



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, December 8, 2015 at 8:50 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*A moment of silence was held for Mike McGlynn, a long-time employee of our Park & Recreation Department who lost his battle with cancer this past week.*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilor's Borges, Carr, Quinn, McCaul, Pottier,  
Croteau, Costa-Hanson, Marshall, Cleary*

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

**Communications from the Mayor:**

Mayor Hoye stated that two of the City's Pop Warner Cheerleading Squads have been very successful down in Florida. He stated that the A & C Cheerleading Squads won National Cheerleading Championships today. He stated that he would like to have them in after the first of the year to formally congratulate them. Mayor Hoye thanked everyone involved with Light's On last Saturday and the parade on Sunday. It was a tremendous showing of our City and what can be done. He stated that he thinks that there were more present at Light's On than were at the 100<sup>th</sup> Lighting. He spoke about how successful both events were. Councilor Carr thanked Mayor Hoye for his support on both events. She stated that she was proud to be a Tauntonian walking down the street Sunday. It was an example of how the City can come together and make a beautiful weekend. She thanked the residents for coming out and supporting it. Mayor Hoye spoke about how there are negative things that happen everywhere but in the next couple of years you will see the new and improved Taunton. He stated that we will look to resurrect downtown. Council President Borges spoke about how everyone went above and beyond and then thanked them. Councilor Marshall stated that as he participated in both events over the weekend, it seemed like this year had a family touch to it. There were a lot of young families enjoying the events. He stated that it was a great community event and many good Tauntonians came out this weekend. He thanked everyone involved and discussed how great the weekend was. Councilor Croteau spoke about a little girl that he met during the parade. Councilor McCaul stated that he and his family had a great time. He spoke about how proud he is to be a Tauntonian and thanked everyone that was involved.

Council President Borges then presided over the meeting.

**Communications from City Officers:**

Com. from Environmental Compliance Officer, Board of Health response on landfill odors. It stated that over the next several weeks the landfill is conducting a filling operation on the outside slope of the landfill. This was due to increased settling of the waste in this area. They did not cap this section in order to return and fill it to the proper design grades. In order to complete this work quickly and return to normal filling operations in the center of the landfill they are mining old waste from the landfill. The new waste coming into the landfill is not at a volume to complete the work in a timely manner. The mining of this old waste is creating those recent odor issues that we have been experiencing over the last week. Waste Management is conducting this work on days that weather conditions and wind direction is favorable as to not impact residents but sometimes nature doesn't work as forecasted. They are also using all deodorizers to minimize odor issues. **Councilor Marshall made a motion to receive and place on file. Also, to notify Mr. Duquette that the residents should be given advance public notification. Councilor Pottier motioned that the information should be shared on the City's website and e-mailed to the Councilors. So Voted.** He stated that the word should get out, whether it is by the Neighborhood Advisory Committee or the City's website. Councilor Carr stated that maybe they could hold off on digging up the waste when the wind is blowing directly to the neighborhood. She spoke about how the direction of the wind blowing makes a huge difference on whether you can smell it or not. **Councilor Carr motioned that the landfill be notified by letter that it would make the Council happy if they could also wait until the weather conditions are suitable for the neighborhood. So Voted.** Councilor McCaul stated that he and many of his fellow Councilors have received phone calls. He spoke about how Waste Management should meet with the Committee on Solid Waste so questions can be asked and the people at home can hear that the Council is addressing their concerns. **Councilor McCaul motioned to refer to the Committee on Solid Waste to meet with Waste Management. So Voted.**

Com. from Administrator, Taunton Nursing Home informing the Municipal Council that 1. CMS Fine Letter was received on April 7, 2015; 2. The Municipal Council, The Mayor, the City Solicitor, and the Board of Directors TNH were informed of the fine by the Administrator TNH on April 9, 2015; 3. The requisition for payment is dated April 9, 2015 and was submitted by the TNH Administrator for payment; 4. The City Budget Director approved it April 13, 2015; 5. The check is dated April 23, 2015; 6. The account number is 5792. This is the account for License and Permits; 7. The fines are for the total accumulated survey tags to date; 8. There is a pending survey tag that is being investigated by CMS. This tag is related to a COTMA collective bargaining issue to be adjudicated in February 2016. Councilor Croteau stated that this response was issued at his request. His request was to the Chairman of the Board of Directors and not to Mr. Brennan. He will review the information with Mr. Enos because the response does not address his concerns. **Councilor Croteau had questions that he would like answered. 1. How much money was in Permits and Licenses?; 2. How much is Permits and Licenses in deficit at the end of the year?; 3. Is a transfer of funds necessary?; 4. What does this mean relative to collective bargaining?; 5. How much will this cost with the arbitrator?; 6. What is the arbitration all about? Councilor Costa-Hanlon made a motion that the letter and Councilor Croteau's comments be referred to the meeting between the Council and the Taunton Nursing Home Board. So Voted.**

Com. from Animal Control Officer stating that on November 5, 2015 Susan Lyons was attacked by a Pit Bull Mix while walking her dog. A neighbor came out to help and the Pit Bull also attacked the neighbor. The owner of the Pit Bull was notified and the Pit Bull was put into quarantine. The owner tried to relocate the animal but to no avail. The dog in question was surrendered to the Taunton Animal Control Officer to be destroyed. The Pit Bull was destroyed on November 25, 2015 by Dr. Cowe. **Councilor Quinn made a motion to receive and place on file along with the adjacent letter. So Voted. Councilor Cleary motioned for the victim to receive copies of the two letters and that she understands that the Council tried to get information and that the dog has been euthanized. He would like to her to be made aware of the situation and that the Council regrets the most unfortunate incident. So Voted.**

Com. from Superintendent of Buildings Massachusetts advising that the Building Department received an invoice from the MDEP for Central Fire Station Compliance Assurance, in the amount of \$4,910.00. The payment is due by January 12, 2016. The invoice includes a fee of \$2,455 assessed on November 13, 2015 for year ending June 10, 2015. A second fee of \$2,455 assessed on November 13, 2015 for the year ending June 10, 2016. Clean up efforts and final testing of the site was concluded several months ago. A "permanent solution" was filed with MDEP by the BETA Group in July 2015. They do not anticipate future MDEP fees regarding this issue. **Councilor Marshall made a motion to refer to the Committee of Finance and Salaries and have Wayne Walkden, Building Superintendent get a written explanation from the Mass DEP as to why we are paying a fine for 2016 when we have already provided a permanent solution in July 2015. Councilor Cleary made a motion not to authorize the payment of the second half of the fee until we get an answer. Councilor Quinn motioned to receive a written response within two weeks from Mr. Walkden as to why we are being assessed those fees. So Voted.** He is concerned why there is a fee for 2016 when we have already submitted a solution for 2015.

Com. from Administrator, Taunton Nursing Home submitting a statistical analysis of their staffing. The issue is staffing the 3pm-11pm shift with CNA's. He met with Maria Gomes and Paul Coffey of 1144 to review this issue on November 24, 2015. They agreed to meet with the C.N.A. staff on December 9, 2015 from 2pm-4pm to review data and the issues associated with mandating. This is a collective bargaining issue to be addressed with Local 1144. The contract is under negotiation at this time. Councilor Cleary stated that he doesn't think the letter answers the question of how many C.N.A. vacancies there are and what is the problem with getting Certified Nurse's Aides. Councilor Croteau spoke about #12 & #13 and how the mandated overtime would be even worse if they were not utilizing the services of a temp agency. In light of the supposed \$1M deficit, utilizing an agency to that extent has to cost a lot of money. He agrees with what has already been said but in addition to that, he would like an explanation of why within a matter of a day or two, the situation was solved to some extent by increasing the number of residents that each CNA is responsible for. If the CNA was responsible for 10 people, now they are responsible for 13. It reduces the number of mandated overtime. He stated that resolving issues through collective bargaining is one thing; it is still the responsibility of management to run the situation in an efficient way. Unions cannot stand in the way of running an operation in an efficient way. **Councilor Quinn motioned to refer to Mr. Brennan for a follow up to this**

**letter to more particularly answer the question as to what the problem is with the CNA staffing and to obtain a report of what the results are from their December 9, 2015 meeting regarding the CNA staff. So Voted.**

Com. from Treasurer/Collector announcing that the City of Taunton has received seven bids on the \$5,369,000 bond issue all within ten basis points ranging from 2.38% to 2.48%. Robert W. Baird & Co. submitted the low bid of 2.386378% with a premium of \$300,804.98, coupon rates ranged from 2% to 4% over the life of the bond. The summary of bid results and Baird bid are attached. As part of the preparation for this bond sale, the City prepared an official statement and had a discussion with Standard & Poor's Rating Services regarding the City's financial well-being. As a result of these efforts the City received an AA-/Stable underlying credit rating for the \$5,369,000 general obligation state qualified loan bonds multi-purpose bond issue due to mature December 1, 2035. The rating reaffirms the rating received on May 15, 2014, which was increased at that time. Given the current economic climate, the stable rating is excellent news. The report prepared by Standard & Poor's is attached for the Council's review. Councilor Costa-Hanlon asked that the Committee on Finance and Salaries look on Page 3 at the management. It seems like that is what Ms. Auger is talking about. She stated that some of the things that they are talking about do not seem so mystifying. The City doesn't maintain any Formal Reserve or Liquidity Policies. It does not maintain a Comprehensive Capitol Plan. She knows that it has been discussed and at one time it was part of the City's Ordinances. Management does not have a Formal Long Term Financing Plan, although they do perform budget forecasts. This is something that is seen in external audits and we have talked about the need for a Chief Financial Officer for the City. She thinks that Standard & Poor's has an excellent example of why that is needed so badly. **Councilor Pottier motioned to refer to the Committee on Finance and Salaries and have Ms. Auger present to discuss this in detail. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they received a Site Plan Review for property at 48 Broadway for the addition of auto sales (5 vehicles) with a waiver of the landscaping requirements in conjunction with the existing uses of convenience store, service station and gasoline station, submitted by Taunton Service Center. The Development Impact Review Board (DIRB) will review this on Tuesday, December 22, 2015 at 9:30AM in the Taunton Planning Board Office, Annex Bldg., 15 Summer St., Taunton, Ma and the Taunton Planning Board will hold a public meeting on this proposal on Thursday, January 7, 2016 at 5:30PM in the Chester R. Martin Municipal Council Chambers, 141 Oak St., Taunton, MA. **Councilor Costa-Hanlon motioned to receive and place on file. So Voted.**

Com. from Executive Director advising of the retirement for Superannuation of Dora Treacy, an employee of the Taunton Police Department on December 22, 2015 under the provisions set forth in Section #5 of Chapter 32 of the General Laws of Massachusetts. Please pay regular compensation and accumulated benefits up to and including the date of retirement. **Councilor Costa-Hanlon motioned to receive and place on file and send a scroll of appreciation to Dora Treacy. So Voted.** Councilor Costa-Hanlon stated that she is a wonderful police officer and a wonderful person who will be missed.

Com. from Executive Director notifying of certification for the FY2017 Pension Fund Appropriation. Under the provisions of Massachusetts General Laws Chapter 32, Section 22(7)c(iii), the Taunton Retirement Board voted on November 25, 2015 to certify the amount of \$15,365,065 for the FY2017 Pension Fund Appropriation and to notify the Mayor and Municipal Council and member units of the same. **Councilor Cleary motioned to refer to the FY17 Budget. So Voted.**

**Communications from Citizens:**

Com. from Caitlyn Ferreira, 180 Seaver St., Stoughton stating that on or before November 22, 2015, a vehicle was struck on Somerset Avenue in Taunton. After speaking with Officer Joyce he informed her that her best form of contact would be to the Safety Officer. This accident took place close to where the Fifth Street intersection is and where Biss Lumber is located where there is constantly entering and exiting of trucks. It is to her belief that parking in this area is unreasonable and unsafe. Prior to this area this is posted no parking signs which she feel as if they should post them in this area as well for everyone in the town's safety. At this time she is respectfully asking that this area be taken into consideration to review the area in question and possibly revise the parking law into this area as well. Many people feel that this area is unsafe for parking including your own officer. **Councilor Costa-Hanlon motioned to refer to the Committee on Police and License and the Safety Officer. So Voted.**

**Petitions:**

**Class II License**

1. Acme Fabrication & Equipment Leasing LLC located at 91 Arlington St., Taunton
2. After Hours Auto Body, Inc. –dba- After Hours Auto Sales located at 20 North Ave., Taunton
3. Amorim Auto Sales, Inc. located at 265 Longmeadow Rd., Taunton
4. B&J Auto Sales located at 14 Whittenton St., Taunton
5. Cambra Auto Sales located at 117 Summer St., Taunton
6. Corrao Motor Cars located at 251 Broadway, Taunton
7. County Street Motors located at 603 County St., Taunton
8. DeAnth Motors located at 115 Broadway, Taunton
9. Frank's Auto Body, Inc. located at 265 Broadway, Taunton
10. Fogg Auto Sales, Inc. located at 346 Winthrop St., Taunton
11. Happy Bear Inc. located at 54 Cottage St., Taunton
12. Leo's Auto Sales & Service located at 350 ½ Winthrop St., Taunton
13. Lopes Used Truck & Equipment Sales –dba- G. Lopes Construction, Inc. located at 490 Winthrop St., Taunton
14. Mann Clan, Inc. –dba- Auto Gallery located at 283 Broadway, Taunton
15. Marli Motors located at 17 Tremont St., Taunton
16. M.H. Hamie & Son, Inc. –dba- Mike's Auto Sales located at 594 Winthrop St., Taunton
17. Northeast Auto Exchange, Inc. located at 406 Tremont St., Taunton
18. Oakland Auto Sales, LLC located at 214 Tremont St., Taunton
19. Perry's Towing & Service, Inc. located at 143 Broadway, Taunton
20. Premier Motors, Inc. located at 420 Broadway, Taunton
21. Professional Car Zone, LLC located at 381 Weir St., Taunton

22. R&F Motors, Inc. located at 35 Dana St., Taunton
23. Richard P. Costa –dba- Taunton Auto & Truck Sales located at 603 Winthrop St., Taunton
24. Reynold's Auto Wrecking, Inc. located at 733 S. Precinct St., Taunton (**CLASS III, PLEASE DISREGARD**)
25. Rte. 44 Tire Shack, LLC –dba- Rte 44 Tire Shack located at 585 Richmond St., Taunton
26. Taunton Service Center, Inc. –dba- Taunton Service Center Auto Sales located at 48 Broadway, Taunton
27. Top Quality Auto Sales, Inc. located at 397 Winthrop St., Taunton
28. Thomas Auto Sales located at 445 Winthrop St., Taunton
29. Tucan Auto Sales Corp. located at 295 Broadway, Taunton
30. Walt's Auto Specialty, Inc. –dba- Walt's Motors

**Councilor Costa-Hanlon motioned to refer the list as read to the Committee on Police and License, the Police Chief and the City Planner. So Voted.**

Petition submitted by Diane Paiva, President, Clube Irmandade Do Esprito Santo Dos Acores, Inc. located at 88 Wales St., Taunton requesting a renewal of their Billiard Table License. (1 Table) **Councilor Costa-Hanlon motioned to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Robert Rose, 222 New St., Rehoboth requesting a new Old Gold License for Hometown Collectibles, Inc. to be located at 2 Galleria Mall Dr., Taunton. **Councilor Costa-Hanlon motioned to refer to the Committee on Police and License and the Police Chief. 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.

**Orders, Ordinances, and Resolutions**

**Ordinance for a third reading to be Ordained on a roll call vote**

**AN ORDINANCE RELATIVE TO THE  
LICENSING OF SECOND HAND MOTOR VEHICLE SALES ESTABLISHMENTS**

**Chapter 12: Licenses and Miscellaneous Business Regulations**

**Article XI: Sale of Secondhand Motor Vehicles**

***Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:***

**SECTION 1. Article XI of Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking out Section 12-215 and Section 12-216, and inserting in place thereof the following sections:--**

**Section 12-215. License required. Licensing Authority. Application. Forms.**

- (a) No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells secondhand vehicles, or a person whose principal business is financing the purchase or of insuring motor vehicles but who incidentally acquires and sells secondhand motor vehicles, shall engage in the business of buying, selling, or exchanging of secondhand motor vehicles or allow any property under his control to be used as a place of sale or display of such motor vehicles without first securing and maintaining in full force and effect a Class 2 license as provided in G.L. c. 140, §§ 57 through 69, inclusive.
- (b) The Licensing Authority in the City of Taunton shall be the Municipal Council, which shall, in the issuance, regulation, and revocation of such licenses, follow the procedures set forth in G.L. c. 140, §§ 57 through 69, inclusive.
- (c) Application for a Class 2 license shall be made by submitting to the City Clerk the application forms and tendering to the City Clerk the fee set forth in Section 12-216.
- (d) The Chief of Police shall establish and maintain, and shall from time to time revise, such application forms as, in his reasonable judgment, shall be in conformity with law and which enable the Municipal Council and the Police Department to obtain the information necessary to adequately investigate applications for Class 2 licenses. The Chief of Police shall ensure that the City Clerk is provided with such application forms.

**Section 12-216. Fee.**

All applications for issuance, renewal, change of situation, or transfer of a Class 2 license shall be accompanied by a non-refundable fee of two hundred dollars (\$200.00).

**SECTION 2. Said Article XI of said Chapter 12, as amended, is hereby further amended, by inserting after Section 12-216, the following new sections:--**

**Section 12-217. Application Criteria.**

- (a) In addition to the information contained within the application forms, the Municipal Council may require any applicant for a Class 2 license to provide such additional information as it deems necessary in order to investigate the application. Any such application may be denied in the event the applicant fails to provide such additional information.

- (b) No such license shall be granted until the Municipal Council is satisfied from an investigation of the facts stated in the application and any other information which it may require of the applicant, that the applicant is a proper person to engage in such business, that said business is or will be the applicant's principal business, and that the applicant has an available place of business suitable for the purpose.
- (c) All applicants shall submit to the Municipal Council the names, dates of birth, and current residential addresses of all individuals (1) having an ownership or equity interest of ten percent or more in the proposed licensee, (2) serving as president, treasurer, clerk, director, manager, director, or any other principal officer of the proposed licensee, and (3) serving as the licensee's on-site manager, which all licensees shall so designate at least one individual to serve. All applicants for a Class 2 license, and all licensees, shall be under an affirmative obligation at all times to file with the City Clerk, on a form to be promulgated by the Chief of Police, notice of any change to any of the information required to be disclosed under this paragraph within thirty (30) days of the time any of such information changes. The purpose of this paragraph is to permit the licensing authority to have sufficient information to perform an investigation into whether the licensee is, and continues to be, a "proper person."
- (d) The Municipal Council shall cause an investigation to occur of the facts stated in the application and such other information provided by the applicant.
- (e) No such license shall issue unless the applicant demonstrates that the applicant is or will be actively involved in the sale of secondhand motor vehicles in the City of Taunton. No "pocket licenses" shall be issued.
- (f) The applicant shall submit to the Municipal Council a plot plan of the proposed licensed premises whether or not a plot plan is required by any other provision of law.
- (g) The applicant shall specify all portions of the premises to be occupied and used by the licensee for the purpose of carrying on the licensed business.
- (h) If the applicant has not held a Class 2 license in the year prior to the making of the application, the application shall be completed in duplicate, with one copy being filed with the City Clerk, and the other copy being filed with the Massachusetts Registry of Motor Vehicles.
- (i) No such license shall issue unless the licensee demonstrates that it will have and maintain access at all times to repair facilities on-site or nearby that are sufficient

to enable the licensee to satisfy the warranty repair obligations imposed upon licensees pursuant to G.L. c. 90, § 7N¼.

- (j) The Municipal Council shall deny an application for a Class 2 license unless an applicant demonstrates compliance with all requirements of the City of Taunton zoning ordinances.
- (k) Any licensee, upon application therefor, and upon tendering to the City Clerk the fee set forth in Section 12-216, may seek a change of situation of the licensed premises or for additions thereto. Permits for the same may be granted at any time by the Municipal Council in writing, a copy of which shall be attached to the license.
- (l) Any license granted shall be revoked by the Municipal Council if it appears, after a hearing, that the licensee is not complying with G.L. c. 140, §§ 57 through 69, inclusive, or the rules and regulations thereunder.
- (m) Any license granted shall be revoked by the Municipal Council if it appears, after a hearing, that the licensee has not complied, or is not complying, with the provisions of this Article.

**Section 12-218. Operations criteria. Conditions of license.**

- (a) In addition to the mandatory conditions set forth in subsection (c), below, and the conditions required by applicable zoning ordinances, the Municipal Council may place reasonable conditions and restrictions upon the grant of any Class 2 license including, but not limited to, the number of motor vehicles permitted to be displayed on the licensed premises at any one time. The Municipal Council may request the assistance and advice of the city planner, the planning board, the development impact review board, or any other city official or board, in determining what site-specific conditions, if any, shall be imposed upon the grant of any such license.
- (b) Appropriate fencing may be required if, in the judgment of the Municipal Council, such fencing is necessary to control access to the licensed premises or to maintain the aesthetic value of the immediate neighborhood.
- (c) All licenses shall be subject to the following conditions:
  - 1. No dismantled, incomplete or damaged motor vehicles or parts thereof shall be visible from any public or private way or streets or from any abutting property.

2. All repairs and maintenance of motor vehicles conducted upon the premises, if the same is otherwise permitted to be performed anywhere on the licensed premises, shall be performed only inside an enclosed building.
3. The number and placement of motor vehicles on the licensed premises shall be in accordance with the plot plan and as approved by the Municipal Council, and shall be, at a minimum, in accordance with applicable zoning ordinances. For licensees operating on a pre-existing, non-conforming lot, the Municipal Council shall nonetheless have the authority to require the licensee to undergo the site plan review process, appear before the development impact review board, or otherwise grant a license subject to conditions restricting the number and placement of motor vehicles on the licensed premises.
4. Licensees shall maintain a sufficient number of parking spaces on the licensed premises for customer parking. The number of customer spaces shall be, at a minimum, the number of spaces required by applicable zoning ordinances, and such number of additional customer spaces that the Municipal Council, for good cause shown, shall require.
5. Unless other provisions of applicable law provide for more restrictive hours, no licensee shall operate or be open to the public earlier than 8:00 a.m. nor later than 9:00 p.m.
6. The licensed premises, and any other property in the immediate vicinity thereof, owned or under the control of the licensee or any individual whose identity is required to be disclosed pursuant to Section 12-217(c), shall be maintained in a clean and sanitary manner and shall at all times be kept clean and free of debris.
7. No licensee shall engage in the business of buying, selling, or exchanging of secondhand motor vehicles on any portion of the licensed premises other than those portions of the licensed premises specified under Section 12-217(g) and approved for such use by the Municipal Council.
8. All licensees shall comply with all rules and regulations promulgated by the Registrar of Motor Vehicles defining sufficient repair facilities for holders of Used Car Dealer's Licenses.
9. All licensees shall at all times comply with all requirements of applicable zoning statutes and ordinances.

10. All licensees shall permit any duly delegated agent of the Licensing Authority or any police officer of the City of Taunton to enter and inspect all areas of the licensed premises at all reasonable times in order to conduct an inspection of the licensed premises or to investigate the conditions thereon in order to ensure compliance with the terms of the license or this Article, to investigate complaints of alleged violations of this Article, or to take any other action relative thereto.

- (d) Any license granted shall be suspended or revoked by the Municipal Council if it appears, after a hearing, that the licensee has not complied, or is not complying, with the any of the conditions placed upon the grant of such license or any of the provisions of this Article.

**Section 12-218. New License Application Criteria.**

Any application for a Class 2 license which proposes to conduct operations on any premises which has not been the site upon which a Class 2 licensee has been in actual operation at any time in the past twelve months shall be considered a New License Application. A person who submits a New License Application shall, in addition to the provisions of Sections 12-215 through 12-217, inclusive, be subject to the following requirements:

- (a) The Municipal Council or a committee thereof shall hold a public hearing upon a New License Application. The City Clerk shall cause a legal advertisement of such public hearing to be published at least once in a newspaper of general circulation in the City of Taunton, said publication to be no less than fourteen days prior to the date of the public hearing. The applicant shall reimburse the City Clerk's office in full for the cost of said publication and shall provide evidence of payment and evidence of publication, at the beginning of the public hearing.
- (b) The applicant shall obtain from the Board of Assessors a certified abutters list of all persons owning property within three hundred feet of the proposed licensed premises. The applicant shall, at its cost, and no less than fourteen days prior to the date of the public hearing, mail notice of the public hearing to each person appearing on the list. The applicant shall provide evidence of such notification at the beginning of the public hearing.
- (c) No New License Application shall be granted unless the applicant demonstrates to the Municipal Council at the public hearing each of the following:
1. The proposed licensed site is an appropriate location for such use.

2. The use of the property for the sale of secondhand motor vehicles will not be detrimental to the established or future character of the surrounding neighborhood.
3. The proposed licensed activity on the premises will not create a nuisance or hazard to pedestrians or motorists traveling on public ways.
4. The public convenience and welfare will be substantially served by the granting of the application.
5. The application and the proposed licensed site and operations will otherwise comply with the General Laws of Massachusetts and the Revised Ordinances of the City of Taunton.

**Section 12-219. Severability.**

The provisions of this Article, to include Sections 12-215 through 12-218, inclusive, and all of their respective subsections, shall be deemed to be severable; and if any of said provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, said finding shall not affect or impair the validity of any of the remaining provisions of this Article, which shall remain in full force and effect.

**SECTION 3. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.**

Councilor Pottier stated that it is confusing to some people that this outlaws any private individual from selling cars on their front lawn. He stated that a contact in the City Solicitor's Office pointed out that from Section 1, 12-215 No person, shall engage in the business of buying, selling, or exchanging of secondhand motor vehicles or allow any property under his control to be used as a place of sale. He stated that it means that citizens can still put their car out for sale with a for sale sign. He would like to know outside of the Ordinance being adopted today, what constitutes being in the business of buying and selling? He spoke about how if someone has a different car for sale in their front yard every week, he would argue that they are in the business of selling cars. Councilor Cleary stated that if that happened in this City, Detective Smith would go out and investigate that. The City Solicitor stated that the Ordinance does not prohibit private sales. The language that is in Section 12-215A was taken directly from M.G.L. He stated that he will look into reported cases under that statute that specifically define what engage in the business of, whether that has been construed in the context of this statute. He would be happy to look into that. He stated if it is a repeated thing that someone was doing for profit or income, it is likely to be investigated by the Police. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

**New Business:**

Councilor Costa-Hanlon wanted to wish all the residents of Taunton a Happy Hanukkah.

Councilor Pottier stated that he and Councilor McCaul attended the introduction to the Municipal Modernization Act that the Baker/Polito Administration is forwarding. He

mentioned in a brief e-mail that he sent to the Councilors that there are a lot of things on there that the Council has been wrestling with for the past several months. There are double pole enforcement powers; also there is the opportunity for the Council to deem certain positions outside of civil service without having to go for special legislation. There are also a number of other things that would be interesting for the City to pursue if this legislation were acted accordingly and favorably by Beacon Hill. He stated that it was a great event and Council President Borges attended on the Mayor's behalf. There were some interesting developments that could streamline some of the things that we try to do here in town. Council President Borges stated that this is just a bill but maybe it can be brought back before the Committee of the Whole and send, once they review the whole thing, a positive recommendation to some of our State Representatives.

**Council President Borges motioned to move the Tuesday, January 5, 2016 Municipal Council meeting to Monday, January 4, 2016 during the inauguration. So Voted.**

**Council President Borges motioned to move the Tuesday, December 29, 2015 Municipal Council meeting to Monday, December 28, 2015 at 7:30am. Councilor Costa-Hanlon motioned to amend the Committee Reports to include the 28<sup>th</sup> if it is approved by vote and that the City Clerk notifies the Clerk of Committees tomorrow. So Voted. Councilor Cleary voting in opposition.** Councilor Costa-Hanlon stated that they had a requested continuance which they had to give a date certain and the Committee had to go with Tuesday because they didn't know if the 28<sup>th</sup> would be approved. Councilor Quinn stated that during the meeting, it was referred to as to the morning meeting but with the wrong date. Councilor Cleary asked if the 22<sup>nd</sup> would be a regular meeting. Council President Borges confirmed. Councilor Cleary questioned why the meeting will be held in the morning on the 28<sup>th</sup>. Council President Borges stated that a lot of families go on vacation that week.

Council President Borges wanted to report that the Building Inspector gave the parking garage on School Street their permit as of 3pm today. They will be operational as of tomorrow. If anyone would like yearly parking, they can talk to Liz at the Police Department. If they want monthly parking, it will be met on next Tuesday to see how it will go.

Council President Borges stated that she attended the Open House at the IBEW 223, the Electrical Union and Wentworth College was there. She stated that having the college located there is a great thing for the City. They have great programs and some of the students doing their apprenticeship can jump right into one where they get a certificate on project management until the college becomes accredited in September. In one year, they can obtain an Associate's Degree. She congratulated IBEW 223 for putting this together and welcomed Wentworth College which is supposed to open up in March.

Councilor Cleary asked if the Central Fire Station has 7 allocated spots in the Parking Garage. Council President Borges stated that at the Parking Commission meeting, a vote was taken and they have allowed the Fire Department to have six spots. One is an administrative position spot. It will be for a six month trial period because they have a bond to pay. They want to see what the finances are like before they grant that

permanently. Councilor Croteau stated that they may have a bond to pay but the parking around the Central Fire Station is horrendous. They are a City agency and they have had those spots for years. Council President Borges stated that she agrees and she was in favor of keeping those spots. She stated that they wanted to do that on a trial basis and she was okay with that too. She stated that the Fire Chief and Captain Sylvia were there and they were in agreement as well. They will re-visit in six months.

**Councilor Pottier made a motion to refer to all Department Heads to look over their web pages and update their information as of January, 2016. So Voted.**

Meeting adjourned at 9:45P.M.

A true copy:

Attest:

  
City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
DECEMBER 8, 2015

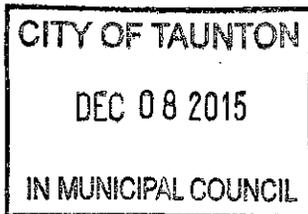
**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WAS BUDGET DIRECTOR GILL ENOS

MEETING CALLED TO ORDER AT 5:56 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS.  
**MOTION:** MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK. SO VOTED.
  
2. MEET TO REVIEW REQUESTS FOR FUNDING  
**MOTION:** MOVE APPROVAL OF REQUEST OF POLICE CHIEF TO TRANSFER \$877.35 AS FOLLOWS:  
\$416.00 FROM POLICE DEPARTMENT ACCOUNT NO. 1-210-5200-5590 – AMMO SUPPLIES  
TO ACCOUNT NO. 1-210-5520- 5999 – AMMO SUPPLIES – PRIOR YEAR  
\$461.35 FROM POLICE DEPARTMENT ACCOUNT NO. 1-210-5200-5598 – K-9 EXPENSE  
TO ACCOUNT NO. 1-210-5520 -5999 – K-9 EXPENSE – PRIOR YEAR

MEETING ADJOURNED AT 5:59 P.M.



RESPECTFULLY SUBMITTED,

*Colleen Ellis*  
COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.

*Rm Blackwell*

CITY CLERK

CITY CLERK  
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CITY CLERK'S OFFICE

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
DECEMBER 8, 2015

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WAS CITY SOLICITOR JASON BUFFINGTON

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

**1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR CLASS II LICENSE OF DENNIS BORGES D/B/A BORGES AUTO CENTER, INC., 157 DEAN STREET**

The Chairman noted that a letter was received from Attorney Biedak to Detective Smith on this matter.

On a point of information, Councilor Cleary said that there has been received a request to continue this discussion when they can be present. He does not see the point of going into a long discussion when it will have to be rehashed again when the parties are present. He feels that this matter should be tabled so it be done at one time. He sees no need to get into a long discussion on this Class II situation because it is complicated and the Committee will have to have the City Solicitor present, and they cannot do all that without the parties being present. The Chairman then asked Detective Smith if he had received any correspondence from Attorney Biedak prior to December 7<sup>th</sup>. Detective Smith said yes.

The Chairman said that the meeting has to be opened and that procedurally, she thinks, read into the record those matters that have been presented prior to the request for a continuance. Procedurally that is the right thing to do.

Detective Smith said that he was not in any position to comment on the letter, and that he forwarded it to the City Solicitor for his advice.

The Chairman read a letter dated 11/27/2015 to Detective Smith from Attorney Frank Biedak regarding 157 Dean Street. The letter stated that attached was a letter from Taunton Federal Credit Union's attorney, and as the City has a copy of the lease it is now evident that the bank has recognized his client's legal position as a tenant.

The letter also said that he was heartened to hear that Detective Smith does not have any issue with his client and views his function as "holding hands" to help applicants through the process. To that end, Attorney Biedak thinks that Detective Smith will see that Mr. Borges has a lease for the property.

Attorney Biedak also said that property could be sold or transferred at any time. This fact would call into question the entire line of questioning regarding the lease. He also said the Committee just approved a license to Leonard's Auto despite the fact that the original applicant according to the City of Taunton's Class II waiting list was an Ed and Jessica, but watching the meeting it would appear that there were only 2 females present. No one bothered to ask if these 2 women would actually be the individuals on location selling the vehicles or if Ed (a presumed male) was involved. The City must treat similarly situated people the same. He also said he would be curious as to whether the TPD verified the Notary Stamp in this most recently approved license. He also said that now that the City has this letter outlining his client's position as a lessor, he fails to see any obstacle to having this license issued.

He also addressed Councilor Croteau's question about the vehicle parked on the property.

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DECEMBER 8, 2015

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

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

Councilor Croteau said that Attorney Biedak makes a statement to the effect that his client has a certificate to conduct business on the property.

The Chairman said that the City Solicitor addresses that in his letter and she will read the letter into the record.

Councilor Cleary said for clarification he is taking the position that his client is a legitimate lessor and as a legitimate lessor he could operate a business there.

Councilor Croteau said without a license?

Councilor Cleary said no not without a license.

Councilor Croteau said there is a car parked there with a sticker on it that says it is for sale.

A letter dated 12/3/2015 to Attorney Biedak from City Solicitor Jason Buffington was read also noting that a copy of the July 3, 2015 letter addressed to Attorney Biedak from Attorney Bruce Rich that was included in Attorney Biedak's letter of November 27<sup>th</sup> is significantly redacted.

The City Solicitor asked that an un-redacted copy be provided. He also said that regarding the application for Class II license for 157 Dean Street, it appears that the Police Department's primary concern involves the validity and legitimacy of the leasehold interest Mr. Borges claims to hold on that location. State law mandates that "no such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information they may require of the applicant, that...he has available to him a place of business suitable for the purpose."

This property was purchased by G & H Comanche Realty Trust from Lynn Borges on 9/3/2013 for the sum of \$550,000. That same day the trust granted a mortgage to and entered into a Commercial Mortgage Security Agreement with the Taunton Federal Credit Union. Also on the same day the trust executed a Conditional Assignment of Leases and Rents. They are both recorded in the Bristol North Registry of Deeds.

No documents discharging the mortgage or releasing the assignment of leases and rents has been recorded, such that it could be inferred that they are no longer in full force and effect. A cursory review of recorded documents would appear to suggest that the Taunton Federal Credit Union has initiated proceedings earlier this year to foreclose on its mortgage. This strongly suggests that the mortgage and assignment of leases and rents is still in effect.

The Commercial Mortgage and Security Agreement states that the "Mortgagor shall not lease the premises or any part thereof, or consent to any sublease or assignment without first having obtained the written consent of Mortgagee..." and the Conditional Assignment of Leases and Rents states that "the Borrower shall not, without having obtained the prior written consent of the Lender...other than in the ordinary course of business, enter into any leases..."

The document advanced by Attorney Biedak's client to evidence his claim of holding a leasehold interest in the property is dated 10/15/14. A careful assessment of this situation cannot be complete without reference to what was also transpiring at that time and the circumstances under which the purported lease was signed.

On 8/20/14 the City Clerk received a complaint alleging criminally fraudulent activity against Borges Auto Center at 157 Dean Street. At that time, Borges Auto Center was operated as a

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DECEMBER 8, 2015

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

DBA R & C Auto, LLC. The complaint was referred to the Taunton Police Department for investigation on 8/26/2014.

The Police Department conducted an investigation in September and early October, 2014. The investigating detective met with Mr. Grasso at 157 Dean Street on 9/19/14, whereupon he found violations of General Laws Chapter 140, section 62. Subsequently the detective learned that both Mr. Grasso and Mr. Henninger retained attorneys. When he sought follow-up information and meetings with the 2 co-owners of the dealership, the detective was advised on 10/3/14 that neither gentleman would make any further statements to the police pertaining to this matter.

In concluding his investigation in early October, 2014, the detective determined that it was likely that numerous criminal violations had occurred in the course of the Class II motor vehicle sales business enterprise operated at 157 Dean Street by R & C Auto, LLC and its co-owners.

On 10/7/14 Detective Smith in writing informed members of the Class II licensing authority in Taunton that he was seeking criminal complaints against Charles Henninger and Robert Grasso, the principals of R & C Auto LLC. Detective Smith suggested to the licensing authority in the same 10/7/14 document that it bring the principals of the business before it to discuss the status of the Class II license.

It was under these circumstances that the purported lease was signed, 8 days after Detective Smith's written notification to the licensing board. The landlord on the purported lease is the G & H Comanche Realty Trust. The financial terms of the purported lease require Mr. Biedak's client to pay one dollar per month in rent, and obligate G & H Comanche Trust to pay all real estate taxes. Section 12 of the purported lease provides that it "shall automatically be subordinate to any and all mortgages...now...encumbering the property."

Reasonable inferences can be made from the circumstances surrounding the signing of the purported lease and the unconventional terms of the purported lease that this document does not reasonably establish that Mr. Biedak's client holds a valid leasehold interest in the premises at 157 Dean Street. The purported lease does not appear to be signed by anyone at the Taunton Federal Credit Union so as to signify its written consent. Further, it would not appear to be "in the ordinary course of business" to lease a commercial property fronting on a state highway for the total sum of one dollar per month.

The conclusions are therefore drawn that the Taunton Federal Credit Union has not granted its written consent to the purported lease, the purported lease is not valid and the purported lease does not vest in Mr. Biedak's client a legally cognizable leasehold interest in the premises at 157 Dean Street. Accordingly, the conclusion is further drawn that the client does not have "available to him a place of business suitable for the purpose" of conducting Class II auto sales at 157 Dean Street. The Police Department and the licensing board look to Mr. Biedak and his client for information to rebut these reasonably drawn inferences and conclusions.

The City Solicitor continued stating that in Mr. Biedak's 11/27/15 letter to Detective Smith he points to the portions of Attorney Rich's letter dated 7/3/15 that he opted to provide as evidence that the Taunton Federal Credit Union has recognized his client as a lawful tenant. This argument is most unpersuasive.

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DECEMBER 8, 2015

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

This is particularly so in light of Mr. Biedak's decision to redact Attorney Rich's letter. Furthermore, the City Solicitor said he had conversations with Attorney Bruce Rich after 7/3/15. He specifically inquired of Attorney Rich whether the Taunton Federal Credit Union has granted its consent to the purported lease. Attorney Rich's emphatic answer was consistently in the negative, an answer that he shared with Detective Smith.

It seems that this whole issue could be put to rest if Mr. Biedak and his client could simply produce a document in which the Taunton Federal Credit Union unequivocally expresses its written consent to G & H Comanche Realty Trust's granting of a valid leasehold interest in the subject premises to his client. The City Solicitor suggests that Attorney Biedak produce such a document. Upon receipt of the document, Detective Smith would be happy to verify its authenticity. In the absence of same, Detective Smith and the Municipal Council are well within their rights to conclude that Mr. Biedak's client does not have "available to him a place of business suitable for the purpose" of conducting Class II auto sales at 157 Dean Street.

Mr. Biedak also wrote in his letter that "the City issued a business certificate to his client to conduct business on the property... If his client has a license to do business from the City, at this location, why would it be prohibited from advertising that it buys cars?"

Mr. Biedak is correct only in so much as it is true that his client, Borges Auto Center, Inc. was issued a "business certificate" under General Laws Chapter 110 Section 5 on 5/4/2015. If his client possesses some other business certificate, he was asked to bring it to the City Solicitor's attention as he is unaware of it.

The City Solicitor continued stated that Mr. Biedak misconstrues what it means to possess a business certificate under this law. The issuance of such a business certificate to his client most certainly does not mean that the City has authorized his client "to conduct business on the property" or that his client "has a license to do business from the city" as Mr. Biedak incorrectly asserts in his letter to Detective Smith.

A review of the statute reveals that his client likely does not need to file a General Law Chapter 110, section 5 certificate at all. The statute requires "any person conducting business in the Commonwealth under any title other than the real name of the person conducting the business, whether individually or as a partnership" to file such a certificate. It clearly states that his client, a corporate entity is not required to file such a certificate so long as it conducts business under its true corporate name.

The City Solicitor further said that this certificate does not itself grant any right whatsoever to conduct business activity. Rather, the purpose of the statute is "for the information and protection of creditors with whom traders contract under artificial description which, in absence of such certificate, might enable actual or responsible debtor for want of identification to escape liability."

As to Attorney Biedak's question why his client might be prohibited from advertising that it buys cars, the Solicitor referred him to General Laws Chapter 140, section 68. The legislature has made it a criminal offense to carry on "the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allowing any property under his control to be used as a place of sale or display of motor vehicles without securing a license." Persons violating this section are subject to a fine or imprisonment of up to one year or both.

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DECEMBER 8, 2015

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

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

Councilor Croteau asked Detective Smith, since there are 2 sites, one is 157 Dean Street and the other is 9 Cape Road, if all of the required documents for either site are available to the Committee recommending that the sites are OK.

Detective Smith said no.

Councilor Croteau asked why the Committee should even consider the requests for either location when the documents before the Committee are not appropriate. He further said the Committee has no choice but to deny the requests. In his opinion the requests for the licenses are not appropriate. He further said he would not support continuing these matters and if the person wants to send in another request in January, that is fine.

**MOTION: INVITE THE CITY SOLICITOR IN. SO VOTED.**

A letter dated 12/7/15 of Attorney Biedak was read in which he acknowledges a 12/2/15 letter he received. The letter said that Mr. Borges recently had surgery in Boston and is not medically capable of attending the meeting on December 8, 2015. He asked that the items be placed on the agenda for the middle of January, 2016.

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

Councilor Cleary said for his clarification where there has been a legitimate letter from an Attorney requesting a continuance, has the Committee ever denied a continuance. He further said that in all his years on the Council he has never denied the client the opportunity to continue a case in order to better prepare.

Councilor Costa-Hanlon said that her suggestion was that the Committee allow this to continue to the 22<sup>nd</sup> or the 29<sup>th</sup> or some other date still within 2015. She said that she sent an e-mail on this and one of the Councilors reminded her that this was a renewal and not a new application and she does not think the Committee can continue this past 2015, because that is when all of the applications expire. If we continue it to then what the Committee will in effect be doing, will be allowing an application that started in 2015 under the 2015 regulations to be grand-fathered into 2016 and that is not fair to everybody else.

Councilor Cleary said for years Class 2 licenses were always late and were approved, to which Councilor Costa-Hanlon said no that they were never approved after the year.

Councilor Croteau said this has already been continued several times and the message is always the same – it is being continued so they can put their package together in a condition that the Committee can truly consider it. This message has been given several times. He is questioning how logically this can be continued this since it has been continued several times already.

The City Solicitor said that there are 2 applications for the same applicant, and that he was asked to look into the 157 Dean Street matter only. He was somewhat aware of the situation but not directly involved. He was asked to be involved in this when Detective Smith received a letter during Thanksgiving week. He looked into the matter and drafted the letter which was read into the record above.

He further said that at this point in time it does not appear that the Committee could grant a license to this gentleman at 157 Dean Street. He also said that one additional issue he wants to bring to the Committee's attention is and the applicant would have to take

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DECEMBER 8, 2015

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

care of before he could receive a license, and it has to do with the fact that there was a previous applicant who had at this location a license that was revoked by the Council. The law talks about that once that happens no new license shall be granted to such person thereafter nor to any person for use on the same premises without the approval of the Registrar. So before a license could be issued at this location for this applicant there would have to be a demonstration that the Registrar of Motor Vehicles had approved it.

The City Solicitor said at this point in time it is up to the Council to decide what to do. However, if he was on the Committee he would be inclined to let the person have a couple of weeks. Perhaps he has some information from the Credit Union, but he thinks it may be unlikely. Councilor Costa-Hanlon said she is concerned with a continuance because it extends into the period that the license would terminate. She is open to continuing this until the 15<sup>th</sup>, 22<sup>nd</sup> or 29<sup>th</sup>.

Councilor Croteau said his concern is how many times is this going to be continued.

Councilor Cleary made the following motion:

**MOTION: TO CONTINUE THIS MATTER UNTIL DECEMBER 29<sup>TH</sup>.**

**COUNCILORS CLEARY AND COSTA-HANLON VOTING IN FAVOR, COUNCILOR CROTEAU VOTING IN OPPOSITION. MOTION CARRIES.**

**2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR CLASS II LICENSE OF DENNIS BORGES FOR C.A.C. (CONSUMER AUTO CLUB) TO BE LOCATED AT 9 CAPE ROAD, STE #1.**

Councilor Cleary made the following motion, seconded by Councilor Costa-Hanlon.

**MOTION: TO CONTINUE THIS MATTER UNTIL DECEMBER 29<sup>TH</sup>.**

Councilor Croteau requested an amendment to the motion that there be no further continuances, but Councilor Cleary did not wish to add this to his motion.

**3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH TO DISCUSS TWO BUSINESSES OPERATING WITHOUT LICENSES AT 1850 BAY STREET – FORTUNE TELLER AND AN INDIVIDUAL SELLING USED ARTICLES ON A DAILY BASES WITHOUT A SECOND HAND ARTICLE LICENSE AT 585 COUNTY STREET.**

Detective Smith said that regarding 1850 Bay Street he did look up Mass. General Law Chapter 140, section 185I which says that *No person shall tell fortunes for money unless a license therefor has been issued by the local licensing authority. Said license shall be granted only to applicants who have resided continuously in the city or town in which the license is sought for at least twelve months immediately preceding the date of the application. No such license shall be transferred or assigned. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, the fee for each license granted under this section shall be two dollars, but in no event shall any such fee be greater than fifty dollars. Whoever tells fortunes for money unless licensed under this section shall be punished by a fine of not more than one hundred dollars.*

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DECEMBER 8, 2015

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

Detective Smith said with that on the table, he has no proof that they are telling fortunes at this address, they are advertising, and unless they go undercover and do a sting he does not know. The cost of doing an investigation and a sting to recoup a \$2.00 license without an actual complaint would not be worth it. They are advertising, but are they doing it on their property. The sign says to call a number.

**MOTION: TO SEND A LETTER TO THEM NOTIFYING THEM OF THE LAW AND IF THEY ARE CONDUCTING THAT BUSINESS AT THE PROPERTY, THAT THEY NEED A LICENSE AND THEY ARE TO CEASE AND DESIST OPERATING UNTIL THEY GET A LICENSE. COMMITTEE TO RECEIVE COPIES OF THE LETTER. SO VOTED.**

Regarding 585 County Street, Detective Smith spoke with the resident there who is in his late 70's. He is not conducting a business, he is not buying anything. He puts stuff out as in a yard sale and there is no ordinance regarding yard sales.

**Motion: TO DISMISS THIS ISSUE.  
COUNCILOR CROTEAU VOTED IN OPPOSITION. MOTION CARRIES.**

**4. MEET WITH THE POLICE CHIEF REGARDING ROSE BUD GLASSES BEING SOLD IN SOME OF THE CITY'S BUSINESSES WHICH CAN BE UTILIZED AS DRUG PARAPHERNALIA.**

The Chief provided a letter which stated that the administration and he have had lengthy discussions on this and related issues over the last several years. He has also spoken with the District Attorney's Office on this issue. There are 2 issues with enforcement. The first is defining drug paraphernalia under the statute when it comes to dual use items. He attached jury instructions to simplify the explanation. The particular items that are being discussed here are the so called "rose bud vases", which are basically glass tubes with a fake rose in them. They historically have been used by individuals to smoke crack cocaine, an issue they have seem move to the wayside because of issues with heroin. Some communities have banned the "rose buds" either through ordinance or Board of Health regulation. That is an option for the City if the Council wishes to pursue that avenue and he included a sample ordinance from Lynn. His concern over the issue of enforcement of the statute stems from the fact that they do have several businesses in Taunton that a comprehensive ordinance would potentially impact and could result in legal challenges to the ordinance. The City has a substantial number of businesses that sell glass pipes and other "dual use" items that are specifically geared towards the ingestion of marijuana. With Taunton hosting a medical marijuana facility and the potential legalization of marijuana over the next several years, he is not sure if enforcement efforts would be warranted with the limited resources that the department has at its disposal.

**MOTION: TO SEND A COPY OF THE CHIEF'S LETTER TO THE BOARD OF HEALTH. SO VOTED.**

Councilor Costa-Hanlon said that her concern is that just because we cannot enforce all of it doesn't mean that we should not at least try to have something on the books. The Chief said that businesses have actually moved to Taunton because there is no ordinance on this.

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DECEMBER 8, 2015

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

**MOTION:** TO REFER THIS TO ORDINANCE COMMITTEE TO ADD ROSE BUD GLASSES TO THE EXISTING ORDINANCE RELATIVE TO SYNTHETIC MARIJUANA. SO VOTED.

5. **MEET WITH THE POLICE CHIEF TO DISCUSS THE ISSUE OF MARIJUANA IN OUR COMMUNITY, HOW WE WILL PROTECT OUR CITIZENS FROM THE USE OF MARIJUANA IN PUBLIC PLACES AND ANY TYPES OF ORDINANCES THAT THE COUNCIL COULD INSTITUTE TO MAKE IT EASIER FOR POLICE NOW THAT MARIJUANA IS LEGAL.**

The Chief provided a letter dated 12/6/2015 which stated that marijuana use is still illegal within the Commonwealth. There is a medical marijuana exception that has been approved allowing for medical use of marijuana. Based upon potential ballot initiatives, marijuana may be legal in Massachusetts in the next year or two.

He attached samples of ordinances and by-laws from other communities which reflect what he believes the Council is requesting. These regulations have a common theme of identifying locations where the consumption of marijuana would not be permissive.

**MOTION:** THAT THE POLICE AND LICENSE COMMITTEE TAKE THIS UNDER ADVISEMENT, REVIEW IT AND COME BACK WITH RECOMMENDATIONS. SO VOTED.

6. **MEET WITH THE POLICE CHIEF TO DISCUSS E-MAIL RECEIVED FROM CIVIL SERVICE REGARDING SPANISH SPEAKING OFFICER AND UPDATE ON LATERALS.**

Letter dated 12/6/2015 from the Police Chief was read in which he states that he has not seen the particular email but did receive one from the City Clerk looking for 2 pieces of information. The first dealt with the number of non-English speakers in the community. He does not possess this information. He provided the Clerk with 2010 United States Census information relative to Spanish speakers in an attempt to meet this requirement. The second question dealt with crimes and incidents involving non-English speakers. As previously stated, and relayed to the Clerk, the police department does not collect this information so there is no data to provide HRD relative to this.

Relative to a Spanish speaking lateral, the department posted the job opening on the Massachusetts Criminal Justice Information System. This posting is slated to remain open until late January 2016. He provided an electronic copy to Jacob Negrón, President of the Massachusetts Latino Police Officers Association for distribution to his membership. He also posted it on social media. As of this date, he has received only 1 inquiry concerning the position and this officer was from the state of Missouri and would not be eligible under the laws of the Commonwealth.

**MOTION:** RECEIVED AND PLACED ON FILE. SO VOTED.

Councilor Costa-Hanlon asked the Chief to reach out to the Courts as they may have statistics on arrests. The Chief said he has done this and they do not have this information available.

7. **MEET WITH THE POLICE CHIEF TO DISCUSS HIS WRITTEN PLAN FOR THE DEPARTMENTS 1-5 YEAR REVIEW.**

The Chief provided a letter which stated that as discussed at a previous meeting this will be a lengthy process. He has currently requested that the Command Staff start a self-assessment for

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DECEMBER 8, 2015

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

this purpose and he anticipates discussing it with members of the supervisory staff at an upcoming staff meeting. At some point they will form a formal committee for this process and will likely look for a council representative to serve on it.

**MOTION: PLACE ON FILE. SO VOTED.**

Councilor Costa-Hanlon noted that the person to sit on the formal committee should be the Chairman of the Committee on Police and License.

Councilor Croteau said he would agree with it being someone from Police and License but if the Chair chose not to do it then the Chair could appoint a designee.

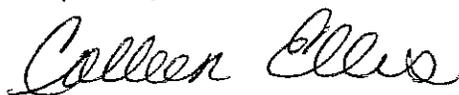
Councilor Croteau said he would like to establish a timeframe for the first meeting of the formal committee.

The Chief said the Committee has not been formed yet and that he has a staff meeting on December 14<sup>th</sup>. This is where it will be discussed how to move forward.

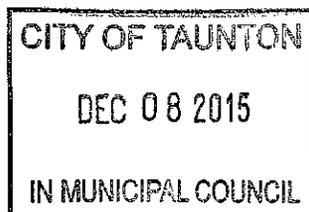
**MOTION: SCHEDULE MEETING FOR THE FIRST MEETING IN JANUARY AND THE PERSON ON THE FORMAL COMMITTEE SHOULD BE THE CHAIRMAN OF THE COMMITTEE ON POLICE AND LICENSE OR HIS OR HER DESIGNEE. SO VOTED.**

MEETING ADJOURNED AT 7:10 P.M.

Respectfully submitted,



Colleen M. Ellis  
Clerk of Council Committees



**REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.**



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
DECEMBER 8, 2015

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, POTTIER AND BORGES. ALSO PRESENT WERE BUILDING INSPECTOR BOB PIROZZI, WILLIAM MANGANIELLO AND BARBARA MULLEN OF THE HISTORIC DISTRICT COMMISSION, AND PARKS, RECREATION AND PUBLIC GROUNDS DIRECTOR MARILYN GREENE

**MEETING CALLED TO ORDER AT 7:15 P.M.**

**1. MEET WITH THE BUILDING INSPECTOR AND MEMBERS OF THE HISTORIC DISTRICT COMMISSION TO DISCUSS DEMOLITION OF BUILDING ON ARLINGTON STREET**

The Chairman stated that the reason this meeting is being held is that there was a building within the Historic District that was demolished and the Historic Commission never received the information on the building or the application for the demolition. In the meantime the Building Inspector was using an ordinance which gave him permission to give the permit if he did not receive any information back from the Commission. There are all kinds of issues that caused this to happen, and that will be let go because there is nothing the Committee can do about it now. The building is gone. What the Chairman would like to do now is moving forward, make sure this does not happen again and make sure that the Commission has what it needs to do its job.

Mr. Pirozzi was asked to provide what the process is to give the permit and Mr. Manganiello will tell us from his side of the fence what went wrong, and from there recommendations can be made to the Mayor's Office and perhaps Ordinance Committee.

Mr. Pirozzi said that the normal procedure for a demolition permit would be to tell the applicant to bring the application in for the demo permit and that they will also need pictures of the building from each side for Historical Commission. Those are provided to his office so that they can copy the pictures, and they would normally put those in the Historical Commissions mailbox in City Hall and then send an e-mail to the Commission telling them that the application and the pictures were there for review.

Councilor Carr said the first 2 things that come to mind for her are that the mailboxes are open to whoever walks by them out in the hallway. Basically the Building Dept. secretary is putting it in their mailbox, but yet the Historic District never got the papers, somehow it was not in the box, which is an issue. The second issue is that the Building Department sends an e-mail but nobody ever gets a confirmation that the e-mail was received. Apparently this was sent to the wrong e-mail address and the Commission did not receive the e-mail.

Mr. Pirozzi said in the short term to make sure that we do not run into this problem again, he made sure that everyone in the office has the correct e-mail address and moving forward they will be sending it over return receipt requested, so they can be certain the e-mail was received. Mr. Manganiello said that to date the Commission has no presence in City Hall and is essentially operated out of someone's kitchen on a notebook computer that was recently provided to the Commission by the City. Prior to that a computer was provided by the secretary which was their own personal computer, which brought up records issues. To begin, they need a presence here

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THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

at City Hall on a daily basis simply because having a part time secretary who may be working other jobs cannot be here when a permit is received. It could be a day or 2 lapse which may have been one of the issues they faced here. They need a presence here in a City Department, and his recommendation would be the Building Department since most but not every permit application that would come before the Historic District Commission would originate in the Building Department. Getting the presence is key to having a person here to field questions and coordinate applications.

Mr. Manganiello also said the phone number on the City's website is a prepaid cell phone. Prior to that the number was his office direct line and that became disruptive to his daily business so they discontinued that. The Commission then voted to spend the money to obtain a cell phone. To him, this is tragic and also unreliable. They need a person and a phone to start with. The other thing needed is better coordination with the permitting process. Several years ago when the City was implementing the online permitting process the Historic District Commission was not included. He further said that when a permit comes in most every other City department knows it is here, they have an opportunity to respond accordingly. The Historic District Commission is relying on paper copy, receiving an e-mail and in some cases throughout the history this was sent to the wrong e-mail address. The saving grace was that he was copied on his personal e-mail line so he intercepted it. The last check and balance that came in to play is that if they were running near a deadline to process an application, they generally get a call from Mr. Pirozzi. This really should not be necessary because he thinks they need at least in the paper run that is sent out there is a signature box that in addition to their Certificate of Determination they need to actually physically sign off on it so that the signature is with them. They cannot explain the absence of this one application, but he strongly recommends moving the mailboxes from the public area because his fear is that the documents were just pulled out of there by someone.

He said that they need to move as quickly as possible in obtaining staff, because having a part time person with limited hours per month just does not work.

Councilor Carr said that she agrees and that some of the new ordinances will have a good effect on some of these issues.

Councilor Carr said to recap, Mr. Pirozzi will make sure that he gets a return receipt so that he knows that the Commission has received the e-mail. They are going to let the IT Department know that they are going to have only 1 e-mail so it will always go to the same place. They need a presence in City Hall, at least a desk and a person. It does not have to be a full time person, and they need to be added to permitting process to sign off with another signature line. Also the department mailboxes should be taken out of the corridor.

Councilor Quinn asked if Mr. Pirozzi makes the determination that a building is in the Historical District first or does the Historical Commission get the notice and leave it to them to make that determination. Mr. Pirozzi said it would depend on the applicant. If the applicant knows they are within the District they can go directly to the Historical Commission. If they come to him for a demolition permit, he would take a look and see if it falls within the Historical District. He further said that they have missed a couple in the past but are trying to avoid that, and the

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**THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED**

other layer of checks and balances that he would like to see is to put an Historic District overlay into the GIS map so that would come up as a red flag if it was in the District.

Mr. Manganiello said that the Historic District Commission receives all demo permit applications simply because the Commission also has jurisdiction over structures that are outside the District if they are of historic significance. Any demolition that comes in should go to the Historic District Commission.

Mr. Manganiello said the Commission is looking for support in staffing and a City Hall presence. It is important to have a physical presence. Someone currently in City Hall could take on these duties.

Councilor Marshall said he has some concerns, and that there is a problem but not a huge problem. There should be a desk provided for the Commission and they should have their own number and phone line, but he cannot see staffing this as he feels that someone can be cross trained possibly in the Building Department. They should have their own line with their own private voice mail.

**MOTION: TO REFER THIS MATTER TO THE MAYOR'S OFFICE AND MR. MANGANIELLO TO DECIDE WHAT THEY NEED AS FAR AS STAFFING AND COVERAGE, TO REFER TO THE IT DEPARTMENT TO SET UP A PHONE LINE AND E-MAIL ADDRESS. A STATUS UPDATE TO BE PROVIDED IN 45 DAYS FROM MR. MANGANIELLO IN WRITING. ALSO TO WORK ON A GIS OVERLAY FOR THE HISTORIC DISTRICT AND TO WORK WITH HISTORIC COMMISSION FOR A LIST OF BUILDINGS THAT ARE IN THE HISTORIC DISTRICT OR OUTSIDE THE DISTRICT. SO VOTED.**

**2. MEET TO DISCUSS LOCATING A DOG PARK IN THE CITY.**

The Chairman noted that over the past year there has been discussion regarding the possibility of building a dog park in the City. They have been made aware that there is a grant available and it is a very good grant. Tonight is to begin the very preliminary action of getting a dog park by discussing the grant, hearing any input from anyone, and then refer this to the Mayor's office. There are 3 or 4 requirements that the City must provide in order to apply for the grant and that is what will be referred to the Mayor for approval. Once he approves those requirements then it can begin in earnest to bring a dog park to the City.

Because the dog park would fall under Park and Recreation Mrs. Greene has been involved in some of the basic things, and they have spoken to the grant writer about the grant to make sure they understood what it was asking for.

The Chairman read a document which stated that the program is now open and accepting applications. It is called the Stanton Foundation grant and part of its mission is encouraging positive dog/human relationships. These grants will cover up to 100% of the design costs and 90% of construction costs. Grants typically range from \$100,000 to \$250,000. Annual follow on capital grants for repair and improvement equal to 5% of construction costs are available for 3 years following the opening of the park.

Town contributions required include land, water lines, other basic infrastructure, 10% of construction costs and ongoing maintenance. The grant process is not competitive; proposals will be awarded to all towns that can make these required contributions.

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**THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED**

While the decision to build a dog park has the potential for enormous benefit for the community, it also requires a major commitment of time and energy from the town as a whole. If the town is enthusiastic about bringing a dog park to the community and is willing to commit to the process, the Stanton Foundation encourages you to apply

Councilor Carr noted that the grant can be anywhere from \$100,00-\$250,000, the grant is a 90% pay back, so if we were to build a dog park for \$100,000 it would cost the City \$10,000 and they would pay \$90,000. If a park was built costing \$250,000 it would cost the City \$25,000. It is non-competitive which means that we do not have to compete with other cities and towns for that grant, it is given to every single city and town that is willing to provide the things they require. Those requirements are that it must be on town land, it must have potable water, we would have to provide them with a letter that states that the land is on town owned land, we do not have to give them a specific site, but if we have a specific site we can, but we can provide several sites. We just have to make sure they are all on town owned land. Right now there is no specific site, but some people have sent in recommendations for a site, but whatever site is chosen or recommended all have to be vetted, they have to meet all of the requirements, so when the process reaches that point it will be discussed, but right now there will not be a discussion about a site. Another requirement is that the town meet the 10% commitment, provide a point person, the town is to select a design firm that has previously designed at least 1 dog park and the Mayor must sign an MOU.

Councilor Carr said that the Mayor has shown his support for a dog park.

Councilor Borges stated that she is in favor of this, that it is a 90% grant with the City responsible for 10% plus the cost of basic infrastructure such as water lines, parking, etc.

Other requirements for the dog park are that there must be fencing, potable water and shade.

Councilor Marshall said he supports the concept but his concern is that he would be more comfortable if he knew the site. Before anything can be done, Park and Recreation needs to agree to the site and take it under their auspices. He would like to get a short list of 3-5 sites, vet them then Park and Recreation can bring them to the Council

Councilor Carr said that the Committee needs to make sure the Mayor will provide what is needed and the site. She suggested putting together a committee to work on this.

Councilor Marshall asked if parking is billable to the grant to which it was answered yes, parking and access.

The Mayor addressed the Committee and said he is reviewing the documents and that a spot must be narrowed down. It is within the City's grasp to have such a park, rules will need to be set up but there are a lot of possibilities out there.

**MOTION: TO REFER THE REQUIREMENTS THAT MUST BE PART OF THE ASSURANCE LETTER AND THE FUNDING FOR THE DOG PARK TO THE MAYOR FOR HIS CONSIDERATION AND ASK HIM TO GET BACK TO THE COMMITTEE IN 4 WEEKS WITH HIS THOUGHTS ON THIS MATTER. SO VOTED.**

Eric Cyr of Jackson Street addressed the Committee and said he is in favor of a dog park.

Councilor McCaul also said he likes the concept and would like to have the Animal Control Officer involved in this also.

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**THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED**

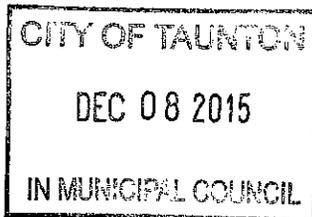
Councilor Cleary said he feels this is a good idea but he would try to be a little more definitive in the motion. He would like to see a motion that Mrs. Greene works with the Mayor and drafts an assurance letter. You do not have to have a spot selected or anything, just get the assurance letter showing that Taunton is interested, submit it to the Public Property Committee for approval and send it, then step 1 would be over. He would rather see this done rather than wait 4 weeks for an update.

**MOTION: TO HAVE MRS. GREENE OF PARK AND RECREATION WORK WITH THE MAYOR TO DRAFT THE ASSURANCE LETTER FOR APPROVAL BY THE PUBLIC PROPERTY COMMITTEE. SO VOTED.**

Both Councilors Quinn and Croteau voiced their support for a dog park and Councilor Costa-Hanlon asked how would the public be advised of the next steps.

Councilor Carr said that this can be put on the web site, Facebook, the Gazette and also something could be put in the TMLP bills.

**MEETING ADJOURNED AT 8:09 P.M.**



RESPECTFULLY SUBMITTED,

*Colleen Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

**REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.**

*Rm Blackwell*

**CITY CLERK**

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
DECEMBER 8, 2015

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

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL, QUINN AND CARR. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON AND HUMAN RESOURCE DIRECTOR MARIA GOMES.

**MEETING CALLED TO ORDER AT 8:10 P.M.**

**1. MEET TO REVIEW MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF TAUNTON MANAGEMENT ASSOCIATION AND THE CITY OF TAUNTON AND EMPLOYMENT CONTRACTS FOR DPW COMMISSIONER AND TREASURER/COLLECTOR**

The City Solicitor stated that what is before the Council is a Memorandum of Agreement that the Mayor and the union have entered into. It is subject to the Council's approval of a request for funding necessary to fund the cost items contained in it. Mrs. Gomes submitted the figures for the costs associated with this to all Councilors this evening. As part of this process in the negotiations with the union the City has secured an agreement with the union to remove 2 of the most senior level managers in the City who are in the union, which are the DPW Commissioner and the Treasurer/Collector. What goes along with the Memorandum of Agreement is the simultaneous execution of individual employment contracts with the Treasurer/Collector and the DPW Commissioner now that they would be non-union employees folds. Their contracts are based largely upon the other non-union contracts. The COTMA agreement provides a 2% raise for the first year and a 2% raise in the second year.

**MOTION: THAT MRS. GOMES MEMORANDUM SHOWING THE COSTS BE MADE PART OF THE RECORD. SO VOTED.**

Councilor Cleary questioned the amounts provided by Mrs. Gomes. Mrs. Gomes noted that the numbers reflect the removal of the DPW Commissioner and Treasurer/Collector positions from the COTMA union, showing only the first 23 weeks of salary reflected in total costs. Also reflected in the calculations is the cost increase for 6 positions moving from 32.5 to 40 hours per week.

These people are getting a 10% increase in pay, but they are losing flex time.

Councilor Croteau asked for clarification between the contract and the charter. The contract states that there must be just cause for not reappointing someone but that the charter does not require just cause.

Councilor Costa-Hanlon noted that the Animal Control facility manager issue was addressed but she would like the issues regarding the conflicts with the charter to be addressed.

It was also noted that the DPW Commissioner and Treasurer/Collector positions appointments still rests with the Council. The DPW Commissioner, in his contract it is for a 5 year term so his reappointment will expire on September 7, 2019. The Treasurer/Collector is a 3 year term and her contract runs out in May of 2016. Discussed was re-appointing the Treasurer/Collector earlier.

It as stated that the contracts for the Treasurer/Collector and DPW Commissioner are not linked to any union contracts.

Councilor Pottier asked regarding the 40 hour positions, are they working five 8 hour days or are

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

they managing their own time. Mrs. Gomes said 4 out of the 6 have the same hours but with reduced lunches.

Councilor Croteau again stated that the issue still is there is nothing in the Charter that says you must have just cause to not re-appoint someone, you can just not re-appoint. These 2 people, while under COTMA had to have just cause to not be re-appointed.

Councilor Carr asked why only 2 people were removed from COTMA when 6 additional people went to 40 hours, to which it was said that the reason was they are the most senior level managers. It was also noted that all, including the other 6, are getting the same increase. The City wanted to get rid of flex time so they identified the positions getting the most flex time. It was also noted that the DPW Commissioner got a stipend that has now become part of his pay.

**MOTION: TO APPROVE THE COTMA CONTRACT. SO VOTED.**

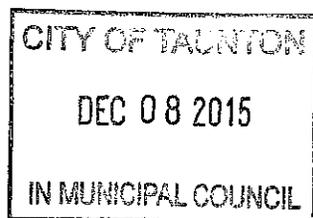
**MOTION: TO AUTHORIZE THE MAYOR TO SIGN THE INDIVIDUAL EMPLOYMENT CONTRACTS FOR THE DPW COMMISSIONER AND THE TREASURER/COLLECTOR. SO VOTED.**

The Council President noted that it had been mentioned appointing the Treasurer/Collector earlier and asked the Solicitor how to go about doing that.

The City Solicitor said it is really just a matter of putting it on the agenda and deciding if the Council wants to do that.

**MOTION: TO REFER THIS TO THE COMMITTEE OF THE COUNCIL AS A WHOLE FOR A MEETING IN 3 WEEKS OR THE FIRST OF THE YEAR TO DISCUSS THE TREASURER/COLLECTOR BEING APPOINTED EARLIER THEN MAY OF 2016. SO VOTED.**

MEETING ADJOURNED AT 8:46 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED,  
RECOMMENDATIONS ADOPTED.

CITY CLERK



# CITY OF TAUNTON

ORDER #8  
FY 2016  
DECEMBER 8, 2015

*In Municipal Council* ..... 20.....

*Ordered, That*      **THE SUM OF EIGHT HUNDRED SEVENTY SEVEN DOLLARS  
AND THIRTY FIVE CENTS (\$877.35) BE AND HEREBY IS TRANSFERRED AS FOLLOWS:**

**\$416.00 FROM POLICE DEPARTMENT ACCOUNT NO. 1-210-5200-5590 – AMMO SUPPLIES**

**TO:      ACCOUNT NO. 1-210-5520- 5999 – AMMO SUPPLIES – PRIOR YEAR**

**\$461.35 FROM POLICE DEPARTMENT ACCOUNT NO. 1-210-5200-5598 – K-9 EXPENSE**

**TO:      ACCOUNT NO. 1-210-5520 -5999 – K-9 EXPENSE – PRIOR YEAR**

..... *Clerk.*