



*City of Taunton  
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers  
Minutes, September 15, 2009 at 7:00 O'clock P.M.*

*Regular Meeting*

*Council President Pottier presiding*

*Prayer was offered by the Council President*

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

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

Motion was made to go out of the regular order of business to Communications from the Mayor. So Voted.

Councilor Pottier read a communication from the Mayor requesting a continuance for one week on the matter that was scheduled for tonight to discuss the Sergeant's promotion issue. He stated that due to unforeseen personal issues he would be unable to attend tonight's meeting and asked for a continuance for one week to discuss in detail the finances as they relate to the Sergeant's position. **Motion was made to refer to the Committee on Police and License for next week's meeting. So Voted. A motion was made to invite the Police Chief and anyone who he wants to have attend with him. Invite Mr. Enos and have him meet with Mr. McCabe and Mr. Roderick before Tuesday evening and that Mr. Enos attend the meeting. So Moved.**

**A motion was made to revert to appointments. So Voted.**

Councilor President Pottier asked that Jack Mullen be invited into the enclosure to be reappointed to the License Commission for a term of six years and sworn in by the City Clerk. So Voted.

**Motion was made to revert back to the regular order of business to hearings. So Voted.**

**Hearings:**

Hearing came up by assignment on the petition submitted by Lillian Burt, 22 Pat-Ree Drive, E. Taunton and others for the acceptance of Pat-Ree Drive as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted.** Com. from City Engineer submitting a positive recommendation was read. **Motion was made to make part of the hearing. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the hearing. So Voted. Motion was made to invite the City Engineer into the**

**enclosure. So Voted.** Councilor Barbour asked what is lack of monumentation? The City Engineer stated it serves as markers, boundary points. Councilor Barbour asked what buried water gate is. The City Engineer stated it is a shut off for the fire hydrant. No one speaking in favor or in opposition. **Motion was made to close the hearing and grant the petition as presented and excuse the City Engineer. So Voted.**

Councilor Pottier motioned that the Acting Police Chief have the Safety Officer look into the intersection of Cooper Street and Berkley Street, as when cars are traveling on Cooper Street to the left, the homeowner has a fence that is right up to the street making the intersection very dangerous when you enter Berkley Street and report your findings to the Committee on Police and License. Additionally, that the Safety Officer review Jackson Street and Bay Street as there is the same scenario there. **So Voted.**

Councilor Pottier read a communication from Janice Wlech, 10 Roger4s Avenue Taunton asking of the road construction on Route 138 from Baker Road to Quality Transmission is basically finished. **Motion was made to refer to the Mayor's Office to receive and update next week. So Voted.**

Councilor Pottier stated he received an email from a concerned citizen regarding a comment allegedly made by a Community Police Officer. **Councilor Pottier motioned that the Police Chief explain to the Committee on Police and License as to how the CPO Program works. So Voted.**

**Communications:**

Com. from Winsor and Donna Smith, 299 Harvey St. requesting to purchase city owned land that abuts their home on Harvey Street so they can build a garage. **Motion was made to refer to the Committee on Public Property and the Law Department. So Voted.**

Com. from Rev. Timothy Driscoll, Annunciation of the Lord Parish, 31 First St. requesting to conduct a procession on October 10, 2009 at approximately 6:00 PM. **Councilor Hoyer motioned to move approval and refer to the Police Chief, Fire Chief and the ambulance Service. So Voted.**

Com. from City Planner providing a response on the Refuge stating that an amended filing with the Zoning Board of Appeals would be required to legalize the use and he sent the letter and motion to the Zoning Enforcement Officer. **Councilor Barbour asked that the Zoning Enforcement Officer take appropriate action. A motion was made to refer to the Committee to the Council as a Whole with Kevin Scanlon for two weeks. Also, invite the Police Chief and Bob Cammarata. So Voted.**

Com. from City Planner providing a response on four-way stop at Washington Street and Broadway in conjunction with the new Walgreens. **Motion was made to refer to the Committee on Police and License and the Safety Officer and the City Engineer and ask that the City Planner be present for clarification. Councilor Croteau asked what comes before and what does not. Councilor Hoyer voting in opposition. So Voted.**

Com. from Superintendent of Public Buildings providing a response on public records requests made by Mr. O'Donnell stating that he has not yet paid the fees. **Motion was made to receive and place on file. So Voted.**

Com. from Superintendent of Public Buildings providing a response on labor costs for the Taunton High School/Parker School projects stating that the total Building Department labor costs for the period of May 2008 through September 4, 2009 is \$30,181.01. **Motion was made to receive and place on file. So Voted. Councilor Hoyer motioned to publicly and personally thank Keith Cwiekowski for the countless hours he works on day-to-day services and he goes above and beyond his duties. So Voted.**

Com. from Director, TEMA notifying that all the heavy trees obstructing the Taunton River passageway below the Dean and Arlington Street railroad bridge have been removed. **Motion was made to send a copy to all departments for a job well done. Was it part of a training exercise? Was there any funding to pick-up Taunton's piece of this? (The City Clerk spoke with TEMA on this matter.)**

Com. from Human Resource Division for the appointment of 2 Permanent full-time Firefighters. **Motion was made to refer to the Committee on Fires and Wires. So Voted.**

Com. from City Solicitor requesting that the revised and amended contract for the operation of the John F. Parker Golf Course be referred to the Committee of the Council as a Whole for discussion and approval on September 23, 2009. **Motion was made to refer to the Committee to the Council as a Whole for September 22, 2009 and invite the Golf Course Commission. So Voted.**

**Petitions and Claims:**

Constable application submitted by Ronald Joseph Silvia, 675 Middleboro Ave., E. Taunton requesting a renewal of his Constable License desiring to serve Civil Process and all other. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Constable application submitted by Rose Marie Blackwell requesting a renewal of her Constable License desiring to continue to perform her job duties (elections). **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition of Richard Shafer, 12 Taunton Green and others for the re-zoning of a portion of the Industrial Park Road and Bay Street. **Motion was made to refer to a public hearing. So Voted.**

**Committee Reports:**

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

**Unfinished Business:**

Councilor Croteau motioned that the mayor provide a status update on the Methadone Clinic, Councilor Costa-Hanlon motioned that the Mayor provide a status update on the Green Communities, and Councilor Croteau motioned that the Mayor provide an update on the Dever water tanks involving the grants for \$2 million – Where is the \$2 million coming from? So Voted.

Councilor Costa-Hanlon motioned that the City Planner report back to the Municipal Council concerning the placement of the pedestrian sign out of the \$25,000.00 traffic study account at the CVS/Washington Street site for the tenants of the Mill Pond area. So Voted.

Councilor Croteau motioned that the DPW Commissioner provide an update on the status of the plywood on the Weir Bridge. So Voted.

Councilor Croteau motioned that an executive session be scheduled on the status of the neglected properties with the City Solicitor and the other appropriate departments. Dates suggested were October 13<sup>th</sup> or October 20<sup>th</sup>. So Voted.

Councilor Buffington stated that the pedestrian bridge over the Mill River, behind the Court Street parking lot is in bad shape. Trees and brush need to be trimmed, lighting during the evening hours is very poor, the fence along the river has been pulled down along with trash. Therefore, he motioned to refer to the DPW Commissioner and the Commissioner of Parks, Cemeteries and Public Grounds and report back to the Committee on the Department of Public Works. So Voted.

Councilor Buffington stated that a couple of weeks ago the Building Department issued a building permit for a cell phone tower to Jefferson Partners. Councilor Buffington stated that they owe a half million dollars to the City and we granted them a permit. Therefore, Councilor Buffington motioned that the Committee to the Council as a Whole meet with the Mayor, City Solicitor, and the Building Commissioner to explain how Mr. Murphy received a permit for a cell phone tower when he owes the City an excessive amount of money. Additionally, that the City Solicitor be present with all the names and addresses of the businesses in the 437 Whittenton complex and an idea of the revenue stream these businesses create. So Voted.

Councilor Marshall motioned to instruct all City Departments that they are not to provide any service of any kind to the property located at 437 Whittenton Street. This includes no inspections, no resources of any kind, and no permits for any other business. The only exclusion would be for the Police and Fire Departments. Additionally, Councilor Costa-Hanlon motioned that all departments send out a 48-hour notice that no services will be provided by the City of Taunton to: Mr. David Murphy, Jefferson Development, 437 Whittenton St., Taunton, MA 02780. So Voted.

Councilor Barbour motioned that the Acting Police Chief have the Safety Officer investigate the shrub line at the corner of East Britannia Street and Washington Street as

it is a safety concern for motorists and refer this issue to the Committee on Police and License. So Voted.

Councilor Barbour motioned that the Acting Police Chief provide the Committee on Police and License with an update on Police detail monies that they brought in and that are outstanding. So Voted.

Councilor Barbour stated that back in June the Committee on Police and License approved the placement of a crosswalk at the North Taunton Baptist Church. Additionally, at that time, it was recommended that a sidewalk accompany the crosswalk providing funds were available. Therefore, he motioned that this communication be sent to the DPW Commissioner for immediate action and that he update the Committee on the Department of Public Works at their next meeting. So Voted.

Councilor Hoye motioned that Railroad Avenue be discussed in full Council next week under old business and to have the City Treasurer be present at this meeting. So Voted.

Councilors Pottier and Hoye motioned that the DPW Commissioner and SRPEDD update the Committee on the Department of Public Works if any federal funding is available for the intersection of Williams Street and Gordon Owen Boulevard to place a traffic light at that intersection and report back to the Committee on the Department of Public Works. So Voted.

Councilor Croteau asked if the School Committee could provide the Council with information concerning the bus transportation schedule of Taunton High School/Parker School and Elizabeth Pole School. He stated if each one of the schools could be placed on a separate tier that could possibly eliminate some of the traffic. Additionally, if they could have the signs taken down at the THS/Parker Campus, which state "cut thru". So Voted.

**New Business:**

Councilor Barbour motioned that the Police Station be notified to place on the electronic sign the tag day for the Taunton Christmas Parade will be this Thursday from 8:00 AM – 5:00 PM. So Voted.

Councilor Carr motioned that the DPW Street Supervisor have the brush cut back in the following locations: Fremont Street from the railroad tracks to Partridge Circle (on both sides) to the corner of 241 Fremont Street and where Worcester Street meets Norton Road/Route 140 as the stop sign is completely covered with brush. So Voted.

Councilor Croteau motioned that the DPW Commissioner investigate and rectify the concern of 2 manhole covers on Granite Street that are approximately 6" below the street surface. So Voted.

Councilor Croteau motioned that the DPW Commissioner contact the contractor who is performing the work on Somerset Avenue as the owner of Stan's Variety has a concern with his parking lot area. So Voted.

Councilor Marshall motioned that the City Auditor provide the Municipal Council with a report for FY09 concerning the Sewer Department detailing receipts versus expenses. Additionally, that this report include all of the costs of the funds on the loans borrowed on behalf of the School Department. So Voted.

Councilor Costa-Hanlon motioned that the Superintendent of Public Buildings take a look at the HVAC system at the Fitzsimmons Arms location which is under the Taunton Housing Authority and report back in two weeks to the Municipal Council as to what his recommendation is. So Voted.

Councilor Costa-Hanlon stated that the Executive Director, Taunton Housing Authority had new benches placed at the Lee Terrace Complex that have no backs to them and this is a concern for the elderly. Therefore, Councilor Costa-Hanlon motioned that she consider replacing these benches with ones that have backs to them for the residents of the complex. So Voted.

Councilor Costa-Hanlon motioned that the Mayor meet with the DPW Commissioner and the Commissioner of Parks, Cemeteries and Public Grounds concerning the brush cutting. Ms. Greene has stated that she does not have the staff and suggested this matter falls under the DPW. So Voted.

Councilor Costa-Hanlon stated she has not seen a lot of the Council as a Whole meeting minutes. Council President Pottier stated he would speak with Ms. Ellis on this matter.

Councilor Costa-Hanlon motioned to send a letter to Hopewell School for being awarded the prestigious national Blue Ribbon Award. So Voted.

Meeting adjourned at 8:30 P.M.

Entered into Executive Session.

Executive Session ended at 9:35 PM.

A true copy:

Attest:   
City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 15, 2009

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS CROTEAU AND POTTIER

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

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

- 2. **MEET TO REVIEW MATTERS IN FILE**  
THE CITY AUDITOR PROVIDED A COPY OF AN INVOICE FROM BAY STATE GAS COMPANY REGARDING AN ENCUMBRANCE DISCUSSED LAST WEEK. DISCUSSED WAS WHETHER THIS IS ACTUALLY AN FY 2009 OR FY 2010 BILL AND WHETHER IT SHOULD BE PAID AT ALL.

**MOTION: TO NOT PAY THE BILL**

**MOTION WAS SECONDED**

ON DISCUSSION REQUEST WAS MADE TO AMEND ABOVE MOTION TO NOT PAY THE BILL UNTIL FURTHER INFORMATION IS PROVIDED TO THE COMMITTEE.

**MOTION: TO AMEND THE ABOVE MOTION TO ENCUMBER THE MONEY BUT NOT PAY THE BILL UNTIL FURTHER EXPLANATION AND INFORMATION IS PROVIDED TO THIS COMMITTEE.**

AT A PREVIOUS MEETING AN ENCUMBRANCE REGARDING THE NURSING HOME WAS QUESTIONED IN THE AMOUNT OF \$42,304.51 AND MORE INFORMATION WAS REQUESTED. A LETTER TO THE CITY SOLICITOR FROM PAUL BARRETT OF DONOGHUE, BARRETT & SINGAL WAS READ CONCERNING THE TAUNTON NURSING HOME. THE LETTER STATED THAT THE CITY SOLICITOR HAD ASKED THAT THE FIRM PROVIDE A COST ESTIMATE FOR VARIOUS SERVICES THEY CONTINUE TO PROVIDE TO THE NURSING HOME FOR THE PERIOD JULY 1, 2009 THROUGH JUNE 30, 2010.

BASED ON THE ANTICIPATED LEGAL WORK IN CONNECTION WITH (I) THEIR EFFORTS TO SECURE A FEDERAL APPROPRIATION THROUGH CONGRESSMAN FRANK'S OFFICE FOR \$650,000 AS APPROVED IN THE HOUSE FISCAL YEAR 2009 BUDGET (II) NEGOTIATING ENHANCED MEDICAID RATES BY MAXIMIZING FFP THROUGH THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES (III) FINALIZING THE AWARD OF THE TWO APPROVED FEDERAL APPROPRIATIONS WITH AN AGGREGATE VALUE OF \$488,000 AS WELL AS (IV) FINALIZING THE GRANT FROM THE MASSACHUSETTS DEVELOPMENT FINANCE AGENCY THAT WILL PARTIALLY FUND THE MARKET SURVEY IN CONNECTION WITH THE PROPOSED ELDER HOUSING PROJECT. THE ANTICIPATED LEGAL FEES WILL BE \$30,000. THE CONTINUED GOVERNMENT RELATIONS EFFORTS UNDERTAKEN BY OTHER MEMBERS OF THE FIRM WILL BE BILLED AT \$5,000 PER MONTH. IT WAS NOTED THAT THIS LETTER WAS ACKNOWLEDGED AND ACCEPTED BY THE CITY SOLICITOR WITH HIS SIGNATURE.

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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

**MOTION:** TO ASCERTAIN IF THERE WAS A VOTE OF THE TAUNTON NURSING HOME BOARD OF TRUSTEES AUTHORIZING THE CITY SOLICITOR TO SIGN THIS LETTER. ALSO, INFORMATION IS TO BE PROVIDED AS TO WHAT THE NURSING HOME IS RECEIVING FOR THE MONTHLY \$5,000 PAYMENT.

A LIST OF THE SCHOOL DEPARTMENT ENCUMBRANCES WAS ALSO PROVIDED BY THE CITY AUDITOR.

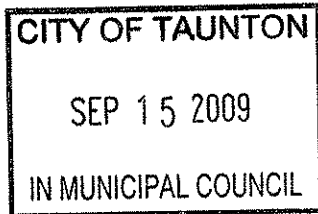
**MOTION:** TO APPROVE THE ENCUMBRANCE OF THE FUNDS BUT TO CONTINUE REVIEW OF THE SPECIFIC EXPENDITURES UNTIL NEXT WEEK.

MEETING ADJOURNED AT 6:20 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK