



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, April 28, 2015 at 7:35 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilors Cleary, Marshall, Costa-Hanlon, Croteau,  
Pottier, Quinn, Carr, and Borges  
Councilor McCaul is absent.*

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

*Communications from the Mayor:*

Mayor Hoye thanked everyone that participated in Earth Day. He stated that they did a wonderful job and tons of trash was picked up off of our city streets, parks and some of the wooded areas along them. He stated that if any of our residents would like to adopt a neighborhood to let the City know because bags will be provided and the City will pick up the neighborhoods after the job is complete. He stated that there is always time to help. He mentioned that Councilors Pottier, Borges, Costa-Hanlon and Councilor Quinn participated. Councilor Pottier stated that there are still pockets where trash was left and have not been picked up yet. He stated that Stevens Street and East Taunton Elementary have a couple bags left there. He stated that if any residents notice any bags they can call the DPW to have them picked up. Mayor Hoye stated that they should be picked up on the regular route but if they are not either call the DPW or the Mayor's Office and he will make sure that they are picked up. Councilor Croteau stated that on Old Tremont Street, when you take the left off of 140 between that turn and North Walker Street there are a half dozen bags on both sides of the road. Councilor Costa-Hanlon added Gordon Owen Riverway to the list. So Voted.

*Appointments:*

Swearing in of Two (2) Permanent Fire Fighters; Justin E. Dumas and Bryan Guentner. The City Clerk stated that they have already been appointed, they are just being sworn in tonight. Mayor Hoye stated that after the motion is made to invite the two gentlemen in he would like to invite their family members in to take pictures. **Motion was made to invite the candidates into the enclosure so they may be sworn in. So Voted.** Mr. Dumas and Mr. Guentner were then sworn in by the City Clerk.

Swearing in of Two (2) Permanent Police Officers; Sara R. Reynolds and Joshua K. DeOliveira. **Motion was made to invite the candidates into the enclosure so they may be sworn in. So Voted.** Ms. Reynolds and Mr. DeOliveira were then sworn in by the City Clerk.

**Communications from Citizens:**

Com. from Alan M. Delaney, PE, Director of Engineering Mass Development and Hank Suominen, Project Manager, Sixty Cross Street LLC requesting access to enter Charles F. Colton Road to access the utilities and modify the current right of way pavement in accordance with the construction plans approved by the Taunton Planning Board.

Councilor Marshall stated that there was a presentation last week on a much larger part of this but where they are ending the cul-de-sac and making the roundabout is going to be in the new approved moratorium, John F. Colton, so they need to get approval. **Motion was made to refer to the Committee on the DPW either next week or in two weeks if they are ready to hear the request to grant the extension of the moratorium. So Voted.**

Com. from the Taunton Eagles Soccer Club requesting to rent the City's portable stage for their annual fiesta from June 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>. **Motion was made to approve. So Voted.**

**Petitions:**

Petition submitted by Arthur Travers, Jr., 701 Winthrop St., Taunton and Thomas Cunniff, 154 Fairview Ave., Rehoboth requesting a renewal of their Billiard Table License for Weir Associates, Inc. –DBA- McGrath's Café located at 125 West Water Street, Taunton. (1 Table) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Denise Asack, 96 Sachem Rock Ave., East Bridgewater requesting a renewal of her Billiard Table License for Bobby's Place, Inc. located at 62 Weir Street, Taunton. (2 Tables) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Douglas Fredericks on behalf of Gatehouse Media Massachusetts II, Inc. –dba- Enterprise Publishing Company, LLC, 5 Cohannet Street requesting a renewal of their News Rack Licenses. (7 News Racks) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Mark Guzman, 8 Alpine Avenue, Taunton requesting a renewal of his Temporary Fixed Vendor License for Mark's Bay St. Take-Out, located at 314 Bay Street, Taunton to sell food. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Joseph Enos, 730 Cohannet St., Taunton requesting a renewal of his Junk Collector and Junk Dealer License for Sone Alloys, Inc. –dba- Enos Metals located at 18-28 Dana Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Peggy Crowley, 137 Crane Avenue South, Taunton requesting reimbursement for damages to her automobile from hitting a pothole on Crane Avenue South near Misty Lane, Taunton. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

Claim submitted by Ronald Marrese, 488 South Street, Bridgewater requesting reimbursement for damages to his automobile from hitting a pothole on Richmond Street near the intersection of Route 44, Taunton. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

Claim submitted by Dustin Travis, 153 Meeshawn Ave., East Taunton seeking reimbursement for damages to his automobile from hitting a pothole in front of 164 Kingman Street, East Taunton. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

Claim submitted by Jahaira Santiago, 62 Bettinson Court, East Taunton seeking reimbursement for damages to her automobile from hitting numerous potholes on Williams Street, Taunton. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

Claim submitted by John Castro, 228 Norton Ave., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Bay Street turning left out of the industrial park. **Motion was made to refer to the City Solicitor and the DPW. So Voted.**

**Committee Reports:**

Motion was made for the Committee on Finance and Salaries and the Committee on the DPW reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in the Committee on Finance and Salaries and the Committee on the DPW Reports. So Voted.

**Unfinished Business:**

Council President Borges stated that at the March 10, 2015 City Council meeting there was a communication from the Budget Director requesting the adoption of Section 260 of the FY15 State Budget which allows local governing bodies by majority vote to begin a four-year phase-in toward health insurance costs for retired teacher employees when actual net school spending is calculated. She stated that it was referred to the Committee of the Whole but she thinks that it is important that the Council move this forward. Councilor Cleary stated that this is something that the Mass Municipal Organization has been very supportive of. He stated that a lot of the mayors have been involved in trying to get the health costs down. He stated that he doesn't have the financial impact of the decision, how much less money will be given to the school department. He stated that he doesn't really understand the breakdown. He knows that it is phased in over four years and is not comfortable voting for something unless he knows the actual numbers. Mayor Hoyer stated that because of some discrepancies about four or five years ago, the City is about \$4M short in net school spending. He stated that it is carried over from that point forward. If this is phased in it will allow us to catch up and once it is fully implemented we should get back to where we were before which was about 104%-105% of net school spending. He stated that the net impact to the school should be zero and hopefully they will gain. Councilor Croteau stated that he met with the Assistant Superintendent for business twice. He has not received specific figures. He spoke to Mr. Enos; Budget Director on several occasions, including this afternoon and the budget has been submitted to the Mayor's Office. He stated that there is a cash increase in the budget of several

million dollars. He stated that the cash amount appears to have gone up by 4% for next year's budget if it is approved at that level. He stated that none of this has anything to do with the issue at hand because when he speaks of the amount of money that is in the School Department budget. He discussed an explanation that he developed over 20 years ago regarding net school spending. He stated that he discussed with the Budget Director to determine the percentage of money from net school spending that has been going into indirect cost. He stated that whether this money goes into direct cost or not it may not necessarily affect the percentage distribution because you are moving from 95% toward 100%. He stated that the percentage is not going to go down, Mr. Enos questioned when we come up with the percentage, what if it is more than what the School Department has been getting. Councilor Croteau stated that if it is less, then a supplemental budget and next year's budget needs to be talked about. If it is more, then you will not argue about it. He stated that he would vote in favor of this at this point. He stated that in the absence of specific numbers that have not been provided, it would look from the presentation of the budget submitted by Superintendent Hackett, that it would not adversely affect the School Department next year. **Council President Borges made a motion that the City of Taunton accepts this four year phase. So Voted.** On a roll call vote, eight (8) Councilors present, seven voting in favor. Councilor Cleary voted in opposition.

**New Business:**

Councilor Costa-Hanlon stated that the Taunton Ecology Awareness Movement is having a night out at Home Plate. She stated that she has tickets where Home Plate will give 20% of your bill on June 16, 2015 to the Taunton Ecology Awareness Movement. The tickets must be presented. She is hoping that some could be left at City Hall because they need financial help. She stated that she would like that to be put on the City's website.

Councilor Costa-Hanlon stated that she spoke to two gentlemen, the President and the Director of Latin Pass. She stated that they have opened a non-profit organization and they would like to be invited to the City Council to talk about what they have to offer the City. She stated that they currently have a show on our cable access and they are going to have a seminar for most of the City Officials to talk about what they can offer and they will have an open house. She stated that they have a lot of great ideas for reaching out to Taunton's Hispanic speaking residents. She stated that they informed her that the City's website is not translated to Portuguese or Spanish. **Motion was made to refer to the Committee of the Whole at the Council President's discretion to meet with them in a couple of weeks. So Voted.**

Councilor Quinn stated that the road construction on Bay Street was brought up in the Committee on the DPW meeting tonight. One of the things discussed was the speeding on Bay Street. Councilor Cleary wanted to confirm that a set of traffic lights are going in to slow traffic down. Councilor Quinn stated that they will be going in at the entrance to Dever which will help. Mayor Hoye pointed out that it will be for passenger car traffic. He stated that the rumor that Martignetti is going on Bay Street is not true. It will be going towards John Hancock Rd. in the back of the development on Pioneer Way which is nowhere near Bay Street. Councilor Marshall discussed the truck route. Mayor Hoye stated that the main entrance to the park will be improved as well. There will a lot of changes in the park in general. He stated that if in fact the Boston Globe deal comes

through, the Industrial Park will be at less than 5% vacancy in the Myles Standish Industrial Park. He thanked the TDC and everyone else involved. He stated that Mass Development has made this happen over the years. **Motion was made to refer to the Police Chief to have the trailer installed or some speed traps if possible. So Voted.**

Councilor Cleary expresses appreciation to the Mass Department of Mental Health and the Department of Youth Services who made themselves available last week for a number of Councilors. He stated that he knows a lot more of what goes on at Taunton State Hospital and what kind of services are available. He stated that they went out of their way and had an excellent representation of staff members giving the tours. He stated that Councilors Pottier and Marshall arranged that and it was worthwhile and informative.

**Motion was made to recess at 8:00pm. So Voted.**

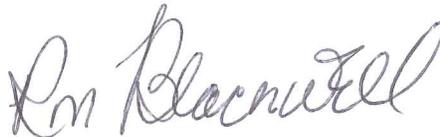
**Motion was made to return to the regular order of business at 11:45pm. So Voted.**

Motion was made for the Committee of the Whole and the Committee on Police and License reports to be read by Title and Approved. So Voted. Recommendations of the Committee of the Whole and the Committee on Police and License adopted to reflect the votes as recorded in Committee Reports. So Voted.

Meeting adjourned at 11:50 P.M.

A true copy:

Attest:



City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2015

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR CARR

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 PAYROLLS AND VOUCHERS FOR THE WEEK. SO VOTED.**

MEETING ADJOURNED AT 5:56 P.M.

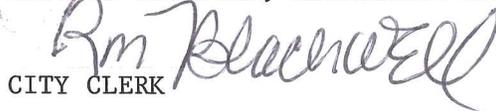
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

CITY OF TAUNTON  
APR 28 2015  
IN MUNICIPAL COUNCIL

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2015

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES, COSTA-HANLON AND CLEARY. ALSO PRESENT WERE DPW COMMISSIONER FRED CORNAGLIA, ASSISTANT DPW COMMISSIONER TONY ABREAU AND JOE FEDERICO OF BETA

**MEETING CALLED TO ORDER AT 6:40 P.M.**

**1. MEET WITH THE DPW COMMISSIONER'S OFFICE FOR THE 2015 CONSTRUCTION SEASON UPDATE INCLUDING WATER, SEWER, DRAINAGE, PAVING AND SIDEWALKS TO BE COMPLETED THIS CONSTRUCTION SEASON**

MR. FEDERICO STATED THAT THEY ARE WORKING ON 2 PHASES FOR SEWER AND DRAINS. PHASE 10, WHICH WAS STARTED LAST YEAR AND IS AT \$6.6 MILLION IS ABOUT 70% COMPLETE. EXCAVATION TO SEPARATE COMBINED MANHOLES ON WASHINGTON STREET IN FRONT OF MORTON HOSPITAL WILL START WITHIN THE NEXT 2 WEEKS. WORK WILL BE DONE AT NIGHT TO MINIMIZE IMPACTS ON THE HOSPITAL AND WILL TAKE ABOUT 5 DAYS. ALSO, COMPLETION OF THE CIPP WORK, INCLUDING THE DOWNTOWN AREA (COURT STREET, MAIN STREET, BROADWAY, WEIR STREET AND TAUNTON GREEN. BY PASS PIPING AND PUMPS ARE BEING INSTALLED NOW, LINING WORK WILL BEGIN NEXT WEEK ON COURT STREET AND WILL LAST 2-3 MONTHS. ADDITIONAL LINING WORK WILL TAKE PLACE AWAY FROM THE DOWNTOWN AREA (EAST TAUNTON INTERCEPTOR, RED LANE AREA)

PHASE 11 WILL BEGIN AS SOON AS THEY COMPLETE PHASE 10 WORK WHICH WILL INCLUDE CURED-IN-PLACE PIPE LINING OF APPROXIMATELY 11,000 LINEAR FEET OF MAIN INTERCEPTOR SEWER, INCLUDING OAK STREET, WASHINGTON STREET AND KILMER AVENUE. ALSO INCLUDES LINING OF A LARGE BRICK DRAIN ON WHITTENTON STREET WHICH IS IN DANGER OF COLLAPSE. THIS INCLUDES BYPASS PIPING OF THE WASTEWATER FOR THE MAIN SEWER INTERCEPTORS AND COORDINATION WITH THE PROPERTY OWNERS. ALSO SEPARATION OF APPROXIMATELY 20 COMBINED MANHOLES WITH UNDERDRAIN CONNECTIONS ON OAK STREET AND KILMER AVENUE, ABANDONMENT OF A BURIED CISTERN ON KILTON STREET (NEAR KILTON PLACE), REPLACEMENT OF APPROXIMATELY 20 SEWER MANHOLES WITH SEVERE STRUCTURAL AND/OR INFILTRATION ISSUES, PIPE BURSTING REPLACEMENT OF 800 FEET OF DAMAGED SEWER PIPE BETWEEN SUMMER STREET AND THE MILL RIVER, AND BETWEEN HIGH STREET AND THE MILL RIVER AND INSTALLATION OF A NEW 250 FOOT SEWER MAIN ON KILTON PLACE TO ELIMINATE 5 PROPERTIES ON OLD, LEAKING, SHARED SEWER LATERALS. THESE ARE ABOUT 4-6 INCHES IN DIAMETER AND CANNOT BE MAINTAINED.

MR. FEDERICO SAID THIS IS IT FOR THE NEXT 2 SEASONS.

**MOTION: TO MAKE HANDOUT PROVIDED BY MR. FEDERICO PART OF THE RECORD. SO VOTED.**

MR. CORNAGLIA STATED THAT WITH REGARDS TO THE WATER, THEY DID NOT QUALIFY THIS YEAR FOR STATE REVOLVING FUNDS. COURT STREET IS BEING FINISHED UP WITH CITY FUNDS, AND THEY ARE WORKING THERE NOW. IN SEPTEMBER THEY WILL PUT OUT ANOTHER COUPLE OF PROJECTS. COUNCILOR MARSHALL DID NOTE THAT THE REPLACEMENT OF THE WATER PUMP STATION ON HARRIS STREET IS ONGOING, IT IS ON TIME AND ON BUDGET AND SHOULD BE COMPLETED THIS CONSTRUCTION SEASON, PROBABLY BY AUGUST OR SEPTEMBER. THIS WILL MAKE THE PUMPING MUCH MORE EFFICIENT.

REGARDING PAVING THE DPW COMMISSIONER STATED THAT THE FUNDING THEY HAVE FOR PAVING FROM THE CITY IS \$500,000. THEY ARE SPENDING ABOUT \$310,000 ON A COUPLE OF STREETS. THE NEXT ITEM THEY HAVE IS THE WINTER RECOVERY ASSISTANT PROGRAM (WRAP) FROM WHICH THE CITY

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

RECEIVED \$213,231.00 WHICH HAS TO BE USED BY JUNE 30<sup>TH</sup> OF THIS YEAR. THE NEXT IS THE CHAPTER 90 APPROPRIATION THAT IS ADDITIONAL MONEY FROM THE STATE, WHICH IS \$800,000. THEY ALSO HAVE CHAPTER 90 MONEY THAT WAS USED TO FINISH THE TOP COURSE OF MYRICKS STREET.

THE DPW COMMISSIONER ALSO NOTED THAT WITH THIS MONEY, IT IS NOT JUST FOR PAVING, IT IS FOR CROSSWALKS AND STRIPING, POLICE DETAILS AND OTHER THINGS.

THE ASSISTANT DPW COMMISSIONER SAID THE TOTAL FUNDING INCLUDING THE WRAP MONEY IS \$1.5 MILLION. THE CHAPTER 90 MONEY FOR 2016 IS ABOUT \$1.4 MILLION AND THAT FUNDING WILL BE RECEIVED SOMETIME IN JULY.

THE DPW COMMISSIONER STATED THAT DANA STREET HAS BEEN MILLED BY EXCAVATION AND HAS A BINDER COAT ON IT. HIGHLAND STREET FROM DEXTER AVENUE TO COHANNET STREET HAS ALSO BEEN MILLED BY EXCAVATION WITH A BINDER. BOTH OF THESE STREETS WILL BE ON THE LIST FOR FY 17 FOR THE TOP COAT.

LINDEN STREET, WITH THE WRAP FUNDING, FROM HART STREET TO COUNTY STREET WILL BE MILLED BY EXCAVATION AND BINDER THIS YEAR AND PUT ON FOR A TOP COURSE FOR FY 17.

THE ADDITIONAL CHAPTER 90 MONEY WILL BE USED TO MILL BY EXCAVATION, BINDER AND TOP COURSE FOR COHANNET STREET, HAMILTON STREET, HIGHLAND STREET, PLAIN STREET AND PRATT STREET AND THE TOP COURSE FOR ELDRIDGE STREET.

WITH THE CHAPTER 90 FUNDING TO COME IN JULY, THEY PROPOSE TO PAVE CRANE AVENUE SOUTH, COOPER SQUARE, EAST BROADWAY, FERN STREET, HIGH STREET, MAIN STREET, MIDDLEBORO AVENUE, MONICA STREET, MYLES STANDISH, OLD COLONY AVENUE AND PURCHASE STREET AND SIDEWALK WORK ON FERN STREET, HIGH STREET, COOPER SQUARE, EAST BROADWAY, MONICA STREET AND PURCHASE STREET. SIDEWALK PROJECTS PROPOSED FOR FY 16 WITH CITY FUNDS WILL BE HAMILTON STREET, PLAIN STREET AND PRATT STREET. THESE MAY NOT ALL GET DONE, BUT THIS IS THE LISTING OF PROPOSED WORK.

COUNCILOR CLEARY STATED THAT HE HAS RECEIVED COMPLAINTS ABOUT WEBSTER STREET.

THE CHAIRMAN STATED THAT THEY HAVE TO MAKE SURE THAT ALL THE INFRASTRUCTURE IS DONE ON A STREET BEFORE THEY REDO IT. THIS MAY BE WHAT THE HOLD UP IS. THEY ALSO TRY TO FOLLOW THE PAVEMENT MANAGEMENT PLAN THAT WAS DEVELOPED AND WORK ON THE WORSE STREETS. YOU ALSO HAVE TO MATCH THE AMOUNT OF LINEAR FEET FOR THE AMOUNT OF MONEY THAT WE HAVE.

MR. FEDERICO DID STATE THAT THEY TV INSPECTED THE DRAINS AND THERE ARE SOME PROBLEMS WITH THAT STREET.

IT WAS NOTED THAT COUNCILORS CAN CALL OR E-MAIL CONCERNS TO THE DPW.

COUNCILOR COSTA-HANLON ALSO ASKED ABOUT HOPEWELL STREET.

THE ASSISTANT COMMISSIONER STATED THAT HAMILTON STREET FROM ADAMS STREET TO HOPEWELL STREET WAS JUST PAVED WITH BINDER.

COUNCILOR BORGES NOTED THAT THE 3 STREETS SHE HEARS THE MOST ABOUT WERE HAMILTON, WEBSTER AND GENERAL COBB.

THE DPW COMMISSIONER STATED THAT GENERAL COBB MAY BE ONE OF THE STREETS THAT THE GAS COMPANY WILL BE DOING SOME WORK ON.

COUNCILOR CROTEAU STATED THAT HE HAS RECEIVED CALLS ABOUT WILLIAMS STREET AND PLAIN STREET.

THE ASSISTANT DPW COMMISSIONER ALSO NOTED THAT THEY JUST PUT OUT TO BID DRAIN PROJECTS ON THE OTHER PART OF PLAIN STREET, SO THAT WILL HOLD UP PAVING THAT FURTHER SECTION OF PLAIN STREET FOR ANOTHER YEAR MAYBE 2 YEARS.

COUNCILOR QUINN STATED THAT SHE HAS RECEIVED CALLS ABOUT MOREYS BRIDGE TO THE OLD ENTRANCE TO THE DEVER SCHOOL. SHE KNOWS THIS HAS BEEN ON THE LIST BEFORE BUT SHE WANTED

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED**

TO CALL TO THE ATTENTION OF THE DPW WITH THE INCREASE IN TRAFFIC ON THAT SECTION OF BAY STREET, SHE WOULD RATHER SEE IT ADDRESSED BEFORE IT BECOMES TOO BIG OF A PROBLEM. COUNCILOR CARR ALSO MENTIONED THE LATERALS THAT WERE CUT ON BAY STREET FOR THE SEWER PROJECT. MANY RESIDENTS HAVE CALLED HER ABOUT VIBRATIONS AND THINGS FALLING OFF THE WALLS, ETC. IT IS A MAJOR THOROUGHWAY AND IT NEEDS TO BE KEPT UP.

THE CHAIRMAN STATED THAT ONCE THE PAVEMENT MANAGEMENT PLAN IS AVAILABLE, HE WILL MAKE IT AVAILABLE TO THE COUNCIL ALSO.

THE CHAIRMAN ALSO STATED THAT THE INTERSECTION OF OWEN RIVERWAY AND WILLIAMS STREET IS ON THE T.I.P. AND THERE IS A PUBLIC HEARING TOMORROW ON THIS MATTER, SO IT IS MOVING ALONG. ALSO HARTS 4 CORNERS IS ON THE TIP AND THAT IS MOVING FORWARD AND THEY ARE GOING TO START THE PROCESS FOR WINTHROP STREET AND NORTH WALKER STREET.

**MOTION: TO MAKE THE HANDOUT ENTITLED PAVING AND SIDEWALK CONSTRUCTION SUMMARY PART OF THE RECORD. SO VOTED..**

COUNCILOR COSTA-HANLON ALSO VOICED CONCERN WITH THE SAFETY OF THE INTERSECTION AT DEAN STREET AND LONGMEADOW ROAD. THIS INTERSECTION IS NOT IN THE PROJECT THAT WAS DONE. BUT SHE ASKED THAT THIS BE PUT BACK ON THE FRONT BURNER.

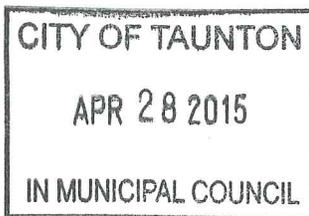
**2. MEET TO REVIEW MATTERS IN FILE**

A. QUESTIONED WAS REGARDING SNOW REMOVAL, CAN RESIDENTS FILE CLAIMS FOR GRASS AND LANDSCAPING ISSUES. IT WAS NOTED THAT THESE MATTERS SHOULD BE SENT TO THE DPW.

B. COUNCILOR QUINN STATED AT ROBERT TREAT PAINÉ STATUE THERE IS NO STOP LINE THERE. THE DPW CAN PUT A STOP LINE THERE, AND THE DPW COMMISSIONER SAID THAT THEY WILL BE PAVING FROM SUMMER PAST THE OLD CITY HALL TO TAUNTON GREEN AND STRIPING IT.

C. COUNCILOR COSTA-HANLON ASKED IF STRIPING FOR THE CROSSWALKS COULD BE DONE AT THE EAST TAUNTON POST OFFICE AREA.

**MEETING ADJOURNED AT 7:25 P.M.**



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2015

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, QUINN AND CARR. ALSO PRESENT WERE DEAN HARRISON AND JAY DORSEY OF THE DOWNTOWN TAUNTON FOUNDATION, CITY SOLICITOR JASON BUFFINGTON, HUMAN RESOURCE DIRECTOR MARIA GOMES, POLICE CHIEF EDWARD WALSH, LIEUTENANT ROBERT CASEY, AND DIRECTOR OF RETIREMENT BOARD PAUL SLIVINSKI

**MEETING CALLED TO ORDER AT 8:06 P.M.**

**1. MEET FOR A PRE-REVIEW HEARING FOR A SPECIAL PERMIT FOR A MULTI-FAMILY STRUCTURE CONSISTING OF 4 UNITS AT 15 SCHOOL STREET LOCATED IN THE CENTRAL BUSINESS DISTRICT**

THIS CONCERNS A REQUEST FOR A SPECIAL PERMIT UNDER THE ZONING ORDINANCE TO ALLOW 4 UNITS ON ONE LOT AND TO ALLOW RESIDENTIAL HANDICAPPED ACCESSIBLE UNITS ON THE GROUND FLOOR IN A COMMERCIAL DISTRICT AT 15 SCHOOL STREET. PRIOR TO THE ACQUISITION AND REHABILITATION BY THE DOWNTOWN FOUNDATION, THIS BUILDING WAS VACANT FOR MANY YEARS AND WAS DETERIORATING AND CONTAINED INHABITABLE ROOMING UNITS IN THE UPPER LEVEL. THE DOWNTOWN FOUNDATION ACQUIRED THE BUILDING AND DID A COMPLETE GUT REHAB. THE RENOVATIONS TO THE BUILDING CREATED COMMERCIAL SPACE ON THE FIRST FLOOR AND 2 ONE BEDROOM UNITS ON THE UPPER FLOORS. HOWEVER, THE DOWNTOWN FOUNDATION HAS TRIED TO RENT OR SELL THE RENOVATED COMMERCIAL SPACE BUT HAS BEEN UNSUCCESSFUL. THE 2 RESIDENTIAL UNITS ARE RENTED. THEREFORE, THE DOWNTOWN FOUNDATION IS PROPOSING TO CONVERT THE COMMERCIAL SPACE INTO 2 FULLY HANDICAPPED UNITS AND DEMOLISH A PORTION OF THE BUILDING FOR ON-SITE PARKING FOR THESE 2 UNITS. THE REAR PORTION OF THE BUILDING WILL BE REMOVED TO ALLOW THE PARKING FOR THE 2 HANDICAPPED VEHICLES

THEY RECEIVED A FAVORABLE RECOMMENDATION FROM THE PLANNING BOARD.

COUNCILOR CARR NOTED THAT THEY WERE ASKING FOR CERTAIN FEES TO BE WAIVED AND ASKED WHAT EXACTLY THOSE FEES WERE.

MR. HARRISON SAID THE MAYOR WAIVED THE \$400 APPLICATION FEE. THIS WAS THE ONLY FEE THAT THEY HAD ASKED TO BE WAIVED.

COUNCILOR QUINN ASKED IF THE PLANNING BOARD PUT ANY RESTRICTIONS ON THIS PROJECT. THE ANSWER WAS NO.

**MOTION: TO MOVE THIS MATTER TO A FULL HEARING. SO VOTED.**

**2. MEET WITH THE CITY SOLICITOR, HUMAN RESOURCE DIRECTOR AND LT. CASEY TO DISCUSS HIS REQUEST FOR AN EXTENSION TO HIS MANDATORY RETIREMENT DATE THAT WILL REQUIRE SPECIAL LEGISLATION**

COUNCILOR POTTIER QUESTIONED THE APPROPRIATENESS OF BRINGING THIS UP AGAIN SEEING THAT THIS MATTER WAS VOTED ON WITH 3 COUNCILORS VOTING IN FAVOR AND 5 COUNCILORS VOTING IN OPPOSITION IN SEPTEMBER. HIS UNDERSTANDING IN HIS 10 YEARS ON THE COUNCIL IS THAT ONCE A MOTION WAS TAKEN ON AN ITEM IT COULD NOT BE BROUGHT UP FOR DISCUSSION FOR A YEAR. HE REQUESTED THAT THE CITY SOLICITOR PROVIDE HIS OPINION ON THIS.

THE CITY SOLICITOR STATED THAT THE RULE THAT WOULD APPLY TO THIS SITUATION IS RULE 10A OF THE RULES OF THE MUNICIPAL COUNCIL WHICH IS IN THE FORM OF ORDINANCE. THE PERTINENT PART STATES *ANY MOTION ORDER OR RESOLUTION WHICH IN THE OPINION OF THE PRESIDING OFFICER DOES*

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APRIL 28, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

*NOT HAVE A DIRECT BEARING ON THE BUSINESS OF THE MUNICIPAL COUNCIL, OR WHICH HAS BEEN PREVIOUSLY DEBATED AND ACTED UPON IN THE CURRENT YEAR, SHALL BE REFERRED TO THE COMMITTEE OF THE WHOLE, AND SHALL NOT BE FURTHER CONSIDERED BY THE COUNCIL EXCEPT UPON REPORT BY THAT COMMITTEE. THERE SHALL BE NO APPEAL FROM THE DECISION OF THE CHAIR HEREUNDER, AND THIS RULE SHALL NOT BE SUBJECT TO SUSPENSION*

THE CITY SOLICITOR STATED THE DECISION IS TO BE MADE BY THE PRESIDING OFFICER AND THE LITERAL MEANING OF THE RULE PREVIOUSLY DEBATED AND ACTED UPON IN THE CURRENT YEAR.

COUNCILOR POTTIER STATED THAT HE APPRECIATES THE FACT THAT THIS IS WHAT IS WRITTEN IN APPENDIX A, HOWEVER THE COUNCIL IN HIS 10 YEARS ON THE COUNCIL HAVE TOLD APPLICANT AFTER APPLICANT THAT HAVE BEEN DENIED THAT THEY CANNOT COME BACK FOR A YEAR. COUNCILOR CARR CONFIRMED THAT THIS HAS BEEN THE PAST PRACTICE OF THE COUNCIL.

COUNCILOR CLEARY STATED THAT ACTIONS HAVE BEEN DENIED AND HAVE COME BACK TO THE COUNCIL IN A DIFFERENT FORMAT A NUMBER OF TIMES. THE DIFFERENCE IN THIS REQUEST IS FROM 2 YEARS TO 1 YEAR.

COUNCILOR POTTIER STATED THAT HIS CONCERN IS THAT THEY ARE SETTING A PRECEDENT TONIGHT FOR PEOPLE COMING BACK WITHIN A YEAR. PAST PRACTICE HAS ALWAYS BEEN 1 YEAR FROM THE DATE OF THE DECISION. OTHERWISE, SOMETHING THAT WAS DISCUSSED IN DECEMBER, CAN JUST COME BACK BEFORE THE COUNCIL IN JANUARY. THAT IS WHY THIS IS AN IMPORTANT POINT TO MAKE. IF THE COUNCIL DOES GO FORWARD WITH THIS IT GOES AGAINST THE RULES THAT HE HAS BEEN TOLD SINCE DAY 1.

COUNCILOR CROTEAU STATED THAT HIS UNDERSTANDING IS THAT COUNCILOR POTTIER IS CORRECT TO THE POINT WHERE THE SAME REQUEST CANNOT COME BACK. THIS IS NOT THE SAME REQUEST. THIS IS 1 YEAR. IT WAS REDUCED FROM 2 YEARS TO 1 YEAR. IT IS A 50% CHANGE. HE FURTHER STATED THAT HE VOTED AGAINST THE REQUEST FOR 2 YEARS BECAUSE HE DID NOT WANT TO SET THAT PRECEDENT. HE WOULD AGREE THAT IF THIS REQUEST IS ACCEPTED AND APPROVED THEN THE COUNCIL IS SETTING A PRECEDENT FOR A YEAR. YOU CAN ALSO PUT CONDITIONS ON THE 1 YEAR TO REDUCE THE PRECEDENT. COUNCILOR BORGES READ A LETTER DATED APRIL 23, 2015 OF LIEUTENANT CASEY WHICH STATED THAT HE WOULD LIKE TO COME BEFORE THE COUNCIL ASKING THAT THEY CONSIDER EXTENDING HIS CAREER ON THE TAUNTON POLICE DEPARTMENT PAST THE MANDATORY RETIREMENT AGE OF 65 YEARS. HE IS REQUESTING THAT HE BE ALLOWED TO CONTINUE WORKING 1 MORE YEAR UNTIL MAY OF 2016 WHEN HE WILL TURN 66 YEARS OLD.

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

COUNCILOR MARSHALL STATED THAT FROM HIS EXPERIENCE ON THE COUNCIL AND OTHER BOARDS, YOU CANNOT BRING BACK THE SAME THING BUT YOU CAN BRING SOMETHING BACK IF THERE IS A SIGNIFICANT CHANGE. HE ALSO STATED THAT THIS IS JUST 1 STEP IN THE PROCESS, IT DOES NOT GUARANTEE THAT LT. CASEY WILL BE ABLE TO REMAIN ON THE JOB. THIS IS A REQUEST TO APPLY FOR SPECIAL LEGISLATION. COUNCILOR MARSHALL FURTHER STATED THAT AT A PREVIOUS MEETING HE DID NOT READ THE LETTER BECAUSE OF A TYPO, BUT HE AGREED TO SUPPORTING THE MEASURE FOR 1 YEAR, THE LETTER SAID 2 YEARS SO HE DID NOT READ IT. IT WAS NOT READ DURING THE COUNCIL MEETING, HE SIMPLY BROUGHT UP A MOTION UNDER NEW BUSINESS. HE ALSO SAID THAT THIS WAS DISCUSSED IN SEPTEMBER OF 2014, IT IS NOW APRIL OF 2015, THIS IS NOT THE CURRENT YEAR, SO WE SHOULD END THIS DEBATE HEAR THE MERITS AND MAKE A DECISION.

COUNCILOR POTTIER THEN ASKED WHY ARE WE HAVING ANY VOTES IN DECEMBER, WHEN SOMEBODY CAN JUST BRING SOMETHING UP AGAIN IN A MONTH? HIS SECOND POINT, IN SO FAR AS THE TIME BEING CUT IN HALF, HE DID READ THE MINUTES AND THERE WAS NO DISCUSSION ABOUT GOING FROM 2 YEARS

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED**

TO 1 YEAR, AND THE COUNCIL PREVIOUSLY COULD HAVE CONSIDERED 2 YEARS TO 1 YEAR BUT THE COUNCIL DID NOT CONSIDER THIS.

COUNCILOR COSTA-HANLON SAID THAT SHE HAS A PROCEDURAL ISSUE WITH THIS. HER CONCERN IS NOT THE NEW LETTER IT IS THE OLD LETTER. IT WAS VERY OPEN ENDED. IT DID REQUEST 2 YEARS BUT IT ALSO SAID WHATEVER TIME YOU ARE WILLING TO GIVE ME, SO SHE DOES NOT FEEL THAT THIS IS A SIGNIFICANT CHANGE. SHE DOES NOT THINK PROCEDURALLY THAT THIS CAN BE DISCUSSED.

COUNCILOR CLEARY THEN STATED THAT HE HAS THE PREVIOUS LETTER DATED APRIL 18, 2014 OF LT. CASEY AND IT SAYS "I AM REQUESTING THAT I BE ALLOWED TO CONTINUE WORKING ANOTHER 2 YEARS UNTIL MAY 2017 WHEN I WILL TURN 67 YEARS OLD. I AM IN GOOD HEALTH, HAVE A SOUND MIND AND HAVE PHYSICIAN LETTERS TO SUPPORT THIS. IF I EVER FEEL THAT I CANNOT DO MY JOB I WOULD BE MORE THEN WILLING TO STEP AWAY FROM MY ASSIGNMENT.

*I BELIEVE THAT I STILL HAVE A LOT TO OFFER IN MY POSITION AND WOULD USE MY 40 YEARS OF EXPERIENCE TO CONTINUE OVERSEEING THE OPERATION OF THE FIRST RELIEF. I WOULD CONTINUE TO HELP GUIDE NEW RECRUITS AND LATERAL TRANSFERS FROM OTHER DEPARTMENTS AS THEY TRANSITION INTO THE TAUNTON POLICE DEPARTMENT.*

COUNCILOR CLEARY SAID TO THE BEST OF HIS KNOWLEDGE THIS IS THE ORIGINAL LETTER.

COUNCILOR COSTA-HANLON SAID IT WAS 2 YEARS OR WHENEVER HE FELT LIKE HE COULD NOT CONTINUE.

COUNCILOR CLEARY MADE THE FOLLOWING MOTION:

**MOTION: LETTER TO BE PART OF THE RECORD.**

**MOTION WAS NOT SECONDED NOR VOTED ON.**

COUNCILOR COSTA-HANLON SAID AS PART OF THE MINUTES THERE WAS DISCUSSION CONCERNING HE WOULD SERVE HOWEVER LONG THE CHIEF THOUGHT HE WOULD BE NEEDED. SHE IS CONCERNED ABOUT THIS AND FEELS THAT PROCEDURALLY THERE IS AN ISSUE. SHE FURTHER STATED THAT SHE THINKS THE REQUEST WAS FOR 2 YEARS, BUT HE WOULD BE WILLING TO STEP OUT WHENEVER HE'S READY WITH NOT A SET AMOUNT OF TIME. SHE ALSO STATED THAT SHE BELIEVES DURING DISCUSSION AT THAT TIME LT. CASEY OFFERED ANY TIME WITHIN THAT PERIOD.

COUNCILOR QUINN STATED THAT SHE DISAGREEES WITH THE PROCEDURAL ISSUE. SHE BELIEVES THAT THIS IS A MATERIAL MATTER, AND SHE THINKS THEY AS A COMMITTEE HAVE THE ABILITY TO MAKE THE DETERMINATION ON WHETHER SOMETHING IS MATERIAL OR NOT. LT. CASEY, WHEN HE CAME BEFORE THE COUNCIL DID ASK FOR 2 YEARS AND SAID IF HE IS NOT UP TO THE JOB, HE WILL CEASE WORK. THAT DOES NOT CHANGE THE FACT THAT HE WAS ASKING FOR 2 YEARS. SHE FEELS THAT THIS IS A MATERIAL CHANGE. SHE DOES NOT SEE A PROBLEM WITH DISCUSSING THIS TONIGHT. SHE FURTHER NOTED THAT THE IMPORTANT ISSUE IS THAT THIS DOES NOT END HERE TONIGHT WITH THE COUNCIL'S DECISION, IT STILL HAS TO GO TO THE STATE LEGISLATURE. TIME IS OF THE ESSENCE, AND SHE DOES NOT WANT TO SEE THIS HELD UP. SHE HAS NOT BEEN HERE WHEN SOMETHING HAS BEEN DENIED AND NOT BROUGHT UP FOR A YEAR. SHE REQUESTS THAT THE COUNCIL MOVE ON WITH THE DISCUSSION.

COUNCILOR CARR STATED THAT THIS IS NOT JUST A PAST PRACTICE, THIS IS ORDINANCE, THIS IS LAW. SHE ALSO NOTED THAT EVERYONE SAYS THE CITY SOLICITOR HAS GIVEN AN OPINION, BUT SHE DID NOT THINK SHE HEARD AN OPINION. THE RULES DO NOT SAY CALENDAR YEAR, IT DOES NOT SAY FISCAL YEAR, IT JUST SAYS WITHIN A YEAR. WHEN SHE READS THIS, TO HER IT SAYS THAT YOU CANNOT BRING SOMETHING UP AGAIN FOR 1 YEAR. IF THIS COMMITTEE WISHES TO GO AGAINST ITS OWN LAWS, THAT IS OK, BUT SHE IS NOT GOING TO VOTE TO GO AGAINST HER OWN RULES. SHE FEELS THAT THIS SHOULD NOT BE BROUGHT UP AGAIN FOR THAT REASON, AND SECTION B, WHICH WAS NOT BROUGHT UP SAYS *THE COMMITTEE OF THE WHOLE MAY REPORT THAT ANY MOTION, ORDER OR RESOLUTION, SO REFERRED TO IT, IS OUT OF ORDER FOR THE REASONS STATED ABOVE.* THAT WOULD BE HER MOTION, TO

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RULE THIS OUT OF ORDER BASED ON THE FACT THAT IT HAS BEEN LESS THEN A YEAR SINCE THE LAST VOTE ON THIS MATTER.

**MOTION: TO RULE THIS OUT OF ORDER.**

THE MOTION WA SECONDED BY COUNCILOR COSTA-HANLON.

COUNCILOR CROTEAU ASKED FOR THE WORDING OF THE MOTION.,

COUNCILOR CARR CLARIFIED THE MOTION AS FOLLOWS:

**MOTION: TO RULE THE MOTION TO REFER THIS TO THE COUNCIL AS A WHOLE AS BEING OUT OF ORDER BASED ON SECTION 10A WHICH STATES THAT NO BUSINESS PREVIOUSLY DEBATED IN THE LAST YEAR CAN BE ACTED UPON AGAIN.**

COUNCILOR CROTEAU THEN ASKED, IF WE VOTE IN THE NEGATIVE WE ARE VOTING TO HEAR THE REQUEST. IS THAT CORRECT.

IT WAS STATED BY COUNCILOR CLEARY THAT THIS IS CORRECT.

COUNCILOR CROTEAU SAID THAT HE WAS GOING TO MOVE TO QUESTION, THAT IS WHY HE RAISED HIS HAND. HE SAID THAT HE HAD HIS HAND UP BEFORE THAT MOTION WAS MADE. HE FURTHER STATED THAT SINCE A MOTION HAS BEEN ALLOWED, THEN HE WOULD URGE FELLOW COUNCILORS TO VOTE IN THE NEGATIVE.

COUNCILOR MARSHALL ASKED THE CITY SOLICITOR TO READ SECTION 10A AGAIN AS HE BELIEVES THAT IT SAYS CURRENT YEAR.

THE CITY SOLICITOR SAID THAT RULE 10A SAYS *ANY MOTION ORDER OR RESOLUTION WHICH IN THE OPINION OF THE PRESIDING OFFICER HAS BEEN PREVIOUSLY DEBATED AND ACTED UPON IN THE CURRENT YEAR SHALL BE REFERRED TO THE COMMITTEE OF THE WHOLE AND SHALL NOT BE FURTHER CONSIDERED BY THE COUNCIL EXCEPT UPON REPORT BY THAT COMMITTEE. THERE SHALL BE NO APPEAL FROM THE DECISION OF THE CHAIR HEREUNDER, AND THIS RULE SHALL NOT BE SUBJECT TO SUSPENSION. 10B SAYS THE COMMITTEE OF THE WHOLE MAY REPORT THAT ANY MOTION, ORDER OR RESOLUTION, SO REFERRED TO IT, IS OUT OF ORDER FOR THE RESONS STATED ABOVE; AND ITS REPORT SHALL BE THE FINAL DISPOSITION OF THE MATTER, SUBJECT TO AN APPEAL. SUCH APPEAL SHALL BE GOVERNED BY THE SAME PROVISIONS AS THOSE GOVERNING APPEALS FROM RULINGS OF THE PRESIDING OFFICER.*

COUNCILOR MARSHALL THEN STATED THAT HE DISAGREES WITH COUNCILOR CARR THAT WE ARE VIOLATING THE LAW, BECAUSE THE LAW THAT WAS JUST READ SAYS CURRENT YEAR. THIS WAS VOTED ON IN SEPTEMBER, 2014, THE LAW SAYS CURRENT YEAR. IT IS NOW APRIL, 2015, NOT THE CURRENT YEAR. HE FEELS THAT THE COMMITTEE CAN STILL HEAR THE MERITS, YOU CAN STILL VOTE NO.

COUNCILOR CROTEAU STATED THAT THIS COMMITTEE IS STILL DEBATING WHAT THE CURRENT YEAR MEANS. IT MEANS A 12 MONTH PERIOD BUT THE ESSENCE OF THIS REQUEST HAS CHANGED.

COUNCILOR QUINN THEN STATED THAT IF WE GET ASIDE FROM WHETHER THIS IS A CURRENT YEAR ISSUE OR NOT, WHAT THE CITY SOLICITOR SAID IS THAT YOU CANNOT BRING A MATTER WHICH HAS ALREADY BEEN FULLY DISCUSSED WITHIN THE YEAR, WHATEVER IT IS, A CALENDAR YEAR OR 365 DAYS, THE ISSUE IS THAT THIS MATTER HAS NOT BEEN FULLY DISCUSSED BECAUSE IT IS NOW A DIFFERENT MATTER.

COUNCILOR CROTEAU, AS A POINT OF INFORMATION, ASKED THE CITY SOLICITOR IF THE REQUEST TO MOVE THE QUESTION DEBATABLE.

THE CITY SOLICITOR SAID IF IT PRECEDES A SECOND, IT IS NOT DEBATABLE, BUT IT NEEDS 6 VOTES TO PASS.

**COUNCILOR CROTEAU THEN SAID HE IS MOVING THE QUESTION SO HE WOULD HOPE THAT SOMEONE WOULD SECOND IT.**

**COUNCILOR MARSHALL SECONDED IT.**

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

COUNCILOR COSTA-HANLON SAID THAT HER ONLY ISSUE IS THAT IF YOU ARE TAKING A LESS THEN BROAD INTERPRETATION, IF YOU ARE ACCEPTING COUNCILOR MARSHALL'S INTERPRETATION, THEN MOTIONS TO RECONSIDER WOULD ONLY NEED TO BE DONE TO MOVE SOMETHING TO THE NEXT CALENDAR YEAR. WE ALL KNOW THAT IF YOU WANT TO RECONSIDER SOMETHING YOU NEED TO MAKE THAT MOTION WITHIN A WEEK OF WHAT WAS DEBATED. IF YOU TAKE THE INTERPRETATION THAT COUNCILOR MARSHALL IS MAKING, IT MAKES NO SENSE TO EVEN HAVE A REQUIREMENT TO FILE A MOTION TO RECONSIDER. SHE THINKS IT IS A 12 MONTH PERIOD AND THAT PROCEDURALLY THE COMMITTEE SHOULD NOT EVEN BE HEARING THIS.

COUNCILOR CARR STATED THAT SHE IS CONCERNED WITH SETTING A PRECEDENT. WE HAVE RULES AND REGULATIONS AND THIS IS SABOTAGING THE COUNCIL'S OWN RULES.

THE PRESIDENT ASKED FOR A VOTE ON COUNCILOR CARR'S MOTION.

COUNCILOR CROTEAU SAID HE WANTS TO FOLLOW PROCEDURE, AND SAID THAT THE CITY SOLICITOR SAID HE NEEDS 6 VOTES TO MOVE THE QUESTION, SO THE FIRST VOTE SHOULD BE A VOTE ON MOVING THE QUESTION. IF WE DO NOT GET 6 VOTES THEN THE QUESTION IS NOT MOVED, THEN THE COMMITTEE CAN CONTINUE THE DEBATE.

**COUNCILOR MARSHALL WITHDREW HIS SECOND ON MOVING THE QUESTION.**

**COUNCILOR CARR'S MOTION WAS VOTED ON. COUNCILORS COSTA-HANLON, POTTIER, CARR AND BORGES VOTED IN FAVOR. COUNCILORS CLEARY, MARSHALL, CROTEAU AND QUINN VOTED IN OPPOSITION. MOTION FAILS.**

LT. CASEY THEN ADDRESSED THE COMMITTEE. HE SAID HE IS TRYING TO EXTEND HIS CAREER ON THE TAUNTON POLICE DEPARTMENT FOR 1 YEAR.

COUNCILOR CLEARY STATED HE WILL BE SUPPORTING THE REQUEST FOR THE 1 YEAR EXTENSION. LT. CASEY POSSESSES AN EXCELLENT SKILL SET, HE RUNS THE SECOND SHIFT VERY WELL, AND HAS THE KNOWLEDGE AND SKILLS TO CONTINUE TO SERVE IN HIS CURRENT POSITION IN THE POLICE DEPARTMENT. HE STATED THAT IT WOULD BE IN THE BEST INTEREST OF THE DEPARTMENT TO HAVE LT. CASEY STAY ON.

COUNCILOR CROTEAU STATED THAT HE VOTED AGAINST THE REQUEST FOR THE ADDITIONAL 2 YEARS, BUT HE WILL SUPPORT THE 1 YEAR. THE PROCEDURE SAYS THE COUNCIL CAN APPROVE THIS AND SEND IT TO THE LEGISLATURE. HE FURTHER NOTED THAT HE CAN SAY HE WILL NOT ENTERTAIN REQUESTS FOR ANYONE WITH LESS THEN 35 YEARS OF SERVICE.

COUNCILOR CROTEAU MADE THE FOLLOWING MOTION:

**MOTION: TO GRANT THE REQUEST FOR 1 YEAR WITH THE UNDERSANDING THAT LIEUTENANT CASEY NOT BE ALLOWED TO REQUEST AN ADDITIONAL YEAR, AND ALSO TO NOT ENTERTAIN ANY OTHER REQUESTS UNLESS THE PERSON HAS SERVED 35 YEARS OR MORE.**

THE MOTION WAS SECONDED BY COUNCILOR CARR, ON DISCUSSION.

COUNCILOR CARR ASKED TO HEAR FROM MRS. GOMES AND THE CHIEF. SHE WOULD LIKE TO HEAR FROM MRS. GOMES WHAT KIND OF NEGATIVE EXPOSURE WE ARE PRESENTING FROM THE CITY SIDE, IF ANY, BY ALLOWING SOMEONE TO STAY ON BEYOND THE AGE OF 65, AND FROM THE CHIEF SHE WOULD LIKE TO KNOW IF THERE ARE ANY PARTICULAR SKILL SETS THAT LT. CASEY HAS THAT THE NEXT LIEUTENANT DOES NOT HAVE OR SOMEONE ELSE ON THE POLICE FORCE DOES NOT HAVE TO STEP INTO THAT POSITION. SHE THINKS THAT THE CIVIL SERVICE RULE OF 65, IN HER OPINION, IS A VERY GENEROUS AGE TO ALLOW FOR RETIREMENT. SHE THINKS EVEN 65 FOR A PUBLIC SAFETY OFFICER, A FIREFIGHTER OR POLICE OFFICER, IS ON THE HIGH END. SHE CANNOT IMAGINE 67, 68, 69 YEAR OLD GUYS RUNNING UP AND DOWN LADDERS AT FIRES AND THINGS LIKE THAT. WE ALL KNOW THAT IF ONE PERSON GETS IT,

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

SAYING IT IS NOT PRECEDENT SETTING IS BEING TOTALLY NAÏVE. AS SOON AS YOU ALLOW ONE PERSON TO DO SOMETHING AND DENY ANOTHER, THEY CAN GO TO A COURT OF LAW AND IF YOU DO NOT HAVE SOMETHING TO BACK IT UP, THAT COURT IS GOING TO SAY YOU CANNOT TELL THEM NO. MRS. GOMES SAID SHE IS NOT QUITE SURE HOW TO ANSWER. 111F HAS TO DO WITH A POLICE OFFICER INJURED IN THE LINE OF DUTY. LT. CASEY IS A SUPERVISOR WITHIN THE STATION AND SHE IS NOT SURE OF HOW OFTEN HE LEAVES THE STATION AND GOES OUT ON PATROL, OR IF THAT INDEED HAPPENS. THAT IS MORE OF A QUESTION FOR THE CHIEF. OF COURSE THERE IS ALWAYS A RISK OF 111F CASE HAPPENING. IT CAN HAPPEN RIGHT OUTSIDE THE STATION AND THEY HAVE HAD IT HAPPEN IN THE LAST YEAR. THIS IS A LEGISLATIVE BODY DECISION, AND NOT HERS.

IT WAS FURTHER NOTED BY COUNCILOR CARR THAT A 111F REQUIRES THE CITY TO PAY A POLICE OFFICER'S MEDICAL BILLS AND 100% OF HIS SALARY UNTIL THAT OFFICER RETURNS TO WORK OR RETIRES ON A DISABILITY. SHE ALSO ASKED IF THERE WAS ANYTHING ELSE THE CITY WOULD BE RESPONSIBLE FOR FOR A POLICE OFFICER THAT SHE WOULD CONSIDER NEGATIVE.

MRS. GOMES SAID THAT IN THE CONTRACT WHEN AN OFFICER IS OUT ON 111F HE CONTINUES TO ACCRUE SICK, VACATION AND PERSONAL TIME. THAT WOULD BE AN ADDITIONAL COST TO THE CITY. COUNCILOR CLEARY ASKED IF LT. CASEY HAS EVER BEEN OUT ON 111F.

LT. CASEY SAID 1 TIME FOR 6 MONTHS.

COUNCILOR CROTEAU SAID THE CITY'S LIABILITY AND THE IMPACT OF THE UNION CONTRACT WOULD ONLY BE TEMPORARY BECAUSE WE ARE EXTENDING HIS DUTY FOR 1 YEAR. AT THE END OF THAT YEAR HE IS GOING TO RETIRE SO THIS LIABILITY FOR INJURY, ETC. HE BELIEVES WOULD END WITH HIS ACTIVE DUTY. HE MAY QUALIFY FOR DISABILITY RETIREMENT BUT GIVEN THE NUMBER OF YEARS OF SERVICE HE DOES NOT THINK HIS PENSION WOULD BE ANY HIGHER IF HE GOES ON REGULAR RETIREMENT OR DISABILITY RETIREMENT.

THE CHIEF STATED THAT LT. CASEY IS A GREAT SHIFT COMMANDER, IS WELL RESPECTED, IS VERY KNOWLEDGABLE, AND VERY EXPERIENCED. HE DOES NOT KNOW IF HE IS IN A POSITION TO DIFFERENTIATE HIS SPECIAL SKILLS FROM ANY OTHER LIEUTENANTS. OTHER THEN HIS YEARS OF EXPERIENCE THERE IS NOTHING REALLY. THE JOB IS A JOB THAT YOU TRAIN PEOPLE TO GO INTO, IT HAPPENS ALL THE TIME. HE WOULD DEFER TO LT. CASEY.

LIEUTENANT CASEY STATED THAT HE HAS EXPERIENCE AND THE WILLINGNESS TO WORK.

COUNCILOR CARR ASKED WHAT THE NEXT LIEUTENANT'S SENORITY IN TIME IS.

THE CHIEF SAID LT. CASEY HAS BEEN A LIEUTENANT FOR ABOUT 16 YEARS, THE NEXT CLOSEST HAS 9 YEARS.

COUNCILOR CROTEAU STATED HE UNDERSTANDS THE CHIEF'S RELUCTANCE TO COMPARE LT. CASEY TO OTHER LIEUTENANTS, SO HE ASKED IF THE CHIEF WOULD CLASSIFY LT. CASEY'S SERVICE TO THIS COMMUNITY OVER ALL THE YEARS HE HAS KNOWN HIM AS HAVING SERVICED THIS COMMUNITY WITH DISTINCTION?

COUNCILOR COSTA-HANLON STATED THAT SHE WOULD MOVE THE VOTE BUT IS CONCERNED WITH THE WORDING OF THE MOTION.

COUNCILOR QUINN NOTED THAT THIS IS NOT THE FINAL APPROVAL. HE NEEDS THIS COUNCIL'S APPROVAL JUST TO TAKE HIM TO THE NEXT STEP. SHE SAID WE OWE IT TO HIM TO GIVE HIM THE OPPORTUNITY TO TAKE THAT NEXT STEP.

COUNCILOR CROTEAU AGREED WITH COUNCILOR QUINN AND AGAIN STATED THAT HE DID NOT VOTE FOR 2 YEARS, BUT HE WILL SUPPORT 1 YEAR.

COUNCILOR MARSHALL STATED THAT LT. CASEY HAS BEEN AN ASSET TO THE COMMUNITY. HE SUPPORTED LT. CASEY'S REQUEST LAST YEAR AND WILL SUPPORT HIS REQUEST FOR 1 YEAR. HE ALSO NOTED THAT REGARDING 111F ISSUES – HE IS THE OLDEST MEMBER OF THE DEPARTMENT AND THERE

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

ARE 13 MEMBERS OF THE DEPARTMENT YOUNGER THAT ARE ON 111F AS OF A FEW MONTHS AGO. HE FURTHER STATED THAT THE DEPARTMENT IS UNDER STAFFED, AND IF THEY LOSE LT. CASEY IT WILL TAKE 40 WEEKS TO GET SOMEONE ON THE STREET. YOU KNOW THAT LT. CASEY IS GOING TO RETIRE, SO YOU CAN BRING A PERSON ON. THIS IS A WIN FOR THE CITY. HE HAS DONE THE PROS AND CONS AND THE PROS OUT WEIGH THE CONS. THE COUNCIL NEEDS TO MOVE THIS TO THE MAYOR, THEN IT GOES TO THE LEGISLATURE. IT MAKES SENSE AT THIS TIME.

COUNCILOR POTTIER STATED THAT HE WAS NOT HERE WHEN THIS CAME UP IN SEPTEMBER. HE DID SUBMIT AN E-MAIL AS TO WHY HE WAS NOT IN FAVOR AT THAT TIME. HE ALSO NOTED THAT THE CHIEF PREVIOUSLY WAS NOT IN SUPPORT OF THIS IN SEPTEMBER OF 2014, BUT HE HAS NO OPINION AT THIS TIME.

THE CHIEF CONFIRMED THAT HE IS AMBIVELANT NOW, BUT HE WAS NOT IN SUPPORT OF IT AT THAT TIME FOR NUMEROUS REASONS NOT THE LEAST OF WHICH IS THE PRECEDENT WE ARE SETTING AND THERE WERE OTHER ISSUES WITH PROMOTIONS. HE DOES NOT REALLY HAVE AN OPINION AT THIS TIME. COUNCILOR POTTIER AGREES WITH THE CONCERNS ABOUT SETTING A PRECEDENT. HE THINKS YOU GET INTO A DANGEROUS SITUATION WHEN YOU TRY TO APPLY RULES DIFFERENTLY. THE REASON WHY WE HAVE ORDINANCES AND PROCEDURES IS SO THAT THE COUNCIL AND MORE IMPORTANTLY THE PUBLIC HAVE A COMFORT LEVEL OF WHAT THE RULES ARE. HE FURTHER NOTED THAT HE KNOWS WHAT HIS RETIREMENT STATUS IS NOW AND HE IS SURE THAT LT. CASEY KNEW HIS RETIREMENT STATUS ALL ALONG AND THAT HE HAD TO RETIRE AT 65 BASED ON THE LAWS OF 1987, WHICH ALSO TAKES INTO CONSIDERATION FIRE AND POLICE. HE IS ALSO CONCERNED WITH THE FACT THAT LT. CASEY ROSE UP TO HIS LEVEL BASED UPON THOSE PEOPLE THAT RETIRED BEFORE HIM, HE WAS ABLE TO RISE UP THROUGH THE RANKS BECAUSE OF PEOPLE THAT RETIRED AT AGE 65, SO NOW LOOKING TO STAY SHUTS THE DOOR ON THOSE PEOPLE COMING UP BEHIND HIM. HE FURTHER NOTED THAT AGE IS SET FOR A REASON AND THE CRITERIA IS SET FOR A REASON. HE ALSO NOTED THAT PEOPLE WITH ADVANCED YEARS ON THE FORCE PER THE CONTRACT GET 6-7 WEEKS VACATION AND HAVE TO BE PAID FOR THIS, SO THIS WOULD INCREASE THE AMOUNT OF PAYOUT. ON THAT NOTE, HE DOES KNOW THAT LT. CASEY STATED THAT HE WOULD FOREGO SICK TIME ACCRUEL, BUT HE IS NOT SURE THAT IT WOULD BE LEGAL UNDER THE CONTRACT. HE ALSO SAID THAT THIS IS PRECEDENT SETTING. WHILE LT. CASEY IS CERTAINLY DESERVING HE CANNOT VOTE IN FAVOR.

**MOTION: TO ALLOW PUBLIC INPUT.**

**THE MOTION WAS SECONDED, AND A CALL FOR ALL THOSE IN FAVOR WAS MADE, THEN COUNCILOR CLEARY STATED THAT THE ONLY ISSUE ON THIS IS THAT HE DOES NOT THINK ANYONE ON THE COUNCIL IS CONCERNED ABOUT THE MERITS OF LT. CASEY. EVERYONE COULD SPEAK 20 MINUTES ON LT. CASEY, SO HE ASKED THAT THE PEOPLE GIVE THEIR NAME AND MAKE A BRIEF COMMENT POINTING OUT THE BENEFITS OR PROBLEMS WITH THIS REQUEST.**

**IT WAS THEN NOTED THAT THERE WAS A MOTION ON THE FLOOR THAT WAS SECONDED BY COUNCILOR CARR ON DISCUSSION.**

**THE CLERK WAS ASKED TO READ THE MOTION MADE BY COUNCILOR CROTEAU WHICH WAS:**

**MOTION: TO GRANT THE REQUEST FOR 1 YEAR WITH THE UNDERSTANDING THAT LIEUTENANT CASEY NOT BE ALLOWED TO REQUEST AN ADDITIONAL YEAR, AND ALSO TO NOT ENTERTAIN ANY OTHER REQUESTS UNLESS THE PERSON HAS SERVED 35 YEARS OR MORE.**

COUNCILOR CROTEAU WAS ASKED IF HE WAS WITHDRAWING THE MOTION. HE SAID NO, THAT ALLOWING THE PUBLIC TO SPEAK WAS PART OF THE DEBATE. BILL MCANDREW, CHIEF PROBATION OFFICER AT TAUNTON DISTRICT COURT SPOKE IN FAVOR OF LT.

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

CASEY'S REQUEST.

OFFICER STEVEN TURNER SPOKE IN FAVOR OF THE REQUEST ALSO.

COUNCILOR CLEARY QUESTIONED THE PART OF THE MOTION REGARDING THE 35 YEARS OF SERVICE.

COUNCILOR CROTEAU STATED HE PUT THIS IN THE MOTION TO CUT DOWN ON PRECEDENT SETTING.

COUNCILOR MARSHALL STATED THAT HE IS CONCERNED WITH THE MOTION SETTING AN AGE.

COUNCILOR CROTEAU STATED THAT IF IT IS TAKEN OUT IT WILL INCREASE PRECEDENT SETTING.

COUNCILOR CLEARY ASKED TO HAVE THE MOTION SEPERATED AND TO TAKE OUT THE PART THAT SAYS THE COUNCIL WILL NOT ENTERTAIN ANY OTHER REQUESTS UNLESS THE PERSON HAS SERVED 35 YEARS OR MORE.

COUNCILOR CROTEAU AMENDED HIS MOTION TO READ:

**MOTION: TO GRANT THE REQUEST FOR 1 YEAR WITH THE UNDERSANDING THAT LIEUTENANT CASEY NOT BE ALLOWED TO REQUEST AN ADDITIONAL YEAR.**

COUNCILOR CARR ASKED THE CHIEF, NOTING THAT THERE WAS A REQUEST ON FILE ALREADY FROM SERGEANT DAROSA THAT IF LT. CASEY GOT HIS EXTENDED TIME THAT SGT. DAROSA WAS ASKING FOR THE SAME, SO SHE ASKED IF SERGEANTS AND LIEUTENANTS HAVE BEEN PROMOTED TO TAKE THE PLACE OF THESE 2 RETIREMENTS?

THE CHIEF SAID YES.

COUNCILOR CARR, ASKED IF WE WERE ALREADY PAYING PEOPLE TO TAKE THE PLACE OF THESE 2 RETIREMENTS RIGHT NOW?

THE CHIEF SAID YES.

**ON A ROLL CALL VOTE, COUNCILORS CLEARY, MARSHALL, CROTEAU AND QUINN VOTED IN FAVOR. COUNCILORS COSTA-HANLON, POTTIER, CARR AND BORGES VOTED IN OPPOSITION.**

**MOTION: TO EXCUSE THE PARTIES.**

COUNCILOR CROTEAU SECONDED THE MOTION

**ON THE VOTE TO EXCUSE THE PARTIES COUNCILORS CLEARY, COSTA-HANLON, POTTIER, QUINN, CARR AND BORGES VOTED IN FAVOR. COUNCILORS MARSHALL AND CROTEAU VOTED IN OPPOSITION.**

**MEETING WAS RECESSED AT 9:30 P.M.**

**MEETING WAS CALLED BACK TO ORDER AT 9:40 P.M.**

**3. MEET IN EXECUTIVE SESSION TO DISCUSS STRATEGY WITH RESPECT TO ONGOING LITIGATION**

**MOTION: ON A ROLL CALL VOTE, TO GO INTO EXECUTIVE SESSION.**

COUNCILOR CLEARY VOTED YES, BUT COUNCILOR COSTA-HANLON ASKED IF SHE COULD MAKE A MOTION TO DEAL WITH POLICE AND LICENSE AND MOVE THIS TO THE END OF THE MEETING.

COUNCILOR BORGES NOTED THAT WE HAVE AN ATTORNEY HERE REPRESENTING THE CITY, AND THAT WE NEED TO GO BY THE AGENDA.

COUNCILOR COSTA-HANLON NOTED THAT POLICE AND LICENSE WAS SCHEDULED BEFORE COUNCIL AS A WHOLE AND THERE IS AN ATTORNEY PRESENT FOR THAT MEETING ALSO.

**ON THE ROLL CALL VOTE, COUNCILOR CLEARY VOTED YES.**

**COUNCILOR COSTA-HANLON, POTTIER, CARR VOTED IN OPPOSITION. MOTION DOES NOT CARRY.**

THE FOLLOWING MOTION WAS MADE BY COUNCILOR COSTA-HANLON.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

MOTION: TO CONTINUE THE LAST ITEM ON THE AGENDA FOR COUNCIL AS A WHOLE TO THE END OF THE POLICE AND LICENSE MEETING.

THE MOTION WAS SECONDED BY COUNCILOR CARR.

COUNCILORS CARR, POTTIER, COSTA-HANLON AND CLEARY VOTED IN FAVOR. COUNCILOR BORGES VOTED IN OPPOSITION. MOTION DID NOT CARRY DUE TO THE NEED FOR 5 VOTES.

MEETING WAS AGAIN RECESSED AT 9:43 P.M.

MEETING CALLED BACK TO ORDER AT 9:45 P.M.

MOTION: ON A ROLL CALL VOTE, TO GO INTO EXECUTIVE SESSION TO DISCUSS STRATEGY WITH RESPECT TO ONGOING LITIGATION.

COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, QUINN, CARR AND BORGES ALL VOTING IN FAVOR. SO VOTED.

MOTION: ON A ROLL CALL VOTE, TO COME OUT OF EXECUTIVE SESSION.

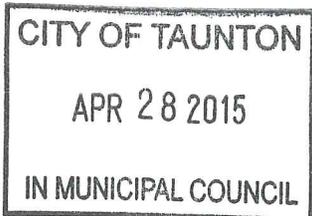
COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, QUINN, CARR AND BORGES ALL VOTING IN FAVOR. SO VOTED.

MEETING ADJOURNED AT 10:37 P.M.

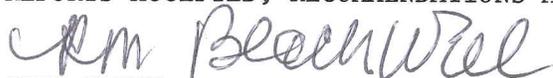
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2015

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH, ATTORNEY FRANK BIEDAK, DENNIS BORGES AND LYNN BORGES

**MEETING CALLED TO ORDER AT 10:40 P.M.**

**1. MEET TO DISCUSS LETTER OF ATTORNEY BIEDAK REGARDING DENNIS BORGES C.A.C. – R & C LICENSING TRANSFER REQUEST**

ATTORNEY BIEDAK WAS ASKED AND AGREED THAT HE WOULD BE RELYING ON LETTERS HE SENT DATED MARCH 18, 2015, FEBRUARY 4 2015 AND DECEMBER 17, 2014. ATTORNEY BIEDAK REQUESTED TO COME BEFORE THIS COMMITTEE TO DISCUSS THESE LETTERS.

THE CHAIRMAN ASKED ATTORNEY BIEDAK TO MAKE A PRESENTATION.

ATTORNEY BIEDAK STATED THAT TONIGHT HE HEARD A LOT ABOUT PAST PRACTICE AND PRECEDENT AND IT IS CERTAINLY SOMETHING THAT IS AN ISSUE HERE. HE ALSO NOTED THAT HE HEARD TONIGHT THAT PEOPLE EXPECT A CERTAIN PROCESS AND CONSISTENCY FROM GOVERNMENT AND HE THINKS THAT THIS MAY BE SOMETHING THAT APPEARS TO BE INCONSISTENT.

HI HIGHLIGHTED A NUMBER OF ISSUES IN HIS LETTER. WHEN HE LOOKED BACK AT THIS COMMITTEE TO THE YEAR 2000, AND HE THINKS THIS IS STILL THE STANDARD TODAY FOR APPROVING A LICENSE TRANSFER IN THE CITY OF TAUNTON WHICH IS THAT IT IS A PROPER PERSON, PRIMARY BUSINESS AND PROPER LOCATION. WHEN THIS TRANSFER WAS REQUESTED IN OCTOBER OF 2014, MR. BORGES MET ALL THOSE REQUIREMENTS. IN HIS LETTER HE PROVIDED A NUMBER OF EXAMPLES WHERE THE COMMITTEE AUTHORIZED TRANSFERS AFTER CRIMINAL MATTERS HAD BEEN RESOLVED. IN THIS CASE, THERE WAS A POLICE INVESTIGATION, IT WENT TO A SHOW CAUSE HEARING IN DECEMBER. AS HE UNDERSTANDS IT, THERE WERE NO SHOW CAUSE ISSUES, WHICH IS THE LOWEST LEVEL OF CRIMINAL PROCESS. IT SEEMS LIKE THE INVESTIGATION DID NOT LEAD TO THE ISSUANCE OF ANY CRIMINAL ACTION. WHAT WE HAVE HERE IS WHERE EVIDENTLY A LICENSE REVOKED. HE IS STILL NOT SURE EXACTLY WHAT HAPPENED PROCEDURALLY BASED ON A COMPLAINT THAT WAS UNSUBSTANTIATED BY THE LEGAL SYSTEM. HE SAID THAT BASICALLY ANYONE WHO MAKES A COMPLAINT TO THE CITY RESULTS IN A LICENSEE LOSING THEIR LICENSE.

HE FURTHER NOTED THAT ONE OF THE ISSUES THAT HE HEARD THE COMMITTEE TALK ABOUT WAS MR. BORGES AND QUESTIONING HIS INVOLVEMENT WITH R & C AUTO. MR. BORGES HAD NOTHING TO DO WITH R & C AUTO AND THEIR DAY TO DAY OPERATIONS AT ALL.

ANOTHER QUESTION HE HEARD WAS CONCERN THAT IF THE LICENSE WAS TRANSFERRED TO MR. BORGES, AND MR. BORGES TRANSFERRED IT TO SOMEONE ELSE THAT THERE COULD BE A PROBLEM WITH. IF ANYONE LOOKED INTO MR. BORGES'S HISTORY, NO ONE WOULD HAVE AN ISSUE WHATSOEVER. ATTORNEY BIEDAK FURTHER STATED THAT MR. BORGES CANNOT TRANSFER, NOR CAN ANYONE TRANSFER A LICENSE, WITHOUT IT BEING APPROVED BY THIS COMMITTEE. THE TRANSFER TO R & C AUTO WAS APPROVED IN 2012 WHICH MEANS THAT THIS COMMITTEE IN 2013 AND 2014, INDEPENDENT OF ANYTHING MR. BORGES DID, GRANTED THE LICENSE TO THESE INDIVIDUALS.

ANOTHER THING ATTORNEY BIEDAK HEARD IS THAT THEY SURRENDERED THEIR LICENSE. THIS IS NOT ACCURATE.

ATTORNEY BIEDAK FURTHER NOTED THAT MR. BORGES TRANSFERRED HIS LICENSE IN 2012 DUE TO MEDICAL CONDITIONS. HE HAD BEEN IN BUSINESS FOR SOME TIME AND THERE WERE NO ISSUES OR COMPLAINTS WITH HIM.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MR. BIEDAK FURTHER SAID THAT A COMPLAINT CAME IN REGARDING ALLEGED FRAUD WHERE A SPOUSE SIGNED FOR THE OTHER SPOUSE. HE FEELS THAT THIS HAPPENS PROBABLY VERY FREQUENTLY. HE ALSO NOTED THAT CONCERNING THIS COMPLAINT, THE LENDER WAS THE TAUNTON FEDERAL CREDIT UNION AND THEY ARE THE NOTE HOLDER ON THE PROPERTY, AND THEY ARE EITHER NEXT IN LINE OR SECOND IN LINE FOR A CLASS II LICENSE.

ATTORNEY BIEDAK ALSO SAID THAT THE CHAIRMAN INDICATED IN A DECEMBER MEETING THAT THE ISSUES WITH R & C HAD TO BE SETTLED BEFORE A TRANSFER COULD BE DONE. HE HAS NEVER SEEN ANY EXAMPLES OF THIS AND IN FACT HE HAS SEEN EXAMPLES WHERE AFTER CRIMINAL CONVICTIONS THIS COMMITTEE HAS ALLOWED TRANSFERS OF LICENSES.

THE CHAIRMAN STATED THAT FOR EVERY PRECEDENT THAT MR. BIEDAK ALLUDED TO, APPLICANTS SHOWED UP BEFORE THE COMMITTEE. SHE CONTINUED SAYING THAT ATTORNEY BIEDAK IS TALKING ABOUT A REQUEST TO TRANSFER A CLASS II LICENSE DATED OCTOBER 15, 2014. THE APPLICANT FOR THAT REQUEST IS NOT MR. BORGES. THE APPLICANTS FOR THAT REQUEST ARE CHARLES HENNINGER AND MR. GRASSO. THEY ARE THE APPLICANTS, WHO WERE REQUESTING TO TRANSFER TO MR. BORGES. THAT IS THE APPLICATION THAT WAS BEFORE THE COMMITTEE. TO DATE THE APPLICANT HAS NOT PRESENTED ITSELF TO THIS COMMITTEE. MR. BORGES IS NOT THE APPLICANT. MR. BORGES HAS NO LEGAL INTEREST. SHE ASKED MR. BIEDAK IF HE WAS REPRESENTING CHARLES HENNINGER OR MR. GRASSO RIGHT NOW.

ATTORNEY BIEDAK SAID HE IS REPRESENTING MR. BORGES.

ATTORNEY BIEDAK SAID THAT HE HAD A CONVERSATION WITH THE CITY SOLICITOR ABOUT 2 WEEKS AGO AND HE SAID THAT HE SUGGESTED TO THIS COMMITTEE TO MEET WITH MR. BORGES – IN DECEMBER – IT IS NOW APRIL.

COUNCILOR CLEARY STATED THAT HE TALKED TO MR. BORGES AT ALMOST EVERY MEETING, AND HE NEVER ASKED HIM TO BE HEARD BY THE COMMITTEE UNTIL MARCH 31, 2015. THIS WAS THE FIRST TIME MR. BORGES INDICATED THAT HE WANTED TO BE HEARD. HE SAID HE DID NOT HEAR THE CHAIRPERSON'S REQUEST FOR PUBLIC INPUT.

COUNCILOR COSTA-HANLON FURTHER STATED THAT R & C WERE THE APPLICANTS. THERE WAS NOTHING IN FRONT OF THE COMMITTEE TO HEAR MR. BORGES. THE APPLICANTS REFUSED TO SHOW UP AT A MEETING AND THESE ARE THE PEOPLE WHO WERE LOOKING TO TRANSFER THE LICENSE. MR. BORGES WAS NOT TRANSFERRING THE LICENSE. HE HAS NO OWNERSHIP OF THE LICENSE. THE APPLICANTS NEVER CAME BEFORE THIS COMMITTEE TO TRANSFER THIS LICENSE AND THEY ARE THE RIGHTFUL HOLDER OF THE LICENSE. THE APPLICANTS NEVER CAME BEFORE THIS COMMITTEE AND NEVER SAID THEY WOULD LIKE TO TRANSFER THIS LICENSE TO MR. BORGES. WITHOUT THAT THIS COMMITTEE HAS NO AUTHORITY TO DO ANYTHING.

ATTORNEY BIEDAK REFERRED TO HIS MARCH 18<sup>TH</sup> LETTER WHICH HAD AN E-MAIL ATTACHED. THE E-MAIL WAS SENT TO THE COMMITTEE ON POLICE AND LICENSE FROM MR. BORGES WHICH STATED THAT HE HAS BEEN WAITING FOR HIS PETITION, WHICH WAS SUBMITTED ON OCTOBER 15, 2014 TO BE HEARD AND ACTED UPON BY THE COMMITTEE.

COUNCILOR COSTA-HANLON SAID IT WAS NOT MR. BORGES PETITION. IT IS R & C'S PETITION. IT ALWAYS HAS BEEN. IF THE COMMITTEE DOES WHAT MR. BORGES IS ASKING ANY PERSON HERE CAN FILL OUT SOMETHING AND SAY I WANT JOE'S AUTO SALES TO TRANSFER TO ME, BUT IF JOE'S AUTO SALE DOES NOT COME BEFORE THE COMMITTEE THERE CAN BE NO TRANSFER.

ATTORNEY BIEDAK SAID THAT NO ONE EVER EXPLAINED TO HIS CLIENT WHAT TO DO, BUT COUNCILOR COSTA-HANLON SAID SHE EXPLAINED IT TO ATTORNEY BIEDAK IN A TEXT THAT THEY NEEDED TO GET R & C TO THIS COMMITTEE SO THAT THE PETITION – WHICH WAS NOT MR. BORGES' PETITION – COULD BE ADDRESSED.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

ATTORNEY BIEDAK SAID HE DOES NOT REPRESENT R & C, BUT IF R & C CAME HERE WOULD THEY GET THEIR LICENSE BACK.

COUNCILOR COSTA-HANLON SAID THEIR LICENSE WAS REVOKED.

ATTORNEY BIEDAK FURTHER NOTED THAT WHEN MR. BORGES TRANSFERRED HIS LICENSE TO R & C HE DID NOT HAVE TO COME BEFORE THE COMMITTEE.

COUNCILOR COSTA-HANLON SAID THAT IT WAS DUE TO THE FACT THAT DETECTIVE SMITH RECOMMENDED THE TRANSFER AND THERE HAD BEEN NO ISSUES WITH MR. BORGES.

DETECTIVE SMITH INFORMED THE COMMITTEE THAT HE HAND DELIVERED NOTICES TO R & C AT THE COURT HOUSE BECAUSE THEY WOULD NOT ACCEPT ANY OF THE CERTIFIED LETTERS. HE ALSO REACHED OUT TO MR. BORGES TO CONTRACT R & C AND TOLD MR. BORGES THAT HE KNEW HE DID NOT OWN THE BUSINESS ANYMORE BUT IT WAS HIS FAMILY NAME THAT WAS ON THE BUSINESS. IN 2012 WHEN MR. BORGES TRANSFERRED HIS LICENSE, IT WAS A GOOD BUSINESS WITH NO ISSUES. THE PROBLEM WITH THE TRANSFER REQUESTED BY R & C WAS THAT THERE WAS A PROBLEM WITH THE LICENSE HOLDER SO THEY NEEDED TO COME BEFORE THE COMMITTEE TO DISCUSS THEIR PROBLEMS BEFORE WE JUST GIVE SOMETHING AWAY THAT THEY WANTED TO GIVE AWAY. DETECTIVE SMITH ALSO, WHEN HE HAND DELIVERED THEM A NOTICE AT COURT, TOLD THEM IF THEY DID NOT APPEAR BEFORE THE COMMITTEE THAT THEIR LICENSE MOST LIKELY WOULD BE REVOKED AND THE TRANSFER WOULD BE NULL AND VOID. MR. HENNINGER AND HIS ATTORNEY BOTH SAID THEY WOULD NOT BE HERE AND MR. GRASSO, AFTER CONVERSING WITH HIS ATTORNEY ALSO SAID HE WOULD NOT APPEAR.

COUNCILOR CROTEAU CONFIRMED THAT R & C HELD THE LICENSE IN DECEMBER OF 2014. HE ASKED WHAT THE LAST DATE TO APPLY TO RENEW A CLASS II LICENSE WAS.

DETECTIVE SMITH SAID IT IS DECEMBER 1<sup>ST</sup>.

COUNCILOR CROTEAU THEN SAID IT WAS INCUMBENT UPON R & C TO AT LEAST FILE A RENEWAL. THEY COULD HAVE FILED A RENEWAL AND ALSO SENT A LETTER THAT DUE TO CERTAIN COMPLICATIONS THEY WERE NOT ABLE TO DO ANYTHING UNTIL THE COMPLICATIONS WERE RESOLVED. THEY NEVER FILED A RENEWAL. SO THE LICENSE EXPIRED DECEMBER 31<sup>ST</sup>, SO COME JANUARY 1<sup>ST</sup> THERE IS NO LICENSE. MR. BORGES SAID THAT IS NOT CORRECT BECAUSE ACCORDING TO ORDINANCE THAT LICENSE REMAINS IN THE PREVIOUS HOLDERS NAME FOR 1 YEAR. THEY HAVE 1 YEAR TO TRANSFER THAT LICENSE. MR. BORGES SAID THEY HAVE 1 YEAR IF IT LAPSED TO RENEW IT OR START THE TRANSFER.

COUNCILOR CROTEAU CLARIFIED THAT THEY DID NOT APPLY FOR A RENEWAL, BUT THEY HAVE 1 YEAR EVEN THOUGH THEY DID NOT APPLY FOR A RENEWAL AND EVEN THOUGH THE LICENSE LAPSED THEY CAN STILL TRANSFER THE LICENSE?

DETECTIVE SMITH SAID THEIR LICENSE DID NOT LAPSE, IT WAS REVOKED.

THE CITY SOLICITOR SAID THAT HE WAS NOT PREPARED TO DISCUSS THAT PARTICULAR POINT RIGHT NOW BUT HE SUSPECTS THAT THE ANSWER IS NO.

COUNCILOR CROTEAU CONTINUED STATING THAT HE DOES NOT KNOW WHY WE ARE TALKING ABOUT THIS. THERE IS NO LICENSE. THEY COULD HAVE APPEALED THE REVOCATION BUT THEY DID NOT. THE CITY SOLICITOR STATED THAT THE ISSUE IS SIMPLE. R & C HAD A LICENSE FROM THE COUNCIL TO OPERATE A CLASS II AUTO SALES BUSINESS. IN AUGUST OF 2014 SOMEONE MADE A COMPLAINT AGAINST THEM. IT WAS REFERRED TO THE POLICE DEPARTMENT FOR INVESTIGATION. EVENTUALLY THE POLICE DEPARTMENT GOT AROUND TO THINKING THERE WAS PERHAPS SOME MERIT TO THE ALLEGATIONS. DURING THE TIME THIS WAS UNDER INVESTIGATION BY THE POLICE DEPARTMENT – DURING THAT TIME – R & C CAME TO THE CITY CLERK'S OFFICE AND FILED A REQUEST TO TRANSFER. THEY KNEW WHAT WAS GOING ON AT THE TIME THE REQUEST FOR TRANSFER WAS MADE. THE COMMITTEE WAS WELL WITHIN ITS RIGHTS TO DEFER ACTING UPON THE REQUEST FOR TRANSFER UNTIL THEY DECIDED WHAT THEY WERE GOING TO DO WITH RESPECT TO THE ALLEGATIONS. WHILE THE FACTS

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

WOULD BE SIMILAR IN A HEARING BEFORE A CRIMINAL TRIBUNAL THAT THEY WOULD BE FORWARDED TO THIS BODY THEY ARE COMPLETELY AND TOTALLY SEPARATE DISTINCT PROCEDURES. BEFORE THE CRIMINAL COURT THE ISSUE IS WHETHER OR NOT SOME PERSON IS GUILTY OF A CRIME. IT COULD VERY WELL SHAKE OUT IN CRIMINAL COURT THAT THE PERSON IS FOUND NOT GUILTY BUT AT THE SAME TIME WHEN IT GOT TO THIS HEARING AND R & C AUTO WAS GIVEN NOTICE IN HAND TWICE OF A HEARING OF THIS COMMITTEE TO DECIDE WHETHER OR NOT THE LICENSE SHOULD BE REVOKED, THEY DID NOT APPEAR. IF THEY DID APPEAR, REGARDLESS OF WHAT DID OR DID NOT HAPPEN IN THE CRIMINAL COURT THE CITY WOULD CERTAINLY BE WITHIN ITS RIGHTS TO HOLD A HEARING AND DECIDE FOR ITSELF WHAT IT THOUGHT OF THE ALLEGATIONS. THE COMMITTEE DID NOT NEED TO DO THAT BECAUSE AFTER RECEIVING ACTUAL NOTICE THEY DID NOT COME. SO WHEN THEY DID NOT COME ON DECEMBER 9<sup>TH</sup> THE LICENSE WAS REVOKED. THERE IS NO LICENSE TO TRANSFER. ANY PERSON WHO IS AGGRIEVED BY THAT DECISION HAS A RIGHT WITHIN A CERTAIN TIME FRAME TO FILE A PETITION FOR REVIEW IN THE SUPERIOR COURT AND NOBODY DID THAT AND THE TIME FRAME FOR DOING THAT HAS LONG SINCE EXPIRED.

MR. BORGES STATED THAT DETECTIVE SMITH HAD ASKED HIM TO CONTACT MR. HENNINGER AND MR. GRASSO ABOUT APPEARING BEFORE THE COMMITTEE. THEY TOLD MR. BORGES THAT THEY DID NOT WANT TO COME HERE BECAUSE THEY HAD PENDING CHARGES AND IF THEY CAME HERE BEFORE POLICE AND LICENSE, WITH THE POLICE CHIEF AND DETECTIVE SMITH HERE, THEY WOULD ALSO BE TESTIFYING AGAINST THEM IN COURT.

COUNCILOR CROTEAU STATED THAT HE WOULD HAVE TOLD THEM TO COME TO THE MEETING TO SAY THAT THEY WERE INTERESTED IN TRANSFERRING THIS LICENSE TO MR. BORGES, BUT THERE WERE CERTAIN COMPLICATIONS THAT HAD TO BE WORKED OUT AND ASK TO EXTEND THE TIME. THEY DID NOT BOTHER TO SHOW UP. COUNCILOR CROTEAU SAID THERE IS NO LICENSE NOW TO BE TRANSFERRED.

MR. BORGES SAID THERE ARE SIGNS ON HIS BUILDING THAT SAY HE CANNOT CONDUCT BUSINESS THERE IS ALSO A NOTICE THAT NO BUSINESS CAN BE CONDUCTED AT THAT PROPERTY. FOR THE LAST 6 MONTHS HE HAS NOT BEEN ABLE TO EARN ANY LIVING OR ANY LIVELIHOOD OFF THAT PROPERTY. HE PAYS RENT AND HE PAYS A LEASE AND THERE ARE SIGNS POSTED ON THE BUILDING THAT HE DOES NOT BELIEVE WERE EVER POSTED ON ANY OTHER BUSINESS. HE FURTHER STATED THAT THE SIGNS SAID NO BUSINESS CAN BE CONDUCTED AT THE PROPERTY UNTIL FURTHER NOTICE OF THIS COMMITTEE.

DETECTIVE SMITH SAID THAT THE SIGN POSTED ON THE BUSINESS WAS DONE WHEN IT WAS UNDER BORGES AUTO CENTER, INC. UNDER THE GRASSO HENNINGER TEAM. THE SIGN SAYS THAT THEY CANNOT BUY OR SELL CARS THERE. THAT IS ALL IT SAYS. IF THOSE PEOPLE DO NOT OWN THE BUILDING, WHO EVER OWNS THE BUILDING CAN DO WHATEVER THEY LIKE WITH THE BUILDING. THAT WAS JUST POSTED THERE SO THAT IF ANYBODY WENT THERE TO PURCHASE A CAR, THEY KNOW THAT THEY SHOULD NOT BE BUYING ONE.

DETECTIVE SMITH ASKED MR. BORGES WHERE IS BUSINESS WAS LOCATED.

MR. BORGES SAID 157 DEAN STREET.

DETECTIVE SMITH SAID THAT HIS BUSINESS CERTIFICATE SAYS C.A.C AT 9 CAPE ROAD.

MR. BORGES SAID HE ALSO HAS A BUSINESS CERTIFICATE AT 157 DEAN STREET, FOR THE BORGES AUTO CENTER.

DETECTIVE SMITH SAID HE DOES NOT HAVE A LICENSE TO WHICH MR. BORGES SAID HE DOES NOT NEED A LICENSE.

THE CHAIRMAN OF THE COMMITTEE THEN ASKED WHO OWNS THE PROPERTY.MR. BORGES SAID R & C AUTO OWNS THE PROPERTY BUT HE HAS A LEASE.

THE CHAIRMAN TOLD MR. BORGES HE NEEDS TO TALK TO R & C AUTO AND ASK THEM WHEN THEY WILL BE ABLE TO TAKE THE SIGNS DOWN BECAUSE HE HAS A LEASE.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MEETING ADJOURNED AT 11:37 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

CITY OF TAUNTON  
APR 28 2015  
IN MUNICIPAL COUNCIL

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

  
CITY CLERK