COMMITTEE WILL REVIEW THE MATERIAL AND THEN A MEETING WILL BE SCHEDULED.

B. REGARDING THE LIGHT ON BROADWAY AT PURCHASE STREET, THE CHIEF STATED THAT HE HAS TALKED WITH THE TMLP ABOUT IT AND IT IS TIMED THE WAY IT IS SUPPOSED TO BE. IT IS SET UP THAT WAY BECAUSE OF TRACTOR TRAILERS.

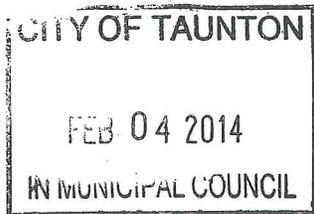
PAGE TWELVE

FEBRUARY 4, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MOTION: TO SCHEDULE A MEETING IN 2 WEEKS WITH THE CHIEF, TMLP AND THE SAFETY OFFICER. THE TMLP IS TO EXPLAIN WHY THE LIGHT IS THE WAY IT IS. THE POLICE CHIEF WAS ALSO ASKED TO SPEAK TO THE TRAFFIC BOARD. SO VOTED.

MEETING ADJOURNED AT 7:49 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 4, 2014

**THE COMMITTEE ON SOLID WASTE**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, CARR AND COSTA-HANLON

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

**1. MEET TO DISCUSS LANDFILL EXTENSION FEASIBILITY STUDY**

A E-MAIL DATED 2/2/14 FROM WES GREGORY OF WE CARE WAS READ. THE E-MAIL STATED THAT HE RECEIVED THE SCOPE OF LANDFILL STUDY FROM ENSOL ON FRIDAY. HE PLANS TO FORWARD THAT ALONG ON MONDAY OR TUESDAY. THE PLAN WOULD BE TO HAVE A CONFERENCE CALL TO DISCUSS IT. ONCE ALL ARE COMFORTABLE THEY WOULD BEGIN. THERE ARE A FEW THINGS THEY WILL NEED FROM THE CITY. HE HAS GIVEN THE CITY CONTRACT FOR LANDFILL MANAGEMENT TO HIS ATTORNEYS TO REVIEW. HE WILL LOOK FOR HIS RECAPS PER SECTION OF THE CONTRACT WITH THE CITY TO GIVE THE ECONOMIC BREAKDOWN REVIEW. THIS WILL TAKE TILL THE END OF THE WEEK.

AS OF JANUARY, 2014 REVIEW OF CONTRACT STATUS/UPDATE, THE E-MAIL STATED AS FOLLOWS:

1. MSW TRANSFER STATION/ALEC RICH PROPERTY. BELIEVE THEY WILL HAVE WETLANDS UPDATE AND SURVEY DONE IN FEBRUARY. ONCE THEY GET THIS THEY WILL BE ABLE TO LAY OUT THE SITE TO SEE WHERE THINGS WILL FIT. THEY WILL NEED TO GET THE LANDFILL STUDY DONE TO BE SURE THIS IS WHAT THEY WANT TO DO. THIS WILL GIVE THEM ECONOMIC AND ENVIRONMENTAL ISSUES FOR CONSIDERATION BEFORE THEY GO TO SITE ASSIGNMENT PHASE OF THE ALEC RICH PROPERTY. THE STUDY OF LANDFILL WILL ALLOW THEM TO DETERMINE THE BEST PATH GOING FORWARD AS IT HAS POTENTIAL TO IMPACT ALL PARTS OF THE CITY CONTRACT WITH WE CARE EXCEPT FOR THE RECYCLING FACILITY.

2. MRS/RECYCLING FACILITY, 30 MOZZONE BLVD. AS OF 2/1/14 ALMOST COMPLETE. SHOULD BE ABLE TO START TAKING CITY RECYCLABLES IN FEBRUARY PENDING ISSUE OF C/O FROM CITY. MET WITH REPUBLIC LAST WEEK AND INFORMED THEM THEY WOULD START SOMETIME THIS MONTH OR EARLY NEXT MONTH. THEY HAVE MET WITH SEVERAL COMPANIES OVER THE LAST FEW WEEKS TO ADD ADDITIONAL TONNAGE TO THE FACILITY. THEY ALSO LOOK TO START SINGLE STREAM RECYCLING BY 7/1/14. THEY REVIEWED THE CURRENT CITY LITERATURE GIVEN TO RESIDENTS INFORMATION AND THEY WILL SUGGEST CHANGES TO IT TO ACCOMMODATE SINGLE STREAM IN JULY.

3. ORGANICS. MADEP ISSUED A CONFIRMATION LAST WEEK ON INTENTION ON COMMERCIAL AND INSTITUTIONAL ORGANIC FOOD RECYCLING TO ALSO TAKE EFFECT BY 7/1/14. THEY WILL NEED TO GET WITH SCHOOLS AND CITY BUILDINGS THIS SPRING TO ESTABLISH COLLECTION OF ORGANICS TO WE CARE AND TRANSFER TO THEIR FACILITY IN MARLBORO SO CITY CAN COMPLY WITH NEW REGULATIONS

4. BIOSOLIDS – NO NEW UPDATES SINCE 12/31/13 UPDATE

5. CURBSIDE CONTRACT DISCUSSED. SMALL SERVICE ISSUES WITH REPUBLIC LAST WEEK. NEED TO RESOLVE BULKY WASTE PICK UP FOR CITY RESIDENTS AND HOW THEY HANDLE GOING FORWARD. LASTLY, THEY NEED TO DISCUSS NAME OF MRF AND IF THEY ARE GOING TO HAVE A RIBBON CUTTING OR NOT. MR. GREGORY DOES NOT CARE EITHER WAY.

**MOTION: E-MAIL TO BE PART OF THE RECORD. SO VOTED.**

THE CHAIRMAN NOTED THAT HE HAD NOT BEEN BY THE FACILITY ON MOZZONE BOULEVARD, BUT AS NOTED IT IS ALMOST READY TO START ACCEPTING RECYCLABLES, AND AGAIN STATED THAT THE CITY WILL BE GETTING A CUT OF THAT WHICH HE BELIEVES IS 30%.

COUNCILOR MARSHALL NOTED A CONCERN THAT HE HEARD ABOUT THE RECYCLING. IT SAYS IN THE E-MAIL, REGARDING THE FEASIBILITY STUDY, THAT IT IS IMPORTANT TO DO THE STUDY TO DETERMINE THE BEST COURSE OF ACTION. HE THOUGHT THAT THE COUNCIL HAD ALREADY CHARTED OUT A COURSE FOR

PAGE TWO

FEBRUARY 4, 2014

THE COMMITTEE ON SOLID WASTE - CONTINUED

THE BEST COURSE OF ACTION AND WERE MOVING FORWARD. IT IS HIS UNDERSTANDING, ANYTHING IN THAT STUDY SHOULD NOT CHANGE THE COURSE OF ACTION. COUNCILOR MARSHALL FURTHER STATED THAT HE DOES NOT WANT TO HOLD UP ANYTHING ON THE NOW 2 PARTY AGREEMENT WE NOW HAVE WITH WE CARE AND THE CITY FOR THE RESULTS OF THIS STUDY. IT SOUNDS LIKE FROM MR. GREGORY'S COMMENTS THAT HE MAY HAVE SOME CONCERNS OR WANT TO CHANGE SOME THINGS DEPENDING ON THE OUTCOME OF THE STUDY.

COUNCILOR POTTIER STATED THAT HE DOES NOT FORESEE ANYTHING CHANGING AS FAR AS THE TRANSFER STATION GOING UP, GOING UP ON THE LANDFILL OR EXTENDING THE LIFE OF THE LANDFILL. HIS UNDERSTANDING IS THAT THEY WILL STILL BE OPERATING ON BOTH TRACKS. HE WILL GET THIS SOLIDIFIED. COUNCILOR POTTIER STATED THAT HE THINKS THE TRANSFER FACILITY IS GOING IN REGARDLESS OF THE LENGTH OF THE LANDFILL, WHICH COULD BE ANOTHER 2 YEARS OR MORE. COUNCILOR MARSHALL STATED THAT IT WAS HIS UNDERSTANDING THAT THE FEASIBILITY STUDY WAS TO DETERMINE WHETHER THE CITY SHOULD DO THE VERTICAL EXPANSION, NOT WHETHER WE WANTED TO DO A TRANSFER STATION OR PUT A TRANSFER STATION OFF. WE COULD GAIN 2,3, 4 MORE YEARS AT THE CURRENT LANDFILL WITH THE EXPANSION.

COUNCILOR POTTIER STATED THAT THIS WAS HIS UNDERSTANDING AS WELL THEN WE WOULD STILL HAVE THE TRANSFER FACILITY TO RECEIVE REFUSE FROM OUTSIDE THE AREA.

COUNCILOR MARSHALL ALSO STATED THAT THE OTHER PART THAT WAS CONCERNING TO HIM WAS WHETHER THE CITY WAS THINKING OF CHANGING LANDFILL OPERATORS, BECAUSE HE DOES NOT THINK WE CAN.

COUNCILOR POTTIER SAID THAT IT WAS A TOPIC OF DISCUSSION FOR THE PREVIOUS MAKE UP OF THIS COMMITTEE, BUT HE DOES NOT BELIEVE IT IS IN THE CARDS.

COUNCILOR MARSHALL THEN ASKED WHY MR. GREGORY IS SENDING THE LANDFILL MANAGEMENT CONTRACT TO HIS ATTORNEYS. WHY WOULD HE SEND A CONTRACT TO HIS ATTORNEY THAT HE IS NOT GOING TO GET INTO.

COUNCILOR POTTIER STATED THAT HE WILL ASK FOR CLARIFICATION.

COUNCILOR COSTA-HANLON ASKED THAT, REGARDING SINGLE STREAM RECYCLING, SHE WOULD LIKE THE CHAIRMAN TO FOLLOW UP ON THIS TO MAKE SURE THAT WE ARE GETTING THE NEW TOTES. SHE BELIEVES THEY ARE SUPPOSED TO JUST BE BIGGER TOTES, NOT THE VERY LARGE TOTE THAT REQUIRES A TRUCK WITH AN ARM.

COUNCILOR CARR STATED THAT SHE WOULD LIKE TIMELINES IN THE WE CARE CONTRACT, IF THERE ARE ANY. SHE IS ESPECIALLY CONCERNED WITH THE SLUDGE GASIFIER AS THERE NEEDS TO BE DEADLINES IN PLACE.

ALSO, SHE REQUESTED REGARDING THE RICH PROPERTY, SHE WOULD LIKE A LIST OF TASKS TO BE DONE, AND WHERE ARE THEY IN THAT PROCESS AS THEY STILL DO NOT HAVE A SITE ASSIGNMENT.

COUNCILOR QUINN ASKED, FOR HER OWN CLARIFICATION, THAT SHE THOUGHT THE COMMITTEE HAD DISCUSSED LAST TIME THAT WHEN THE 3 PARTY CONTRACT WAS ENDED THAT THE 2 PARTY CONTRACT WAS IN EFFECT, SO WHY ARE THEY LOOKING AT THAT CONTRACT AGAIN, WHEN IT IS IN PLACE, WHATEVER IT IS, IT IS. SHE FEELS THAT THE CITY SHOULD BE MOVING FORWARD WITH THAT CONTRACT THAT IS IN PLACE. SECOND, WITH RESPECT TO THE SINGLE STREAM, WHY WOULD YOU NEED NEW TOTES, AS WE THROW IT ALL IN TOGETHER NOW AND SHE HAS NEVER SEEN ANYONE SORTING IT AT THE TRUCK.

COUNCILOR CARR STATED THAT SHE THINKS THE REASON FOR A LARGER TOTE WAS SO PEOPLE THAT HAVE 3 OR 4 BUCKETS NOW, COULD HAVE JUST 1 BIGGER ONE.

PAGE THREE

FEBRUARY 4, 2014

THE COMMITTEE ON SOLID WASTE - CONTINUED

**2. MEET TO DISCUSS PAY AS YOU THROW PROGRAM**

THE CHAIRMAN STATED THAT THIS CAME UP IN JUNE OF 2012. AT THAT TIME THE COMMITTEE WAS NOT JUST DISCUSSING THE \$2 TRASH BAG BUT ALSO THE CITY HAD IN EFFECT THE \$73 HOUSEHOLD TRASH FEE.

KATHY MIRZA OF DEP WHO IS THE CITY'S AREA COORDINATOR FOR SOLID WASTE ISSUES CAME BEFORE THE COMMITTEE, AND THE ISSUE MS. MIRZA NOTED WAS THAT IF THE CITY WERE TO OFFER 2 DIFFERENT SIZE BAGS IT WOULD COST \$400,000 IN LOST REVENUE. IT WAS ALSO NOTED THAT SENIORS, COULD THEN AND STILL CAN, THROW ONE BAG OF TRASH AWAY AT THE LANDFILL FOR FREE. IT WAS ALSO STATED AT THAT MEETING THAT IF 2 BAGS WERE OFFERED THERE WOULD HAVE TO BE DISCUSSION WITH VENDORS BECAUSE THEY WOULD NOW HAVE TO STOCK TWO. THE DPW ALSO HAD SOME CONCERNS RELATIVE TO THE ADMINISTRATION OF THE BAGS. MS. MIRZA ALSO PROVIDED A SPREADSHEET SHOWING THAT IF ONLY A SINGLE BAG WERE OFFERED THE CITY WOULD SELL SO MANY BAGS AT THE \$2 COST, IF WE WENT FOR THE SMALL BAGS ALSO, THE CITY WOULD BE LOSING ABOUT \$400,000. THE CONCERN WAS, TO MAKE UP THAT MONEY IF WE WERE GOING TO MAKE IT REVENUE NUETRAL, RATHER THAN A \$2 BAG IT WOULD BE A \$1 AND \$2.50 BAG OR A \$3.00 AND \$1.00 BAG.

AT THE END OF EVERYTHING, THE COMMITTEE VOTED IN FAVOR OF STAYING WITH JUST THE ONE \$2.00 BAG.

THE CHAIRMAN ALSO STATED THAT HE DID COMMUNICATE WITH MS. MIRZA THIS WEEK WHO STATED THAT BASED ON HER EXPERIENCE WITH OTHER COMMUNITIES DUE TO THE REVENUE LOST, THE BIGGER BAG WOULD HAVE TO INCREASE IN PRICE.

COUNCILOR CARR NOTED THAT THAT WAS A LONG DRAWN OUT CONTENTIOUS YEAR. AT LEAST WITH THE 1 BAG FEE THERE IS A WAY OF PREDICTING WITHIN A CERTAIN NUMBER WHAT THE CITY WILL MAKE BASED ON SALES IN PAST YEARS. IF YOU SPLIT THE BAGS INTO 2 DIFFERENT SIZES AND PRICES, THERE IS NO WAY OF KNOWING. IT WOULD BE IMPOSSIBLE TO BUDGET. SHE FEELS THAT THE CITY SHOULD KEEP WITH THE \$2.00 BAG ONLY.

COUNCILOR QUINN STATED THAT THIS MIGHT BE SOMETHING TO LOOK INTO LATER, AND THAT THE SMALLER BAG MAY ENCOURAGE MORE RECYCLING. HOWEVER, THIS TIME IS NOT THE BEST TIME TO BRING THIS UP.

COUNCILOR COSTA-HANLON STATED THAT SHE WOULD LIKE TO SEE TOTES AND NO BAGS. HOWEVER, SHE DOES NOT MIND REVISITING THE ISSUE OF A SMALLER BAG BUT ALSO FEELS THAT THIS IS NOT THE BEST TIME, AND WHEN IT IS DISCUSSED SHE WOULD LIKE TRASH TOTES PUT ON THIS DISCUSSION.

COUNCILOR MCCAUL STATED THAT HE DID SOME HOMEWORK ON THIS AND HE FEELS THAT THE PAY AS YOU THROW PROGRAM WOULD BE ENHANCED WITH A 2 BAG SYSTEM.. HE FEELS THAT IT WOULD HELP INCREASE RECYCLING IF WE HAVE A SMALLER BAG. HE FURTHER NOTED THAT HE MET WITH WASTE ZERO AND THEY BELIEVE A 2 BAG SYSTEM IS THE WAY TO GO. HE WOULD LIKE TO HAVE A DISCUSSION WITH WASTE ZERO AND RECOMMENDS THAT THE COMMITTEE HAVE WASTE ZERO DO A PRESENTATION. IT WAS STATED THAT THE CHALLENGE IS HOW TO MAKE UP THE REVENUE.

COUNCILOR MCCAUL SAID THERE WOULD BE NO LOST REVENUE.

COUNCILOR POTTIER NOTED THAT BASED ON MS. MIRZA'S EVALUATION, THERE WOULD BE A LOSS IN REVENUE. IT WOULD HAVE TO BE REVENUE NUETRAL. HE ALSO STATED THAT BASED ON THE STATUS THE CITY IS IN NOW, HE ALSO FEELS THAT IT WOULD BE BETTER TO WAIT UNTIL THE CITY IS NOT IN INFLUX.

COUNCILOR MCCAUL STATED THAT A 2 BAG SYSTEM WOULD HELP SENIORS.

COUNCILOR CLEARY STATED THERE IS A DEFINITE SEGMENT OF THE POPULATION THAT COULD BENEFIT FROM 2 BAGS. THE CITY IS GOING TO GET 30% FROM THE RECYCLING AND HE FEELS THAT THIS IS A

PAGE FOUR

FEBRUARY 4, 2014

**THE COMMITTEE ON SOLID WASTE - CONTINUED**

WIN/WIN SITUATION. HE ALSO FEELS THAT THIS DISCUSSION SHOULD BE DONE FOR THE FY 2015 BUDGET.

COUNCILOR POTTIER STATED THAT THE DIFFICULTY THE CITY IS GOING TO HAVE IS THAT THE 30% TO THE CITY IS A COMMODITY SO IT WOULD BE DIFFICULT TO COME UP WITH PROJECTED REVENUE.

**MOTION: TO PLACE THIS DISCUSSION, AND ALSO GOING JUST WITH TOTES, ON THE AGENDA IN APRIL OR MAY.**

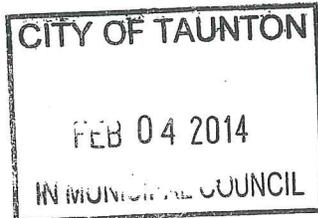
THE MOTION WAS SECONDED.

ON DISCUSSION, COUNCILOR QUINN ALSO SUGGESTS AND AGREES THAT DISCUSSING THIS IN APRIL OR MAY WOULD BE BETTER. SHE WOULD ALSO LIKE TO GET INPUT FROM WASTE ZERO, WE CARE AND MS. MIRZA OF D.E.P.

COUNCILOR MARSHALL STATED THAT THE BUDGET WILL BE CRAFTED ON THE STATUS QUO SO THIS WOULD HAVE TO BE DONE EARLIER SO THAT THE CITY WOULD KNOW THE BUDGETARY RAMIFICATIONS.

**THE MOTION WAS VOTED ON. SO VOTED.**

MEETING ADJOURNED AT 8:20 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK



# CITY OF TAUNTON

*In Municipal Council*

ORDER #16  
FY 2014  
FEBRUARY 4, 2014

20

*Ordered, That*

THE SUM OF FIFTY FIVE THOUSAND DOLLARS AND NO

CENTS (\$55,000.00) BE AND HEREBY IS TRANSFERRED FROM RESERVE ACCOUNT NO.

1-132-202-5784

TO: POLICE DEPARTMENT ACCOUNT NO. 01-210-0203-5852

..... Clerk.



# CITY OF TAUNTON

*In Municipal Council* ..... **ORDER #15**  
**FY 2014**  
**FEBRUARY 4, 2014** ..... *20*.....

*Ordered, That*        **THE SUM OF SEVENTEEN THOUSAND DOLLARS AND**  
**NO CENTS (\$17,000.00) BE AND HEREBY IS TRANSFERRED FROM TAUNTON NURSING**  
**HOME FREE CASH ACCOUNT NO. 64-000-0141-3590**

**TO:    TAUNTON NURSING HOME CAPITAL BUDGET ACCOUNT NUMBER**  
**64-520-203-5870**

..... *Clerk.*