



*City of Taunton  
Municipal Council Meeting Minutes*

*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, November 10, 2015 at 7:00 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Mayor Hoye introduced the Girl Scouts from Troop 75476, which meets at the West Congregational Church, to lead the Council in the Pledge of Allegiance.*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilors Cleary, Marshall, Costa-Hanson, Croteau, Pottier, McCaul, Quinn, Carr, and Borges*

**Motion was made to recess at 7:10pm. So Voted.**

**Meeting was called back to order at 8:00pm.**

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

**Communications from the Mayor:**

Mayor Hoye spoke about Veteran's Day and how nobody celebrates it quite like the City of Taunton. He reminded everyone about the Veteran's Memorial Marker Pancake Breakfast which will be held tomorrow morning from 8am-11am at Coyle & Cassidy High School, 2 Hamilton Street. The price for ages 12-up is \$5; ages 3-11 is \$3; ages 2-under are free. He stated that it is a great opportunity to come out and support our veterans and he hopes to see everyone there at some point. He discussed how the veterans will be in formation at the Taunton Green from 11am-12pm, weather permitting. He stated that on Monday, November 16, 2015 from 6:30pm-8:30pm, a public forum on roadway infrastructure improvements, more specifically to the East Taunton area, which will encompass other areas as well, will be held at Martin Middle School. There will be an open house from 6:30pm-7:00pm; a presentation from 7:00pm-7:20pm and the open house will continue from 7:20pm-8:00pm. He stated that for those who went to the Project First Light forum at Taunton High School about 3 years ago, it will be similar with different displays set up for each intersection. There will also be engineers available to answer any questions. The goal is that there will be a follow up meeting in one month. Any questions that cannot be answered that night will be answered at that meeting. He stated that it is posted on the City's website and should be in the newspaper and on social media. He said that the following intersections will be concentrated on: Hart's 4 corners; the intersection of Middleboro Avenue, Pine Hill Street and Caswell Street; the intersection of Middleboro Avenue, Liberty Street and Old Colony Avenue; Stevens Street from 140 to Middleboro Avenue; the entrances of Bristol Plymouth at Hart Street and 140 and Route 140 from Stevens Street to the Bristol Plymouth entrance at 140. The

interchange improvements at Route 24 & 140 will also be discussed, and emergency vehicle preemption will be added to 13 additional locations in this City. He asked that any person who is interested attend this important forum on Monday, November 16, 2015 from 6:30pm-8:30pm in the auditorium of Martin Middle School. The presentation will be held in the gymnasium. Councilor Cleary asked if the DPW will be present. Mayor Hoyer stated that he asked the DPW, Chief Walsh and Chief Bradshaw to be present. He stated that there will also be engineers from the tribe as well as our own engineers. He stated that he had his first public constituent meeting today at the Off Broadway Diner. Councilor Cleary also attended the meeting. He stated several people came and had their questions answered and he has to get back to some people as well. He stated that it was a worthwhile venture. The next one will be held on Tuesday, November 17, 2015 at 12:30pm at the Home Plate Grille. The following week, the meeting will be held on Tuesday, November 24, 2015 at 5:30pm at the Sandbar.

**Communications from City Officers:**

Com. from City Solicitor requesting to meet during the Municipal Council meeting on November 10, 2015 to discuss potential approval of a Memorandum of Understanding with the Mashpee Wampanoag Tribe. The contemplated agreement concerns the provision of Fire, Police and Emergency Medical Services at the future site of Project First Light once the land goes into trust but prior to the commencement of construction. It is currently anticipated that this will be an approximately 90-day period, during which the present commercial activity occurring at the site will continue. He has been working with the Police Chief, the City's outside gaming counsel, and legal counsel representing the Tribe in order to formulate such an agreement. As of this date, it is still a work in progress, but he is hopeful to be able to present a document to the Council in the near future. Mayor Hoyer stated that the Councilors will have questions on the agreement which is on all of their desks. He discussed how it has been a work in progress for the past month. An agreement was able to be reached. He stated that the City Solicitor emailed the Councilors the MOA as soon as it was available. The City Solicitor stated that since the time that the Federal Government came down with this decision in September to accept the land into trust there has been a flurry of activity on quite a few different topics. He discussed how they started going right away on the neighborhood traffic improvements that were discussed earlier. He had written to the Councilors last month to inform them that this item tonight was going to be coming up and also a separate agreement for the implementation of the IGA. The Tribe is going to commit to paying essentially all of our costs with respect to Hart's Four Corners. He has the agreement for that and will give it to the City Clerk to go onto a future Council agenda. He stated that what is before the Council this evening is an agreement for the interim period that will apply for the next 90 days to cover the period of time once the land goes into trust which places it under the jurisdiction of the Indian Tribe. It is an agreement intended to cover the period of time until the construction commences so it may be more or less than the 90 days and he is estimating that it may be a little more than that. He stated that there isn't expected to be a significant amount of construction going on out there because of the winter. He stated that on a day to day basis you won't see anything different once land goes into trust than you will today. He stated that some of the commercial activity will continue and tenants will slowly be moving out. It was desirable for both the City and the Tribe to have an agreement as to how the provision of Police, Fire and EMS Services will be handled by the City during this interim period.

The Tribe states that it will eventually have its own Tribal Police Force but that is not something that will happen in the immediate future. In the next 90 days, the City's Police and Fire will be responding to any emergency situations out there. The intention of both parties is for the next 90 days the City will provide the same services to this piece of land that it does right now. This agreement has been carefully negotiated on the City's side not only by him personally, but by the Police Chief, and the Gaming Counsel from Chicago who has experience with Indian Gaming. When they have questions with Federal Gaming Law, they have sub retained attorney Bruce Green who is out of Colorado. He stated that he has placed a copy of his resume on all of the Councilors desks. He is a gentleman who has over 40 years of experience in Federal Indian Law. He stated that everyone is in agreement that the document before the Council protects public safety and gives our Police, Fire and EMS the access to the trust land that they need in order to protect public safety. Councilor Cleary stated that he did read it and found it to be very interesting. It is our first attempt with dealing with the sovereign nation concept. He stated that the City Solicitor did a nice job with it. He stated that the in lieu of taxes was not mentioned. The City Solicitor stated that according to the IGA, the responsibility for a payment in lieu of taxes will occur once the land becomes Indian Country under Federal Law. It will happen when the Bureau of Indian Affairs accepts the land into trust. He stated that it should happen soon; that is why the agreement is in place and why he is asking the Council to vote on it tonight. He stated that we don't want to be in a situation where that has happened and there is no agreement in place. He stated when it happens it extinguishes the obligation to pay real estate taxes. It then puts into place the obligation on the Tribe to make payment in lieu of taxes which will be the same dollar amount. Councilor Cleary mentioned the term that he saw in the contract was deputization which means that the Tribe will deputize our Police Officers to make arrests on their property. The City Solicitor stated that it is exactly right because Federal Law sets forth who has jurisdiction to prosecute crimes that occur on the Trust lands. In most situations, it will be Federal or State government. In some situations, it may be the Tribal Government. If there is an incident where our Police respond to criminal activity on the trust lands, if the State has jurisdiction over that crime, the local Police will proceed as if it occurred anywhere in the City. If they respond to a situation where the Tribe has jurisdiction, the Tribe has deputized our Police Officers to act on their behalf. Councilor Cleary stated that the term partnership comes up a lot because our Police are supposed to work with a designated member of the Tribe. Councilor Marshall stated that on page 3, the Fire Protection and Emergency Medical Services seem to be pretty straight forward. The Law Enforcement section gets a little more detailed around the whole cross deputization process. He asked about Section A, how we will notify that there is an issue that requires Police response, would it be with 911 dispatches? The City Solicitor stated that during the terms of this agreement, yes. Councilor Marshall asked what the term "Notice" means in Section 7, Paragraph D. He asked if there are two individuals in a fight and a City Police Officer goes out there, what notice is required. Do we have to give notice prior to going on to the land or can they give notice to the Tribe after they have dealt with the situation? The City Solicitor stated that they would give notice after they have dealt with the situation. Councilor Marshall asked if under this agreement; can our Police detain Tribe members? The City Solicitor stated that yes, if the officer on the scene believes that public safety or a breach of the peace is threatened by a Native American subject, this agreement grants the Taunton Police the ability to act as a deputized member of the tribe who has the immunities that the Tribe has to detain the subject and then notify

the designated representative of the Tribe. Councilor Pottier asked if that was only until a designated member of the Tribe comes to claim that person. The City Solicitor confirmed. Councilor Marshall asked if that rule only applies to Indians that are registered with the Mashpee Wampanoag Tribe. The City Solicitor stated that it applies to a member of any federally recognized Indian Tribe. He stated that in the absence of the agreement, we would have no authority to go on the land. He stated that a crime committed by a member of a federally recognized Indian Tribe on Indian land, the State does not have jurisdiction to prosecute that person. He stated that the Federal government does, and his understanding is that it is usually what happens. Any type of moderately serious crime gets prosecuted in Federal Court. Councilor Marshall asked how the City would gain access for Municipal Services such as water, sewer and electrical. The City Solicitor stated that this agreement is intended to apply to Police, Fire and EMS Services. Councilor Marshall asked if we would need another agreement for the remaining City services. The City Solicitor stated that there is no agreement before the Council to talk about plowing or anything like that. He stated that generally speaking, it is the parties' intention that there will be the same services provided until the construction starts. If the City has additional services that it would provide because of the fact that this is sovereign land or because there will be a gaming facility then according to the IGA, the City would be entitled to additional compensation. Councilor Marshall asked if there will be a separate agreement for those infrastructures in this interim period. The City Solicitor stated that this agreement is for Police, Fire and EMS services but if the Council would like him to investigate other issues, they will be happy to do that. Mayor Hoyer stated that there will be other agreements in the future. There will be one with the TMLP which has been in the works. The City Solicitor stated that the IGA talks about sewer and water services and it will be impossible to try to envision every possible scenario in advance. The IGA intended to contemplate as many of those things as it could. Councilor Marshall stated that if there is a water main break in the interim period, that is our water and we would need to go out there and shut it off. Councilor Costa-Hanlon stated that this agreement would take effect only after the land is put into trust. Mayor Hoyer stated that it would be until the commencement of the construction. She wanted to confirm that once the construction starts that the IGA will go into effect. The City Solicitor stated that what has been envisioned is one agreement to cover the time period that we are talking about now and a second one to cover the time period when construction is ongoing but before any gaming activities commence, the third agreement would cover after the gaming activities commence. Councilor Costa-Hanlon stated that she thought that portions of the IGA covered during construction and portions that covered after the gaming has started. She stated that they have all read about the properties that have been purchased and the deeds that have been recorded. She wanted to confirm that we are comfortable that we know the property lines that this is going to cover during this interim. The City Solicitor stated that this agreement is intended to apply to trust lands, and that term is specifically defined on the top of page 3 of the agreement. It makes specific reference to the land that is mapped as exhibit A on the IGA. Councilor Costa-Hanlon asked if our Police Officers and Firefighters that will respond to matters on that property are covered under worker's compensation. She wanted to know if there would be an issue with a workers' compensation claim or any other insurance relative to our employees being on that property. The City Solicitor stated that Police Officers and Firefighters are not eligible to receive workers compensation benefits. If they meet the statutory requirements, their medical bills would

be covered by Chapter 41§100 and whether or not they would be granted leave with pay for an accident or an injury is Chapter 41 §111f. She wanted to confirm that any contract or insurance that covers our employees with a jurisdictional component has been looked at. The City Solicitor confirmed. Councilor Costa-Hanlon asked if there is a person that is a member of a federally recognized tribe and there becomes an issue between them and one of the City's Police or Firefighters, would that be federal jurisdiction for that person to be prosecuted. She asked if the City Solicitor is comfortable that the Federal Law will protect any issue like that. The City Solicitor stated that it depends on who the perpetrator of the crime is and who the victim is. Also, whether or not the crime falls into the Federal Major Crimes Act. The Federal Government has an Assimilated Crimes Act that essentially takes the body of State law crimes and incorporates them into the Federal Government for prosecution. He stated that a crime that is committed on the trust lands is going to be prosecuted most likely in State court because most people that are expected to be on the premises are not Native Americans. He discussed how any agreements that they may have cannot alter who has jurisdiction under Federal Law to prosecute these things. Councilor Costa-Hanlon wanted to confirm that there is intent that there will not be a parallel Tribal Police force at this time that could create an issue on who has jurisdiction over Non-American Indians. She wanted to confirm that there will solely be, until further notice, our Police Department. The City Solicitor stated that would appear to be the case in the next 90 days. **Councilor Costa-Hanlon motioned that the IGA be revisited and asked the City Solicitor's Office to send that out. She would also like the City Solicitor's opinion about if the Executive Session minutes regarding the IGA and any of the documentation that was made in anticipation of the negotiations, now that it has been signed, can be released.** The City Solicitor stated that he doesn't recollect having an Executive Session on the topic of the IGA. She asked if he could please look. He stated that if she asked the City Clerk's Office to provide any Executive Session minutes regarding that to him, he'd be happy to look at them. Council President Borges stated that the IGA is available on the City's website in case anyone was interested. Councilor Pottier stated that in a number of instances on this agreement, it does specify the differentiation between Non-Native Americans and Native Americans. He discussed the information on Page 3 of the agreement under Law Enforcement. He spoke about in the event the Subject is a Native American and the City Officer believes that public safety or breach of the peace is threatened by such Subject, a City Officer shall provide Notice, as soon as reasonably practicable, to the Designated Representative of the entry upon the Trust Lands and the apparent identity of the Subject as Native American. In that event, the City Officer may detain the Subject in the interest of public safety only until such time as the Designated Representative, or a person identified by the Designated Representative, assumes custody of the detained Native American. The Designated Representative shall make every effort to assume custody within two (2) hours of Notice. Councilor Pottier asked if an alleged crime is committed by someone who is a Non-Native American he can assume that the usual processes will be in effect. If it is a Native American, it seems like it will be a separate tract that he is unfamiliar with. He asked if the City Solicitor is comfortable as far as alleged perpetrators either Non-Native American or Native American will be treated equally in the grand scheme of things as far as the Courts go? He asked the City Solicitor if there will be two separate tracts for potential perpetrators of crimes committed on sovereign lands and what is the process for moving those cases forward if the crimes are committed by a Native American. The City Solicitor stated that the Federal Court is well equipped to prosecute

criminals. They have a process that is very similar to criminal investigation in the State Courts. He explained how criminal prosecution works on the State and Federal levels. Councilor Pottier asked who the investigating body would be on a crime perpetrated by a Native American vs a Non-Native American. The City Solicitor stated that he could get Councilor Pottier the number to the US Attorney's Office if he would like to know more about that. He stated that this agreement cannot impact in any way how a Native American will be prosecuted for a crime committed on the Tribal Lands. It is what it is under Federal Law. This agreement grants the City authority, they didn't have to agree to this. They could have said that the City cannot even go on the land. Councilor Pottier stated that his concern is that if a Taunton resident that goes or works there and a crime is committed on them whether by a Non-Native American or a Native American, is that the crime is adjudicated by the Court System fairly. He stated that the sovereignty situation is different and it is something that we will have to get used to. He stated that is something new to Taunton and he doesn't know eventually how this is going to work. Police Chief Walsh stated that he has had discussions with the FBI and what normally happens is that the Department of the Interior will work with the Federal Government to dictate what type of crimes the FBI will investigate on the property. They will assign an agent that will be responsible for that location. The jurisdiction complexities are quite complex. He discussed how there will be another agreement following this 90 day one and they do not foresee anyone from the Tribe being on that land. He has no issues with this and he has been involved from Day 1 in the negotiations. There was a lot of back and forth with the Tribe and our own lawyers on this. He has a policy and procedure in his department on this based upon the land going into trust and being accepted by the Federal Government. He stated at this point he doesn't see a Native American committing a crime that would rise to the Federal level. He has a comfort level based on his discussions with the FBI in Lakeville and DC. He also had a discussion with Carmen Ortiz when she came to the City two months ago. Councilor Pottier asked if the Tribe has a similar MOU with the Town of Mashpee and was our MOU based upon theirs. The City Solicitor stated that this agreement was not based upon that and we negotiated these ourselves. He stated that it was a lot of work coming up with these ourselves. He is under the impression that they are working with the Town of Mashpee on a similar agreement. Councilor Croteau asked when this agreement goes into effect. The City Solicitor stated that it will be in effect when it is signed by both parties. Councilor Croteau wanted to confirm that it is in effect for 90 days and wanted to know what happens after those 90 days. The City Solicitor stated that there is a provision that says that it can be extended by mutual consent of the parties. His expectation is that they probably will because he doesn't think construction will occur within 90 days. Councilor Croteau asked if this type of agreement will be in place until they open the casino doors. The City Solicitor stated that there likely will be another agreement similar to this one during construction. Councilor Croteau spoke about how it is foreign land and is governed by foreign law. He asked if there is a difference between a foreign embassy and this land in trust so that the Federal Government has more authority than it would in a foreign land. The City Solicitor stated that on this particular Trust Land the owner will be the United States Government. They own the land and are covered by Federal Law. Councilor Croteau asked if there are Federal rules and regulations governing the activities on this property that will protect and ensure that the Native American perpetrator will be punished the same way as a Non-Native American. The City Solicitor confirmed and said it will just be a different process. Councilor Quinn questioned paragraph 1D and 3

where it says that it is based on the delivery of Fire and Medical Services. She would suggest that Police or Law Enforcement be inserted in those paragraphs. The City Solicitor stated that Section 1 is really a recital. He thinks that it is very clear, especially in Section 7 that Law Enforcement is the intent of the agreement. Councilor Quinn asked if the deeds have been recorded at the Registry of Deeds. The City Solicitor stated that there are two separate transactions. The first one is the Commercial Transaction, where the Tribe purchases the land from the individual land owners. That has occurred and those deeds have been recorded. The next thing that happens is that the Tribe conveys that land via an instrument to the US Government. They are delivered to the Secretary of the Interior or his designee who decides whether or not to accept them. If they are accepted, they are brought back to the Registry of Deeds to be recorded. She asked if that part will happen quickly. The City Solicitor stated that he thinks that part will happen before the next Council Meeting. That is why they are asking for a vote tonight. Councilor Quinn asked if the payment to the City in lieu of taxes will be based upon the rate at the date in the immediate future or the taxes as they were on the date of the IGA. The City Solicitor stated that it is covered in the IGA. Councilor Carr stated that she understands that if any crime is committed on the land in trust that it is up to the Federal government to prosecute if the perpetrator is Native American. She asked what happens if a Native American robs the bank on Route 140 and then goes to the reservation. Since the crime was not perpetrated on trust land, is our Police allowed to go in and remove them? Chief Walsh stated that he has a 100 page article on that issue. He stated that is was a bone of contention between our attorneys and the Tribe for three days. He stated that the way the law reads and how they are interpreting that is if it is a Tribal member, they can go in and arrest them and bring them back to the District Court and they would have jurisdiction. If that is done it may insult Tribal sovereignty. He stated that all of the cases he has looked at say that they would have the legal authority to bring them back and the Courts would not question how they got there. The issue is the relationship with the Tribe as a result. They have had discussions with the Tribe on this issue and because of the shortness of the cycle they are in now to get this in place, they agreed that they will sit down and discuss a policy in length. They don't have the time right now to sit down and negotiate this back and forth. He discussed what would happen if a Native American robbed a bank and then went to the land. He stated that he wants to make sure that we have a good working relationship with the Tribe regarding tribal sovereignty. He thinks that if we needed to arrest that person and bring them back, we could do that. He stated that it probably wouldn't be a wise decision but it will be an issue that will be discussed with the attorneys on both sides. He stated that we are talking about 90 days with four businesses there. There is not much crime activity there to begin with. He doesn't see it as an issue. As we move forward, he and the City Solicitor will work with the Tribe to develop long term responses that make sense. The City Solicitor discussed paragraph 8b on the bottom of Page 4 where they addressed this issue. He stated that the safest thing to do if a crime was committed is to detain that person while an arrest warrant is obtained and execute it in the presence of the Tribe's designated representative. He stated that there is a lot of Federal Law on this. Councilor Carr asked if we have the ability to take the person off the land. He stated that we would be risking alienating the Tribe. He stated that all this agreement applies to is 90-120 days. He thinks that once the compact goes into effect they will be negotiating these issues. Councilor Carr stated that she looks forward to seeing what comes up next time around. She hopes that both sides can come to an amicable agreement that the Tribe will cooperate with our Police Department when

serious crimes occur. Councilor Croteau stated that based on what he has heard is that the Federal Government is involved. When the next agreement comes forward for the Council to review, it would be important for it to be clarified how the Federal Government is involved. It would also be important to clarify the level of crime as the Chief said. He agrees with the time limit that is involved right now and the need to move forward. Councilor Costa-Hanlon asked if this was an all or nothing vote or if there would be an amendment. Mayor Hoye stated that time is of the essence here and there was a lot of back and forth negotiations made until both sides were comfortable. If this would be over a longer duration, they would have asked for more time. The land could possibly be recorded this week with the Federal Government and they need to have this in place. Councilor Pottier asked the Mayor if he foresees another agreement after the 90 days or a continuation of this one. Mayor Hoye stated that there will be a construction phase and he expects to have a similar agreement with some changes at that point. Once the facility is open there would be a different procedure at that point. Councilor Pottier asked that the MOU be put on the website after the vote. Councilor Croteau stated that he thinks that there is a need for clarity on sovereignty. He thinks a lot of people do not understand the extent as to what sovereignty really means. **Council President Borges made a motion to authorize the Mayor and the City Solicitor to move forward with the MOU between the Wampanoag Tribe and the City of Taunton. So Voted.**

**Communications from Citizens:**

Com. from James Rush, Senior Right of Way Agent, Mass DOT, Ten Park Plaza, Suite 3910, Boston regarding South Coast Rail Survey Data Collection. The MBTA is continuing the preliminary design and permitting phase of the South Coast Rail (SCR) project, and crews are going back in the field to conduct additional survey work. The purpose of this letter is to notify South Coast communities that crews will be deployed during the remainder of 2015 and through next year. **Councilor Costa-Hanlon made a motion to receive and place on file. So Voted.**

**Petitions:**

Petition from Brian Ratcliffe, 4 Dale Street stating that Susan Lyons was walking her dog on Dale Street and a female pit bull mix from 9 Dale Street attacked her and her dog. Brian Ratcliffe ran out to help and was attacked and bitten by the dog. It states that this dog has been loose before and is a threat to the neighborhood. There are small children and pets on Dale Street. The undersigned want this dog removed from its premises immediately for their well-being and protection. Mayor Hoye stated that the next step could be a hearing if Chief Walsh deems it necessary with the owners of the pet. Councilor Pottier stated that he spoke to the petitioner and he mentioned that the action that is currently against them is only for 10 days, which is why they wanted the petition read tonight. Mayor Hoye asked if there was a formal complaint filed with the Police Department. The City Clerk stated that she sees a report, but not a formal complaint. Mayor Hoye stated that the petitioner should be contacted tomorrow and told that another option is to file a formal complaint with the Police Department. The City Solicitor stated that a few years ago, the Legislature revamped the Dangerous Dog statute and there is a procedure to follow which goes through the Police Department. He stated that they will be well served if they talk to someone at the Police Department to get that process going. **Motion was made to refer to Chief Walsh and Manny Massa, Animal Control for immediate action. Councilor Cleary motioned that the Council be notified if the dog**

gets released back into the neighborhood. Councilor Costa-Hanlon motioned for the City Clerk to notify the 23 people on the petition of what the Council's motion was and suggest that any formal complaint should be filed with the Police Department and that the Council will be asking for a follow up. 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.

**Hours of Operation License (Black Friday)**

1. 1000 Degrees Express located at 2 Galleria Mall Drive, Taunton
2. AC Galleria Donuts, Inc. –dba- Dunkin Donuts located at 2 Galleria Mall Drive, Taunton
3. AP Pretzels –dba- Wetzels Pretzels located at 2 Galleria Mall Drive, Taunton
4. American Eagle Outfitters located at 2 Galleria Mall Drive, Taunton
5. Bath & Body Works located at 2 Galleria Mall Drive, Taunton
6. Best Buy located at 2 Galleria Mall Drive, Taunton
7. Burger King, 2 Galleria Mall Drive, Taunton
8. Cell Fashion located at 2 Galleria Mall Drive, Taunton
9. Champs Sports located at 2 Galleria Mall Drive, Taunton
10. Charlotte Russe located at 2 Galleria Mall Drive, Taunton
11. Claire's located at 2 Galleria Mall Drive, Taunton
12. Dairy Queen located at 2 Galleria Mall Drive, Taunton
13. D'Angelo's located at 2 Galleria Mall Drive, Taunton
14. Dick's Sporting Goods located at 2 Galleria Mall Drive, Taunton
15. Forever 21 located at 2 Galleria Mall Drive, Taunton
16. Fuji Chen located at 2 Galleria Mall Drive, Taunton
17. FYE located at 2 Galleria Mall Drive, Taunton
18. Gymboree located at 2 Galleria Mall Drive, Taunton
19. Hennes & Mauritz, Inc. –DBA- H&M located at 2 Galleria Mall Drive, Taunton
20. Hometown Collectibles, Inc. located at 2 Galleria Mall Drive, Taunton
21. Hot Topic located at 2 Galleria Mall Drive, Taunton
22. Journey's located at 2 Galleria Mall Drive, Taunton
23. Justice for Girls located at 2 Galleria Mall Drive, Taunton
24. Kohl's located at 80 Taunton Depot Drive, Taunton
25. La'Valiz located at 2 Galleria Mall Drive, Taunton
26. Macy's located at 2 Galleria Mall Drive, Taunton
27. New York & Co. located at 2 Galleria Mall Drive, Taunton
28. OSJL of Taunton, LLC –dba- Ocean State Job Lot #227 located at 280 Winthrop Street, Taunton
29. Ocean State Job Lot of MA2015, LLC dba Ocean State Job Lot #249 located at 70 Depot Drive, Taunton
30. Olympia Sports to be located at 2 Galleria Mall Drive, Taunton
31. Payless Shoe Store located at 2 Galleria Mall Drive, Taunton
32. Rue21 #1253 located at 2 Galleria Mall Drive, Taunton
33. Sears HC located at 2 Galleria Mall Drive, Taunton
34. Spencer Gifts located at 2 Galleria Mall Drive, Taunton

35. Target located at 81 Taunton Depot Drive, Taunton
36. The Children's Place located at 2 Galleria Mall Drive, Taunton
37. The Gift Connection located at 2 Galleria Mall Drive, Taunton
38. The Red Store located at 2 Galleria Mall Drive, Taunton
39. Things Remembered located at 2 Galleria Mall Drive, Taunton
40. Torrid located at 2 Galleria Mall Drive, Taunton
41. Toys R Us Express located at 2 Galleria Mall Drive, Taunton
42. Track 23 located at 2 Galleria Mall Drive, Taunton
43. Unplugged Toys and Gifts located at 2 Galleria Mall Drive, Taunton
44. Verdant located at 2 Galleria Mall Drive, Taunton
45. Victoria's Secret located at 2 Galleria Mall Drive, Taunton
46. Vitamin World located at 2 Galleria Mall Drive, Taunton
47. Yankee Candle located at 2 Galleria Mall Drive, Taunton
48. Zumiez located at 2 Galleria Mall Drive, Taunton

**Councilor Costa-Hanlon made a motion to refer the above 48 petitions to the Police Chief and the Committee on Police and License. So Voted.**

#### Hours of Operation License

1. Dunkin Donuts located at 5 Washington Street, Taunton
2. Bobby's Place, Inc. located at 60 Weir St., Taunton
3. Joe's Diner located at 51 Broadway, Taunton
4. Creative Fitness Solutions, Inc. located at 225 Cape Highway, East Taunton
5. Speedway LLC -dba- Speedway #2432 located at 943 County Street, Taunton
6. Speedway LLC -dba- Speedway #2516 located at 23 Cape Road, Taunton

**Councilor Costa-Hanlon made a motion to refer the above 6 petitions to the Police Chief and the Committee on Police and License. So Voted.**

Petition submitted by Diane Smedberg, 130 Powhatten Drive, East Taunton requesting a new Grade 1 Kennel License for 4-6 dogs to be located at 130 Powhatten drive, East Taunton. **Councilor Costa-Hanlon made a motion to refer to the City Clerk's Office to schedule a hearing. So Voted.**

Claim submitted by Idelta Raposo, 50 Hodges Avenue, 2<sup>nd</sup> floor, Taunton seeking reimbursement for injuries from a fall on a city sidewalk at the corner of Washington Street and Frederick R. Martin Parkway. **Councilor McCaul made a motion to refer to the Law Department and the DPW. So Voted.**

Claim submitted by Donna Child, 12 Alegi Ave., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Fourth Street. **Councilor McCaul made a motion to refer to the Law Department and the DPW. So Voted.**

#### New Business:

**Councilor Cleary made a motion to refer to the Mayor's Office the suggestion that the City could employ an organization like SRPEED to do an analysis of Taunton's population trends. So Voted.** He stated that the City is going to need data as to the makeup of our community due to the hiring of Police Officers and Firemen. He discussed how this City may need some economic data as to the different classifications within the community. He stated that there are a lot of issues that will impact the growth

of Taunton including the industrial growth, the casino, and the MBTA. He stated that he and Councilor Croteau have had some success with SRPEED. He discussed how he knows it will cost money but as he looks at people applying for grants or if the City was looking for information on Civil Service lists it would be more accurate. He thinks it will be money well spent. Mayor Hoye stated that he will sit down within the next two weeks with Councilor Cleary and Karen Schnabel, Grant Writer, to figure out what the best data to ask for from SRPEDD or someone else. Councilor Croteau stated that he would support the motion but would also like to schedule a meeting with the Mayor to discuss the energy situation. He thinks that the City needs to be careful on how much money they spend on consultants. Mayor Hoye stated that he will also meet with Councilor Croteau.

**Councilor Marshall made a motion to refer the street sweeper to Vaillancourt Street and a large pothole in front of 5 Vaillancourt Street to the DPW. So Voted**

**Councilor Marshall made a motion to refer a sinking storm drain on Guernsey Avenue at Nickerson Estates to the DPW. So Voted.** He stated that it is on the right hand side when driving in.

**Councilor Costa-Hanlon made a motion to invite the Taunton High Girls Soccer and Volleyball teams, along with their parents, to be recognized at a City Council meeting as both teams made it to the State Championships. So Voted.** She stated that it was the first time ever that the Soccer team made it that far.

Meeting adjourned at 9:27 P.M.

A true copy:

Attest:

  
City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
NOVEMBER 10, 2015

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER.

MEETING CALLED TO ORDER AT 5:57 P.M.

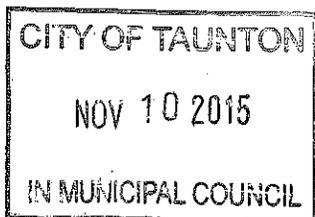
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:59 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.



CITY CLERK

RECEIVED  
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CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
NOVEMBER 10, 2015

**THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS**

PRESENT WERE: COUNCILOR DONALD CLEARY, CHAIRMAN AND COUNCILORS BORGES AND QUINN. ALSO PRESENT WAS CITY SOLICITOR JASON BUFFINGTON.

**MEETING CALLED TO ORDER AT 6:05 P.M.**

**1. MEET TO REVIEW FINAL DRAFT FOR CLASS II LICENSE ORDINANCE**

The Chairman said that this is regarding the sale of second hand motor vehicles which is referred to as Class II licenses for used cars. This has been an issue over the years, but the law has changed and there is no set number of licenses to be issued in the community. It is just a matter of an application process and approval by the Council, but there was no ordinance language spelling out the responsibilities. The City Solicitor had drafted a detailed document for the Committee, the Police and License Committee also reviewed and approved the document and referred it to this Committee to become an established ordinance.

The City Solicitor said that he had provided a detailed presentation on this proposed ordinance 2 weeks ago before the Police and License Committee, and would be happy to answer any questions. The document before the Committee is in its proper form for a first reading so if the Committee is in agreement that this should move forward, it could be given to the City Clerk for a first reading tonight.

Councilor Quinn said that she is prepared to make the following motion:

**Motion: Move approval of the Ordinance and refer to a first reading.**

On discussion, Councilor Cleary asked if the fee of \$200 was the same as before, to which the City Solicitor said the fee has not changed. Councilor Cleary asked about people being able to sell these Class II licenses. The City Solicitor said that the way this had been operating previously was that there was a specific limit of the number of licenses that could be issued in the City, and the City was at that limit. That created a supply and demand issue, and there was more of a demand for them than there was a supply, which led to a situation where people were paying others for the right to transfer a license from one person to another. Now that there is no restriction on the number of licenses that can be issued, it takes away the value of a license. It should be noted that there used to be very few regulations, and we are replacing a half page ordinance with a 5 or 6 page ordinance that very carefully sets forth the minimum criteria that has to be met, and it should address the problem issues.

Councilor Cleary also noted that they have to have facilities to do repairs. The City Solicitor said anyone in the business of buying or selling motor vehicles has to comply with the lemon law and that state law requires a licensee to either have on site repair operations or they have to demonstrate that they have access to repair facilities in the vicinity of the licensed premises. It was also noted that in the ordinance there is a requirement that a plot plan has to be submitted showing what the premises will look like, what portion of the premises will be used for the buying and selling of motor vehicles and it also says that anyone holding a license can only conduct the business operations on that portion of the premises specified in the application and ultimately approved by the Council.

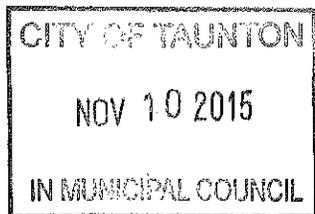
**The motion was voted on, So Voted.**

PAGE TWO

NOVEMBER 10, 2015

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS – CONTINUED

MEETING ADJOURNED AT 6:30 P.M.



RESPECTFULLY SUBMITTED,

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

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Rm Blawie".

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
NOVEMBER 10, 2015

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

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CARR, QUINN, MCCAUL, POTTIER, CROTEAU, COSTA-HANLON, MARSHALL AND CLEARY. ALSO PRESENT WAS BUILDING SUPERINTENDENT WAYNE WALKDEN

**MEETING CALLED TO ORDER AT 6:20 P.M.**

**1. MEET TO REVIEW RFQ FOR COMPREHENSIVE ENERGY MANAGEMENT SERVICES**

The Chairman noted that on September 29<sup>th</sup> a meeting was held with this Committee to discuss moving forward with the RFQ. However, there were some Councilors that had questions regarding the RFQ and since then they have met with the TMLP and representatives from PLDW. Mr. Walkden was involved in the meetings and was asked to provide an update on moving forward with the RFQ and some of the questions that were answered.

Mr. Walkden said that when the RFQ was reviewed by the TMLP, with Ken Goulart, Joe Solicito, Councilor Croteau and Councilor Cleary were in attendance. They reviewed the document and looked over comments made by the TMLP and addressed any issues that the Councilors might have had, but there was not anything major. What they did see in the RFQ is that the TMLP employs an outside vendor, Energy of New England, and it makes some sense to consider the City taking on TMLP in a formal process so that they might be able to work with their outside vendor as a third party consultant to assist the City through this process. Mr. Walkden feels this would be the direction the City should go in. The RFQ is basically done, there were very few revisions that were needed. There was a level of comfort with the document the way it was, which was circulated to Council about 2 weeks ago. If the City is going to move forward with this process and eventually get into construction, they are trying to hit the construction season early in the summer of next year, and he thinks that if the City is not able to move forward at this time, it will jeopardize that. The schedule has been compressed as much as they can, so what he is asking of the Council is to approve the RFQ process in order to get it out on the street, get it advertised, begin an evaluation process and also at the same time consider taking on Energy of New England as a parallel process to this whole thing. At any time as we meet in the future during this process if there is something the Council is not comfortable with, they are able to kill the whole process. There probably is not anything to lose at this point, probably much to gain.

The Chairman said that on September 29<sup>th</sup> a motion was made to move forward with the RFQ as long as the Councilors were able to meet with the representatives of the TMLP, and it did not necessarily have to come back to the Council as a Whole. But, it was thought it would be important to bring it back to this Committee to have the discussion again

Councilor Croteau stated that he would reaffirm the motion to move forward with the RFQ simultaneously to enter into discussions with Energy of New England as well as TMLP, so that hopefully Energy of New England would be on board to assist Mr. Walkden in the review of the RFQ responses. Energy of New England has been for some time working with TMLP. TMLP as we know does energy audits and reviews energy proposals for not only residences but local businesses. So basically we are talking about the same thing here which would be to identify

PAGE TWO

NOVEMBER 10, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

buildings owned by the City, by the Public, and to look to improve the energy consumption from an efficiency point of view. Hopefully, Energy of New England can assist in reviewing the RFQ's. Even at that point there is no essential risk to the City because what would happen once we select and end up with what is referred to as an ESCO, the ESCO will begin to identify projects working with Mr. Walkden and Energy of New England to recommend to the City Council. Up to that point there really is not a great deal of involvement. Once those projects are brought to the City Council, should the City Council decide to do a project such as converting the Bennett or Martin School from electric heat to conventional heat, then obviously there will be a significant amount of money involved. But at this point in time there is not.

Councilor Croteau made the following motion:

**Motion: To reaffirm the Motion made a couple of weeks ago and also to move authorization to enter into an agreement with Energy of New England as soon as possible.**

The motion was seconded by Councilor Quinn, on discussion, and she said that she thinks throughout this process the Council has been emphasizing the need to have an independent third party so that the Council is not at the liberty of the ESCO. She thinks that Energy New England is very well respected, that the TMLP's utilization of that company for their expertise is a good indication that this is the direction to proceed.

Councilor Cleary said that he did sit through discussion with the TMLP and said that the TMLP was supportive of the proposal if properly implemented, and that is why the third party energy engineer was recommended so that the City could properly monitor what the measurement standards would be. He asked Mr. Walkden if he had a projection of what kind of bond the City would need to fix the energy efficient buildings in Taunton.

Mr. Walkden said initially after preliminary audit work was done on a few buildings they projected \$18-\$22 million worth of projects.

Councilor Cleary wanted to bring this to the attention of the Council, that it is going to be \$18-22 million to make our buildings within the City more energy efficient. He further said it has been known for years running the Martin School on electric heat is expensive. He does not need an engineer to tell him that electric heat costs more than gas. The City never had the funds to put a gas program in there to heat the building. He does not think they are going to tell the Council anything that they don't know. The will of the Council to go down the road, spending this money on energy efficiency hoping that the savings will pay the bill, based on his experience with the Taunton Public Schools when they had the energy saving program, that was a scam and did not work. He is not sure, looking at some of the big projects in front of the City, whether it is City Hall, whether it is the sewage treatment plant, whatever else comes up, he is not sure he wants to commit \$18-\$25 million. He does understand it is an audit and the audit is not going to cost the City any money, that these are going to be recommendations, they are going to try and sell that the energy savings will pay the bill but he is not convinced of that personally. Councilor Cleary said that he feels it is going to be difficult to prove the energy savings.

Mr. Walkden said that he feels the same way that Councilor Cleary does. He further noted that in section 1.8 of the RFQ it talks about the guarantee of savings. They are going to predict what

PAGE THREE

NOVEMBER 10, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

the savings will be in energy usage, but we want to translate that back to cash, so he is not sure what method they are going to use to calculate this, except we know there is a guarantee to that. He continued stating that we are going to have to hold them to the fire at that point and you are going to want to cover your cash flow situation, which they guarantee they can do. It doesn't really talk about dollar for dollar savings but the Energy Management Services Agreement is the point in time when you deal with this. Right now we just want to draw in the proposers and then they will be evaluated and those questions will be evaluated along with the proposers.

Councilor Borges noted that on September 29<sup>th</sup>, Councilor Marshall had actually cleared with the Mayor that this was not going to cost the City anything to move forward with this RFQ, but the motion made by Councilor Croteau is that we work simultaneously with New England Energy, so she asked that Mr. Walkden confirm that this is not going to cost the City any money – to be working simultaneously with them while this RFQ is being worked out, until we get the results from that.

Mr. Walkden said at some point in time, the City is going to need the 3<sup>rd</sup> party, we were always going to need the 3<sup>rd</sup> party, the question was do we take on the 3<sup>rd</sup> party now or do we take on the 3<sup>rd</sup> party later. He thinks everybody's feeling, at least after meeting with these people a couple of weeks ago, it was his recommendation, and they all thought the same, yes it is wise to take on the 3<sup>rd</sup> party as early in the process as you can. There will be a cost to that. The question is we want that cost to be borne within the ESCO agreement, so if we have to pay that cost now and seek reimbursement through the agreement that follows, he would imagine it would probably be done that way. He cannot answer this just yet and feels that he would have to further talk with PLDW.

Councilor Pottier said that we do not know what the savings will be or even know what the real costs are until we get the responses from the RFQ. So, he does not see the harm in going down this road to see what the options are.

Councilor Marshall said that he was skeptical when this matter was first discussed, but was willing to keep an open mind and move the project forward. He is still willing to do that but at zero cost to the City tonight. We are hearing about hiring a consultant now and it would be their job to review the RFQ responses, so he will not vote tonight to do anything unless he has a dollar figure for the costs. He is willing to move forward with the RFQ to start the process, but he will not hire anyone unless the scope of services is known and the amount of money it will cost. What this does in his mind makes him leery because indirectly the Council is approving this because if they hire this consultant and don't go with an ESCO, then the City has lost that money, so now the pressure is on to recoup that money and enter into an ESCO, and he is not sure he is ready to do that as the Council as no data yet. He is all for moving forward the RFQ and starting that but is not in favor at this point for anything that ties the City financially to this project moving forward. This can be done later on when the Council has a scope of services, when the cost is known.

Councilor Costa-Hanlon said that it seems like what Mr. Walkden is presenting tonight is a little bit different now, in that he is more comfortable hiring someone earlier on than was recommended at the original meeting. She asked for his reasoning on why this would make

PAGE FOUR

NOVEMBER 10, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

more sense to him now.

Mr. Walkden said that maybe the timelines have changed a little bit in his mind. This is a complex matter, but when you do begin to understand it you do not want to be in over your head with all of the technical information that has to be analyzed by others. To have somebody on hand in a formal way would be good, but he would never hire anybody without knowing what the cost would be, and he thinks he will know what a reasonable cost will be for the 3<sup>rd</sup> party consultation. However, the idea is to get this out on the street and Councilor Marshall is right that we don't want to spend money right now until we know what is involved, and what the scope of work will be by the 3<sup>rd</sup> party firm, and we do need to define that scope of work. He thought more importantly was to get TMLP on board with an agreement and we were going to piggyback off of them to pull in the 3<sup>rd</sup> party vendor who they use. This is a common practice throughout the City.

Councilor Croteau said there was nothing said in his motion to commit the City to any money at this point. He will not consider any RFQ as we do not have the energy experience necessary. Councilor Costa-Hanlon asked the maker of the motion to add that it is not the intent of the motion to incur any cost until a final comes back. She thinks this would address Councilor Marshall's and her issues at this point. She thinks as long as this is clear, that we are going to move forward as anticipated on September 29<sup>th</sup> and that the only purpose of the motion is to clarify that we will be seeking help through the TMLP and through the possible named contractor, she would be fine with that. She said as long as the Council is proceeding as discussed on September 29<sup>th</sup> and so long as there is no recommendation that any costs will be incurred until we get further along the line, so we can have an amount certain as to what this will cost.

Councilor Croteau said the intent of the motion is to have a recommendation from Energy of New England as to who the ESCO will be based on the RFQ's. He does not want to vote on awarding the ESCO contract to an RFQ responder without some guidance.

The Council President noted that she did not think that anyone was in disagreement with Councilor Croteau, but she thinks that everyone feels that the RFQ's come back and then at that point in time a 3<sup>rd</sup> party is discussed.

Councilor Croteau stated that discussions should begin with Energy of New England now so there will not be any delay when those RFQ's come back, with no financial commitment made to Energy of New England.

Councilor Cleary on a point of information said he believes that the TMLP said that we would probably go out to bid for the 3<sup>rd</sup> party energy engineer and that Energy New England would be one of the responders to that bid request, and that we do not have to take the low bidder for that but they clearly said you may want to go out to bid, look at who else is interested in coming in and then pick who your 3<sup>rd</sup> party engineer would be.

Mr. Walkden said you can do that, to which Councilor Croteau said that it would delay the process.

Councilor Cleary said he understood that the City had to go out to bid but did not have to choose the low bidder, the City could pick the professional service it would like, but he believes it was to go out to bid.

PAGE FIVE

NOVEMBER 10, 2015

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

Mr. Walkden said we do not need to do this in this case if it is decided to work through the TMLP, we can avoid that bid process. What would trigger that bid process is that if the price that comes in by Energy New England is thought to be unreasonable, then we should go with a bid process at that point. In his mind it has to be in the \$50,000 range.

Councilor Quinn said that she is good to move forward with no expenditure of money, that this has been rehashed enough and press the motion.

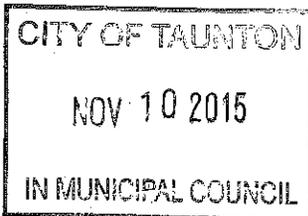
**The Motion was voted on with 6 votes in favor and 2 votes in opposition, Chair voting in favor also. Motion Carries.**

MEETING ADJOURNED AT 6:40 P.M.

Respectfully submitted,



Colleen M. Ellis  
Clerk of Council Committees



REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
NOVEMBER 10, 2015

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WAS POLICE CHIEF EDWARD WALSH

**MEETING CALLED TO ORDER AT 6:42 P.M.**

**1. MEET TO DISCUSS AND REVIEW PAPERWORK NECESSARY TO BE FILED BY THE POLICE DEPARTMENT AND/OR THE CITY CLERK TO CALL FOR THE SPANISH SPEAKING POLICE OFFICERS LIST**

The Chairman read a letter dated 11/9/2015 to the Committee from the Police Chief which stated that the Council recently voted to request a Selective Certification List (PAR.08) from the Department of Personnel Administration. As a result of the request, the Chief was provided a Selective Certification Form by the City Clerk for completion. Upon receipt of this form, he contacted Police Chiefs from non-consent decree communities looking for examples of justification and supporting documentation that was used to support a request for a Spanish speaking officer. To say that the responses presented a challenge would be an understatement. Communities with a greater Hispanic population and higher counts of individuals speaking Spanish were unsuccessful in their requests to the Department of Personnel Administration for a Selective Certification List. In an attempt to determine what criteria would be needed to receive approval from the Department of Personnel Administration, the Chief had Detective Lieutenant McCabe contact Bruce Howard, the Director of Operations for Civil Service, to get specific information on what a successful request would require. The following is based upon that conversation.

According to Mr. Howard, that while having a Hispanic population and trying to reflect the diversity of the community is a laudable goal, that in of itself does not comport with the requirements of chapter 31. Trying to get selective language selection is the hardest selective certification to obtain primarily because a police department does not normally collect the type of data needed by Civil Service to support the request. Population data alone is insufficient. In addition to crime data, we need to be able to demonstrate how many victims or offenders speak only Spanish. How many times the Police Department has had to call in an interpreter for Spanish prisoners or use the neighbors or relatives to get information from a victim. How many times the language barrier did impede investigations. How many calls do we get where the person only speaks Spanish.

The recommendation from Mr. Howard was to hold off a year on the request and spend the next year collecting the supporting data to show the need. Based upon the Chief's conversations with other police departments, as well as the information provided by Mr. Howard, he suggests that we implement a data collection program to capture the required information, then after that year, submit our request. He is presenting this as a proposal in an attempt to succeed in the request. Mr. Howard has also provided him with a copy of a successful request from 2011, which is apparently the last time a request was approved. The Chief will attempt to use this as a frame work. He currently has requests for data out to various local and state agencies to see if they have data which will be beneficial in this request.

PAGE TWO

NOVEMBER 10, 2015

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

In the interim, the Chief will also forward a completed Selective Certification Form to the City Clerk for submission by Thanksgiving as requested by the Municipal Council, with the foreknowledge that the request will likely be denied as insufficient by the Department of Personnel Administration.

**Motion: Letter to be part of the record. So Voted.**

The Chairman stated that in response to this, she had requested from the City Clerk, who is our Civil Service Liason information about the last time the City was able to obtain a special PAR.08 list, which was in 2007. There were 2 requests, she believes, one was for a Spanish speaking police officer and the other was a minority police officer which was African American. Included in the documents the City Clerk sent to everyone was a 1 page request by the City Clerk to Civil Service dated 8/11/2015 which is just showing that there was a request made by the City and that the City will be sending supporting documentation.

**Motion: Documents to be part of the record. So Voted.**

Councilor Cleary, for the record, wanted it noted that pages 9 – 11 were records from the 2007 application and are not new. They are copies of documents submitted in 2007.

The Chairman clarified that the first document was the request by the City Clerk dated August 11, 2015 for a Spanish speaking officer, and the second is the 2015 police list that shows the candidates, and the remaining documents are from 2007.

The Chief said it seems to him that the Committee thinks the 2007 request would sway Civil Service today, but he does not. Regardless, he has prepared a letter to Civil Service mirroring the letter from 2007 reflecting the updated census information that Chief O'Berg sent in 2007, as well as a copy of the Selective Certification with some justification as well as a copy of the 2007 letter from then Chief O'Berg. In the meantime, the Chief also recommends, based on his discussions with Civil Service that they will probably reject this request, to start a data collection plan to document the information that Civil Service is looking for.

Another draft letter was provided by the Chief dated 11/10/2015 to the Human Resources Division regarding the Selective Certification List. The letter said that the City of Taunton has requested a Selective Certification List Spanish for the appointment of 1 full time police officer. The Taunton Police Department currently employs no officer who speaks Spanish and is self-identified as Hispanic. The City as of the 2010 United States census has 3058 residents, 5.5% of the population who have identified themselves as Hispanic. This is an increase of nearly 1000 from the 2000 United States census. This increase is also reflected in the number of offenders and victims that this department interacts with that primarily or only speak Spanish. A Spanish speaking officer would also benefit the City and the Police Department in our community outreach to this growing and important part of our population. The second page of the letter was the request for Bilingual Selective Certification.

Councilor Costa-Hanlon noted that in the letter the Chief did not reference that he is also using the 2007 information.

The Chief said he put the letter together based on the 2007 letter, updated the statistics and that is the request as stated in 2007.

PAGE THREE

NOVEMBER 10, 2015

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

Councilor Cleary said that if the Chief feels this is the information he has available at this time, he should go ahead and submit the first 2 pages to Civil Service, and he also thinks it is an excellent idea to start collecting the data that they may come back and ask for.

Councilor Croteau said this is confusing because the request was not made to Civil Service. The situation would be clarified very quickly if it had been submitted and it will be clarified quickly when it is submitted because Civil Service will come back to us in writing as to whether or not the City is going to get that list. In all probability, they are going to tell us we are not going to get the list. Then they will have to tell us why, so before we design a program to try and comply with Civil Service, which will take a year, he does not want to be in a situation a year from now when Civil Service says no you do not have the right information. He will reiterate the motion he made last week or the week before, that the Chief of Police will forward a request for the list and we will let Civil Service tell us why we are not going to get one. Then we will design a system to comply with what they say in writing so then they cannot change their mind because it is in writing. He again reiterated the motion for the Chief to send whatever has to be sent, but actually the Chief does not send it, he provides it to the City Clerk, so he would want to know exactly what has to be in that packet because if something is missing they will send it back and they won't give us anything in writing because it is an incomplete application. He wants to know from the City Clerk exactly what the Chief has to give to the City Clerk, and he will change the motion to November 17<sup>th</sup>.

Councilor Croteau again stated his motion: That the Chief will provide to the City Clerk whatever forms have to be provided even though we know the data on the forms is insufficient. Then we will get the official word from Civil Service.

Councilor Costa-Hanlon said that on July 14, 2015, this Committee looked for a Spanish speaking police officer. That was a vote of this Committee. The Committee minutes and recommendations were approved by the full Council, Councilman Marshall and Councilwoman Carr were not here but they were approved unanimously. She said to the Chief that her frustration is from July 14<sup>th</sup> until Councilor Croteau made his motion on October 28<sup>th</sup> nothing was done on this. It took Councilor Croteau's motion with a date certain for the Chief to move forward with this. That is very frustrating and is not acceptable. If the Chief had questions and was not sure, all of this work could have been done much earlier than where we are right now. She also said that she disagrees with Councilor Croteau, as she does not think it is likely to be kicked back. She thinks that a strong letter like Chief O'Berg's, the information that Chief Walsh has, and the fact that we have in the police department someone that we pay who is a crime analysis and community outreach person it will not be kicked back. If the Chief had asked her to look at this stuff in July when he was asked to do this, we would be in a different position than we are right now.

The Chief said they went through their computer system and they do not have one record indicating that they had a requirement for someone who spoke Spanish.

Councilor Costa-Hanlon said the Chief just did that now.

The Chief also said that the City got the list 1 week before it expired. He asked for a Civil Service list in May. He gave the Committee correspondence asking for the list in May. The Committee finally convened in August, and he was trying to put people in the September Police Academy

PAGE FOUR

NOVEMBER 10, 2015

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

and we did not get that list.

Councilor Costa-Hanlon said that is not true. She said what happened, going back to the e-mail from the Clerk on August 4<sup>th</sup>, the Chief requested of the Clerk how we were to proceed with a Spanish speaking police officer. She got back to you on August 11<sup>th</sup> and said it is a PAR.08 list that you have to call for and she generated the document dated August 11<sup>th</sup> so she did her part. She was waiting for the Chief to do his part. If the Chief is telling her that on August 11<sup>th</sup> he was trying to get the information, he never conveyed that to anyone on the Committee and there was nothing on the Committee's side to delay those hires. The two people, the Committee made this motion July 14<sup>th</sup>, the 2 people that we were to hire, we hired when we had to. If she remembers correctly, on October 15<sup>th</sup>, at that Council meeting is when the Chief presented every packet to all of the councilors for them to be able to review the department's recommendations. She continued asking the Chief to please not say that this was held up here. The Chief gave every single one of the Councilors a packet needed to review the Chief's recommendations, so there was no way they could do anything before the Chief's recommendations came down.

The Chief stated that on May 28<sup>th</sup> he requested of this Council in a letter to the Chairman of this Committee that we get a Civil Service list down, and it was called for in August.

Councilor Cleary said as a point of information that this discussion is getting off track, and if the Committee is going to talk about the Spanish speaking officer, that is what the Committee needs to do.

Councilor Croteau said he would like to ask the City Clerk if the document just referenced will suffice in the City Clerk's opinion, then fine he will vote for it. As far as he is concerned, you do not need to complicate a situation. It is very simple, what we need to do is send it in and let them respond.

The Clerk said she did have the 2 documents she needs to send into Civil Service.

This will be done Thursday morning as the Clerk is not in on Wednesday.

Councilor Pottier said that he thinks the Chief is right in making sure that if we do adopt this list that we be somewhat satisfied that we will not have any claims about being by-passed because of the top 50 candidates on the list only 2 are identified as Spanish speaking.

Councilor Costa-Hanlon asked if the Chief believes if the person that we have that is our crime analysis and community outreach person could start working on what the Chief feels is needed and also do the community outreach to people in the audience that was discussed a couple of weeks ago. She knows that the Chief has been in contact with a lot of people that were in the audience, but she thinks there needs to be a more concerted effort. Again, the person we have in the department right now would be an excellent resource to get this done and give this over to her and get it moving to the point where we will be able to hire someone in the next 6 months, which in her opinion should have been next month but will be another 6 months.

The Chief said that as Councilor Croteau said it needs to be determined what Civil Service wants. He thinks he knows what they want, he has an idea on how to take some of the data he has, and he needs some more information about population locations in the City and making arguments relative to population density in certain areas and crime rates vs. other areas, and that is something Ms. Bastille will provide assistance with. Whether she should be the person

PAGE FIVE

NOVEMBER 10, 2015

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

championing this, probably not, if this is a command authority responsibility in the police department it needs to stay in his office.

Councilor Costa-Hanlon said she would ask that in the Chief's letter he reference that we have, even if he does not want to attach former Chief O'Berg's letter, she thinks it would help if the Chief makes some reference that in the past the City has in fact been given a PAR.08 list that included a Spanish speaker and actually a minority which is an African American. She would like to see this as part of the letter as she feels it is important.

Councilor Cleary made the following motion:

**Motion: To have the Chief take his 2 pages and work with the City Clerk and forward them to Civil Service.**

Councilor Croteau said he will support that motion as long as the City Clerk is satisfied that those 2 pages will do the job. He also said whatever goes out of this City Hall will be agreeable to the City Clerk that will do the job and it will be if necessary attach a statement to it that we are thinking of doing the following things. This is just a suggestion. We want this submission to result in them being on the record as to what has to be done a year from now if this does not succeed. There is only one person who is right in Civil Service.

Councilor Cleary asked to have included in the motion that **it include any other documentation necessary in the opinion of the City Clerk.**

**The motion was voted on, and So Voted.**

**2. PUBLIC INPUT**

Carmen Morales of 30 Highland Street addressed the Committee. She said she has lived here for many years and feels it would be a tremendous asset to the City of Taunton to have a Latino speaking police officer, whether male or female, she feels it is time.

Councilor Carr noted that everybody here would like to have a Spanish speaking officer, and she thinks everybody understands that one officer is not going to make a big difference. That officer is going to work 40 hours out of 192 hours, but it is a start. She continued stating that she was not here the night it was voted on, but she would have a very difficult time bypassing Veterans to get to a Spanish speaking person. What amazes her is the majority of the time that the Council does police interviews is that we do not have Spanish speaking people in that Veterans group. She does not know if the Spanish speaking population understands about Civil Service that anyone who is a Veteran goes to the top of the list. If they have young people in their group that would like to be police officers, unfortunately in this state that is how Civil Service works, it is not just based on the score, so they should encourage their young people to enlist in the service so that they do get to the top of the list when it comes time for hiring police officers. That would be helpful for them, and we would not have to request special bypasses to get to them.

Councilor Carr asked the Chief, because she thinks we could possibly get more coverage for Spanish speaking people if maybe we had interpreters vs. police officers. Is it really a fact that we need a police officer or just someone who is able to translate in a situation. You could probably hire 2 translators for what it would cost to hire a police officer.

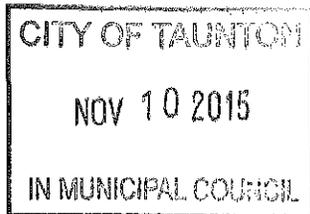
PAGE SIX

NOVEMBER 10, 2015

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

The Chief said he thinks this is 2 separate issues. One is that the Spanish community in Taunton wants representation within the police department. They feel it is not just a question of translation it is a question of culture and understanding culture. He thinks that is what they are looking for and he understands that. As far as Spanish speaking, there are services that they have utilized in the past. He has researched instances where they have actually been required to have someone interact and speak Spanish, and they were not able to document this. There have been cases that they have worked where people did not speak English or chose not to speak English and they have had to utilize outside people to help, whether it is the State Police, whether it is services provided by Morton or other facilities, so they have brought in people from other communities. On the minor stuff they muddle their way through it. He does have some officers that do speak some Spanish, but there are different dialogues also. Councilor Carr noted that you could get anyone as you do not have to be of Spanish origin, you just have to speak Spanish, to which the Chief said that is correct. If they are looking for someone who is Hispanic, that may not happen just by asking for a Spanish speaking officer. Councilor Carr again said that we have to work under Civil Service rules. Councilor Cleary said that there is no reason why a lateral could not be hired that is Spanish speaking and encouraged the Chief to pursue that also.

MEETING ADJOURNED AT 6:59 P.M.



Respectfully Submitted,

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

Colleen M. Ellis  
Clerk of Council Committees

**REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.**

A handwritten signature in cursive script that reads "Kim Beachwell".

**CITY CLERK**