



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, November 19, 2013 at 7:15 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 Marshall, Cleary, Colton, Medeiros, Costa-Hanlon,

Pottier, McCaul, and Barbour

Councilor Carr was absent

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

Motion was made to go out of order. So Voted.

Communications from the Mayor:

Presentation of the FY2014 Supplemental Budget-On the Road to Economic Recovery. The Mayor stated that for the first time in many years, the DOR has certified positive free cash for all five of the City's major cost centers. Total available funds for free cash certified by the DOR for the City of Taunton General Fund are \$9,846,770. In addition, all four enterprise accounts revealed positive free cash. Total available funds: Water Enterprise \$2,130,249, Sewer Enterprise \$294,515, Gold Enterprise \$66,928, and the Nursing Home \$461,964. The City of Taunton will be hiring four new patrolmen in this fiscal year which include filling vacancies from the result of retirements. The School Department has available funds in the amount of \$1,778,467 which is \$500,000 more than what was projected in the preliminary budget. This brings the City up to approximately 98% of net spending for schools. The plans are for the city to bring all city buildings up to ADA Compliance. The process has been ongoing for many years and the City will be funding this project in the amount of \$110,000. The City will spend another \$100,000 on sidewalk reconstruction to help meet ADA Standards. Also, the City will be funding a new Animal Control van in the amount of approximately \$26,000. The Mayor is proposing a new Building Inspector for the Building and Inspection Department to meet the increasing needs of the public in the amount of \$30,700 for half of the year. The Building Inspector position will allow the City to move forward with the permitting process. The Mayor stated that he would like to add a Building Inspector this year and an Electrical Inspector next year if the budget will allow it. It is very difficult for a two man crew to do all the work with the technological advancement in all the buildings including the fire suppression system and updated security systems in some of the schools. The Mayor suggested hiring an Electrical Technician in the amount of \$34,680 for the remaining of the fiscal year. If a technician is not hired, the Mayor stated that the City may need to go with an outside company for work to be completed. The

new IT Director has done a wonderful job and has initiated many new and positive changes in a short period of time. A proposal of \$44,000 is being requested for a Microsoft Exchange Server and Virtual Server including back-up capability, achieving, improving functionality, and global addressing including hardware and software upgrades in the amount of \$20,000. Upgrades for the Police and Fire equipment in the amount of \$8,500 for technology, also upgrades for the Fire Department's Jaws of Life, oil change system and hydraulic lift. An amount of \$200,000 is being proposed for the Veteran Services. Capital Improvements continue with the installation of a heating system and carpeting for the Library. The Park, Cemeteries and Public Grounds Department are in need of a John Deer lawnmower and snow blower as well as upgrades made to the Mayflower Cemetery. The City has made some positive gains by implementing sound financial practices. All departments were requested to re-evaluate their current spending practices and look for areas of inefficiencies, improved team work, communication and cooperation between financial team and department managers. The total budget this year is \$201,770,646.03 including the Gateway System that will need to be backed out for a total working budget of \$191,923,894. The goals for FY15 are to explore all grant and creative funding opportunities and the hiring of a full-time grant writer. The Mayor stated that the City needs to continue to pursue grants. Last year the City was able to hire nine (9) fire fighters through the Safer Grant. The City will continue to increase public safety personnel, strive to maintain and improve streets and sidewalks through road and infrastructure improvement programs, and to continue to meet the educational needs in our schools, establish a sound financial plan for City Hall reconstruction, investment toward a fiber optic wide-area network, and the continuation to utilize sound financial practices on City's road to fiscal stability. **Councilor Pottier motioned to transfer \$9,846,770 to stabilization from Free Cash with balance after transfer being \$11,393,176.61. So Voted.** Councilor Pottier agreed with many if not all the synopsis that the Mayor stated today and he congratulated the Team for all their hard work. There are some substantial challenges ahead of us especially for City Hall, solid waste solution and the fee structure. However, everything of this windfall is on the spending side and he would like for the City to put in the keyhole for the next budget process, some of those fees that the Council voted on and to see that through the budget process of the next fiscal year if the City can go back and take some of those fees off the table. Everyone in the City will enjoy seeing additional police as well as road repairs, but to see if the growth could be lessened or eliminated to help out with the difficult times that people are going through. He stated that he would like to see if there is anything the City can do to alleviate some of the things that have been a burden people for the last several years. **Councilor Pottier motioned for the presentation as well as the spreadsheets containing the spending values to be put on the website. So Voted.** Councilor Costa-Hanlon concurred with Councilor Pottier in looking at some of the fees that were raised to alleviate some of the pressure put on residents. Some of the things listed, residents have not seen for many, many years, such as the four new police officers and nine fire fighters that were funded by the Safer Grant. She said that it is excellent to be on the road to get the Net School Spending Fund because as everyone knows it would be a burden on the City. Councilor Costa-Hanlon stated that all department heads, the Mayor's administration and Mr. Enos did a wonderful job on the budget. Councilor Cleary stated that the amount of Free Cash this year is large because we had a negative amount of Free Cash last year due to of an accounting mistake. Councilor Cleary stated that if the working budget is \$191,923,894, the Enterprise Accounts such as Water,

Nursing Home and Sewer Department funds would need to be subtracted. The Supplemental Budget with the additional police officers, Building Department Inspectors and adjustments in other areas is an indication of what was discussed last week. Some individuals constantly say that the City should cut, cut, cut and reduce the budget when in fact the City is trying to establish and continue to improve services. None of this can be done without funding. The City lived with the negative Free Cash last year and had no additional staffing. New growth costs money. He stated that the two and a half increase is an unreasonable number when projecting the needed funds for budget. The Mayor stated that the Supplemental Budget demonstrate growth with continuous improvement in the City and the improvement of services to residents. He stated that the Supplemental Budget is positive and he also likes the Road to Economic Recovery. Councilor Marshall read into record communication from Budget Director, Mr. Enos dated November 19, 2013. Mr. Enos recommended that the total FY2014 appropriation for the City of Taunton with the submission of FY2014 Supplemental Budget to be as follows: City of Taunton General Fund in the amount of \$178,903,614.80, Water Enterprise System in the amount of \$70,775,515.33, Taunton Nursing Home in the amount of \$6,553,725.85, Sewer Enterprise System in the amount of \$8,522,808.05, Golf Course in the amount of \$15,000. A total Fiscal Budget of \$201,770,664.03. **Councilor Marshall motioned to make part of the record. So Voted.** A second communication from Mr. Enos dated November 19, 2013 was read by Councilor Marshall. Mr. Enos informed that as part of the FY2014 process, the following must be voted on: TMLP in lieu of taxes to reduce the tax rate, \$2,900,000; Title V to offset debt and interest budget, \$17,905; Cable TV Education to offset Library Budget, \$13,690; Cable TV to offset Municipal Access Budget, \$11,107; Wetland Protection to offset Planning and Conservation Budget, \$20,000; Airport Revolving Account to offset Airport Budget, \$10,000; Parking Garage to offset Parking Commission Budget, \$235,848.97; On Street Parking to offset Parking Commission Budget, \$107,500.08; Parking Lot to offset Parking Commission Budget, \$122,172.45; Stabilization for various City Departments, \$2,400,000. **Councilor Marshall motioned to move approval. So Voted.** Councilor Cleary stated that the DPW staffing is still a significant need within the City's Budget. The Mayor informed that four individuals were hired recently for the Water Department and was not included in the Supplemental Budget. There is another position or two in the Preliminary Budget that the Mayor is looking to fill as well. **Motion was made to revert back to regular order of business. So Voted.**

The Mayor stated that there will be a Thanksgiving Dinner at the Elk's starting at 5:30pm on Sunday evening.

Hearing:

Possibility of a continued hearing for reconsideration-Board of Assessors FY2014 Classification Hearing. Councilor Marshall read a communication from the Law Office regarding the possibility of a continued hearing for reconsideration of Tax Classification. The Law Office stated that on November 12, 2013 the Municipal Council held a public hearing regarding Tax Classification. A unanimous vote was made to close said hearing. After the public hearing was closed, but prior to the adjournment of the entire November 12, 2013 meeting, Councilor Marshall gave notice of an intention to move reconsideration of the tax rate vote at the next regular meeting of the Municipal Council. Said notice was given in accordance with Section 21 of Rules and Orders of the

Municipal Council. It must now be decided as to whether, in light of the public hearing having been closed prior to notice of intention to move reconsideration having been given. Attorney Buffington stated that in his opinion, the reconsideration of the tax vote is not proper, but that the Municipal Council may, through majority vote, so elect and hold a new hearing on the same subject and change what was voted on at the November 12, 2013 public hearing. When votes are taken during a legally required public hearing, any motion on reconsideration of any such votes must take place prior to the time that the public hearing is closed. He stated that on November 12, 2013, there was nothing prohibiting the Municipal Council from continuing the public hearing to a later date. The hearing however was not continued, rate setting votes were taken and the hearing was closed. Once closed, the votes taken during the public hearing cannot be reconsidered on a later date. A new public hearing is permissible. The fact that the reconsideration is not permissible does not leave the Municipal Council without recourse. Should the Municipal Council seek to change the tax rate that was voted upon at the November 12, 2013, the proper procedure would be to advertise and hold a new public hearing at which superseding tax related votes could be taken. MGL 59, Section 23 states that no approved tax rate by the Commissioner of the DOR can be changed. The Board of Assessor's informed Attorney Buffington that the DOR has not yet approved the tax rate. Thus, it is possible for the Municipal Council to advertise and hold a new public hearing on this topic. **Motion was made to make part of the record. So Voted. Councilor Marshall motioned to advertise and hold a new public hearing to set the tax rate. Councilor Pottier asked for the City Clerk to read the letter on pages 3 & 4 of the Council packet before the vote is called. Councilor Cleary stated that he does not see any reason that the letter should be read. Councilor Marshall motioned to make a part of his motion for the letter to be read into record. Councilor Cleary stated that those kinds of letters are placed on each Councilor's desk and he does not know how this would have ended up on the agenda and who made the decision to place this letter on the agenda and not others. The Mayor stated that the motion on the floor is to advertise and hold a new public hearing to set the tax rate and if the motion passes, the letter can be read to receive and place on file. Council members discussed reading the letter prior to taking a vote. Councilor Marshall withdrew his motion. Councilor Pottier withdrew his second and motioned to read into record pages 3 & 4 of the packet. Motion passed 5-3. Voting in favor was Councilor Barbour, Pottier, Marshall, Medeiros and Colton. Voting in opposition was Councilor Costa-Hanlon, Cleary and McCaul. At this time, the City Clerk read communication from the Taunton Republican City Committee, P. O. Box 1105, Taunton – Expressing thoughts on the tax shift and urged Council to restore the 1.75 ratio that has been the rate businesses in our community have prepared projections for, and focus on a separate tax relief package for businesses. Motion was made to receive and place on file. Councilor Cleary noted that two unsuccessful candidates for Council signed the letter. Councilor Cleary informed that Council votes every year in November for the Tax Classification Rate. Councilor Costa-Hanlon stated that this is the first time she has voted on the tax rate since she has been a Councilor because it represents an increase in both residential and commercial notes. In 2011 when she was Council President, she requested that every Department Head hand in a budget that included a 7% reduction, a 3% reduction and level budget. She asked where the Taunton Republican City Committee was in 2011. In 2011, she did everything they are asking for in the letter. She feels the letter is self-serving and unrealistic. What**

is responsible is when additional police officers and fire fighters are requested along with funding for schools that everyone realizes it has to come out of this budget. She said she believes and stands by the decision that our commercial tax payers need some kind of relief. It is upsetting that it falls on the residential tax owner, but she hopes that Council will also be proactive in funding those programs that are on fixed income relief for property tax relief. The Secretary of the Commonwealth has an excellent program for seniors who meet income guidelines for property tax abatements and this Council is very proactive in trying to get the Assessor's Office to also extend the kind of work for abatement of property taxes for Veterans. As a Council, she feels that they do things as responsible as they can and personally she has been against any approval of the tax rate due to increase in spending. Councilor McCaul stated that the public Classification Hearing was advertised in the paper for people to attend. Councilor Cleary stated that some members of the Council are supporting no tax increase and others are supporting tax increase. He stated that everyone on Council has voted for tax increases on property tax and that the proposed increase is only 20 cents per thousand. The average home owner with a home value of \$227,000 would pay \$14.60 per thousand based on the 1.71 shift and if the shift was 1.75, the rate would be \$14.40 per thousand, a 20 cent difference or \$46 per year. Councilor Medeiros stated that he is thankful that citizens are getting involved. So Voted. Councilor Marshall motioned to advertise and hold a new public hearing at which time superseding tax classification and related votes could be taken. Councilor Cleary asked for a roll call vote. Councilor Pottier stated that they are discussing a business coming to downtown Taunton for half a million dollars with \$350 in benefits for the business. He agreed that the vote did not go the particular way that he wanted it to go, but Council closed the hearing and sent in the rate to DOR. If residents want to discuss concerns or express their frustrations on the tax rate, he does not see the harm with having another meeting to discuss. Therefore, he will be supporting Councilor Marshall's motion. On a roll call vote, Eight (8) Councilors present, Three (3) Councilors voting in favor (Councilor Barbour, Pottier and Marshall, Five (5) Councilors voting in opposition (Councilor McCaul, Medeiros, Costa-Hanlon, Colton and Cleary). Councilor Carr was absent. Motion was made to recess at 8:40pm. So Voted. Motion was made to reconvene at 8:50pm. So Voted.

Communications from City Officers:

Com. from Commissioner, Parks, Cemeteries and Public Grounds – Notifying of the Annual Christmas Parade on Sunday, December 8, 2013 beginning at 12:00pm from the Liberty and Union Plaza, Rt. 138. Motion was made to move approval and refer to the Police Chief to make sure that when the parade proceeds from Broadway and makes its way down Main Street that sometimes traffic starts breaking out on the side streets and for whatever reason the Police Department has allowed. For the safety of the pedestrian, there should be no point of entry on these streets until the parade has come to a full conclusion. So Voted.

Com. from Chairman, Taunton Christmas Parade – Extending an invitation to participate in the 35th Annual Christmas Parade on Sunday, December 8th. Motion was made to receive and place on file. So Voted.

Councilor Marshall read a communication from the Board of Assessors regarding Senior Sewer Betterment Referral Application for Evelyn F. Silvia, 432 Winthrop Street, Taunton. It is the recommendation of the Assessors to grant the Senior Sewer Betterment Referral for Ms. Silvia. **Motion was made to refer to the Committee on the Department of Public Works for a hearing in two weeks. So Voted.**

Councilor Costa-Hanlon read a communication from Mr. Slivinski, Executive Director of Retirement on the Contributory Retirement System. The Retirement Board voted to post a meeting at 8:00am on December 20th for the purpose of a hearing to discuss the cost of living adjustment for retirement individuals and survivors of the system. **Motion was made to receive and place on file with a proper notice to be sent if required as well as a copy to be sent to the Mayor's Office. So Voted.**

Councilor Costa-Hanlon read a communication from Mr. Walkden, Superintendent of Buildings requesting an appropriation of \$92,000 from the City's Reserve Account to cover the cost of the pre-demolition for the Star Theatre located at 107-111 Main Street, Taunton. The Beta Group submitted the lowest price for this work and should the Council approve the request, the Beta Group will be directed to proceed immediately. **Councilor Pottier motioned to refer to the Committee on Finance and Salaries and Mayor's Office to see if they can work on this for the Monday morning meeting. Councilor Marshall asked if three quotes were received. The Mayor stated that the quote from the Beta Group was the lowest. Councilor Cleary stated that he would like to see a copy of the bids received. Councilor Pottier motioned to make that part of the motion. So Voted.**

Councilor McCaul informed of a fundraiser for Mr. Helvio Silveira from the Police Department to be held on November 24th at the Taunton Raynham Dog Track on Rt. 138, 12:00pm to 7:00pm. **Councilor McCaul motioned for the information to be posted on the website. So Voted.**

Councilor Barbour read communication from Head Start Triumph Inc. requesting permission to erect a sign across the street to the driveway of Head Start Triumph Inc. At this time there is no sign to direct individuals to the building. **Motion was made to refer to the Superintendent of Schools for the possibility of incorporating a new sign in the area of the high school sign where the old sign was located and to refer to Mr. Walkden and the Committee on Public Property. So Voted.**

Hours of Operation (Black Friday)

1. Olympia Sports located at 2 Galleria Mall Drive, East Taunton
2. Burger King located at 2 Galleria Mall Drive, East Taunton
3. Garnish Your Dog located at 2 Galleria Mall Drive, East Taunton
4. Claire's located at 2 Galleria Mall Drive, East Taunton

Motion was made to move approval as listed. So Voted

Hours of Operation

1. CVS located at 248 Winthrop Street, Taunton

Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.

Class II Licenses

1. Advantage Automotive located at 600 Winthrop Street, Taunton
2. Amorim Auto Sales, Inc. located at 265 Longmeadow Road, Taunton
3. B & J Auto Sales located at 14 Whittenton Street, Taunton
4. Cambra Auto Sales located at 117 Summer Street, Taunton
5. Costa's Service Center located at 28 Leonard Street, Taunton
6. County Street Motors located at 603 County Street, Taunton
7. Cruisin Classics located at 632 Winthrop St., Taunton
8. De-Anth Motors located at 115 Broadway, Taunton
9. Dipson Convenience & Repair, Inc. –DBA- Dipson & Sons Auto Sales located at 146 Tremont St., Taunton
10. Fogg Auto Sales, Inc. located at 346 Winthrop St., Taunton
11. Hilltop Motors located at 1 Lawton St., Taunton
12. Jaime's Auto Body, Inc. located at 111 Arlington St., Taunton
13. K&L Auto Sales & Repair located at 80 Cohannet St., Taunton
14. Loftus Auto City, Inc. located at 450 Winthrop St., Taunton
15. Mello's Auto Repair & Sales located at 45 South St., Taunton
16. New England Auto located at 157 W. Water St., Taunton
17. Perry's Towing & Service, Inc. located at 143 Broadway, Taunton
18. Premium Motor Sales, Inc. located at 340 Winthrop St., Taunton
19. R&F Motors, Inc. located at 35 Dana St., Taunton
20. Route 44 Tire Shack located at 585 Richmond St., East Taunton
21. Scott's Service Center, Inc. located at 129-131 Ingell St., Taunton
22. Top Quality Auto Sales, Inc. located at 397 Winthrop St., Taunton

Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.

Name Change of Class II License

Petition submitted by Frederick Kingsley, P. O. Box 2644, Taunton requesting a name change of his Class II License from K & L Auto Sales and Repair to Planet Auto. The located is to remain at 80 Cohannet Street, Taunton. **Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.**

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved except for the Committee on Fires and Wires. So Voted.

Councilor Pottier reported that the Committee on Fires & Wires entered into executive session and two votes were taken. Councilor Marshall stated that two Committees met tonight for which members had to choose on the meeting they wanted to attend. There was a personnel matter that was discussed in the Committee on Fires & Wires and it is Councilor Marshall's understanding that the Fire Chief gave a verbal report on an alleged incident that was read last week and that he is not satisfied with the Chief's verbal report. He believes that the report needs to be in writing in conjunction with the Human Resource Office. The Committee on Fires & Wires met simultaneously because of timing of the evening. Two of three members who serve on the committee were present. There was a motion made by the two members present at the meeting on Fires & Wires for a resolution on a verbal report. Councilor Marshall stated that he will be voting no

because he is not in agreement to the vote made. Councilor Pottier stated that he will motion to refer the Chief to write a report in accordance with executive session guidelines. Councilor Pottier stated that any motion taken could change, it is not a be all end all motion, as circumstance changes we may have other meetings on the topic. **Councilor Pottier motioned to accept the report of the Committee on Fires & Wires and for the Fire Chief to provide to Council, under confidentiality, a written report on the verbal report given during the meeting. Motion was 4-4. The Mayor suggested referring to the Committee on Fires & Wires for their agenda in two weeks. Councilor Marshall stated that his issue is that the full council did not adopt the recommendations of the Committee on Fires & Wires tonight. Councilor Pottier stated that the Council takes votes all the time during Committees and Council approves the Committee Reports. Councilor Costa-Hanlon stated that Council members were not given the opportunity to attend the meeting as the Committee on Fires & Wires was convened while another meeting was going on. Councilor Pottier stated that Council takes votes every week on Committees assuming that everyone knows what is going on. Councilor Marshall stated that the full Council did not accept the Committee on Fires & Wires motion, therefore, it is his opinion that it should go back to the full Committee in two weeks for reconsideration. The Mayor stated that the meeting on Fires & Wires was in executive session and minutes were taken, therefore, Council Members voting in opposition should review the minutes with an addendum of the written report from the Chief. Councilor Marshall stated that he spoke to Councilor Pottier and the Chief following the meeting and Councilor Pottier did inform him of the discussion, but personally he does not agree with the decision and other Council Members may not have had the opportunity to know what happened. Councilor Barbour spoke to Councilor Pottier when he had learned that there were two meetings happening at the same time. Councilor Barbour asked who may have taken the minutes because Ms. Ellis attended the meeting on the Committee on Police and License. Councilor Pottier informed that he had taken the minutes during the meeting and Councilor Barbour requested a copy of the minutes from the executive session to Council Members within a week. Councilor Medeiros suggested tabling the Committee on Fires & Wires until Monday morning so that Council can review the minutes. So Voted.** Recommendations adopted to reflect the votes as recorded in Committee. So Voted.

Unfinished Business

Councilor Barbour stated that there are a lot of items on the Committee on Solid Waste that he would like to get on the schedule for December 3rd. **Councilor Barbour motioned to meet and review on December 3rd the information for the IWT Contract and their extension request. Also, for discussion on the gasification process for the sludge for WeCare at the Water Treatment Plant and the landfill. He asked if Council Members had any outstanding items to inform him before the next two weeks. Councilor Barbour informed that information regarding the items on the agenda will be forwarded to members prior to the meeting. So Voted.**

Councilor Barbour stated that periodically Council would meet to review pending litigation, lawsuits and settlements. **It has been some time since the Council discussed therefore, Councilor Barbour motioned to schedule an executive session on December 10, 2013 with the Law Office to discuss such items. So Voted.**

Councilor Costa-Hanlon stated that there were four (4) potential candidates for the Police Department, unfortunately there will be two (2) candidates not moving forward. Councilor Costa-Hanlon motioned to call for an all-female Civil Service list for two (2) police officers. She said that she spoke to the Chief and it has been some time since the list was requested. The number of female officers on the force is low; therefore, this would rectify that. Under the guidelines, the Police Chief will need to certify that the City is in need of the female list and that we are under the standard requirement. So Voted.

Councilor Costa-Hanlon motioned to refer to the Committee on Fires & Wires to consider a female list for the next round of hires on the Fire Department. So Voted. The City Clerk stated that there is a list of three (3) fire fighters presently in the works; therefore, the female list will be after the fact. Councilor Costa-Hanlon stated that she would move it for the females instead of waiting for another.

New Business

Councilor Marshall stated that he has received several complaints that the owner of the Automotive Recovery Services, Inc., 582 Myricks Street has been doing early morning (6:00am) heavy equipment work on the rear part of the property and to investigate work that the owners were doing to see if they were complying with the buffer zone regulations. Councilor Marshall motioned to refer to the Zoning Enforcement Officer for the time to be addressed and Conservation Agent for a report on Monday to see if the work they are doing is in the jurisdiction of the Conservation and/or if permits were given for the work. So Voted.

Councilor Cleary motioned to refer to the Committee on Solid Waste for the adoption of a half bag trash option to go into effective on July 1, 2014. He stated that he is recommending it now so that it can be included in the budget preparation. So Voted.

Councilor Cleary stated that a legal notice in the Taunton Gazette states that the Board of Health is implementing a \$100 fee charge for those individuals who have tables at the Farmers Market. He stated that the fee will discourage, if not eliminate the Farmers Market. He requested a report from the Board of Health as to the need for the \$100 fee for each table set-up at the Farmers Market in report. So Voted.

Councilor Cleary stated that there was always a yield sign where Winthrop Street merges into the Taunton Green, and with the sidewalk project, the sign has not been re-installed. Councilor Cleary motioned to refer to the DPW Commissioner for the replacement of the sign with the possibility of an illumination sign because it is a very difficult merge. So Voted.

Councilor Barbour motioned to refer to the DPW Commissioner, the new construction at 416 Broadway. He said that they are using asphalt for a ramp and that it is his understanding that the DPW has only been using concrete. So Voted.

Councilor Barbour motioned to extend a letter of congratulations to Brianna Bostick, Miss Taunton and to invite her into a Council meeting. So Voted.

Motion was made to adjourn at 9:20pm. So Voted.

A true copy:

Attest:

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

City Clerk

RMB/dmc

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 19, 2013

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DONALD CLEARY, ACTING CHAIRMAN AND COUNCILOR COLTON

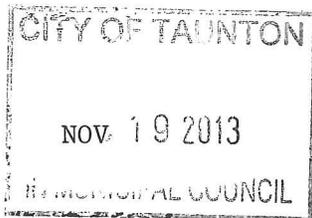
MEETING CALLED TO ORDER AT 6:23 P.M.

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

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF
\$800,427.93. SO VOTED.

MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
\$1,064,819.23. SO VOTED.

MEETING ADJOURNED AT 6:25 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 "Pam Blackwell".
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 19, 2013

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND BARBOUR. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH, PATROLMAN JEFFREY ARRUDA, ATTORNEY EDWARD MCNELLY AND OFFICER WILLIAM RUTHERFORD

MEETING CALLED TO ORDER AT 6:17 P.M.

A LETTER DATED 11/19/2013 TO THE COMMITTEE FROM POLICE CHIEF EDWARD WALSH WAS READ IN WHICH IT WAS STATED THAT THE POLICE DEPARTMENT LICENSE DIVISION FOUND NOTHING THAT WOULD PREVENT THE APPROVAL OF THE APPLICATIONS FOR APPOINTMENT AS CONSTABLE, THE RENEWAL OF JUNK COLLECTOR'S LICENSE, THE RENEWAL OF A FORTUNE TELLER LICENSE AND THE PETITIONS OF THE BUSINESSES LISTED TO OPERATE BETWEEN THE HOURS OF 1:00 A.M. AND 4:00 A.M.

MOTION: LETTER TO BE PART OF THE RECORD

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:**
 - A. **MANUEL MASSA, RAYNHAM, MA. – ANIMAL CONTROL OFFICER - RENEWAL**
MOTION: MOVE APPROVAL – UNRESTRICTED. SO VOTED.
 - B. **CHARLES MOSHER, JR., TAUNTON, MA - ASSISTANT ANIMAL CONTROL OFFICER – RENEWAL**
MOTION: MOVE APPROVAL – UNRESTRICTED. SO VOTED.
 - C. **MELISSA MOSHER FLORIN, TAUNTON, MA – NEW**
MOTION: MOVE APPROVAL – CROSSING GUARD ONLY. SO VOTED.
2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF WILLIAM BUTLER, 195 FIELD STREET FOR RENEWAL OF 2012 AND 2013 JUNK COLLECTOR'S LICENSE LOCATED AT 195 FIELD STREET.**
MOTION: MOVE APPROVAL. SO VOTED.
3. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE PETITION OF BISSIE MITCHELL, 262 TAUNTON AVE., SEEKONK FOR RENEWAL OF FORTUNE TELLER LICENSE D/B/A SONIA'S PALM READING, 396 WINTHROP STREET, TAUNTON**
MOTION: MOVE APPROVAL. SO VOTED.
4. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE SEC. 12-2:**
 - A. **ABERCROMBIE & FITCH D/B/A HOLLISTER**
 - B. **AEROPOSTALE**
 - C. **A.P. PRETZELS D/B/A WETZELS PRETZELS**
 - D. **BEST BUY**

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NOVEMBER 19, 2013

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

- E. CELL HUT INC. D/B/A METRO PCS
 - F. CHARLOTTE RUSSE
 - G. D'ANGELOS
 - H. DICK'S SPORTING GOODS
 - I. DUNKIN DONUTS
 - J. EXPRESS FASHION OPERATION LLC D/B/A EXPRESS
 - K. FOREVER 21
 - L. FYE
 - M. GAME STOP
 - N. HAT WORLD INC. D/B/A LIDS
 - O. HOMETOWN COLLECTIBLES
 - P. HOT TOPICS
 - Q. JOURNEY'S
 - R. JUSTICE
 - S. PAYLESS
 - T. PCX CLOTHING
 - U. PIERCING PAGODA
 - V. RADIO SHACK
 - W. SEARS
 - X. TEKKA GRILL
 - Y. THE CHILDREN'S PLACE
 - Z. VICTORIA'S SECRET
 - AA. YANKEE CANDLE
- ALL LOCATED AT 2 GALLERIA MALL DRIVE
- BB. DUNKIN DONUTS, 5 WASHINGTON STREET
 - CC. HESS EXPRESS, 23 CAPE ROAD
 - DD. OCEAN STATE JOB LOT OF TAUNTON LLC D/B/A OCEAN STATE JOB LOT, 280 WINTHROP STREET
 - EE. TARGET, 81 DEPOT DRIVE

MOTION: MOVE APPROVAL OF THE LIST AS READ. SO VOTED.

MOTION: TO RECESS THE COMMITTEE MEETING. SO VOTED.

MEETING WAS RECESSED AT 6:21 P.M.

THE COMMITTEE ON POLICE AND LICENSE WAS CALLED BACK FROM RECESS AT 6:44 P.M.

7. MEET IN EXECUTIVE SESSION TO DISCUSS PERSONNEL/DISCIPLINARY MATTER.
- THE CITY SOLICITOR INFORMED THE COMMITTEE THAT IT IS APPROPRIATE TO GO INTO EXECUTIVE SESSION TO DISCUSS THE POSSIBLE DISCIPLINE OF AN EMPLOYEE. 48 HOURS NOTICE HAS BEEN PROVIDED TO THE EMPLOYEE AND HE IS PRESENT WITH HIS ATTORNEY.
- MOTION: ON A ROLL CALL VOTE, COUNCILORS CLEARY, BARBOUR AND COSTA-HANLON VOTED TO GO INTO EXECUTIVE SESSION.
- MOTION: TO RECONVENE THE EXECUTIVE SESSION IN ABOUT 30 MINUTES. MEETING WAS RECESSED AT 7:09 P.M.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

THE EXECUTIVE SESSION MEETING WAS RECONVENED AT 8:16 P.M.

MOTION: ON A ROLL CALL VOTE, COUNCILORS CLEARY, BARBOUR AND COSTA-HANLON VOTED TO COME OUT OF EXECUTIVE SESSION.

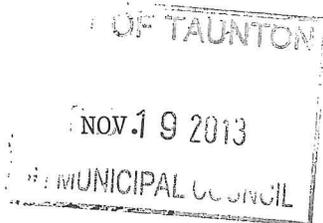
ONE MOTION WAS MADE IN EXECUTIVE SESSION.

6. MEET IN EXECUTIVE SESSION TO DISCUSS GRIEVANCE.

IT WAS REQUESTED THAT THIS GRIEVANCE BE CONTINUED FOR TWO WEEKS.

MOTION: TO CONTINUE THIS GRIEVANCE TO DECEMBER 3, 2013. SO VOTED.

MEETING ADJOURNED AT 8:47 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 "P.M. Blackwell".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 19, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS MEDEIROS, BARBOUR AND MCCAUL. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU, DPW COMMISSIONER FRED CORNAGLIA, ASSISTANT DPW COMMISSIONER TONY ABREU AND JOSEPH FEDERICO OF BETA

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

1. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS SEWER ABATEMENT REQUESTS

THE CHAIRMAN STATED THAT THE COMMITTEE IS HERE THIS EVENING TO REVISIT 3 ABATEMENTS THAT WERE PREVIOUSLY GRANTED.

ATTORNEY DEABREU STATED THAT THERE WERE 3 ABATEMENTS THAT WERE PREVIOUSLY GRANTED WITH PROVISIONS THAT THE PROPERTY OWNERS ENTER INTO AGREEMENTS THAT SHOULD THE CIRCUMSTANCES WHICH THE COMMITTEE HAD DETERMINED WARRANTED THE ABATEMENTS CHANGED IN THE FUTURE, THEN THE PROPERTY OWNER WOULD BE REQUIRED TO PAY THAT PORTION OF THE ABATEMENT BACK AT THAT TIME. AT THAT TIME, ATTORNEY DEABREU INDICATED THAT HE WOULD TRY TO FIND A MECHANISM TO ACCOMPLISH THAT. HE IS OF THE OPINION THAT THERE IS NOT ONE. THE DECISION ON THE ABATEMENT NEEDS TO BE MADE BASED ON THE INFORMATION AVAILABLE TO THE COMMITTEE AT THIS TIME.

THE FIRST IS 344 WINTHROP STREET WHICH IS FOGG AUTO SALES. ON THIS ONE, THERE IS A PORTION OF THE PROPERTY THAT IS UNBUILDABLE AND HAS AN ENVIRONMENTAL RESTRICTION. IF IN THE FUTURE IT COULD BE BUILT UPON, THERE WOULD BE RESTRICTIONS AS TO THE TYPE OF STRUCTURE THAT COULD BE PUT ON THE PROPERTY.

THAT BEING THE CASE, ATTORNEY DEABREU SAID IT WOULD BE APPROPRIATE FOR THE COMMITTEE TO DETERMINE WHETHER OR NOT THE ABATEMENT SHOULD BE GRANTED WITHOUT ANY FURTHER CONDITIONS ON IT. PREVIOUSLY IT WAS GRANTED WITH THE CONDITION THAT THE PROPERTY OWNER ENTER INTO AN AGREEMENT, HOWEVER, MR. DEABREU WOULD SUGGEST THAT IT WOULD BE APPROPRIATE FOR THE COMMITTEE TO DETERMINE ON THE BASIS OF THE ENVIRONMENTAL RESTRICTION IT IS APPROPRIATE TO GRANT THE ABATEMENT WITHOUT ANY FURTHER CONDITIONS.

MOTION: TO GRANT THE ABATEMENT WITHOUT ANY FURTHER RESTRICTIONS.

THE MOTION WAS SECONDED BY COUNCILOR BARBOUR ON DISCUSSION.

COUNCILOR BARBOUR ASKED WHAT THE DOLLAR AMOUNT WAS. THE ORIGINAL BETTERMENT WAS \$130,866.00 WITH \$70,174.00 TO BE FORGIVEN SO THE BETTERMENT FOR THIS PROPERTY WOULD BE \$60,691.00.

COUNCILOR BARBOUR ALSO STATED THAT HIS CONCERN IS THAT IT IS NOT UNCOMMON TO BUILD ON LAND THAT IS ENVIRONMENTALLY CHALLENGED. TODAY LAND HAS CONTAMINATION CONCERNS BUT MY BE BUILDABLE IN THE FUTURE. YOU COULD PUT AN OFFICE BUILDING OR RETAIL SPACE WITHOUT ANY BASEMENT. THAT LAND AT SOME POINT WILL BE ABLE TO BE USED.

ON THE MOTION, COUNCILORS MEDEIROS, MARSHALL AND MCCAUL VOTED IN FAVOR.

COUNCILOR BARBOUR VOTED IN OPPOSITION. MOTION CARRIES.

THE NEXT ONE WAS 114 WILLIAMS STREET. THE ASSISTANT CITY SOLICITOR STATED THAT BY STATUTE THE LOT SHOULD BE DETERMINED WHETHER OR NOT THE LOT IS BUILDABLE UNDER ZONING PRESENTLY IN EFFECT. THE ASSISTANT CITY SOLICITOR STATED THAT HE IS INFORMED THAT THE LOT IS NOT BUILDABLE DUE TO IT'S SIZE UNDER ZONING PRESENTLY IN EFFECT. IF THAT IS INDEED THE CASE, HIS RECOMMENDATION WOULD BE TO ALLOW THE ABATEMENT WITHOUT ANY CONDITIONS. THIS WAS ANOTHER SITUATION WHERE THE COMMITTEE HAD PREVIOUSLY DETERMINED TO ALLOW THE

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

ABATEMENT WITH AN AGREEMENT WITH THE PROPERTY OWNER. THE ASSISTANT CITY SOLICITOR SUGGESTS THAT IT WOULD BE APPROPRIATE FOR THE COMMITTEE TO RECONSIDER THAT DECISION AND ALLOW THE ABATEMENT.

MOTION: TO ALLOW THE ABATEMENT WITH NO CONDITIONS.

THE MOTION WAS SECONDED, AND ON DISCUSSION COUNCILOR MARSHALL ASKED IF THIS WAS THE ONE WHERE THE PERSON SAID THEY WOULD PROVIDE A LETTER SAYING THAT THEY WERE NOT GOING TO BUILD ON THIS LOT. CAN THIS STILL BE DONE, CAN THE CITY GET AN AGREEMENT THAT HE IS NOT GOING TO BUILD ON IT.

THE ASSISTANT SOLICITOR STATED THAT AS HE INTERPRETS THE STATUTE THE ABATEMENT SHOULD BE ALLOWED BY LAW WITHOUT REQUIRING THE PROPERTY OWNER TO DO ANYTHING.

IT WAS NOTED THAT THE LOT IS 6000 SQUARE FEET.

THE MOTION WAS VOTED ON AND CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

THE NEXT ONE WAS 167 DUFFY DRIVE. THE ASSISTANT CITY SOLICITOR STATED THAT THIS IS A SINGLE FAMILY HOUSE AND ACCORDING TO THE FORMULA USED A SINGLE FAMILY HOUSE SHOULD BE VIEWED AS 1 RESIDENTIAL UNIT REGARDLESS OF THE NUMBER OF BEDROOMS. THIS WAS A PETITION THAT HAD BEEN PREVIOUSLY GRANTED SUBJECT TO INFORMATION THAT THE PROPERTY OWNERS WOULD NOT SEEK TO EXPAND THE SIZE OF THE BUILDING. THE SOLICITOR'S SUGGESTION IS THAT THIS BE RECONSIDERED AND THE FORMULA USED FOR ASSESSMENT BE APPLIED AND THAT THE HOUSE BE CONSIDERED 1 RESIDENTIAL UNIT AND THE ABATEMENT SHOULD BE DENIED.

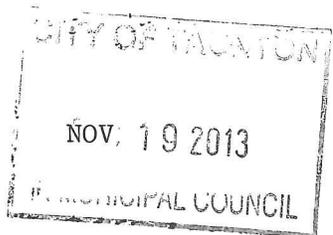
MOTION: TO RECONSIDER THE PRIOR DECISION OF THE COMMITTEE WITH REGARD TO THE GRANTING OF THE ABATEMENT AND THEN TO DENY THE APPLICATION FOR ABATEMENT.

MOTION WAS VOTED ON AND CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

2. MEET TO REVIEW MATTERS IN FILE

IT WAS NOTED THAT THERE ARE MORE ABATEMENTS TO CONSIDER BEFORE THE END OF THE YEAR. COUNCILOR MEDEIROS ASKED THAT NOTICE GO OUT TO THE APPLICANTS WHEN THEY ARE ACTUALLY GOING TO BE HEARD. THE CHAIRMAN NOTED THAT HE WOULD LIKE TO HAVE THIS TAKE PLACE ON DECEMBER 3RD.

MEETING ADJOURNED AT 6:13 P.M.



RESPECTFULLY SUBMITTED,

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

PM Blackwell
CITY CLERK