



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, September 23, 2014 at 8:15 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 Cleary, Marshall, Costa-Hanlon, Croteau,
McCaul, Quinn, Carr and Borges
Councilor Pottier was absent.*

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

Communications from the Mayor:

The Mayor wanted to thank everyone, including members of the public and the Council especially, Councilor Borges, Councilor Quinn and Councilor Costa-Hanlon for participating in The Miles with the Mayor event. It was the most successful one to date, approximately 170 runners attended plus additional walkers. It was a great crowd. He again thanked the public and anyone who participated in the event and hopes that next year the event will be even bigger. He also wanted to thank everyone who attended the Vietnam Vigil on Sunday. It was a well attended event and they were blessed with good weather. Mayor Hoye thanked Bob Sylvia, Dennis Proulx and members of the Taunton Area Vietnam Veterans and everyone who showed up to make it a world class event like we do with all veterans events in Taunton.

Councilor Costa-Hanlon stated that while at the Vietnam Vigil, a gentleman who spoke from the Rolling Thunder said that it was his mission to get one of the chairs that we have here and in every City Hall. Mayor Hoye is hosting the Mass Mayors Association at ForeKicks tomorrow and will mention it there. He also mentioned that in the paper yesterday, Raynham has dedicated a chair in their Town Hall. **Motion was made for a letter to be written to Mayor Dumas, President of the Mass Municipal Association, and perhaps they could put something in their bulletin to let other municipalities know about this matter. So Voted.**

Council President Marshall discussed the dedication of the POW/MIA chair on Good Government Day. A great idea was brought up by one of the students about putting one in the new football stadium. **Motion was made to refer to the Stadium Committee so as they are developing the plans they can include a POW/MIA awareness chair and also refer it to the Building Committee. So Voted.**

Mayor Hoye read a letter submitted by Irene Fernandes. The letter thanked Mayor Hoye and the Council members who attended her annual 9-11 Tribute Event. **Dr. Croteau**

motioned that a plaque be sent to Ms. Fernandes for all of her service to the community. Mayor Hoye added that she will be honored at a City Council meeting in the near future. So Voted.

Communications:

Com. from Mayor Hoye announcing that after speaking with Dr. Mary Pat Tranter, President of Coyle and Cassidy High School, the former Holy Rosary Parish Center will be available for the General Election to be held on Tuesday, November 4, 2014. Councilor Costa-Hanlon thanked Mayor Hoye for taking the lead and taking care of this matter so quickly. Councilor Cleary inquired whether or not 3A could also move there eventually. Mayor Hoye and the City Clerk discussed the search for new voting places which have to be, by Federal law, ADA compliant. They mentioned the State and a special company were coming down to look at polling locations to ensure that they are compliant. It was also brought up that it wasn't a lack of effort that prevented us from using that facility, it was the construction that was being done at Holy Rosary Parish. **Motion was made to approve the Holy Rosary Parish Center as a site for Ward 5B. Councilor Croteau motioned to send a thank you letter to Coyle Cassidy and a carbon copy to the Bishop. So Voted.**

Com. from Water Division Supervisor requesting to write-off uncollected utility charges. **Motion was made to refer to DPW for explanation and to the Committee of Finance and Salaries. So Voted.**

Com. from Fire Chief with an update on the SAFER Grant Spending. The total amount of the grant is \$1,345,784.00. As of 8/30/14 the Fire Department has requested \$917,656.03 in funds, leaving a balance of \$428,218.97. Our FEMA grant advisors at the state and federal level have been contacted to advise on how to draft an amendment to the grant that will allow us to access any funds remaining after the performance period expires on December 27, 2014. The remaining funds should be able to carry them until March of 2015. **Motion to make part of the record. So Voted.**

Com. from Fire Chief submitting an Overtime Usage Report that was requested at the Budget Hearing. **Motion was made to refer to the Fire and Wires Committee and The Committee of Finance and Salaries. So Voted.**

Com. from Superintendent of Buildings submitting a fee from Massachusetts DEP for FB Rogers. The Office of Economic and Community Development forwarded the invoice for \$2,455.00 which is due on Oct.14, 2014. This is the first invoice that has been seen with reference to the FB Rogers site. **Motion was made to provide a copy of this letter to Kevin Shea for an explanation of what the bill is for and how to stop it and a letter to be sent to the Mayor's Office of Economic and Community Development to find out what the basis of this is and what needs to be done so we can avoid future fines. So Voted.**

Com. from Kathy Grein, Chairperson, Board of Assessors submitting her letter of resignation. **Motion to accept with regret. So Voted.**

Com. from Director of Human Services extending an invite to Mayor Hoye and the Members of the City Council to a Financial Resource and Information Fair for elders and their families. The Fair will be held on Tuesday, September 30, 2014 from 1:00pm-4:00pm at the Taunton Council on Aging, 30 Olney Street, Taunton, MA. **Motion was made to receive and place on file, put on the website and the Municipal Access Channel. So Voted.**

Com. from General Manager, TMLP submitting a report of action on street lights. It was recommended that 2-70w high pressure sodium lights be installed on poles 77 and 78. The estimated cost is \$10.58 per month which does not include fuel adjustment credit. **Motion was made to place one light in on pole #77. So Voted. Councilor Croteau in opposition.**

Com. from Deborah Almeida Araujo, Operation Christmas Coordinator requesting permission to have a Traffic Stop to benefit Operation Christmas on Thursday, October 9, 2014. Firefighter Paul Allison and the Taunton Firefighters have volunteered to coordinate the event. She also stated that anyone who would like to make donations prior to the event to stop by the offices at One Taunton Green, Monday-Friday between the hours of 9-5. **Motion was made to move approval. So Voted.**

Addendum to the Municipal Council Agenda:

Com. from City Solicitor requesting to meet with the Municipal Council for the purpose of discussing “the discipline or dismissal of ... a public officer, employee, staff member or individual.” **Motion was made to meet in Executive Session next week. So Voted.**

Communications in the hands of Councilors:

Petition from the residents in the area of the Walker School and McCabe Sand and Gravel. They are opposed to the business on 120R Berkley Street operating between the hours of 1:00am to 4:00am. The City Clerk stated that McCabe Sand and Gravel came in and applied for the hours of operation between 1:00am and 4:00am. We went to place it on the agenda and they came into the office and said that they wanted to request that we take it off the agenda because they came to a settlement with the neighbors. They wrote a letter and said they wanted it off the agenda. We then received a call from Ms. Travers and said it was still ongoing. Councilor Carr questioned whether it was necessary whether they have an agreement or not with the neighbors that they still have to have special license to operate between those hours. City Clerk stated that the Attorney for McCabe Sand and Gravel came in and wanted to withdraw his hours of operation between 1:00am-4:00am. Dr. Croteau discussed being at the meeting and explained that the gentleman that either owns or runs the company said that he would not operate outside of normal business hours until he finds a way to stop disturbing them. He was contacted by the neighbors then asking if they could submit the petition. Mayor Hoye pointed out that when this was initially brought before the Council, Council President Marshall suggested that the Mayor reach out to Gil Lopes, which he did. Mayor Hoye thanked Gil Lopes for his help in helping rectify the situation. **Motion was made for this to be given to the City Clerk and be referred to the Committee on Police and License next week. So Voted.**

Petitions:

Claim submitted by Dulceneia Pires, 413 Bay Street, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on County Street in front of Trucchi's Supermarket. **Motion was made to refer to the Law Department. So Voted.**

Committee Reports:

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

Unfinished Business:

Councilor McCaul stated that last week, he brought to the attention of the council that the Fire and Wires Committee met and voted to give conditional employment to three fire fighters and it was brought to his attention by the City Clerk that there should have been a roll call vote on the three individuals, Andrew Masse, Jonathan Silva, and Joshua Correia that were recommended. **On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Pottier was absent.**

Councilor Quinn requested an update on the Elks vote on the purchase and sale agreement and whether to move forward with it. She discussed getting a report within the next week to know how we are progressing, and if a letter has been sent to DCAM with our support of the removal of the restriction. Mayor Hoye said that he will get that for her next week.

New Business:

Councilor Carr discussed the Gert Dermody Walk for Literacy which will be held at Taunton High, October 26, 2014. It is a three mile, twelve lap walk, rain or shine. Registration is at 9:30am, walk starts at 10:00am.

Councilor Carr received an email from a resident on 150 Lakeridge Drive saying that they live on a dead-end street and were having problems with the cul-de-sac. They have called the DPW and left a voicemail but nothing has changed. The cul-de-sac is overgrown and they are afraid if there was an emergency that it could create a problem. She also received a phone call regarding the corner of Rosewood and Princess Drive which is overgrown and the tree limbs are growing out into the road. Councilor Costa-Hanlon received a call from a resident on South East Street with the same problem. **Motion was made to send the Flair Mower to these locations. So Voted. Councilor McCaul motioned to refer the overgrowth issue at Chateau Estates to the Safety Officer. So Voted.** Mayor Hoye stated that if it doesn't get done, the City will take care of it so it doesn't create a public hazard.

Councilor Croteau inquired about the process for hiring a City Assessor. Mayor Hoye explained that the position has been posted and that it is a Council appointment. **Motion was made to refer to the Committee of Finance and Salaries to start the interview process. So Voted.**

Meeting adjourned at 8:50 P.M.

A true copy:

Attest:

A handwritten signature in black ink, appearing to read "Rm Blackwell". The signature is written in a cursive, slightly slanted style.

City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 23, 2014

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR CARR

MEETING CALLED TO ORDER AT 5:52 P.M.

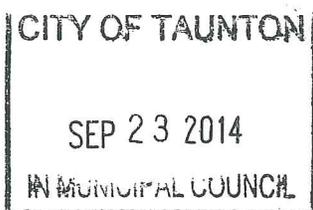
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:53 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 23, 2014

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ANDREW MARSHALL AND COUNCILORS CLEARY, COSTA-HANLON, CROTEAU, MCCAUL, QIUNN, CARR AND BORGES. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, HUMAN RESOURCE DIRECTOR MARIA GOMES, POLICE CHIEF EDWARD WALSH, AND LIEUTENANT ROBERT CASEY.

MEETING CALLED TO ORDER AT 6:44 P.M.

THE COUNCIL PRESIDENT ASKED TO HAVE ITEM NO. 2 ON THE COMMITTEE AGENDA DISCUSSED FIRST.

- 2. MEET WITH THE BUDGET DIRECTOR AND HUMAN RESOURCE DIRECTOR TO DISCUSS COLLECTIVE BARGAINING AGREEMENT WITH TAUNTON FIREFIGHTERS LOCAL 1391.**
- THE HUMAN RESOURCE DIRECTOR STATED THAT THE TOTAL COST FOR THIS CONTRACT OVER A THREE YEAR PERIOD - FISCAL YEAR 2015, 2016 AND 2017 - TOTAL \$528,981.41. THAT REPRESENTS OVER THE THREE YEAR PERIOD A 6.02 % INCREASE OVER THE CURRENT BUDGET FIGURES.
- THE AMOUNT IN 2015 IS \$135,225.75, AND THE PERCENTAGE IS 1% BECAUSE THERE IS A 1% INCREASE IN THE EMT COSTS AS NOTED IN THE MEMORANDUM OF AGREEMENT. THE PERCENTAGE OF FIREFIGHTERS THAT ARE EMT'S IS ABOUT 50-60%, 63 FIREFIGHTERS ARE EMT'S. IN 2016 THE COST IS \$171,074.05 WHICH REPRESENTS A 2% INCREASE. THERE IS NO INCREASE IN THE EMT COST IN THE SECOND YEAR. THIS IS A STRAIGHT WAGE OVER AND ABOVE 2015. IN 2017 THE COST IS \$221,681.60 AND AGAIN THIS IS A 2% WAGE INCREASE AND A 1% INCREASE IN THE DIFFERENT EMT LEVELS.
- COUNCILOR COSTA-HANLON ASKED MRS. GOMES WHEN SHE WAS CALCULATING THESE TOTALS, WHAT WAS THE STAFFING LEVEL, WHAT NUMBER OF EMPLOYEES WAS SHE USING.
- MRS. GOMES SAID 116 EMPLOYEES. SHE BACKED OUT THE RETIREES, ADDED IN THE NEW HIRES THAT REPLACED THE EXACT AMOUNT OF RETIREES AND ALSO COST FACTORED THE INCREASE TO THE CHIEF'S AMOUNT OF PAY, BECAUSE WHEN A THIRD YEAR FIREFIGHTERS WAGE GOES UP, THE CHIEF'S SALARY ALSO INCREASES AS PART OF THE STATE STATUTE.
- COUNCILOR COSTA-HANLON ASKED IF THE WORDING FOR THE COLLEGE CREDITS WAS ADDRESSED. MRS. GOMES SAID YES BUT IT WAS NOT INCLUDED IN THE MEMORANDUM OF AGREEMENT.
- COUNCILOR CROTEAU STATED THAT HE REVIEWED THE CONTRACT AND THERE IS EXTENSIVE LANGUAGE DEALING WITH OVER TIME, AND WAS THE CHIEF IN AGREEMENT WITH THE CONTRACT?
- MRS. GOMES SAID YES.
- COUNCILOR CARR SAID THAT THIS SHOULD BE A GIVE AND TAKE PROCESS. SHE ASKED WHAT THE TAUNTON FIRE DEPARTMENT GAVE UP FOR WHAT DOLLAR AMOUNT, WHAT DID WE GIVE THEM FOR WHAT DOLLAR AMOUNT.
- IT WAS NOTED THAT THE FIRE DEPARTMENT GAVE UP SOMETHING ON THE DENTAL, THE CITY RECEIVED SOME LANGUAGE ON SICK TIME ABUSE WHICH WAS VERY IMPORTANT TO THE CHIEF. THEY DID MAKE SOME CHANGES IN THE COMPLAINT PROCEDURE.
- THE DOLLAR SAVINGS REGARDING THE DENTAL IS ABOUT \$9,000-\$11,000. REGARDING THE SICK TIME ABUSE LANGUAGE, IT IS A CONTROL PIECE FOR THE CHIEF THAT HE WANTED IN WRITING SO THAT HE HAD VERY CLEAR AUTHORITY ON HOW HE DEALT WITH CERTAIN SITUATIONS.
- MRS. GOMES SAID THAT SOMETIMES LANGUAGE CONCESSIONS ARE WORTH A LOT OF MONEY.
- COUNCILOR CLEARY SAID THAT THE CONTRACT IS IN LINE WITH THE OTHER CONTRACTS. HE ALSO NOTED THAT THE COUNCIL HAS NO AUTHORITY REGARDING THE LANGUAGE AND THAT IT CAN ONLY APPROVE THE FUNDING. HE DID NOTE THAT THERE IS GOING TO BE SOME PEOPLE, THE EMT'S ON TOP

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

OF THEIR RAISE GETTING 8% HE ALSO NOTED THAT HE HAS A PROBLEM WITH THE CITY PAYING FOR THE REQUIRED READING MATERIALS AND THE CIVIL SERVICE FEE FOR EXAMS, THEN GIVING THEM A RAISE BESIDES.

THE CITY SOLICITOR STATED THAT THE PROVISIONS THAT COUNCILOR CLEARY IS REFERENCING THE CHIEF ASKED FOR. HE ALSO NOTED THAT THE LANGUAGE CHANGE REQUIRES WHEN SOMEONE IS PROMOTED TO A LIEUTENANT'S POSITION, THEY MUST WITHIN THE FIRST YEAR OF BEING PROMOTED ATTEND A FIRE OFFICER I/II COURSE SPONSORED BY THE MASSACHUSETTS DEPARTMENT OF FIRE SERVICES. FULL ATTENDANCE AND RECEIVING ACCREDITATION (A PASSING GRADE) IS REQUIRED. BEFORE THIS WAS NOT REQUIRED, BUT THE CHIEF FELT THAT IT WAS IMPORTANT FOR A LIEUTENANT TO ATTEND AND PASS THIS TEST. AS FAR AS REIMBURSEMENT FOR THE READING MATERIALS, THE CITY ALREADY DOES THIS. THE CITY SOLICITOR STATED THAT THESE ARE THINGS THE CHIEF WANTED.

THE MAYOR ADDRESSED THE COMMITTEE AND SAID THAT THIS CONTRACT IS FAIR AND EQUITABLE. THE SALARIES ARE IN LINE WITH OTHER DEPARTMENTS AND HE ASKED THE COUNCIL TO SUPPORT THE CONTRACT.

MOTION: TO APPROVE THE CONTRACT. SO VOTED.

1. MEET TO DISCUSS LIEUTENANT CASEY'S REQUEST TO REMAIN AN ACTIVE POLICE OFFICER BEYOND THE MANDATORY RETIREMENT DATE.

THE CHAIRMAN NOTED THAT THE COUNCIL RECEIVED A REQUEST FROM LIEUTENANT CASEY SEVERAL MONTHS AGO FOR AN EXTENSION BEYOND THE MANDATORY RETIREMENT AGE FOR HIM. THIS WAS ORIGINALLY IN POLICE AND LICENSE AND THEN IT WAS DETERMINED IT HAD TO BE BEFORE THE COUNCIL AS A WHOLE.

LIEUTENANT CASEY STATED THAT HE IS HERE TO REQUEST THAT THE COUNCIL CONSIDER EXTENDING HIS CAREER WITH THE TAUNTON POLICE DEPARTMENT FOR 2 YEARS BEYOND THE MANDATORY AGE OF RETIREMENT OF 65. HE BELIEVES EXCEPTIONS TO POLICY NEED TO BE CONSIDERED ON AN INDIVIDUAL BASES. THE AGE OF 65 IS ONLY A NUMBER, IT DOES NOT REFLECT AN INDIVIDUALS ABILITY OR COMMITMENT TO CONTRIBUTE TO HIS JOB AND HIS EMPLOYER. HE HAS BEEN A POLICE OFFICER SINCE 1975. HE IS COMMITTED TO HIS JOB. HE HAS ONLY TAKEN A MINIMAL AMOUNT OF SICK TIME AND WAS ONLY OUT OF WORK ONCE IN HIS ALMOST 40 YEARS ON THE JOB. HE FEELS THAT HIS SKILLS AND EXPERIENCE WOULD CONTINUE TO BE A BENEFIT TO THE DEPARTMENT. THE DEPARTMENT IS DEALING WITH INCREASING CRIME, VIOLENCE AND CHANGING POPULATION AND YOU NEED EXPERIENCED OFFICERS IN SUPERVISORY POSITIONS TO ADDRESS THE NEEDS. HE FURTHER STATED THAT HE HAS BEEN TOLD HE WOULD BECOME A LIABILITY. HOWEVER, HIS CURRENT POSITION AS A LIEUTENANT DOES NOT INCLUDE THE LEVEL OF ACTIVITY AS A PATROLMAN OR A SERGEANT. HE NEEDS TO BE JUDGED ON AN INDIVIDUAL BASIS FOR COMPETENCY AND FOR THE BENEFIT OF THE FORCE. NOT EVERYONE WILL WANT TO TAKE ADVANTAGE OF THIS OPPORTUNITY. HE WILL NO LONGER BE ELIGIBLE FOR MONIES TO BE PUT INTO HIS RETIREMENT, SAVING THE CITY SOME MONEY. IF REQUESTED, HE AGREES AT HIS OWN EXPENSE TO BE EXAMINED BY A PHYSICIAN OF THE CITY'S CHOOSING. THE EXTENSION WILL NOT CAUSE ANY INCREASE PENSION COSTS TO THE CITY. IF AT ANY TIME HE OR A PHYSICIAN FEELS THAT HE IS NOT CAPABLE OF PERFORMING HIS DUTIES HE WILL WILLINGLY STEP DOWN. THE BENEFIT OF HAVING AN EXPERIENCED PERSON IN CHARGE WILL ALLOW MORE PEOPLE TO BE ON THE STREET. HE ALSO NOTED THAT MASSACHUSETTS STATE POLICE DO NOT HAVE A MANDATORY RETIREMENT AGE AT THIS TIME. HE AGAIN NOTED THAT WITH THIS EXTENSION HIS PENSION BECOMES FROZEN AT AGE 65. HE WILL NOT ACCRUE ANY MORE SICK TIME, WILL STAY IN PATROL AND NOT TAKE ANY SPECIALTY JOBS TO MAKE ANY MORE MONEY WHICH IS ANYWHERE BETWEEN 5 AND 15% DEPENDING ON THE JOB. HE AGREES TO BE SEEN BY A DOCTOR OF THE CITY'S CHOOSING AT HIS OWN EXPENSE YEARLY, AND WILL LEAVE THE

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

DEPARTMENT IF HE FEELS THAT HE CAN NO LONGER DO THE JOB UP TO HIS EXPECTATIONS BEFORE THE 2 YEARS ARE COMPLETED. UNLESS THE CHIEF HAS OTHER PLANS THERE WILL PROBABLY BE NO MORE PROMOTIONS BECAUSE THERE WILL NOT BE ANY OPENINGS UNTIL POSSIBLY THE NEW LIST IS ESTABLISHED NEXT YEAR, THERE IS A NEW TEST COMING UP IN OCTOBER. THE GROUP THAT WOULD POTENTIALLY PASS THIS TEST WOULD BE ON THE PROMOTIONAL LIST AND BE ELIGIBLE FOR THE NEXT 2 YEARS. ONCE THE ELIGIBILITY LIST HAS BEEN ESTABLISHED BY CIVIL SERVICE THEY WILL END UP BEING POTENTIALLY PROMOTED FOLLOWING HIS RETIREMENT AT AGE 67. HE WILL LEAVE THE DEPARTMENT 2 WEEKS PRIOR TO WHEN THE 2 YEARS IS UP TO GIVE THESE GENTLEMEN THAT ARE ON THE PROMOTIONAL LIST TIME TO BE PROMOTED.

COUNCILOR CLEARLY STATED THAT OFFICER CASEY IS A WELL RESPECTED MEMBER OF THE DEPARTMENT AND NO ONE QUESTIONS HIS COMMITMENT TO THE CITY OF TAUNTON.

COUNCILOR BORGES THANKED LIEUTENANT CASEY FOR HIS HARDWORK, BUT UNFORTUNATELY SHE CANNOT SUPPORT THIS. SHE FURTHER NOTED THAT THIS WILL NOT SAVE THE CITY ANY MONEY BECAUSE LIEUTENANT CASEY IS AT THE TOP STEP, IF SOMEONE WAS TO MOVE UP IN RANK THEY WOULD START OFF AT A LOWER STEP THEREFORE NOT ACCRUING THE SAME AMOUNT OF VACATION TIME OR THE SAME SALARY. THIS IS NOT A PERSONAL MATTER FOR HER. SHE HAS NO DOUBT THAT LIEUTENANT CASEY IS A TOP NOTCH GUY. SHE DOES NOT THINK THAT HIS RETIREMENT WOULD BE LEAVING THE PUBLIC SAFETY OF THE CITY AT RISK. THEREFORE SHE DOES NOT SUPPORT THIS REQUEST.

COUNCILOR MCCAUL STATED THAT HE WOULD LIKE TO HEAR FROM THE CHIEF. THIS IS A DIFFICULT SITUATION BUT HE FEELS HE MUST DO WHAT IS BEST FOR THE DEPARTMENT.

THE CHIEF STATED THAT HIS PROBLEM IS THAT HE MUST LOOK OUT FOR WHAT IS THE BEST INTEREST FOR THE DEPARTMENT. LOOKING AT THIS AND TALKING TO THE COMMAND STAFF AND UNION AND INDIVIDUAL OFFICERS, HE CANNOT RECOMMEND THIS. IT DOES NOT MAKE ANY SENSE FOR THE DEPARTMENT. THE DEPARTMENT IS TRYING TO BECOME YOUNGER AND KEEPING PEOPLE BEYOND THE STATE MANDATED RETIREMENT AGE MAKES NO SENSE. THERE ARE SEVERAL OTHER SENIOR OFFICERS REACHING THIS POINT IN THE NEXT FEW YEARS WHO MAY ASK FOR THIS ALSO. IT JUST MEANS THAT YOU ARE FREEZING POSITIONS AND PROMOTIONS FOR TWO YEARS.

COUNCILOR MCCAUL SAID THIS IS A DIFFICULT DECISION, BUT THE BOTTOM LINE IS THAT THIS WOULD SET A PRECEDENT. IF YOU SAY NO TO THE NEXT PERSON, THAT COULD MEAN A LAWSUIT OR DISCRIMINATION SUIT AGAINST THE CITY. THERE IS A LAW ADDRESSING THIS AND HE FEELS THAT THE RIGHT THING TO DO IS TO SUPPORT THE CHIEF.

COUNCILOR COSTA-HANLON STATED THAT SHE RECEIVED MANY CALLS ON THIS IN SUPPORT OF LIEUTENANT CASEY WHICH IS A TESTAMENT TO THE TYPE OF PERSON HE IS. HER CONCERN IS THE HOME RULE PETITION THAT IS REQUIRED AS IT SEEMS THAT WE CANNOT GET ANYTHING DONE AT THE STATE LEVEL. SHE FEELS THAT SHE MUST TAKE THE RECOMMENDATION OF THE CHIEF SO SHE CANNOT SUPPORT THIS REQUEST.

COUNCILOR MARSHALL STATED THAT HE SUPPORTS THIS REQUEST. HE HAS TALKED TO THE CHIEF AND LIEUTENANT CASEY AND HE ALSO HAS GOTTEN A LOT OF COMMUNICATIONS REGARDING THIS REQUEST. HE DOES NOT SEE THIS AS PRECEDENT SETTING BECAUSE THE LAW SAYS THIS IS A MANDATORY RETIREMENT AGE FOR MUNICIPAL POLICE OFFICERS AT THE AGE OF 65, BUT IT ALSO GIVES AN AVENUE TO BY PASS THAT MANDATORY RETIREMENT AGE IF YOU FOLLOW THE PROCESS. THIS IS THE FIRST STEP IN THE PROCESS, WHICH IS A HOME RULE PETITION THAT WOULD HAVE TO BE APPROVED BY THE MUNICIPAL COUNCIL, THEN TO THE MAYOR'S OFFICE, APPROVED BY THE MASSACHUSETTS HOUSE AND SENATE BEFORE IT CAN BE ENACTED. THE OTHER ISSUES HE NOTED IS THAT THERE IS NO MANDATORY AGE FOR THE MASSACHUSETTS STATE POLICE. ONE COULD SAY THAT THEY ARE DOING VERY SIMILAR WORK. HE SEES THIS AS AN INDIVIDUAL, CASE BY CASE BASIS AND HE IS NOT AFRAID TO MAKE THOSE

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DECISIONS BASED ON THAT INDIVIDUAL CASE BY CASE BASIS AS IT IS BROUGHT FORWARD. HE ALSO NOTED THAT THE COUNCIL HAS NEVER HAD A REQUEST LIKE THIS BEFORE SO HE DOESN'T SEE IT AS OPENING A FLOOD GATE FOR THESE REQUESTS. IT IS NOT GOING TO HAPPEN. AS FAR AS THE DEPARTMENT, HE HAS SAT HERE YEAR AFTER YEAR AND HEARD THAT WE NEED MORE PATROLMEN, SO WE HAVE AN OPPORTUNITY TO KEEP A PATROLMAN ON THE STREETS WITH NO CHANGE, WITH NO ADDITIONAL INCREASE TO THE BUDGET. IF LIEUTENANT CASEY RETIRES, WE HAVE TO FILL HIS SPOT, IT IS A CONTRACTUAL OBLIGATION WITHIN 30 DAYS, A SERGEANT TO A LIEUTENANT A PATROLMAN TO A SERGEANT, DECREASING THE RANKS OF THE PATROLMEN. HOWEVER, WE HAVE JUST HIRED OR ARE IN THE PROCESS OF HIRING 4 BUT WE WILL NOT SEE THEM UNTIL THE MIDDLE OF NEXT YEAR. NO ONE HAS FOUND A REASON, OTHER THAN THE ARBITRARY AGE, AND NO ONE HAS BEEN ABLE TO GIVE HIM A REASON AS TO WHY LIEUTENANT CASEY COULD NOT FUNCTION AS A LIEUTENANT.

AS FAR AS OTHER PATROLMEN AND THEIR CAREERS AND TESTING, IT IS HIS UNDERSTANDING THAT RIGHT NOW THE LIST THAT CURRENTLY EXISTS FOR PROMOTIONS TO LIEUTENANT IS ACTIVE, HOWEVER HE BELIEVES THERE IS ANOTHER TEST SCHEDULED FOR MID OCTOBER, AND LIEUTENANT CASEY, AS HE STATED TO COUNCILOR MARSHALL, PLANS TO WORK IF THIS DOES NOT PASS UNTIL HIS MAXIMUM AGE DATE OF MAY 31, 2015. THE CURRENT EMPLOYEES THAT ARE ON THAT PROMOTIONAL EXAM, THAT EXAM AND LIST WILL EXPIRE SO THERE WILL BE NO FREEZING OF A POSITION AT THIS POINT. ONCE THE NEW TEST IS ADMINISTERED IN OCTOBER, THERE WILL BE A NEW LIST THAT WILL BE CERTIFIED. THOSE INDIVIDUALS WILL BE ON A LIST AND IT HAS BEEN PAST PRACTICE THAT THE LIST SURVIVES FOR ABOUT 2 YEARS. LIEUTENANT CASEY IN HIS PRESENTATION SAID THAT HE WILL RESIGN OR RETIRE PRIOR TO THE EXHAUSTING OF THAT LIST TO ALLOW PEOPLE TO BE PROMOTED WITHOUT HAVING TO STUDY OR TAKE ANOTHER EXAM. HE DOES NOT REALLY SEE THIS AS AN ISSUE OR CONCERN. HE SEES THE BENEFITS IN THIS, THAT WE GET TO KEEP A PATROLMAN ON THE STREET, WE GET TO KEEP 40 PLUS YEARS OF EXEMPLARY SERVICE IN THE COMMAND STAFF, AND LETS NOT FORGET THAT NO MATTER WHAT WE DO, THAT LIEUTENANT CASEY HAS A RIGHT AS OF JUNE 1, 2015 TO WORK EVERY DAY AS A DETAIL POLICE OFFICER FOR THE CITY OF TAUNTON IF THE DETAIL LIST HAS BEEN EXHAUSTED, HE HAS THE RIGHT TO PUT ON THE UNIFORM, WEAR THE BADGE AND PERFORM HIS DUTIES AS A POLICE OFFICER ON DETAILS IN THE CITY OF TAUNTON. HE DOES NOT UNDERSTAND WHAT THE RISKS ARE, THIS IS AN ISSUE THAT IS WRAPPED UP IN AN ARBITRARY NUMBER AT 65 FOR LIEUTENANT CASEY. HE HAS AGREED TO BE TESTED BY AN INDEPENDENT DOCTOR, HE HAS AGREED NOT TO TAKE ANY ADDITIONAL RAISES, HE HAS AGREED TO HAVE THE CITY STOP PAYING AFTER 65 INTO HIS RETIREMENT FUND, HE HAS AGREED THAT HIS RETIREMENT WILL BE BASED ON THE SALARY AT AGE 65 NOT AT AGE 67. COUNCILOR MARSHALL WILL WILL SUPPORT THIS AND ASKS THE COUNCIL TO SUPPORT THIS ALSO.

COUNCILOR CROTEAU STATED THAT THIS ISSUE AND REQUEST HE WOULD NOT BE ABLE TO VOTE FOR FROM A LEGAL POINT OF VIEW. THIS COUNCIL HAS A COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE SUPERVISORY UNION. HE COMMENDS LIEUTENANT CASEY FOR MAKING THE CONCESSIONS, BUT LIEUTENANT CASEY CANNOT MAKE THOSE CONCESSIONS. YOU CAN LOOK AT IT WHATEVER WAY YOU WANT, BUT WHEN YOU JOIN A UNION AND THAT UNION REPRESENTS YOU, YOU CANNOT MAKE CONCESSIONS OUTSIDE THAT CONTRACT.

COUNCILOR MARSHALL STATED THAT HE ASKED THE CITY SOLICITOR REGARDING THESE CONCESSIONS AND THAT THE HOME RULE PETITION CAN BE WRITTEN WITH THOSE CONCESSIONS WRITTEN INTO IT. THE CITY SOLICITOR SAID THAT YES, HE WOULD WRITE THE HOME RULE PETITION WITH THOSE CONCESSIONS WRITTEN INTO IT.

COUNCILOR CROTEAU SAID THAT THERE IS NO QUESTION THAT THIS IS PRECEDENT. THE FACT IS THAT THERE IS A MANDATORY RETIREMENT AGE AND IT WAS PUT IN PLACE FOR A REASON.

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SEPTEMBER 23, 2014

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

COUNCILOR QUINN STATED THAT THIS IS A DIFFICULT DECISION. THE MOST DIFFICULT SIDE TO HER IS THE PRECEDENT SETTING ASPECT, BUT SHE FEELS THAT WE CAN GET OVER THAT WITH THE CONCESSIONS THAT LIEUTENANT CASEY HAS AGREED TO, SUBJECT TO WHETHER HE CAN AGREE TO THOSE WITH RESPECT TO THE COLLECTIVE BARGAINING AGREEMENT OR NOT. HER FEELING HAS BEEN AND SHE HAS SUPPORTED GETTING NEW OFFICERS ON THE STREETS. SHE DOES NOT WANT TO DO ANYTHING WITH RESPECT TO THIS OPINION THAT WOULD HALT THE HIRING OF NEW OFFICERS, AND SHE DOES NOT THINK DOING THIS WOULD HAVE AN EFFECT ON THIS. NORMALLY SHE WOULD BE INCLINED TO NOT SUPPORT THIS BECAUSE OF THE PRECEDENT ISSUE, BUT SHE THINKS THAT WITH THE CONCESSIONS THE LIEUTENANT HAS BEEN WILLING TO MAKE, AND SHE DOES NOT THINK OTHER PEOPLE IN THIS POSITION WOULD BE WILLING TO MAKE THOSE CONCESSIONS, SO HER SUPPORT OF THIS WOULD BE DEPENDENT UPON THOSE CONCESSIONS.

COUNCILOR CLEARLY STATED THAT THERE IS A PROCEDURE TO SUPPORT THIS REQUEST. THE DEPARTMENT AND THE COMMUNITY WILL BENEFIT FROM THIS. IF THE COUNCIL CAN GET THE HOME RULE PETITION DONE WITH THE CONCESSIONS, THEN HE WOULD GIVE LIEUTENANT CASEY THE OPPORTUNITY TO CONTINUE TO SERVE.

COUNCILOR CARR STATED THAT LIEUTENANT CASEY IS A FINE OFFICER, BUT SHE HAS TO VOTE IN OPPOSITION TO THIS. WE ARE A CIVIL SERVICE DEPARTMENT AND AS LONG AS WE ARE A CIVIL SERVICE DEPARTMENT, THE RULE IS YOU MUST RETIRE AT AGE 65. IT IS A PROFESSION FOR A YOUNG PERSON. SHE ALSO NOTED THAT IF LIEUTENANT CASEY WERE TO BE INJURED, WE WOULD OWN ANY INJURY TO HIM FOR THE REST OF HIS LIFE UNDER 111F. SHE IS NOT IN FAVOR OF GOING PAST THE AGE 65 RETIREMENT WE HAVE MANY FINE OFFICERS WAITING TO MOVE UP, AND BASICALLY HIS ONE ISSUE WILL EFFECT THREE OTHER PEOPLE DOWN THE ROAD WHO ARE LOOKING TO BE PROMOTED, JUST AS LIEUTENANT CASEY HAS BEEN PROMOTED..

COUNCILOR BORGES ASKED THE CHIEF FOR CLARIFICATION ON THE EXAMS.

THE CHIEF SAID THAT WE HAVE A CURRENT EXAM WHICH WILL EXPIRE NO LATER THAN 2 YEARS FROM WHEN THE DATE THE EXAM WAS GIVEN. THEY HAD AN EXAM ON OCTOBER 17 OR 18TH IN 2012, THERE IS A NEW EXAM OCTOBER 18TH OF THIS YEAR SO WHEN THAT EXAM IS GRADED WHICH SHOULD BE DONE BY DECEMBER, 2014, THEN THERE IS AN APPEAL PERIOD, THEN THE LIST WILL BE CERTIFIED. SO BY MARCH OR APRIL WE WILL HAVE A NEW EXAM IN PLACE. THAT EXAM WILL BE GOOD FOR 2 YEARS – NO MORE THAN 2 YEARS, SO IF THE COUNCIL GIVES AN EXTENSION TO LIEUTENANT CASEY, BY THE TIME THAT EXAM EXPIRES MR. CASEY WILL STILL BE WORKING, SO HE WOULD HAVE TO RETIRE WELL BEFORE THE 2 YEAR DATE. ALSO, A LOT OF THE CONCESSIONS THAT HAVE BEEN REFERRED TO ARE NOT CONCESSIONS, THEY ARE SET BY STATUTE. BY STATE LAW HE CANNOT GET ANY MORE MONEY TOWARDS HIS RETIREMENT.

COUNCILOR MARSHALL STATED THAT LIEUTENANT CASEY WILL RETIRE PRIOR TO THE EXPIRATION OF THE NEW TEST SO THERE MAY BE A DELAY OF A PROMOTION BUT IT WON'T BE PROHIBITED.

THE CHIEF ALSO WAS QUESTIONED HOW LIEUTENANT CASEY RETIRING WOULD PUT PUBLIC SAFETY AT RISK. THE CHIEF SAID THE NUMBER OF OFFICERS ASSIGNED TO SECTORS WILL NOT CHANGE. HE DOES NOT SEE AN IMPACT ON PUBLIC SAFETY.

THE CHIEF WAS ALSO QUESTIONED AS TO HOW MUCH WAS SPENT IN OVERTIME SO FAR THIS FISCAL YEAR. THE CHIEF DID NOT KNOW. COUNCILOR MARSHALL SAID HE THINKS IT IS ABOUT \$900,000. THE CHIEF SAID HE COULD NOT HAVE SPENT \$900,000 THIS FISCAL YEAR.

COUNCILOR MARSHALL THEN SAID NOT THIS FISCAL YEAR, BUT OVERTIME WAS BUDGED AT WHAT AMOUNT. THE CHIEF SAID ABOUT \$1.5 MILLION. COUNCILOR MARSHALL ASKED WHAT WAS SPENT LAST FISCAL YEAR. THE CHIEF SAID HE BELIEVES HE WAS JUST AT BUDGET. THE CHIEF SAID MOST OF THAT OVERTIME, A GOOD PERCENTAGE OF THAT OVERTIME WAS FOR SUPERVISORS, NOT PATROLMEN.

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SEPTEMBER 23, 2014

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

COUNCILOR CROTEAU SAID THAT IF WE ARE GOING TO TALK ABOUT OVERTIME, HE WOULD LIKE TO ISOLATE THAT FIGURE. IF THIS REQUEST IS NOT APPROVED, HOW MUCH OVERTIME MONEY WILL IT COST? PUBLIC SAFETY IS NOT GOING TO BE AFFECTED BECAUSE YOU HAVE MINIMUM MANNING. WHAT WILL BE EFFECTED IS THAT IT IS GOING TO COST SOME MONEY, BUT IT IS NOT GOING TO COST ANYWHERE NEAR \$1.5 MILLION. THE ONLY FIGURE HE WANTS TO HEAR, IF WE ARE GOING TO LOOK AT THIS IN A VERY FAIR WAY, IS TO ISOLATE THE FIGURE.

MOTION: TO GRANT LIEUTENANT CASEY'S REQUEST FOR THE CITY COUNCIL'S APPROVAL OF A HOME RULE PETITION TO BE PRESENTED TO THE MAYOR WITH THE CONDITIONS AS LAID OUT IN THE DISCUSSION TONIGHT BY LIEUTENANT CASEY.

THE MOTION WAS SECONDED BY COUNCILOR QUINN.

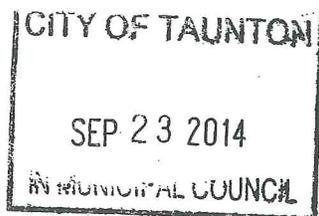
COUNCILORS QUINN, CLEARY AND MARSHALL VOTING IN FAVOR, COUNCILORS BORGES, CARR, MCCAUL, CROTEAU AND COSTA-HANLON VOTING IN OPPOSITION.

THE COUNCIL PRESIDENT AT THIS TIME NOTED THAT HE HAD A COMMUNICATION FROM COUNCILOR POTTIER WHO COULD NOT BE HERE TONIGHT. THE COMMUNICATION SAID THAT HE IS IN OPPOSITION TO THIS AS WELL. HE KNOWS HIS VOTE DOES NOT COUNT, BUT HE IS IN OPPOSITION.

THE MOTION DOES NOT PASS.

MOTION: THAT COUNCILOR POTTIER'S COMMUNICATION BE MADE PART OF THE RECORD. SO VOTED.

MEETING ADJOURNED AT 8:07 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK