



*City of Taunton  
Municipal Council Meeting Minutes*

*In the Chester R. Martin Municipal Council Chambers  
Minutes, September 22, 2009 at 7:00 O'clock P.M.*

*Regular Meeting*

*Mayor Charles Crowley presiding*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilor's Barbour, Buffington, Carr, Marshall, Fiore,  
Pottier, Costa-Hanlon, Hoye  
Councilor Croteau was absent*

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

*Hearings:*

At this time, a motion was made to reopen the hearing for the Fire Chief. So Voted. Motion was made to invite the parties into the enclosure. So Voted. At 7:05 PM, a motion was made to enter into Executive Session to review documentation that Ms. Gomes provided due to the fact that the City Solicitor was not here. The Mayor stated we will reconvene in open session. **On a roll call vote, 8 Councilors present, 6 Councilors voting in favor of going into executive session. Councilors Pottier and Costa-Hanlon voting in opposition. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor of coming out of executive session. The Mayor stated one motion was made in executive session by majority vote. The Council motioned to accept the settlement agreement with the Fire Chief, Leman Padelford. Any questions regarding that matter will be referred to the City Solicitor. Motion was made to close the hearing and excuse the parties at 8:00 PM. So Voted.**

Motion was made to revert out of the regular order of business to Old Business. So Voted.

At this time, a discussion took place on Railroad Avenue Sewer Betterments with the City Treasurer/Collector and the Mayor. Councilor Buffington requested to add Garden Street as a courtesy and the Mayor stated Garden Street and any of those other streets as well. **Motion was made to invite Ms. Ross into the enclosure. So Voted.** Councilor Hoye stated to Ms. Ross that a lot of citizens are questioning why when the City borrows at 2% do they have to payback at 5% and asked her to explain this. She stated that MGL Ch. 80, Section 13 states the betterment assessment interest rate is 5%. For example if the borrowing rate was 7% or 9%, we can go 2% above the 5%. Councilor Hoye asked Ms. Ross if this was for the entire Commonwealth and not just Taunton and she stated it is for the entire Commonwealth. Councilor Pottier stated that it seems the City will be making 3% on the difference between the two which is thousands of dollars per homeowner because we are charging five percent. Ms. Ross stated that it does not match

up that way. When you talk about a 2% SRF Loan, it is not really 2%. There are origination fees and administration fees and other fees that get added into there. It is a good deal to borrow under the Commonwealth but sometimes in the long run it is more costly. Councilor Pottier asked if we have a term sheet of our costs of the funding and what the outflow of the funding will be? Ms. Ross stated not yet. That is still in process through the SRF that loan has not been completely bonded yet and until it is completely finalized she does not even have the figures on it. Councilor Barbour asked what would be the detrimental component be to the community if we negotiate that 5% down lower? Ms. Ross stated you start opening Pandora's Box in the sense that there are betterments all over the City, not just sewer betterments, but water, etc. that can be assessed and if the guideline is sitting there be Mass General Law, it gives you something to rely on. If you start changing that by having this group charging 2%, another charging 3% it becomes more of a political issue in that manner than if you stay with the status quo. Councilor Barbour stated he appreciates that and the reason he asked was because taxpayers in the area have been asking that question. He stated he agrees it is difficult to readjust the rules once this has begun. Councilor Costa-Hanlon asked if at times we charge different rates for a betterment, perhaps if there is a grant involved? Ms. Ross stated not under a betterment that she is aware of. The betterments are strictly straight forward. She stated off the top of her head, she does not remember anytime a betterment has been other than 5%. Councilor Costa-Hanlon asked Ms. Ross if it is her opinion that the City has never assessed a betterment of anything less than 5% interest? Ms. Ross stated correct. Ms. Ross stated if an error was made there would be an abatement process before the Council. There have been several abatement processes followed that once it is approved by the council and goes back through and the Assessor abates it then it comes off the tax bill. The Collector is the last person down the line. We do not set the rate or determine how much it costs. Councilor Costa-Hanlon asked if there were grants that were to be used for a betterment would she be aware of that and would it come through her office? Ms. Ross stated mostly these are borrowed funds. The loan authorization goes through her office and comes from the Water Department, DPW or the old Sewer Department. They would tell her what they need for a project just like the Power Street project. Councilor Costa-Hanlon asked how that was calculated. Ms. Ross stated it was calculated the same way a 5% betterment after all the charges were finalized and they knew exactly what it was going to cost then they did the apportionment to the Assessor and the Assessor then sent it to the collector who sent the letters to these people to let them know how much they would be paying. At this time the Mayor asked if anyone here had any questions. Carolyn Mulcahey, 20 Garden Street stated she understands what everyone is saying and does not feel the 5% is the issue. She feels the issue is she was given a letter with a figure of \$11,500.00 if grants did not go through. If the grants were not being offered, then why were people telling the residents they were? She spoke with a gentleman named Manny who everyday came to check on the spot and he again stated this was the price. She stated it is in writing that this is the price from a letter signed by Jon O'Connell, City Engineer dated November 24, 2004. She also stated she has other letters dated April 10, 2001 with signatures of residents who were interested and a letter dated February 3, 1998 showing the interest. She was not on the street at that time and was told they needed at least 1 person more to get this. She had just moved into her home and put in a \$30,000.00 septic system so there was no need for her to tie into the city sewer. However, having a stub in front of a home is great for resale. She stated when they came around with the letters, her husband agreed to around \$10,000.00 and he was told it

would be \$11,500.00. Now they have a bill for \$24,000.00 or more with less than two weeks to pay it and if it was not paid within a month they could spread the payments out but it would cost \$30,000.00. She states the City wants to charge her for something that she doesn't even want to use. She said the City has had five years to get this together and for five years no one has done anything about it until thirty days before. She wants DPW and Manny here telling her how much it costs. She said the real issue is what you told us in writing and in person. The City Engineers told her this. She said she found out what was happening when they started digging on her street. She feels this is highway robbery and that is not okay. She was told, in a letter, there was a grant process and asked who didn't write the grant or apply for it. The residents were told that the grant money might even cover the \$11,500.00. She stated that the City needs to pay and fix this. She stated she is not paying this and the City is forcing her out of her home. She wants to see in writing the cost to do this dig on Garden Street. She stated she doesn't want to hear excuses, but who dropped the ball. The Mayor stated the project cost was \$352,529.00 as he understands. It was allegedly constructed in 2006, 2007. The Mayor stated MOCD seeks out loans but in this case, no grants were available. Ms. Mulcahey asked why the residents were not notified. The Mayor stated he did not know who was notified off the top of his head. Ms. Mulcahey stated the Council and the Mayor are here to help residents. The Mayor stated there are a number of issues here. He states we have all the other projects approved by the Council, including Duffy Dr., Matthews Landing, Davenport St., Winthrop St., Phase II of Winthrop Street from 3 mile River to Burt Street, Harris Street. He said it is not simple to give exemptions. She stated she just wants to pay what was agreed to. He said the costs will be shifted to other residents on other streets. There were other options that the Council asked to look into such as grinder pumps but then you have to look at the connection fees that are \$2,200.00 alone. If you make an exception, then you have to do it for every other project. She said the issue at hand is that they were spoken to and provided written information on what the cost would be. She said they want to know why if at any point the price changed, why didn't they get notified as they were paying. The Mayor stated that the documents he has are previous to the project being done so he is not sure how she could have gotten an assessment as they usually do not know what it will be until the project is done. **Motion was made to excuse Ms. Ross. So Voted.** Ms. Mulcahey read a letter dated November 2004 signed by Jon O'Connell stating the estimated cost is \$150,000.00 distributed over 13 abutters making each resident's 100% betterment charge approximately \$11,500.00 and payable over a period up to 20 years through the tax bill plus the interest rate established by the Assessors Office over the selective time period which is typically 5%. The Mayor read a letter from Mr. Federico, Beta Group, dated today stating the Garden Street Sewer expansion Project provided sewer to 17 properties, 14 on Garden Street, 2 Woodlawn Street, 1 on Spruce Street at a total cost of \$352,539.00. The project was constructed in the 2006-2007 season. Garden Street sewer betterments are \$20,737.00 which are the same as the residents on Railroad Ave. which is 5% interest if a payment plan is chosen. There were no grants associated with the project. The project was constructed under the state's Clean Water State Revolving Fund Program that issues low interest loans to communities for waste water related projects. Betterments for that Street are typical for what can be expected for the current SRF Loan program. The letter states that a typical septic system ranges in cost from \$20,000.00 to \$30,000.00 depending upon the severity of soil and ground water conditions. She stated if each resident had privately connected, it would have only cost each of them \$10,000.00. She feels they are charging

rates that are current, not what was the rate 5 years ago when the project was quoted to each resident and that is not fair. Councilor Costa-Hanlon stated there was a suggestion to have the DPW people here but she does not know what they will add. She states we have Beta Group's letter. They are saying the project was completed in 2006-2007 but the testimony states the construction began in 2005. She states the City knew there were major health issues in 2001 according to a letter sent to residents regarding raw sewerage. She stated this is a unique situation and if any other streets come and ask for some sort of abatement. She feels that the City should bear some sort of burden of this slipping through the cracks. She doesn't know what we can do. She does not blame anyone, but we should consider some kind of abatement because it seems as though we innocently dropped the ball. She stated she understands it will be shifted to other people, but she feels strongly that in five minutes if residents of Davenport Street come in and say they do not want to pay that amount, she feels we can distinguish this case from their case. The Mayor stated often times this letter is sent out at a standard procedure with a ball park figure. The actual final cost is somewhat different than the estimated cost. Then once the cost is finalized. He stated if the Council agrees to offer any kind of relief, the City will have to eat that amount and every other taxpayer in the City will have to pay. Councilor Costa-Hanlon stated she understands what the Mayor is saying. She read what Mr. Federico wrote and there was no rocks and it was a competitively bid project but it was a huge amount of time. She understands the reluctance to put in a figure but she wonders if they knew what the price was going to be, would they have signed to do the sewer project. She stated if a letter was sent out to inform them that it would be a longer project or delayed project in the mean time, then she would feel differently. Ms. Mulcahey states she should have been given the option of opting out. The Mayor feels all the communication should be chronologically arranged to determine how these communications fit in. Councilor Hoye stated he has the whole packet of information from 1997 on with everything for Railroad Ave. in the DPW Committee. The Mayor asked if the DPW Committee had spoken on the Garden Street issue? Councilor Hoye stated no. The Mayor stated everyone should be brought together, Fred, Mr. Federico to talk about Garden Street. Ms. Mulcahey asked the Mayor to reiterate what he feels her point is. The Mayor stated she is trying to suggest the total cost is \$11,000.00 but by being here several times, usually it is a guesstimate that goes out initially. She stated that is where the Mayor is wrong on what she thinks. The Mayor stated what happens here, communications routinely go out with a figure that is not the final figure to determine interest. She stated she understands the word approximate but if she says her pen costs \$2.00 then comes back and states that it costs \$35.00, there is a problem. She feels the Mayor is missing the point. If the figure had come back at \$15,000.00 no one would have had a problem because that is approximate. The Mayor feels this issue should be put into perspective with any other communications sent to Garden Street. Ms. Mulcahey stated there were none. The Mayor said he needs all the experts and appropriate people here. The Mayor asked what is wrong with having everyone here. Ms. Mulcahey stated she asked for that at the beginning of the hearing. She also feels that the Mayor is downplaying what the issue is. She feels this meeting would be to explain to residents what happened which is fine but they were never notified and that is not fine. Next time they should be fair and quote a more accurate price. Councilor Hoye stated she spoke with Ms. Mulcahey when they were meeting and he is not sure why Mr. O'Connell put that figure in writing. He stated we ask for surveys and get the result for surveys. He Stated it was an estimate and typically the City does not place figures on letters. Ms.

Mulcahey does not want to be downplayed as people who do not understand. She feels it is not fair that the City does not want to pay the bill, but neither do the residents and that is not what the residents signed for. She wants a solution, but one that means they pay the bill, but the portion they were told. She asked if we have another meeting should residents bring their lawyer? The figure Joe gave was \$20,734.00. Her figure was \$24,000.00. Councilor Hoye stated these were done by petitions from residents on the street. He thinks if this is the result, the City should consider not doing these projects. Ms. Mulcahey stated that that is childish. Councilor Hoye stated the betterment could not be put in until the project is done. He stated we have 200% betterment projects and the recent two are both nightmares right now. The City has to consider the way they are done and approached. Councilor Fiore states we have a very serious problem with communication. He doesn't know where any money would come from to abate this but if people have gotten information to plan better, they could have made other considerations on this project. They got a letter with the price in 2004, the work was done in 2006-2007, then in 2009 they were given this bill. The communication is more serious than the money issue. He does not feel that this is the way to be a taxpayer. Ms. Mulcahey stated when she moved into the home, a gentleman delivered the same letter from 2004 to her when the project began. **Councilor Costa-Hanlon motioned that we assess the sewer betterment on Railroad Ave. and Garden Street at \$15,000.00 per house. She does not feel having DPW there would change anything and they have all the information. Motion was not seconded. The Mayor stated he thinks this should be referred to the DPW for the experts to discuss. Councilor Fiore motioned that the Council, Mayor, DPW and residents to explore what can be done to offer relief. Motion was not seconded.** At this time, Bob Newhall stated he was on the Conservation Commission when some of these people came before the commission with the DPW. He stated one house was completely flooded and his septic system was failing. They were told Railroad Avenue was going to be done with the 138 project. They were told they would get assistance, all you could smell was raw sewerage on Railroad Avenue. They should have gotten relief. At this time, Matt Souza, 12 Railroad Ave. spoke. He stated he has lived in Taunton since 1981. He stated back then, there were no betterment fees. He feels the DPW people should be here tonight to answer questions. Don't like how the City is combining East and South Railroad Ave. and Garden Street. He feels each should be separate. This has been something residents have been asking to do for years. Why did this finally happen in 2006-2007? Is it because he blew the whistle and called the state? Why did this take 30 years. He feels the state made this happen because the City would not do it themselves. He stated he cannot afford the betterment fee, and he is selling my house. At this time, George Ferreira, 24 Railroad Ave. spoke. He stated he never once received a letter with any estimate or numbers. If we knew up front, we would have opted out. He stated Railroad Ave. never received a letter. He says there has to be some sort of estimate on the betterment charges even though Councilor Hoye said they do not know the cost until the work is done. We are trying to stay away from litigation and asked the Council for relief. At this time, Tom Larkin, 55 Garden Street, stated if he knew the cost, he would never have had this project done. His septic system was fine two years ago, his home was new when he got this letter. By the time he pays this, he could have had three new septic systems. He stated he has a problem with the Mayor stating why opening Pandora's Box if we give everyone an estimate and then stick to that estimate. Why should the City not have to do business like the rest of us. He stated he does construction and if he gives an estimate and then the cost is more than 3

times the estimate, then he has to eat that additional money. Also, Ms. Ross stated the City charges 5%, the City does not deviate from that, why open Pandora's Box. If it means helping the Citizens by lowering the payments and percentage rate that is what should be done. Just because you do not always do something, does not mean that you can't. The Mayor stated the only point is if for example not having to pay the grinder pump or connection fee, there are a lot of these projects being done throughout the City and it would not be fair to give this to Garden Street. The Council would be faced with the same issue on each street. Whatever relief is provided on this street should be provided to everyone. **Motion was made that the Committee on the Department of Public Works meet with Joe Federico, Fred Cornaglia, and the entire leadership of the DPW Team again to address Railroad Avenue, Garden Street, Spruce Street to discuss the context of the communications that went out and to document the provisions and we can study some options for possible relief. Councilor Hoyer stated he feels he and the Mayor should meet with whoever wants to look at viable options this week or early next week and make a decision and refer the results to the Mayor's Office or the DPW Sub-Committee. The Mayor said they will meet with Joe Federico and company in his office. Councilor Hoyer motioned to suspend the due date for the betterment assessments. Councilor Costa-Hanlon asked how people would find out about a decision. Councilor Hoyer stated it would be discussed here. So Voted.**

**Orders, Ordinances, and Enrolled Bills**

**Order for a first reading to be passed to a second reading**

Ordered That,

**\$3,100,000.00** is appropriated, for the Asbestos Abatement and Remediation of the Boiler Hall project at the Taunton Municipal Lighting Plant's West Water Street Generating Facility, consisting of the removal of asbestos in such facility and costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow **\$3,100,000.00** under G.L. Chapter 44 or any other enabling authority; and that the Municipal Light Commission is authorized to take any other action necessary to carry out this project. **Motion was made to pass to a second reading. So Voted. Motion was made that the Committee on the Needs of the TMLP meet to discuss this loan order to borrow money. So Voted.**

**Order for a first reading to be passed to a second reading**

Ordered That,

**\$4,150,000.00** is appropriated, for the Enterprise Resource Planning (ERP) System Upgrade project for the Taunton Municipal Lighting Plant (TMLP), consisting of the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems and the development, design, and purchase of computer software incident thereto for the TMLP; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow **\$4,150,000.00** under G.L. Chapter 44 or any other enabling authority; and that the Municipal Light Commission is authorized to take any other action necessary to carry out this project. **Motion was made to pass to a**

**second reading. So Voted. Motion was made that the Committee on the Needs of the TMLP meet to discuss this loan order to borrow money. So Voted.**

**Motion was made to recess to Committee Meetings at 9:25 PM. So Voted.**

**Motion was made to revert back to the Municipal Council Meeting at 11:18 PM. So Voted.**

**Appointments:**

At this time, the Mayor reappointed Carol Welch to serve on the Board of Registrars of Voters for a term of four years expiring in April 2013. So Moved.

Councilor Pottier named Olga Andrade as the appointment to the Evictions and Discontinuance Board from the Manufactured Homes Task Force. So Moved

**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. **Councilor Buffington requested on a roll call vote to appoint Matthew J. Skwato as Police Sergeant effective September 22, 2009 and Darrell Borges as Police Sergeant effective September 23, 2009. Councilor Pottier asked the Mayor if these are funded for this year. The Mayor stated no. Councilor Pottier asked if we will back fill with Patrolman and the Mayor stated no, we have no funding. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Both Police Sergeants were invited into the enclosure to be sworn in by the City Clerk.**

**Communications:**

Com. from Risk Manager requesting to pay a prior-year bill in the amount of \$6.87. **motion was made to move approval. So Voted.**

Com. from City Engineer advising of an Earth Removal Permit amendment application submitted by Aggregate Industries for Pit No. 35. **Motion was made to move approval and refer to a public hearing. So Voted. Councilor Marshall voting present. So Voted.**

Com. from Chairman, Taunton Planning Board stating that they are in receipt of the Proposed Zoning Change submitted by Richard Shafer, et als for land located on Industrial Park Road and Bay Street as shown on Assessor's Map Lots 14-5, 14-4, 14-2 and a portion of 14-1. The proposal is to re-zone property from its present Industrial and Suburban Residential District to Business District. **Motion was made to receive and place on file. So Voted.**

Com. from Michael Crossman, Lutheran Church of the Way, 110 Robinson St., Raynham requesting use of the electronic sign to advertise their Family Safety Day on October 3, 2009. **Motion was made to move approval. So Voted.**

Councilor Pottier read a communication submitted by Karen Capelo-Zankul of the Amanda Kelly Foundation requesting use of the electronic sign to advetise the 3<sup>rd</sup> Annual

Family Fun Day on October 4, 2009 from 1:00 PM –6:00 PM at the Taunton Sports Club. **Motion was made to move approval. So Voted.**

Councilor Carr read an extra communication submitted by Scott Travis, Benjamin T.J. Mills Fund requesting use of the electron sign to advertise their 2<sup>nd</sup> Annual Family Bike Ride on September 27, 2009. **Motion was made to move approval. So Voted.**

Councilor Carr read a communication submitted by the Support the Taunton Skate Park group requesting use of the electron sign to advertise their 1<sup>st</sup> Annual Meat on a Stick on Saturday, September 26, 2009 from 1PM-4PM at the Lafayette Club. **Motion was made to move approval. So Voted.**

**Petitions and Claims:**

Petition submitted by Stephanie Marr, Phoenix Coin LLC, 14109 N 83<sup>rd</sup> Avenue, #137, Peoria, AZ requesting a new Old Gold License to be located at the Holiday Inn, 700 Myles Standish Boulevard, Taunton on October 5-9, 2009. **Motion was made to refer to the Committee on Police and License. So Voted.**

Petition submitted by Joyce Leonard, requesting a renewal of her News Rack License – DBA- Seventh-Day Adventist Church located at 109 Winthrop Street, Taunton. (1 Newspaper Box) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Decision of the Development Impact Review Board on the Petition for the Departmental Site Plan Review for a 54,193 sq. ft. addition and 130 parking spaces at 225 John Hancock Road, Taunton which located in an Industrial District. **Motion was made to receive and place on file. So Voted.**

**Unfinished Business:**

Councilor Costa-Hanlon motioned that the Committee on Ordinance and Enrolled Bills discuss the review of the department heads. So Voted.

Councilor Pottier motioned that the DPW Committee receive a status update on the communication that was sent to the DPW Commissioner concerning the cracks on the side of the road near 362 Tremont Street. As trucks travel on said road, the houses shake. Therefore he motioned that the DPW Commissioner report his findings back to the DPW Committee. So Voted.

Councilor Pottier motioned to refer to the Committee on Police and License and the Police Chief to discuss the Community Police Officer Program and what their tasks and rolls and responsibilities are. So Voted.

Councilor Barbour motioned that we appoint Ron Nastri as the Interim Fire Chief. So Voted.

Councilor Barbour motioned that the Zoning Enforcement Officer provide an update on the Refuge for next week's meeting on September 29, 2009. So Voted.



Numerous Councilors motioned that the Commissioner of Parks, Cemeteries and Public Grounds have the brush taken care of at the following locations: Corner of Fairview and Winthrop Street – The brush is hiding a fire hydrant, Dighton Avenue toward Mello's Auto, corners of Kingman Street and Seekell St. and Kingman Street and South Precinct Street, Stevens Street from the railroad bridge to Pinehill Street, Dana Street, and corner of Partridge Circle and in front of 233 Fremont Street.

Councilor Buffington motioned that the DPW Commissioner report back to the Committee on the Department of Public Works as to when the final paving will be completed on West Britannia Street near Eldridge Street on the work that the gas company is performing. So Voted.

Councilor Marshall motioned that the Committee to the Council as a Whole meet with the Human Resource Director and the City Solicitor to discuss Cook and Company's performance. Additionally, that the Human Resource Director provide a cost-saving analysis of what kind of cost-saving we have garnered by using this company. So Voted.

Councilor Marshall stated that when events are conducted on the grounds of Taunton High School, the lawn is being trampled on. Therefore, he motioned that the Building Commissioner speak with Gilbane to determine if it is possible to place temporary fencing and reseed the lawn. So Voted.

Councilor Pottier motioned that the Interim Fire Chief provide an update to the Municipal Council on the status of the "safety of the fleet" of his department. So Voted.

Councilor Costa-Hanlon motioned that the Council receive an update on projects relating to the 50/50 Ordinance, any project within the next 3 or 4 months. The Mayor stated it should go through his office.

Councilor Costa-Hanlon motioned that the Committee on Police and License discuss, with the City Engineer, the traffic flow around the North Walker Street (ext.). Additionally, that the City Engineer look at this area and report back to the Committee. So Voted.

Councilor Costa-Hanlon motioned that the Committee on Police and License discuss phone card machines, as they will need a vendor's license in our City. This was discussed at the License Commission Meeting and Councilor Costa-Hanlon asked that the Committee on Police and License discuss this issue. So Voted.

Councilor Hoye motioned that the DPW Committee receive an update from the DPW Commissioner on the Cobb Brook extension for their next meeting. Additionally, provide an update on West Water Street and Fifth Street. So Voted.

Councilor Barbour motioned that the Commissioner of Parks, Cemeteries and Public Grounds and the Director of Human Services update the Municipal Council if an annual senior event is going to take place this year. So Voted.

Councilor Barbour stated that the Clerk of Committees office should remain private and we need to ensure the privacy of the Clerk of Committees Office.

Councilor Buffington motioned that the Committee on Fires and Wires discuss, as soon as possible, a contract with Interim Fire Chief Nastri. So Voted.

**New Business:**

Meeting adjourned at 11:50 P.M.

A true copy:

Attest:

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

City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 22, 2009

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILOR  
POTTIER

MEETING CALLED TO ORDER AT 5:50 P.M.

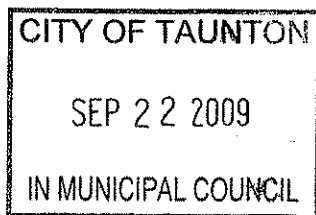
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY  
DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR  
THE WEEK

MEETING ADJOURNED AT 5:51 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 22, 2009

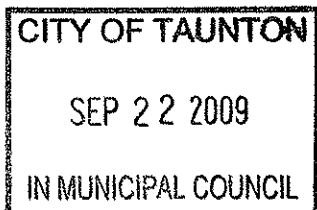
**THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS COSTA-HANLON AND BUFFINGTON. ALSO PRESENT WERE CITY SOLICITOR STEVEN TORRES, ACTING CHIEF DANIEL MCCABE, PATROLMAN JOHN MUNISE, AND ED CORREIRA AND JOHN CORREIRA OF THE TAUNTON LANDLORD ASSOCIATION

**MEETING CALLED TO ORDER 6:11 P.M.**

1. **MEET WITH THE CITY SOLICITOR, ACTING POLICE CHIEF, OFFICER JOHN MUNISE AND LANDLORD ASSOCIATION MEMBERS TO DISCUSS PROPOSED NUISANCE ORDINANCE**  
THE PURPOSE OF THIS ORDINANCE IS TO ADDRESS REPEATED VIOLATIONS AT PROPERTIES. IT DEFINES NUISANCE ACTIVITY, DEFINES CHRONIC NUISANCE ISSUES. THE 21 D PROCESS WILL BE USED AS DISPOSITION FOR ORDINANCE COMPLAINT. THE ORDINANCE WILL ADDRESS HABITUAL PROBLEMS WITH PROPERTIES.  
THE ORDINANCE DEFINES A CHRONIC NUISANCE PROPERTY AS A PROPERTY ON WHICH COMBINATIONS OF THREE OR MORE NUISANCE ACTIVITIES OCCUR OR EXIST DURING ANY SIXTY-DAY PERIOD.  
DISCUSSED WAS HAVING A LIAISON FROM THE POLICE DEPARTMENT AS BEING THE BEST WAY TO GO.  
ALSO DISCUSSED WAS THE NEED TO DRAFT AN ORDINANCE TO PROTECT THE DILIGENT LANDLORD. THE ORDINANCE NEEDS TO ADDRESS ISSUES WITH ABSENTEE LANDLORDS WHO DO NOT CARE.  
IT WAS NOTED THAT THE ORDINANCE EXEMPTS HOUSING AUTHORITY PROPERTY AS THEY ALREADY HAVE PROCESS IN PLACE.  
THE ORDINANCE WILL ALLOW AN ADDITIONAL TOOL TO BE USED AGAINST A NEGLIGENT LANDLORD.  
IT WAS ALSO NOTED THAT PERHAPS AN EDUCATION PROCESS SHOULD BE IMPLEMENTED REGARDING HOW TO DO CORI CHECKS, ETC. ON PROSPECTIVE TENANTS  
DISCUSSED WAS CONTINUING DISCUSSION ON THIS MATTER IN ORDER TO GIVE THE LANDLORD ASSOCIATION TIME TO MEET AND DISCUSS THIS ORDINANCE FURTHER.  
**MOTION:** TO CONTINUE DISCUSSION ON THIS MATTER FOR FOUR WEEKS.

**MEETING ADJOURNED AT 6:45 P.M.**



RESPECTFULLY SUBMITTED,

*Colleen M. Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 22, 2009

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE COUNCILOR JASON BUFFINGTON, CHAIRMAN AND COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, ACTING CHIEF JOHN REARDON, LT. DANIEL MCCABE AND DETECTIVE DENNIS SMITH.

**MEETING CALLED TO ORDER AT 9:41 P.M.**

1. **MEET WITH THE ACTING POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:**
  - A. **HENRY BRENNAN, 32 BELMONT ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL – SCHOOL CROSSING ONLY**
  - B. **JOHN LAWRENCE, 650 CRANE AVENUE SOUTH, TAUNTON – NEW**  
**MOTION: MOVE APPROVAL – UNRESTRICTED**
  - C. **CONSTANCE MISH, 50 PINE ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL – SCHOOL CROSSING ONLY**
  - D. **LINDA PERRY, 47 PAT-REE DRIVE, EAST TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL – SCHOOL CROSSING ONLY**
  - E. **SALVADOR PINA, 15 KNIGHT ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL – SCHOOL CROSSING ONLY**
  - F. **RICHARD SPEARIN, 272 HARRIS ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL – SCHOOL CROSSING ONLY**
  
2. **MEET WITH THE DPW COMMISSIONER AND CITY ENGINEER TO DISCUSS INTERSECTION OF TREMONT AND WASHINGTON STREETS**  
THE DPW COMMISSIONER COULD NOT BE PRESENT TONIGHT. THE COMPLAINT WITH THIS INTERSECTION IS THAT WHEN VEHICLES ARE LEAVING THE OLD MALL, THE GREEN LIGHT IS ON FOR TOO SHORT A TIME. THE DPW IS PLANNING TO DO A TRAFFIC COUNT AND TRAFFIC STUDY WHICH SHOULD BE DONE IN A COUPLE OF WEEKS.  
**MOTION: REFER MATTER TO NEXT MEETING**
  
3. **MEET WITH THE MAYOR, CITY SOLICITOR, CITY ENGINEER AND DPW COMMISSIONER TO DISCUSS INTERSECTION OF WEIR STREET AND TAUNTON GREEN**  
THE CITY ENGINEER IS SHOWING THAT IN ORDER TO ROUND OFF THE CORNER OF WEIR STREET AND TAUNTON GREEN, 151 SQUARE FEET WOULD BE NEEDED. THE CITY IS WORKING WITH EARTH SERVICES GROUP TO HAVE A SURVEY DONE TO DETERMINE THE PROPERTY LINE AS THE CITY WILL NEED TO KNOW THE BOUNDARY MARKERS. THIS WILL TAKE A COUPLE OF WEEKS.  
ALSO, REGARDING LINCOLN STREET, WHICH IS ON THE OTHER SIDE OF THE PROPERTY, RESEARCH NEEDS TO BE DONE TO DETERMINE WHETHER THIS IS A PRIVATE OR PUBLIC WAY. IF THE CITY OWNS LINCOLN STREET, IT MAY BE POSSIBLE TO GIVE THE PROPERTY OWNER PART OF LINCOLN STREET IN EXCHANGE FOR THE CORNER.  
ALSO, THE T.M.L.P. HAS SOMETHING UNDERGROUND AT THIS LOCATION SO THEY WOULD HAVE TO BE INVOLVED.

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

IT WAS REPORTED THAT THE TOTAL COST WOULD BE IN THE LOW SIX FIGURES, BUT THE DPW COMMISSIONER SAID THAT CHAPTER 90 MONEY MAY BE AVAILABLE NEXT YEAR.

**MOTION: PLACE THIS MATTER ON THE AGENDA IN A COUPLE OF WEEKS.**

**4. MEET WITH THE MAYOR AND ACTING POLICE CHIEF TO DISCUSS THE FINANCIAL IMPACT OF FAILING TO PROMOTE TWO PATROLMEN TO THE RANK OF SERGEANT**

IT WAS REPORTED THAT THERE HAVE BEEN NUMEROUS MEETINGS HELD ON THIS SUBJECT. THE MAYOR REPORTED THAT WHEN THE LIEUTENANTS IN THE POLICE DEPARTMENT RETIRED, AN AGREEMENT WAS REACHED WHEREBY HE WAS NOT GOING TO FUND THE TWO SERGEANTS POSITIONS. HE FURTHER INFORMED THE COMMITTEE THAT A GRANT APPLICATION HAS BEEN FILED THAT WOULD PROVIDE FUNDING FOR THE HIRING OF 9 INDIVIDUALS – 2 SERGEANTS AND 7 PATROLMEN.

THE MAYOR FURTHER SAID THAT THERE IS NO COST BENEFIT IN PROMOTING THE TWO PATROLMEN TO SERGEANT AND THAT IT WILL ALSO MEAN LESS MEN ON THE STREET.

LIEUTENANT MCCABE FEELS THAT IF TWO PATROLMEN ARE PROMOTED TO SERGEANT THE DEPARTMENT WOULD SAVE \$36,000.00 IN OVERTIME. HOWEVER, THE MAYOR DISAGREES BECAUSE OF THE MINIMUM MANNING PROVISION IN THE CONTRACT.

THE MAYOR FEELS THAT THE GRANT WILL PROVIDE THE REVENUE FOR 2 SERGEANTS AND 7 PATROLMEN AND WANTS TO WAIT UNTIL THE CITY FINDS OUT WHETHER THE GRANT HAS BEEN AWARDED TO THE CITY. ALSO, THEY WILL FIND OUT FROM THE STATE SOMETIME IN OCTOBER WHETHER OTHER CUTS WILL BE MADE. HE FURTHER STATED THAT IN THE CURRENT BUDGET THERE IS FUNDING FOR 15 SERGEANTS FOR THE FIRST PART OF THE YEAR ONLY AND 13 SERGEANTS FOR THE SECOND PART OF THE YEAR.

**MOTION: TO PROMOTE THE TWO PATROLMEN TO SERGEANTS**

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

A. IT WAS REPORTED THAT RESIDENTS ARE RECEIVING CALLS FROM A TELEMARKETER, SOMETIMES SEVERAL TIMES A DAY, SAYING THAT THEY ARE FUNDRAISING FOR THE POLICE DEPARTMENT. THE ACTING CHIEF SAID THAT THE SUPERVISORY UNION HAS HIRED A COMPANY TO DO THIS FUNDRAISING AND THAT IT IS A LEGITIMATE COMPANY.

**MOTION: REPORT BACK TO COMMITTEE IN WRITING AS TO WHAT THESE FUNDS ARE USED FOR.**

B. THERE WAS A CONCERN OF A TELEPHONE POLE IN THE ROADWAY NEAR THE SECTION OF WORCESTER STREET BETWEEN ROUTE 140 AND THE INTERSECTION OF TREMONT STREET AND NORTH WALKER STREET. A REPORT OF THE SAFETY OFFICER WAS PROVIDED IN WHICH HE STATED THAT HE MET WITH REPRESENTATIVES FROM VERIZON AND TMLP AND IT WAS AGREED THAT THE POLE SHOULD BE MOVED.

**MOTION: RECEIVED AND PLACED ON FILE**

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

C. THE SAFETY OFFICER WAS REQUESTED TO LOOK AT THE POLES ON SOUTH CRANE AVENUE AS RESIDENTS FEEL THAT THEY ARE TOO CLOSE TO THE ROADWAY.

D. SAFETY OFFICER REPORTED THAT A REQUEST REGARDING OVERGROWN BRUSH AT 293 SOUTH CRANE AVENUE WAS REFERRED TO HIM. HE OBSERVED NO OVERGROWTH OF BRUSH THAT OBSTRUCTED THE VIEW.

E. IN REGARD TO REQUEST TO HAVE THE SAFETY OFFICER LOOK INTO THE PLACEMENT OF STRIPPING ON POOLE STREET AS IT COMES OUT ONTO MIDDLEBORO AVENUE AND ALLOWS A LEFT OR A RIGHT TURN, IT WAS REPORTED THAT THE SAFETY OFFICER OBSERVED THE LOCATION IN QUESTION. TO MAKE A LEFT AND RIGHT TURN LANE AT THIS LOCATION WOULD INVOLVE THE WIDENING OF THE ROAD. THE UTILITY POLE WOULD HAVE TO BE MOVED AND A RETAINING WALL BUILT ALONG THE SIDE OF THE ROAD. AN ENGINEERING STUDY WOULD ALSO BE NEEDED FOR THE PROJECT.

**MOTION: REFER TO THE D.P.W.**

F. SAFETY OFFICER WAS ASKED TO LOOK INTO THE CONCERN OF CARS BEING PARKED ON THE SIDEWALK ON WILLIAMS STREET AT THE NEW FOOTBALL FIELD NEAR THE NEW ELIZABETH POLE SCHOOL FORCING PEDESTRIANS TO WALK IN THE STREET. THE SAFETY OFFICER PROVIDED A REPORT WHICH STATED THAT HE OBSERVED THE AREA OF WILLIAMS STREET IN QUESTION AND HE BELIEVES ANY ON-STREET PARKING IN THIS AREA IS A HAZARD FOR MOTORISTS TRAVELING THROUGH THE AREA. HE RECOMMENDS THAT NO PARKING BE POSTED ON BOTH SIDES OF WILLIAMS STREET FROM THE INTERSECTION OF WILLIAMS STREET AND HON. GORDON OWEN RIVERWAY GOING EAST TO A POINT 100 FEET EAST OF HARRIS STREET INTERSECTION WITH WILLIAMS STREET. PERSONS SHOULD BE USING THE PARKING LOTS AT THE SCHOOLS IN THE AREA.

**MOTION: REFER TO THE CITY SOLICITOR, CITY ENGINEER AND COMMITTEE ON ORDINANCES AND ENROLLED BILLS**

G. IT WAS REPORTED THAT AT THE END OF SCHOOL STREET AT THRASHER STREET THERE IS A YIELD SIGN. SHOULD A STOP SIGN BE AT THIS LOCATION?

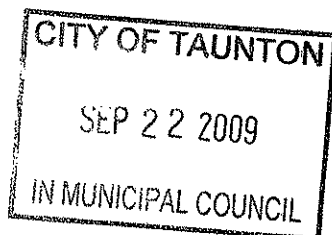
**MOTION: TO HAVE THE SAFETY OFFICER LOOK INTO THIS.**

MEETING ADJOURNED AT 10:28 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  
SEPTEMBER 22, 2009

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

PRESENT WERE: COUNCILOR DAVID POTTIER, PRESIDENT AND COUNCILORS BARBOUR, BUFFINGTON, CARR, MARSHALL, FIORE, COSTA-HANLON AND HOYE. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, CITY SOLICITOR STEVEN TORRES AND BUILDING COMMISSIONER ROBERT PIROZZI

**MEETING CALLED TO ORDER AT 10:39 P.M.**

1. **MEET WITH THE MAYOR, CITY SOLICITOR AND ROBERT PIROZZI, BUILDING COMMISSIONER TO DISCUSS PROCESS USED IN ISSUING A CELL TOWER PERMIT TO A TAUNTON PROPERTY OWNER**
2. **MEET FOR AN OPEN DISCUSSION ON IMPROVING PERMIT PROCESS TO PREVENT PERMITS BEING ISSUED TO PROPERTY OWNERS WHO OWE FUNDS TO THE CITY.**

THE MAYOR INFORMED THE COMMITTEE THAT HE COMPILED A LIST OF MONEY OWED BY MR. MURPHY FOR TAXES, FIRE DETAILS, ETC. MR. MURPHY REQUESTED A MEETING WITH THE MAYOR, AT WHICH TIME THE MAYOR GAVE HIM A COPY OF ALL OF THE OUTSTANDING BILLS. THEY DISCUSSED THE ISSUE OF THE MONEY BEING OWED. MR. MURPHY MENTIONED TO THE MAYOR THAT HE WANTED TO DEVELOP THE MILL COMPLEX, AT WHICH TIME THE MAYOR INFORMED HIM THAT HE WOULD NOT BE ABLE TO GET ANY PERMITS UNLESS HIS OUTSTANDING BILLS TO THE CITY WERE PAID. MR. MURPHY THEN TOLD THE MAYOR THAT HE HAD RECEIVED A PERMIT REGARDING THE CELL TOWER ON THE PROPERTY AND THAT THE MONEY WOULD BE PAID IN OCTOBER.

AFTER THIS MEETING, THE MAYOR SPOKE TO MR. PIROZZI REGARDING THE PERMIT. THE BUILDING DEPARTMENT COLLECTS INFORMATION FOR A TAX STATUS FORM ONLY FOR NEW CONSTRUCTION. IN JUNE, MR. PIROZZI SENT A LETTER TO THE MAYOR AND COUNCIL IN RESPONSE TO A REQUEST FOR A RECOMMENDATION TO CHANGE THE REQUIREMENT OF THE TAX STATUS FORMS FOR THE ISSUANCE OF BUILDING PERMITS. MR. PIROZZI STATED THAT UPON REVIEW OF THE PERMITS ISSUED TO DATE, HE BELIEVES A MONETARY THRESHOLD OF \$50,000 IN ADDITION TO PERMITS FOR NEW CONSTRUCTION WOULD BE ADVISABLE. THIS AMOUNT WOULD STILL EXCLUDE THE MANY SMALL PERMITS THEY ISSUE.

DISCUSSED WAS THE ISSUE OF THE AMOUNT OF TIME IT TAKES TO COMPILE THE TAX INFORMATION FROM THE TAX COLLECTOR, WATER DEPARTMENT ETC. THE MAYOR INFORMED THE COMMITTEE THAT HE HAS SPOKEN TO THE AUTOMATION DEPARTMENT TO HOPEFULLY ESTABLISH A DATA BASE SO THAT ALL DEPARTMENTS CAN ACCESS OUTSTANDING BILL INFORMATION.

**MOTION: UNTIL SUCH TIME AS AN ORDINANCE IS PREPARED, FOR ANY PERMIT IN EXCESS OF \$50,000.00 FOR BOTH COMMERCIAL AND RESIDENTIAL A TAX STATUS FORM IS REQUIRED**

ON DISCUSSION, IT WAS FELT THAT THE \$50,000 DOLLAR AMOUNT WAS TOO HIGH AND THAT IT SHOULD BE \$20-25,000.00



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SEPTEMBER 22, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

**MOTION: TO AMEND THE ABOVE MOTION TO BE ANY PROJECT \$25,000 OR OVER FOR BOTH COMMERCIAL AND RESIDENTIAL, A TAX STATUS IS REQUIRED. THIS POLICY IS TO BE EFFECTIVE BEGINNING TOMORROW, SEPTEMBER 23, 2009. REFER THIS TO ORDINANCE COMMITTEE AND CITY SOLICITOR TO DRAFT ORDINANCE.**

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

IT WAS REPORTED THAT THE CITY SOLICITOR SENT A COPY OF A CONTRACT RELATIVE TO THE GOLF COURSE TO THE COUNCIL MEMBERS, REQUESTING THAT THIS MATTER BE PUT ON THE AGENDA FOR SEPTEMBER 22<sup>ND</sup>.

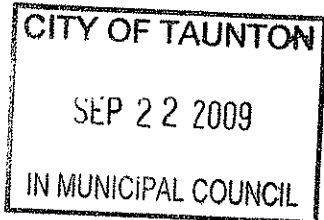
**MOTION: SCHEDULE MEETING NEXT WEEK WITH THE GOLF COURSE COMMISSION TO DISCUSS THIS MATTER.**

**MEETING ADJOURNED AT 11:10 P.M.**

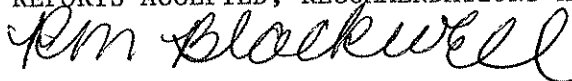
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK



# CITY OF TAUNTON

ORDER #2  
FY 2010  
SEPTEMBER 22, 2009

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

*Ordered, That*

**THE SUM OF SIX DOLLARS AND EIGHTY-SEVEN CENTS**

**(\$6.87) BE AND HEREBY IS TRANSFERRED FROM RISK MANAGEMENT ACCOUNT NO.**

**1-945-202-5599 – MISCELLANEOUS**

**TO: ACCOUNT NO. 1-945-206-5599**

..... *Clerk.*