



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, February 5, 2013 at 7:55 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 Marshall, Cleary, Colton, Medeiros, Costa-Hanlon,
Pottier, McCaul, Carr and Barbour.*

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

Communications from the Mayor:

Mayor Hoye thanked Olive Garden for hosting a dinner event at the Taunton Boys Club for the victims of the Harts Street fire.

Appointments:

Re-appointment to the Taunton Airport Commission – Carolyn Basler of 2285 County Street, East Taunton – term expires January 2016. **Motion was made to re-appoint Carolyn Basler. So Voted.**

Appointment to the Taunton Cultural Council for a term of three years – Jessica Reis of 198 School Street, Taunton. Jessica Reis to replace Kurt Elfstron as Treasurer.

Motion was made to appoint Jessica Reis. So Voted.

Communications:

Com. from City Solicitor – Updating on the case of City of Taunton vs. CBI Services, Inc. **Motion was made to receive and place on file. So Voted.**

Councilor Cleary motioned to forward correspondence to City Solicitor expressing their gratitude to his office for the hard work and attention to detail provided in this matter. So Voted.

Com. from Water Supervisor Requesting a transfer of funds in the amount of \$3,200,000, additional fund needed for a replacement cover for the Prospect Hill Reservoir and multiple water mains to be replaced and or extended along with funding needed for two new trucks. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Human Resource Director – Requesting a transfer of funds in the amount of \$30,000 to the Disability Retirement Account so that they can process the payments that

are required by MGS Chapter 41, Section 100B. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from William Frasier/Anthony Roma – Requesting to come before the Committee on Police and License to discuss reinstating the dealer license for De-Anth Motors. **Motion was made to refer to Committee on Police & License and Chief of Police. So Voted.**

Com. from Joe Wells – Submitting concerns about the condition of Baker Road West. **Motion was made to refer to the DPW Commissioner and to report back to the Council what is needed for Baker Road West, Colonial Drive and Crane Ave South along with a rough estimate of cost. So Voted.**

Councilor Cleary stated he spoke to DPW today regarding Baker Road West.

Com. from David Littlefield, 192 Erin Road, East Taunton – Thanking Councilor Pottier, Barbour, Costa-Hanlon, Carr for having what turned out to be a huge East Taunton Community Meeting last Thursday night at the Holy Family Parish Center in East Taunton. **Motion was made to receive and place on file. So Voted.**

Com. from Alan Medeiros, 149 Berkley Street, Taunton – Requesting assistance to obtain a sewer easement from the City for property he owns at 149 Berkley Street, Taunton, MA. **Motion was made to refer to the Law Office and Committee on Public Property for a report from the DPW Commissioner on what is needed. So Voted. Councilor Medeiros voted Present. So Voted.**

Petitions:

Application submitted by Michelle Pacheco requesting a NEW Constable License desiring to serve civil process. **Motion was made to refer to Committee on Police & License and Police Chief. So Voted.**

Special Permit for entertainment in conjunction with a restaurant, TJ's Diner at 413 Bay Street located in the Business District submitted by Attorney Nicholas Felici, 127 Cambridge Street, Burlington on behalf of his client Antonio Pires, 413 Bay Street, Taunton. **Motion was made to refer to the City Clerk's Office for a Public Hearing. 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 Costa-Hanlon stated that there have been law actions pending for a long time at 147 Winthrop Street, which has been in front of the Committee on Ordinance and Enrolled Bills. **Motion was made to refer this matter to the City Solicitor and the Committee on Ordinance and Enrolled Bills for an update in three weeks as to what the City has for execution and mitigation needs in the area. So Voted.**

Orders, Ordinances, and Resolutions

None

New Business:

Councilor Barbour stated he is seeing a lot of televisions being left curbside. He motioned to refer to the Mayor's Office to utilize the Municipal Channel and social media outlets to inform Taunton residents that televisions can be taken to the landfill for free. Additionally, that the mailer of the Board of Health be provided to the Mayor for the Municipal Channel. So Voted.

Councilor Barbour motioned for the Mayor's Office to work with the Police Chief and possibly the Board of Health to hold a public informational meeting within five to six weeks to bring awareness to the public regarding the dangers of bath salts and synthetic drugs for sale and to discuss the transparency of the problem and offer solutions. So Voted.

Councilor Carr motioned to refer to the Committee of the Council as a Whole, Committee on Ordinance and Enrolled Bills to schedule a meeting in two weeks to discuss the issue of dumping within our City and the possible creation of an ordinance to assist with this matter. Additionally, that the Committee invite in the Police Chief, Board of Health and DPW Commissioner to this meeting. Councilor Costa-Hanlon motioned that the City Solicitor provide clarification regarding a provision of a salary for a DPW employee to be responsible for curbside enforcement and that the City Solicitor explain when and where this implementation is and if there is any money available for it. Councilor Marshall motioned that the Committee on Solid Waste provide an update on the cameras that are to be used for trash enforcement. Council also motioned that the DPW Commissioner have the televisions on the curbside of Prospect Hill Street removed and that he have the trash on Pinehill Street, Caswell Street, Middleboro Avenue, and Fremont Street picked up. So Voted.

Councilor Carr stated that the area on Prospect Hill Street that the DPW uses for storage is unsightly. She motioned for the DPW Commissioner to provide an explanation as to how long he plans on using this area and if they plan on using it for some length of time, would it be possible to screen the area with bushes or fencing. So Voted.

The East Taunton Community Meeting will be held at Holy Family Parish Center at 6:30 PM.

Councilor Pottier motioned to refer the issue of Galligan School funding to the Committee on Finance and Salaries. So Voted.

Councilor Pottier motioned to refer speeding on Winthrop Street between Brook Street and Silver Street to the Police Chief, Safety Officer and the Committee on Police and License. So Voted.

Councilor Pottier stated that the traffic flow at the entrance of Bristol-Plymouth Regional Technical School on Route 140 is treacherous. He motioned to refer this issue to the

Police Chief, Safety Officer and Committee on Police and License to investigate what, if anything can be done to alleviate the traffic. So Voted.

Councilor Medeiros stated that back in 2011; the City adopted numerous old streets as public ways. He motioned for the City Engineer to provide a report within four weeks, in writing, as to how he is making out with this and whether the Council can expect any new streets to accept in the next couple of months. So Voted.

Councilor Marshall motioned for the Superintendent of Public Buildings provide an update, in writing, to the Municipal Council a time frame when the City Auditor and the City Treasurer/Collector will be moving to 141 Oak Street. Additionally, this must be received in the City Clerk's Office by 10:00 AM on Friday, February 8, 2013. So Voted.

Meeting adjourned at 8:35 P.M.

A true copy:

Attest:


City Clerk

RMB/DMC

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 5, 2013

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CLEARY AND COLTON. ALSO PRESENT WERE BUDGET DIRECTOR GILL ENOS, HUMAN RESOURCE DIRECTOR MARIA GOMES AND ACTING TREASURER/COLLECTOR JAYNE ROSS

MEETING CALLED TO ORDER AT 5:45 P.M.

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

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$1,178,835.67. SO VOTED.

MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$2,655,874.09. SO VOTED.

2. MEET TO REVIEW REQUESTS FOR FUNDING

MOTION: MOVE APPROVAL OF REQUEST OF GOLF COURSE COMMISSION TO TRANSFER \$12,900.00 FROM THE GOLF COURSE STABILIZATION ACCOUNT NO. 84-640-8016-5961-00-000 TO THE GOLF COURSE BUDGET ACCOUNT NO. 01-640-0202-5473 IN ORDER TO PAY FOR FENCING AT THE COURSE. SO VOTED.

3. MEET WITH THE HUMAN RESOURCE DIRECTOR AND ACTING TREASURER/COLLECTOR TO DISCUSS PROCEDURE FOR HIRING TREASURER/COLLECTOR

THE HUMAN RESOURCE DIRECTOR INFORMED THE COMMITTEE THAT THE POSITION HAS BEEN ADVERTISED IN THE TAUNTON GAZETTE AND AS PART OF THE GAZETTE'S PROGRAM IT AUTOMATICALLY GOES ON TO MONSTER.COM. THEY HAVE ADVERTISED WITH THE COLLECTOR TREASURER'S ASSOCIATION, IT IS UP ON THEIR WEBSITE. IT WILL SOON BE PUBLISHED IN THE BEACON, BUT IT IS ON THEIR WEBSITE. IT HAS GONE OUT TO UMASS, BRIDGEWATER STATE UNIVERSITY, BENTLEY AND BRYANT COLLEGE. IT IS ALSO ON THE MMPA RESOURCE LIST WHICH IS HER COUNTERPART ACROSS THE STATE. IT HAS ALSO BEEN SENT TO 3 DIFFERENT ACCOUNTING FIRMS WHO DO MUNICIPAL AUDITING AND ACCOUNTING WORK. SHE HAS ACTUALLY RECEIVED A COUPLE OF PEOPLE WHO WERE RECOMMENDED BY THOSE DIFFERENT FIRMS. WHEN IT IS PUBLISHED IN THE BEACON SHE EXPECTS A LARGE SURGE OF APPLICATIONS.

CURRENTLY SHE HAS RECEIVED 31 APPLICANTS. WHAT SHE HAS DONE IS A PRELIMINARY SCREENING IN TERMS OF DIVIDING THEM INTO TIERS, TIER 1, TIER 2 AND TIER 3 APPLICANTS. IN TIER 1 SHE HAS PLACED THE PEOPLE WHO HAVE THE EDUCATION AND MUNICIPAL FINANCE EXPERIENCE, TIER 2 THEY HAVE THE EDUCATION BUT NOT ANY PUBLIC SECTOR EXPERIENCE BUT THEY DO HAVE PRIVATE SECTOR FINANCE EXPERIENCE AND TIER 3 ARE A LOT OF PEOPLE WHO DON'T HAVE THE EDUCATION, THEY HAVE SOME EXPERIENCE WORKING IN BANKS, TELLER EXPERIENCE AND THAT TYPE OF THING.

THE HUMAN RESOURCE DIRECTOR SUGGESTS, IN TERMS OF THE SCREENING COMMITTEE, TO HAVE ON IT JAYNE ROSS AS THE ACTING TREASURER/COLLECTOR, MRS. GOMES, THE BUDGET DIRECTOR AND DOMENICK COPPOLA WHO IS THE CITY'S CPA THAT IS DOING A LOT OF AUDITING WORK FOR THE CITY, AND HE IS A FORMER MUNICIPAL TREASURER ALSO.

MRS. GOMES SUGGESTS THIS SCREENING COMMITTEE BECAUSE IT IS IMPORTANT TO HAVE A PRELIMINARY SCREENING AND INTERVIEW PROCESS SO THAT A LOT OF TECHNICAL QUESTIONS CAN BE

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

ASKED AND IN ORDER TO DETERMINE WHO THE FINAL CANDIDATES WILL BE THAT WILL BE FORWARDED TO THE COUNCIL.

MOTION: THAT ACTING TREASURER/COLLECTOR JAYNE ROSS, HUMAN RESOURCE DIRECTOR MARIA GOMES, BUDGET DIRECTOR GILL ENOS, AND DOMENICK COPPOLA BE APPOINTED TO THE SCREENING COMMITTEE TO BEGIN THE PROCESS OF SCREENING THE APPLICATIONS RECEIVED. SO VOTED.

DISCUSSED WAS WHETHER THERE IS GOING TO BE A NUMBER CHOSEN, SUCH AS THE TOP 10 PEOPLE TO COME IN AND BE INTERVIEWED BY THE COMMITTEE ON FINANCE AND SALARIES.

MRS. GOMES STATED THAT SHE FEELS THEY SHOULD GET IT DOWN TO ABOUT 6 APPLICANTS TO BE INTERVIEWED BY THE FINANCE AND SALARIES COMMITTEE, THEN SEND A COUPLE OF FINAL APPLICANTS TO THE CITY COUNCIL. IF NOT, JUST A FINAL CANDIDATE.

COUNCILOR CARR STATED THAT PERSONALLY SHE DOES NOT LIKE PUTTING FORWARD ONLY 1 CANDIDATE TO THE COUNCIL, SHE DOES NOT THINK IT IS FAIR TO THE COUNCIL. SHE FEELS THAT THE COUNCIL SHOULD INTERVIEW THE TOP 3 PEOPLE AND LET THEM VOTE ON WHO THEY WOULD THINK WOULD BE THE BEST PERSON.

COUNCILOR CLEARY STATED THAT THE APPLICANTS WILL BE BROKEN DOWN INTO TIER 1, 2 AND 3. HIS ASSUMPTION IS THAT THE SCREENING COMMITTEE WILL INTERVIEW THE PEOPLE IN TIER 1. WHEN THEY GET IT DOWN TO THE FINAL 10, WILL THE FINANCE AND SALARIES COMMITTEE THEN INTERVIEW AND BRING IT DOWN TO 3, THEN BRING THOSE FINAL 3 TO THE COUNCIL

MRS. GOMES STATED THAT WE COULD REDUCE IT FURTHER AND JUST HAVE THE PRELIMINARY INTERVIEW PROCESS WITH THIS COMMITTEE WITH 10 INDIVIDUALS, THEN A FINAL INTERVIEW PROCESS WITH THE 3 FINALISTS BEFORE THE COUNCIL.

MRS. GOMES STATED THAT SHE WOULD COMBINE THE FINANCE AND SALARIES COMMITTEE AND THE SEARCH COMMITTEE TO DO ONE INTERVIEW PROCESS AND THEN NARROW DOWN THAT FIELD TO 3 CANDIDATES AND MOVING THEM FORWARD TO THE COUNCIL.

THE MEETING WOULD HAVE TO BE POSTED AS AN EXECUTIVE SESSION MEETING WITH THIS COMMITTEE AND THE SCREENING COMMITTEE. IT WAS SUGGESTED HAVING THESE INTERVIEWS IN THE LATE AFTERNOON ON MONDAY, WEDNESDAY OR THURSDAY.

MRS. GOMES STATED THAT THE SCREENING COMMITTEE COULD START DOING PRELIMINARY REVIEWS POSSIBLY THE WEEK OF THE 18TH, THEY WOULD BEGIN WEEDING OUT THE APPLICATIONS. SHE WOULD HOPE TO HAVE THE REGULAR INTERVIEWS BY THE END OF THE MONTH, PERHAPS THE LAST WEEK IN FEBRUARY START HOLDING PRELIMINARY INTERVIEWS, THE WEEK OF FEBRUARY 25TH.

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

COUNCILOR CLEARY ASKED MRS. ROSS, REGARDING THE SCHOOL BUILDING ASSISTANCE BUREAU, ABOUT A LETTER SENT TO THE CITY THAT SAID THEY WERE LOOKING TO PAY OFF SOME OF THE OUTSTANDING DEBT ON SOME OF THE PUBLIC SCHOOLS, SO THAT IT WOULD BE PAID OFF. MRS. ROSS SAID IT IS NOT PAYING IT OFF, IT IS REFINANCING THE CURRENT DEBT THAT IS OUT THERE. THEY DID REFINANCE FOR CHAMBERLAIN AND FRIEDMAN SCHOOLS, AND DUE TO THE REFINANCE THE CITY'S DEBT SCHEDULE IS LOWER. THE AMOUNT OWED IS THE SAME BUT THE INTEREST RATE IS LOWER.

MRS. ROSS WAS ASKED TO PROVIDE A LIST OF SCHOOLS THAT ARE OFF THE BOOKS AS FAR AS THE STATE IS CONCERNED, BUT ARE STILL ON OUR DEBT SCHEDULE.

IT WAS ALSO NOTED THAT WE ARE TRYING TO REFINANCE UNDER THE STATES RATE WHICH WILL SAVE THE CITY MONEY, HOWEVER THIS IS NOT FINALIZED YET.

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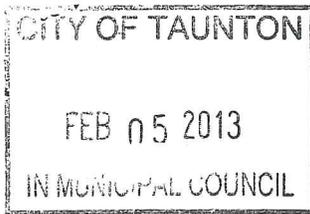
THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

MEETING ADJOURNED AT 6:19 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 5, 2013

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND BARBOUR. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, POLICE CHIEF EDWARD WALSH AND DETECTIVE DENNIS SMITH

MEETING CALLED TO ORDER AT 6:30 P.M.

1. MEET WITH THE CITY SOLICITOR FOR A PRESENTATION ON TAX STATUS ISSUES

ALL COUNCILORS WERE GIVEN A LETTER DATED 2/5/2013 FROM CITY SOLICITOR JASON BUFFINGTON WHICH WAS HIS LEGAL OPINION REGARDING DENIAL REVOCATION, OR SUSPENSION OF LOCAL LICENSES AND PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES.

MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.

THE CITY SOLICITOR STATED THAT THE COUNCIL HAD REFERRED TO THE LAW DEPARTMENT A REQUEST FOR AN OPINION TO TALK ABOUT UNDER WHAT CIRCUMSTANCES COULD THE CITY DENY, SUSPEND OR REVOKE A LICENSE OR PERMIT WHEN EITHER THE APPLICANT OR THE PROPERTY OWNER OWES TAXES OR SOME OTHER CHARGE TO THE CITY. HIS OFFICE DID EXTENSIVE RESEARCH ON THIS, THEY LOOKED AT ALL OF THE DIFFERENT ORDINANCES THAT COULD APPLY TO THIS SITUATION AND THE GENERAL AND SPECIAL LAWS THAT MAY APPLY AS WELL AS THE CASE LAW. THEY ALSO HAD TO LOOK BACK AT MINUTES OF SOME MEETINGS IN THE 1980'S OF THE COUNCIL TO DETERMINE WHETHER OR NOT CERTAIN LAWS WERE PROPERLY ADOPTED BY THE COUNCIL.

HE FURTHER STATED THAT THE CITY HAS BEEN OPERATING UNDER A PROCEDURE WHEREBY IF ANYBODY OWED ANYTHING TO THE CITY WHATSOEVER THAT YOU COULDN'T GET ANY PERMIT AT ALL. THERE WAS A LOT OF AMBUGUITY AS TO WHAT THE STATUS OF THE LAW WAS.

WHAT WE HAVE ARE THE EXISTING LOCAL ORDINANCES THAT APPLY TO THIS.

FIRST IS SECTION 4-43 WHICH IS THE TAX STATUS FORM. THIS WAS AN ORDINANCE THAT WAS ENACTED IN 2009 AND WHAT THIS ORDINANCE SAYS IS THAT REGARDLESS OF WHAT ANY OTHER ORDINANCE MAY SAY NO APPLICATION FOR A PERMIT, LICENSE OR ZONING VARIANCE SHALL BE GRANTED TO ANYONE IF EITHER THE APPLICANT OR THE OWNER OF THE PROPERTY HAS ANYTHING OWED TO THE CITY.

THERE ARE 2 SEPARATE ORDINANCES THAT APPLY IN A SIMILAR MANNER, THAT WERE BOTH ADOPTED IN 2002, THAT SAY THE LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A TRANSFER OR RENEW ANY EXISTING LICENSES OR PERMITS FOR ANYONE WHO HAS UNPAID POLICE DETAILS OR FIRE DETAILS DUE TO THE CITY.

THEN WE HAVE SECTION 12-1 WHICH WAS ADOPTED IN 1986 AND THIS IS AN ORDINANCE THAT TALKS ABOUT OTHER CIRCUMSTANCES WHERE THE CITY OR ANY LOCAL LICENSING AUTHORITY COULD DENY, SUSPEND OR REVOKE A PERMIT, AND THIS SECTION IS MUCH DIFFERENT THAN THE OTHERS. INSTEAD OF JUST SAYING NO, ABSOLUTELY NOT YOU CANNOT HAVE A PERMIT OR LICENSE IF YOU OWE ANYTHING AT ALL, IT SETS FORTH MORE DETAILED ANALYSIS TO GO THROUGH TO DETERMINE WHEN AND WHEN YOU CANNOT.

THE NEXT THING THEY LOOKED AT WAS STATE LAW. THE RELEVANT PROVISION OF STATE LAW IS M.G.L. CHAPTER 40, SEC. 57. THIS WAS A STATUTE THAT WAS ENACTED BY THE GENERAL COURT IN 1985. IT IS WHAT IS KNOWN AS A LOCAL OPTION STATUTE SO IT ONLY APPLIES IN THE CASE OF THE MUNICIPALITIES WHO HAVE PROPERLY VOTED TO ACCEPT THE STATUTE. THIS LAW GRANTS MUNICIPALITIES THE AUTHORITY TO SUSPEND, REVOKE OR DENY A PERMIT WHEN TAXES OR MUNICIPAL CHARGES ARE DUE TO THE CITY OR TOWN. NOT ONLY DOES THIS STATUTE GIVE THE MUNICIPALITIES THE AUTHORITY TO DO IT, IT ALSO SPECIFICALLY SETS FORTH THAT IT HAS TO BE DONE BY ORDINANCE AND IT SPECIFICALLY SETS FORTH WHAT HAS TO BE IN THE ORDINANCE IN ORDER TO LEGALLY DO THIS.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

ON PAGE 3 OF THE OPINION, IT TELLS WHAT HAS TO BE IN OUR ORDINANCE. FIRST OF ALL A LIST HAS TO BE CREATED. THE TREASURER/COLLECTOR IS SUPPOSED TO ISSUE A LIST TO EACH LICENSING AUTHORITY IN THE CITY, NOT JUST THE COUNCIL, IT MEANS THE LICENSE COMMISSION, BOARD OF HEALTH, BUILDING DEPARTMENT, CITY CLERK'S OFFICE, ANYBODY WHO ISSUES A PERMIT OR A LICENSE. FIRST OF ALL THE LIST HAS TO BE CREATED AND FURNISHED BY THE TAX COLLECTOR TO EACH OF THE LICENSING AUTHORITIES. WHAT THIS SAYS IS MUCH DIFFERENT THAN WHAT IS IN 3 OF THE 4 ORDINANCES WE ARE TALKING ABOUT, BECAUSE IT SAYS IN ORDER TO BE ON THE LIST YOU HAVE TO BE AT LEAST ONE YEAR LATE IN OWING SOME MUNICIPAL CHARGE TO THE CITY. THE TAX COLLECTOR ALSO HAS TO CERTIFY IN MAKING THIS LIST WHETHER OR NOT THE PARTY WHO MIGHT BE BEHIND HAS IN FACT FILED IN GOOD FAITH A PENDING APPLICATION FOR ABATEMENT. IF THAT IS THE SITUATION, THE PERSON CANNOT BE ON THE LIST EITHER.

FOR THOSE PERSONS WHO DO MAKE THE LIST THE STATUE GOES ON TO AUTHORIZE THE MUNICIPALITY TO DENY, REVOKE OR SUSPEND A LICENSE OR A PERMIT IF SOMEBODY IS ON THE LIST. THE ORDINANCE THAT WAS PASSED CANNOT, AS 3 OUT OF THE 4 ORDINANCES TALKED ABOUT, AUTOMATICALLY DISQUALIFY SOMEBODY JUST BECAUSE THEY ARE ON THE LIST. YOU CANNOT SAY, YOUR ON THE LIST, SORRY, WE WON'T EVEN HEAR YOU. THAT IS NOT HOW IT WORKS.

THE STATUTE GOES ON TO TALK ABOUT HOW YOU HAVE TO GIVE NOTICE. THE LICENSING AUTHORITY IF THEY ARE THINKING ABOUT DENYING SOMEBODY BECAUSE FUNDS ARE OWED TO THE CITY, WRITTEN NOTICE OF THAT INTENTION TO DO SO HAS TO BE GIVEN TO THE APPLICANT. WHAT ALSO HAS TO BE AFFORDED TO THE APPLICANT IS A HEARING BEFORE THE LICENSING AUTHORITY. YOU CANNOT HAVE A HEARING ANY EARLIER THAN 14 DAYS AFTER THE DATE THAT THE NOTICE GOES OUT. THE TREASURER/COLLECTOR HAS THE RIGHT TO BE AT THE HEARING. AT THE HEARING THE FACT THAT SOMEBODY'S NAME APPEARS ON THE LIST CONSTITUES PRIMA FACIA EVIDENCE AT THE HEARING THAT IN AND OF ITSELF IS SUFFICIENT FOR THE LICENSING AUTHORITY TO DENY THE PERSON, THE APPLICANT, IF EITHER THE APPLICANT OR THE OWNER OF THE LAND UPON WHICH THE LICENSED PROPERTY IS ON THE LIST. IT GIVES THE LICENSING AUTHORITY THE AUTHORITY TO DO IT, IT DOES NOT SAY THAT THEY HAVE TO DO IT.

THE NEXT THING THAT HAS TO BE DONE, AND THIS IS MANDATED BY THE LAW, BUT DOES NOT APPEAR IN ANY OF THE 3 ORDINANCES THAT ARE PROBLEMATIC FOR THE COUNCIL, IS THAT ANY PARTY SHALL BE GIVEN AN OPPORTUNITY TO ENTER INTO A PAYMENT AGREEMENT. THAT GIVES THE LICENSING AUTHORITY THE OPPORTUNITY TO ISSUE LIMITATIONS TO THE LICENSE OR PERMIT AND THE VALIDITY OF THE LICENSE OR PERMIT WOULD BE EXPRESSLY CONDITIONED UPON THE SATISFACTORY COMPLIANCE WITH THE AGREEMENT. FAILURE TO COMPLY WITH THE AGREEMENT WOULD CONSTITUTE GROUNDS FOR SUSPENSION OR REVOCATION, SO LONG AS WRITTEN NOTICE AND A HEARING WERE PROVIDED AS AFORESAID.

FINALLY, THIS STATUTE GIVES THE MUNICIPAL COUNCIL THE AUTHORITY TO OVERRIDE ANY OTHER LICENSING AUTHORITY IN THE EVENT AND ONLY IN THE EVENT THE OTHER LICENSING AUTHORITY DENIES AN APPLICANT A LICENSE OR PERMIT DUE SOLELY TO THE FACT THAT THE PROPERTY OWNER WHO OWES SOMETHING TO THE CITY, NOT THE APPLICANT, THE COUNCIL WOULD HAVE THE AUTHORITY TO OVERRIDE THAT IF IT MADE THE SPECIFIC FINDING THAT THE PROPERTY OWNER HAS NO DIRECT OR INDIRECT BUSINESS INTEREST IN THE ACTIVITY THAT IS GOING TO BE DONE ON THEIR PROPERTY. IF THE COUNCIL MAKES THAT FINDING THEY CAN OVERRIDE THE DENIAL.

THERE ARE CERTAIN PERMITS AND LICENSES THAT UNDER NO CIRCUMSTANCES CAN BE DENIED DUE TO NON-PAYMENT OF FEES, TAXES OR MUNICIPAL CHARGES INCLUDING BURNING PERMITS, BICYCLE PERMITS, SALES OF ARTICLES FOR CHARITABLE PURPOSES, CHILD WORK PERMITS, LICENSES TO CLUBS OR ASSOCIATIONS DISPENSING FOOD OR BEVERAGES, DOG LICENSES, HUNTING, TRAPPING AND FISHING

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

LICENSES, MARRIAGE LICENSES AND PERMITS FOR THEATRICAL EVENTS AND PUBLIC EXHIBITIONS.. THE LAST PROVISION OF THE STATUTE SAYS THAT THE CITY OR TOWN BY ORDINANCE CAN ADD ANY OTHER LICENSES OR PERMITS THAT IT WANTS TO THE LIST OF LICENSES AND PERMITS THEY CANNOT DENY. THE NEXT THING LOOKED AT, SINCE IT IS A LOCAL ACCEPTANCE STATUTE WAS HAS THE CITY ACCEPTED THE STATUTE. THE CITY SOLICITOR SAID THE ANSWER TO THAT IS PROBABLY, BUT IT IS NOT ENTIRELY CLEAR. THE CITY CLERK INFORMED THE CITY SOLICITOR THAT SHE HAS RESEARCHED HER RECORDS AND HAS FOUND NO VOTE TAKEN BY THE MUNICIPAL COUNCIL TO SPECIFICALLY ACCEPT THE PROVISIONS OF MASS. GENERAL LAWS, CHAPTER 40, SEC. 57. SHE DID PROVIDE HIM WITH SOME MINUTES OF A COUNCIL MEETING OF SEPTEMBER, 1986 IN WHICH THE CITY TOOK A VOTE TO ACCEPT CHAPTER 640 OF THE ACTS OF 1985.

ONE OF THE CITY SOLICITOR'S RECOMMENDATIONS IS THAT THE COUNCIL SHOULD ADOPT AN ORDER THAT OFFICIALLY ACCEPTS THE PROVISIONS OF CHAPTER 40, SEC. 57 SO THAT IT NOW HAS THE AUTHORITY GRANTED TO IT BY THE M.G.LAWS TO DENY, SUSPEND OR REVOKE LICENSES OR PERMITS FOR NONPAYMENT OF MONIES. THAT IS ONE OF THEIR FIRST RECOMMENDATIONS.

HE FURTHER STATED THAT NEXT THEY HAVE TO TAKE A LOOK AT WHETHER ANY OF OUR EXISTING ORDINANCES THAT REGULATE THIS AREA CONFLICT WITH ANY PROVISIONS OF STATE LAW BECAUSE THE MUNICIPALITY DOES NOT HAVE THE AUTHORITY TO ENACT AN ORDINANCE THAT IS IN CONFLICT WITH STATE LAW. UNFORTUNATELY THAT IS WHAT WE HAVE HERE.

SECTION 4-43, TAX STATUS FORMS, SECTION 7-48 SUBSECTION 2 FIRE AND SECTION 18-71, SUBSECTION 2 ARE ALL IN CONFLICT WITH M.G.L. CHAPTER 40, SECTION 57.

THE BOTTOM LINE IS THAT THEY CONFLICT WITH STATE LAW AND IT IS THE OPINION OF THE LAW DEPARTMENT THAT THEY ARE NOT LAWFUL, THEY ARE NOT ENFORCEABLE AND SHOULD BE REPEALED. ALL LICENSING AUTHORITIES SHOULD IMMEDIATELY CEASE ENFORCING THESE 3 ORDINANCES. THE LAW DEPARTMENTS RECOMMENDATIONS ARE TO (1) ACCEPT THAT GENERAL LAW, (2) STOP ENFORCING THE 3 ORDINANCES THAT ARE PROBLEMATIC, (3) REPEAL THOSE 3 ORDINANCES AND (4) KEEP THE BULK OF SECTION 12-1 OF THE ORDINANCES BECAUSE THAT SECTION VERY CLOSELY MIRRORS THE LANGUAGE OF CHAPTER 40 SECTION 57, BUT HE THINKS THAT THERE SHOULD BE SOME AMENDMENTS MADE TO SECTION 12-1 BECAUSE IT REALLY HASN'T KEPT UP WITH THE TIMES. IT WAS ORIGINALLY PASSED IN 1985, SECTION 12-1 WAS ENACTED IN 1986 AND CHAPTER 40 SECTION 57 WAS AMENDED ON NUMEROUS OCCASIONS SINCE ITS ENACTMENT, BUT THE CITY HAS NOT AMENDED ITS CORRESPONDING SECTION 12-1 TO KEEP UP WITH THE AMENDMENTS THAT HAVE BEEN MADE TO THE GENERAL LAWS. HE WILL HAVE SOME RECOMMENDATIONS TO THE COUNCIL ON AMENDING SECTION 12-1.

AS FAR AS THIS COMMITTEE IS CONCERNED, THE CITY SOLICITOR RECOMMENDS NOT ENFORCING THE 3 PARTICULAR PROVISIONS OF THE ORDINANCES, AND HE HAS ALREADY STARTED WORKING ON A DRAFT ORDINANCE THAT WOULD INCLUDE HIS RECOMMENDATIONS, BUT IT IS NOT FINISHED YET, BUT THE FULL COUNCIL COULD TAKE WHATEVER ACTION IT WANTED WITH RESPECT TO THE OTHER RECOMMENDATIONS.

MOTION: TO REFER TO THE FULL COUNCIL TO REVIEW THE DRAFT RECOMMENDATIONS ON THIS ORDINANCE FROM THE CITY SOLICITOR AND TO APPROVE THE CITY SOLICITOR'S ECOMMENDATION AND SUBMIT THIS TO THE ORDINANCE COMMITTEE

COUNCILOR COSTA-HANLON STATED THAT SHE WOULD NOT SECOND THIS MOTION BECAUSE SHE JUST GOT THIS DOCUMENT TONIGHT AND SHE HAS NOT HAD A CHANCE TO READ IT. SHE WOULD RATHER THIS WAS REFERRED TO COUNCIL AS A WHOLE.

COUNCILOR BARBOUR SAID THAT MAYBE IT SHOULD BE REFERRED BACK TO ATTORNEY BUFFINGTON FOR

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

HIM TO HAVE AN OPPORTUNITY TO COMPLETE THE ORDINANCE AS WELL AS THE NAVIGATION OF HOW HE WOULD LIKE THIS TO GO, AND REFER IT FOR NEXT WEEK TO THIS COMMITTEE FOR REVIEW AND FROM THAT POINT CAN GO TO ORDINANCE OR FIRST READING THAT NIGHT. HE WOULD LIKE A WEEK ALSO TO REVIEW THE DOCUMENT PROVIDED AND IF HE HAS ANY QUESTIONS, HE WOULD HAVE AN OPPORTUNITY TO SPEAK WITH THE CITY SOLICITOR.

COUNCILOR COSTA-HANLON STATED THAT SHE IS CONFUSED ABOUT WHAT THE PROCESS IS.

COUNCILOR BARBOUR STATED THAT HIS THOUGHT WAS TO REFER THIS BACK TO ATTORNEY BUFFINGTON TO COMPLETE THE ORDINANCE THAT HE RECOMMENDS TO REPLACE THE 3 ORDINANCES, GIVE HIM UNTIL NEXT WEEK TO CRAFT THE ORDINANCE, THE COMMITTEE WILL HAVE A WEEK TO REVIEW WHAT WAS PROVIDED TO THEM TONIGHT, THEN AT THAT TIME THE POLICE AND LICENSE COMMITTEE CAN APPROVE OR DECLINE HIS RECOMMENDATION. IF IT IS APPROVED, ALL COUNCILORS HAVE SEEN IT SO IT CAN BE MOVED TO A FIRST READING DURING FULL COUNCIL. HE DOES NOT SEE THE NEED TO GO TO COUNCIL AS A WHOLE, EVERYONE HAS THE SAME INFORMATION AND THEY CAN PARTICIPATE IN DISCUSSION.

COUNCILOR COSTA-HANLON SAID SHE DOES NOT FEEL THAT THIS IS UP TO THE COMMITTEE ON POLICE AND LICENSE, SHE WOULD RATHER SEE IT GO TO THE COMMITTEE OF THE COUNCIL AS A WHOLE.

THE CITY SOLICITOR WAS ASKED WHAT THE QUICKEST AND PROPER PATH WAS TO GET THIS MOVING.

CITY SOLICITOR BUFFINGTON STATED THAT WE HAVE ORDINANCES ON OUR BOOKS THAT ARE NOT LAWFUL AND SHOULD NOT BE ENFORCED. IT SHOULD BE CONSIDERED TO SEND A COMMUNICATION TO EACH OF THE LICENSING AUTHORITIEIS IN THE CITY LETTING THEM KNOW TO STOP ENFORCING THIS ORDINANCE.

COUNCILOR COSTA-HANLON SAID THIS CANNOT COME OUT OF THIS COMMITTEE. SHE ALSO STATED THAT SHE THINKS THE MORE PROPER PROCEDURE WOULD BE COUNCIL AS A WHOLE FIRST, THIS WOULD BE THE PROPER BODY TO DO THIS. THIS COMMITTEE DOES NOT HAVE THE AUTHORITY TO NOTIFY EVERY BORAD TO NOT ENFORCE THE ORDINANCES. IT SHOULD BE REFERRED TO COUNCIL AS A WHOLE TO REVIEW THE RECOMMENDATIONS THE CITY SOLICITOR IS ASKING FOR, SEND THE LETTERS OUT, DO SOME OF THE THINGS THAT WE NEED TO DO, AND THEN REFER IT TO ORDINANCES AND ENROLLED BILLS. THE CITY SOLICITOR STATED THAT HIS UNDERSTANDING AS TO HOW THIS WORKS IS THAT THIS IS A MATTER THAT HAS BEEN PROPERLY REFERRED TO THIS COMMITTEE, IT IS A MATTER THAT WAS DULY NOTICED AND PLACED ON THE AGENDA. NO COMMITTEE OF THE COUNCIL AS THE AUTHORITY TO ACT ON ITS OWN, IT MAKES RECOMMENDATIONS TO THE FULL COUNCIL. AT SOME POINT IN TIME USUALLY IT IS THE SAME EVENING, THE COUNCIL CAN TAKE UP THE RECOMMENDATIONS OF THE SUB-COMMITTEE AND EITHER ADOPT THE RECOMMENDATIONS OR ALTER THE RECOMMENDATIONS.

MOTION: REFER THIS MATTER TO COUNCIL AS A WHOLE FOR NEXT WEEK WITH ATTORNEY BUFFINGTON'S RECOMMENDATIONS AND PROPOSED ORDINANCE CHANGES. SO VOTED.

THE CITY SOLICITOR CAUTIONED THAT THE COMMITTEE CANNOT DENY ANYONE THEIR LICENSE OR PERMIT BECAUSE THERE IS NO LIST FROM THE TREASURER/COLLECTOR.

2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
 - A. CHARLES ROSE, 10 SHIPS PASSAGE, BOURNE, MA – RENEWAL
 - B. THOMAS CENTOFANTI, 223 BROADWAY, TAUNTON – RENEWAL
 - C. NATHANIEL GREENE, 75 BROW AVENUE, BRAINTREE, MA – RENEWAL
 - D. GEORGE MORSE, 31 MAPLE STREET, MASHPEE, MA – NEW

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FEBRUARY 5, 2013

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

- E. BRUCE BURGO, 8 COOPER STREET, TAUNTON, NEW
- F. ALBERT DESOUSA, 19A WHITE STREET, TAUNTON – RENEWAL
- G. ROY MITTON, 16 THOMAS ROAD, BERKLEY – RENEWAL

A LETTER DATED 2/5/2013 OF POLICE CHIEF EDWARD WALSH CONCERNING ALL OF THE LICENSES ON THE AGENDA WAS PROVIDED TO THE COMMITTEE

MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.

MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF THOMAS CENTOFANTI, 223 BROADWAY, TAUNTON – RENEWAL – CIVIL PROCESS. SO VOTED.

MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF BRUCE BURGO, 8 COOPER STREET, TAUNTON FOR SCHOOL CROSSING GUARD – NEW. SO VOTED.

MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF ALBERT DESOUSA, 19A WHITE STREET, TAUNTON FOR CIVIL PROCESS – RENEWAL. SO VOTED.

THE POLICE CHIEF NOTED THAT LETTERS A, C, D, AND G ARE PROBLEMATIC BECAUSE WHILE DOING THEIR RESEARCH THEY REALIZED THAT THERE IS AN ORDINANCE, SECTION 18-4 WHICH STATES *NOTHING CONTAINED HEREIN SHALL PROHIBIT THE MUNICIPAL COUNCIL FROM APPOINTING AS A CONSTABLE AN EMPLOYEE OF THE CITY WHO IS NOT A RESIDENT OF THE CITY; PROVIDED, HOWEVER, THAT NO NONRESIDENT OF THE CITY SHALL BE APPOINTED AS A CONSTABLE UNLESS THE CHIEF OF POLICE STATES IN WRITING TO THE MUNICIPAL COUNCIL THAT THE PUBLIC SAFETY AND CONVENIENCE OF THE CITIZENS OF THE CITY WOULD BE INJURIOUSLY AFFECTED IF SUCH NON RESIDENT APPLICANT WERE NOT APPOINTED.*

THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING EXCEPT THE RESIDENCY RESTRICTIONS CONTAINED IN TAUNTON CITY ORDINANCE 18-4, THAT WOULD PREVENT THE APPROVAL OF THE APPLICATIONS FOR APPOINTMENT AS CONSTABLE OF LETTERS A, C, D AND G. THE CHIEF STATED THAT WE HAVE NOT REALLY FOLLOWED THAT ORDINANCE, AND THEY HAVE NOTHING THAT WOULD RESTRICT THESE PEOPLE FROM BEING APPOINTED CONSTABLES EXCEPT THAT THEY ARE NOT RESIDENTS. HE IS NOT SURE AT WHAT POINT THE COMMITTEE WANTS TO ADDRESS THIS.

COUNCILOR CLEARLY STATED THAT HE SPECIFICALLY REMEMBERS BRINGING UP THE ISSUE OF APPOINTING CONSTABLES FROM DIFFERENT COMMUNITIES AND WAS TOLD THAT IT HAS ALWAYS BEEN DONE THIS WAY, THERE IS NO REASON WHY WE CANNOT DO IT.

THE CHIEF STATED THAT THE QUESTION OF WHETHER WE CAN APPOINT THEM AS CONSTABLES SHOULD BE REFERRED TO THE LAW DEPARTMENT. THE ORDINANCE READS ONE WAY AND HE IS QUESTIONING UNDER THE ORDINANCE IF WE HAVE THE AUTHORITY TO APPOINT NONRESIDENTS AS CONSTABLES. THE CHIEF HAS NO REAL PROBLEM WITH THE FOUR ON THE AGENDA TONIGHT OTHER THAN THEIR RESIDENCE.

IT WAS NOTED THAT EACH COMMUNITY HAS ITS OWN STANDARDS, AND IT IS INCORRECT TO SAY THAT YOU ONLY HAVE AUTHORITY IN THE COMMUNITY IN WHICH YOU WERE APPOINTED FROM, DEPENDING ON WHAT YOU ARE SERVING. THERE ARE SOME PEOPLE WHO TRY TO COLLECT CONSTABLE BADGES FROM EVERY COMMUNITY, CAUSE REALLY YOU ARE LIMITED TO WHERE YOU ARE.

COUNCILOR BARBOUR STATED THAT ONE ON THE LIST HAS BEEN A CONSTABLE IN OUR COMMUNITY FOR A LONG TIME AND HE DOES NOT HAVE A PROBLEM APPROVING THESE TONIGHT, BUT HE THINKS THAT THE CHIEF IS RIGHT, WE NEED TO REFER THIS TO THE LAW OFFICE AND THE CHIEF AS WELL TO CLEAR UP ANY AMBIGUOUS LANGUAGE SO THAT MOVING FORWARD THE LETTER TO THE LAW IS CLEARER.

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FEBRUARY 5, 2013

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

- MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF CHARLES ROSE, 10 SHIPS PASSAGE, BOURNE, MA – UNRESTRICTED – RENEWAL. SO VOTED.
- MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF NATHANIEL GREEN, 75 BROW AVENUE, BRAINTREE, MA – CIVIL PROCESS – RENEWAL. SO VOTED.
- MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF GEORGE MORSE, 31 MAPLE STREET, MASHPEE, MA – CIVIL PROCESS – NEW. SO VOTED.
- MOTION: MOVE APPROVAL OF APPOINTMENT AS CONSTABLE OF ROY MITTON, 16 THOMAS ROAD, BERKLEY – CIVIL PROCESS – RENEWAL. SO VOTED.
- MOTION: TO REFER THIS ORDINANCE TO THE LAW OFFICE AND THE CHIEF FOR LANGUAGE CLARIFICATION AND RECOMMENDATIONS, AND IF THIS ORDINANCE NEEDS TO BE ADJUSTED/REMOVED, LANGUAGE IS TO BE PROVIDED FOR THE COMMITTEE'S REVIEW. SO VOTED.

3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR RENEWAL OF CLASS II LICENSES:

A. CORRAO MOTOR CARS, INC., 250 BROADWAY

MOTION: MOVE APPROVAL WITH 5 VEHICLE LIMIT. SO VOTED.

B. HAPPY BEAR, INC., 54 COTTAGE STREET

MOTION: MOVE APPROVAL WITH NO RESTRICTIONS. SO VOTED.

COUNCILOR BARBOUR STATED THAT REGARDING THE FOLLOWING APPLICATION HIS LATE FATHER WAS RELATED TO THEM, BUT HE HAS NO FINANCIAL INTEREST IN THIS BUSINESS.

C. THOMAS AUTO SALES, 445 WINTHROP STREET

MOTION: MOVE APPROVAL WITH 69 VEHICLE LIMIT.

COUNCILOR BARBOUR VOTING PRESENT. COUNCILORS COSTA-HANLON AND CLEARY VOTING IN FAVOR. MOTION CARRIES. SO VOTED.

4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. & 4 A.M. AS PER CITY ORDINANCE SECT. 12-2:

A. HESS EXPRESS, 943 COUNTY STREET – RENEWAL

MOTION: MOVE APPROVAL. SO VOTED.

B. TAUNTON MART (RICK'S MOBILE), 1095 COUNTY STREET – RENEWAL – FOR 2011 AND 2012

MOTION: MOVE APPROVAL. SO VOTED.

5. MEET TO REVIEW MATTERS IN FILE

A. THE CHAIRMAN NOTED THAT AT A MEETING IN EAST TAUNTON, RESIDENTS HAD CONCERNS WITH POTPORRI AND BATH SALTS, AND THAT CONVENIENCE STORES ARE SELLING SOME OF THIS STUFF. COUNCILOR BARBOUR ASKED THAT THE CHIEF AND MS. BASTILLE HAVE A PUBLIC MEETING ON THIS MATTER RATHER THAN A SMALL CRIME WATCH MEETING. THERE NEEDS TO BE A PUBLIC VENUE AND ALSO TO INVOLVE THE PTA AND PTO'S FROM THE SCHOOLS. COUNCILOR BARBOUR WILL BRING THIS UP IN FULL COUNCIL THIS EVENING.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

THE CHIEF STATED THAT HE HAS DRAFTED AN ORDINANCE AND THAT THE ASSISTANT CITY SOLICITOR HAS IT. THEY WILL WORK ON IT AND WILL BE SENDING IT TO THE ORDINANCE COMMITTEE IN THE NEXT FEW WEEKS.

MOTION: TO REFER TO MS. BASTILLE OF THE SAFE NEIGHBORHOOD INITIATIVE AND THE POLICE CHIEF TO ADD THE EAST TAUNTON AREA TO THE CRIME WATCH MEETINGS. SO VOTED.

B. REQUEST WAS MADE FOR MORE PATROLS IN EAST TAUNTON ESPECIALLY IN THE BIRD LANES.

MEETING ADJOURNED AT 7:21 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 5, 2013

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MARSHALL, BARBOUR, CARR AND COSTA-HANLON. ALSO PRESENT WAS SUPERINTENDENT OF BUILDINGS WAYNE WALKDEN

MEETING CALLED TO ORDER AT 7:28 P.M.

1. MEET WITH THE SUPERINTENDENT OF BUILDINGS FOR A STATUS UPDATE ON CITY HALL

MR. WALKDEN REPORTED THAT THE FEASIBILITY STUDY IS ONGOING, AND THE PROGRAM ANALYSIS IS JUST ABOUT COMPLETED. THEY HAVE GONE TO THE POINT THAT THEY CAN GO, AND THEY HAVE 3 CONCEPT PLANS THAT THEY WOULD LIKE TO PRESENT. UPON A RECOMMENDATION OR SELECTION OF ONE OF THE CONCEPT PLANS THEY WILL GO AHEAD AND DO AN ESTIMATION FOR THE CHOSEN CONCEPT PLAN. THIS WILL GIVE SOME IDEA AS TO WHAT THE PRICE WILL BE. HOPEFULLY MR. WALKDEN WILL BE BACK IN 2 WEEKS FOR SOME CONCEPTS FOR THE COUNCIL TO REVIEW.

COUNCILOR MARSHALL REQUESTED THAT INFORMATION BE PROVIDED TO THE COUNCIL IN ADVANCE OF THE MEETING IN 2 WEEKS.

2. MEET WITH THE SUPERINTENDENT OF BUILDINGS TO DISCUSS HIS ANNUAL PUBLIC BUILDING CONDITION REPORT FOR 2013.

MR. WALKDEN REPORTED THAT LAST WEEK THE MSBA ACCEPTED THE GALLIGAN SCHOOL ROOF PROJECT. IT IS A \$756,000 PROJECT WHICH THEY WILL GIVE 74% REIMBURSEMENT. THE CITY'S PORTION WOULD BE ABOUT \$210,000.

THE PROGRAM IS CALLED THE ACCELERATED ROOF PROGRAM AND IS DESIGNED TO HELP US DEAL WITH SOME OF THE ROOF PROBLEMS THAT WE HAVE. MSBA HAS DRIVEN THIS PROJECT BECAUSE THEY SELECT THE ENGINEER, THE PROJECT MANAGER AND THE ARCHITECTURAL FIRM AND THEY BASICALLY TELL THE CITY WHAT IS NEEDED FOR THAT BUILDING. YOU CAN NO LONGER JUST GO AHEAD AND REPLACE A ROOF BECAUSE YOU HAVE TO TAKE CARE OF INSULATION NOW IN THE ATTIC AREAS WHICH IS PART OF THE OVERALL CODE, YOU HAVE TO UPGRADE ALMOST EVERYTHING THAT IS CONNECTED TO THE ROOF, THE GUTTERS AND THE DRAINAGE SYSTEM PLUS ROOF ACCESS.

MR. WALKDEN NOTED THAT A SHORT DISTANCE AWAY IS THE HOPEWELL SCHOOL WHERE THERE IS A NEW PROBLEM WITH TURKEY VULCHERS EATING THE RUBBER MEMBRANE ON THE ROOF. THERE HAS BEEN UP TO 60 OF THEM ON THE ROOF. MR. WALKDEN HAS BROUGHT THIS UP TO MSBA AND THEY AGREED THIS IS A POTENTIAL PROBLEM. WHEN THEY TALKED ABOUT GALLIGAN SCHOOL BEING SUCH A SHORT DISTANCE FROM HOPEWELL SCHOOL, THEY DID NOT WANT TO PUT A RUBBER ROOF ON GALLIGAN. THIS TIME THEY ARE GOING TO UPGRADE THE ROOF TO A WHITE REINFORCED PVC ROOFTOP. THIS MAY HELP WITH LONGEVITY OF THE ROOF. MSBA DID GO FOR THIS ALSO.

DISCUSSED WAS PUTTING A GABLED ROOF ON SCHOOLS, BUT BECAUSE OF THE AMOUNT OF EQUIPMENT PLACED ON IT SUCH AS THE AIR CONDITIONING AND HEATING UNITS, IT IS NOT POSSIBLE. TO HAVE THIS EQUIPMENT ON THE GROUND WOULD INVITE VANDALISM TO THE EQUIPMENT.

THE MSBA DOES HAVE THIS ACCELERATED ROOF PROGRAM, SO THE CITY WILL SUBMIT A LIST FOR THE NEXT ROUND. THE CITY MUST DO A NEW LIST EVERY YEAR AND SUBMIT IT EVERY YEAR.

THE CHAIRMAN NOTED THAT SEEING THAT WE ARE GOING TO HAVE A MEETING IN 2 WEEKS TO GO OVER THE SITUATION WITH CITY HALL, HE ASKED FOR A MOTION TO PUT FURTHER DISCUSSION ON MR. WALKDEN'S REPORT OFF FOR TWO WEEKS.

MOTION: CONTINUE THIS MATTER FOR 2 WEEKS. SO VOTED.

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FEBRUARY 5, 2013

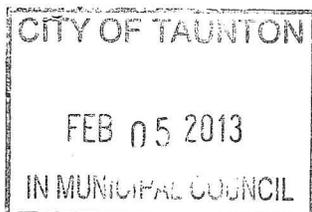
THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

MEETING ADJOURNED AT 7:47 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

Revised



CITY OF TAUNTON

ORDER #13
FY 2013
FEBRUARY 5, 2013

In Municipal Council 20.....

Ordered, That

THE SUM OF TWELVE THOUSAND

NINE HUNDRED DOLLARS AND NO CENTS (\$12,900.00) BE AND HEREBY IS TRANSFERRED

FROM GOLF COURSE STABILIZATION ACCOUNT NO. 84-640-8016-5961-00-000

TO: GOLF COURSE BUDGET ACCOUNT NO. 61-640-0202-5473

..... Clerk.