

City of Taunton Municipal Council Meeting Minutes

In the Chester R. Martin Municipal Council Chambers Minutes, September 29, 2009 at 8:25 O'clock P.M.

Regular Meeting Mayor Charles Crowley presiding Prayer was offered by the Mayor

Present at roll call were:

Councilor's Hoye, Costa-Hanlon, Pottier, Fiore, Marshall,

Carr, Buffington, Barbour Councilors Croteau was absent

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

Communications from Mayor:

The Mayor stated that the City of Taunton has received funds from the Department of Energy's Grant Block Program in the amount of \$519,600.00. He stated Matt Stellar wrote the grant along with his team, Wayne Walkden, Michelle Rustino, and Michael Ferreira. The target of these grant funds is Martin School, retrofitting the heating system to natural gas, more energy efficient lighting, solar panels, wireless system for outside lighting all designed to save a considerable amount of money. Motion was made to send a letter of thanks to Mr. Stellar and the grant team. So Voted.

Motion was made to revert to page 16 of the agenda for the appointment of one (1) Temporary Full-time Police Captain. So Voted. The list was called for two (2) Temporary Captains but only one (1) Captain was appointed due to Captain Edward Walsh returning to work. On a roll call vote, David E. Warish eight (8) Councilors present, eight (8) Councilors voting in favor of appointing David E. Warish. So Voted.

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

Communications:

Com. from Superintendent of Buildings requesting to pay prior year bills in the total amount of \$312.15 for Verizon bills. Motion was made to refer to the Committee on Finance and Salaries. So Voted.

Com. from Craig Foley, Distribution Manager, TMLP responding to the Council's request regarding the Powhattan Estates street lights. Motion was made to move approval and that TMLP please try and have these lights on for October 31, 2009. So Voted.

Com. from Joseph Rose, Chairman, License Commission stating that King's Prepaid Phone Vending Machines recently came before the License Commission for a vending license for their machines, however, he feels that the type of license they are seeking is within the Municipal Council's purveyance. Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.

Com. from Marcia Niccoli Sweeney, Function Manager, Roseland Function Hall requesting permission to host a boxing match. Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted. Councilors Hoye, Pottier, and Buffington voting in opposition. They would rather just approve.

Com. from Treasurer/Collector submitting Land Court Decrees for property on Rachel Drive. Motion was made to refer to the Building Department to secure the property and refer to the Committee on Public Property. So Voted.

Com. from Brenda Venice, President National Alliance on Mental Illness of Taunton, P.O. Box 9096, Fall River requesting to conduct a candlelight vigil on October 11, 2009 at 6:30 PM at 19 Cedar Street. Motion was made to move approval and refer to Parks, Cemeteries and Public Grounds for use of the Taunton Green and to also refer to the Police Chief. So Voted.

Com. from Superintendent of Buildings responding to a request regarding the HVAC system at Fitzsimmons Arms location under the Taunton Housing Authority stating that this facility is not within his jurisdiction but he has referred the matter to the Building Commissioner to follow up. Motion was made to receive and place on file. So Voted.

Com. from Interim Fire Chief requesting to call for a list for one (1) Temporary Deputy Chief, one (1) Temporary Captain, and one (1) Temporary Lieutenant. **Motion was made to move approval.** So Voted.

Councilor Barbour read an extra communication submitted by Juliann Barbour, Guidance Counselor and Tiger Pride Committee Member, Taunton High School requesting use of the electronic sign to advertise their Tiger Pride Night to be held November 12, 2009 from 6:00 PM – 7:30 PM at the high school. **Motion was made to move approval. So Voted.**

Councilor Buffington read an extra communication submitted by Acting Police Chief recommending approval of the petition submitted by Stephanie Marr, DBA Phoenix Coin LLC, 14109 N 83RD Ave., #137, Peoria, Arizona for an Old Gold License. **Motion was made to move approval.** So Voted.

The Mayor stated that the School Committee will meet to send the proposal to the MSBA for the next round of repair work and their proposal will also require a vote of the Municipal Council. Therefore, he asked that the Committee on Public Property meet on October 13, 2009 concerning this matter. So Voted.

Petitions and Claims:

Special Permit/Site Plan Review to allow a 4 unit dwelling at 57 Ashland Street located in the Urban Residential District submitted by Kevin Crowninshield, 57 Ashland Street, Taunton. Motion was made to refer to a Public Hearing. So Voted.

Departmental Site Plan Review to allow the conversion of a parking lot to a vehicle testing facility at 425 John Quincy Adams Road located in the Industrial District submitted by Richard Peraino, General Dynamics. Motion was made to receive and place on file. So Voted.

Departmental Site Plan Review to allow the construction of an 11,000 sq. ft. garage/warehouse with accessory offices on lot 3 Richmond Street located in the Industrial District submitted by Timothy Burbank, Global Remediation Services, Inc. **Motion was made to receive and place on file. 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 Barbour motioned that the Zoning Enforcement Officer provide an update on the Refuge next week stating what is necessary for them to be in compliance with the City Zoning Ordinances. So Voted. (The City Clerk spoke with Mary Jane Benker on this matter)

New Business:

Councilor Pottier motioned to change the Municipal Council meeting scheduled for November 3, 2009 to Monday, November 2, 2009 at 7:30 AM due to the City Election and advertise this on the electronic sign. So Voted.

Councilor Pottier stated that he has received complaints of teenagers partying at Mount Pleasant Cemetery near Crocker Street and asked that the Acting Police Chief monitor this situation and report back to the Committee on Police and License. So Voted.

Councilor Pottier motioned that the Committee on Police and License discuss with the Acting Police Chief, the incident that occurred at Memorial Park this past Friday evening at the Acting Police Chief's discretion. So Voted.

Councilor Fiore motioned that the Municipal Council Meeting scheduled for December 8, 2009 be changed to Monday, December 7, 2009 at the regular time due to the Special State Primary Election. So Voted.

Councilor Carr motioned that Taunton Development Corporation report back to the Council as to their intention regarding the recreational land that has been placed aside in the Industrial Park. So Voted.

Councilor Barbour stated that at 128 Bay Street, a gray triple-decker home, there are cars being sold without a required Class II License and motioned to refer this to the Acting Police Chief and the Committee on Police and License for immediate action. So Voted. (The City Clerk spoke with Acting Chief Reardon on this matter.)

Councilor Barbour motioned that the Belly Dance Charity Gala benefiting Family Coalition for Medically Involved Children to be held on October 17, 2009 from 7:00 PM – 11:00 PM at Hong Kong City be placed on the electronic sign. **Motion was made to move approval.** So Voted.

Meeting adjourned at 9:00 P.M.

A true copy:

Attest.

LM Blackwell
City Clerk

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE:

COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILOR

POTTIER

MEETING CALLED TO ORDER AT 5:54 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 5:55 P.M.

CITY OF TAUNTON

SEP 2 9 2009

IN MUNICIPAL COUNCIL

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RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

THE COMMITTEE ON THE NEEDS OF THE T.M.L.P.

PRESENT WERE:

COUNCILOR COSTA-HANLON, CHAIRWOMAN AND COUNCILOR MARSHALL. ALSO PRESENT WERE T.M.L.P. COMMISSIONERS PETER CORR AND JOSEPH MARTIN, AND

MICHAEL HORRIGAN, DAVID MELANSON, KEVIN KIERAN

AND ERICA YOUNG OF THE T.M.L.P.

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

1. MEET WITH REPRESENTATIVES OF THE T.M.L.P. TO DISCUSS LOAN ORDERS FOR \$3,100,000.00 FOR ASBESTOS ABATEMENT & REMEDIATION AT THE WEST WATER ST. GENERATING FACILITY AND LOAN ORDER FOR \$4,150,000.00 FOR ENTERPRISE RESOURCE PLAN DEVELOPMENT FOR THE PURCHASE & INSTALLATION OF COMPUTER HARDWARE AND COMPUTER SOFTWARE

REGARDING THE WEST WATER ST. FACILITY, THIS PLANT HAS BEEN THERE FOR A NUMBER OF YEARS AND THE ASBESTOS NEEDS TO BE REMOVED SO THAT THE T.M.L.P. CAN DECIDE WHAT TO DO WITH THE BUILDING. THIS IS JUST THE FIRST PHASE. THE COMMISSION WILL THEN DECIDE WHAT THE NEXT STEP WILL BE . THE COUNCIL'S ROLE IS JUST THE BONDING. THE REMEDIATION IS NEEDED BECAUSE THE BUILDING COULD NOT BE RE-USED OR SOLD WITH CONTAMINANTS.

THE T.M.L.P. IS PRESENTLY USING THE FRONT PART OF THE BUILDING AND THERE IS SOME STORAGE OF POLICE DIVE EQUIPMENT IN ANOTHER PART.

THE ONLY WAY TO FINANCE THIS IS THROUGH A GENERAL OBLIGATION BOND THROUGH THE CITY. IT IS T.M.L.P.'S OBLIGATION TO MEET THE DEBT SCHEDULE. REGARDING THE \$4,150,000.00 LOAN ORDER, THE CURRENT COMPUTER SYSTEM WITH SAP IS NOW OBSOLETE. THIS WAS PUT OUT TO BID AND SAP SYSTEM WAS DETERMINED TO BE THE BEST VALUE FOR THE T.M.L.P. THE COSTS OF OTHER VENDORS WERE COMPARABLE, SOME WERE EVEN HIGHER, AND OTHER COMPANIES WOULD TAKE UP TO 18 MONTHS TO TRAIN. WITH THE SAP SYSTEM, WHICH WILL BE AN UPGRADE FROM THE CURRENT SYSTEM, THE TRAINING TIME IS MUCH LESS AND IS INCLUDED IN THE COST. THE UPGRADE WAS NECESSARY BECAUSE SAP WAS NOT GOING TO PROVIDE SERVICE FOR THE OLD SOFTWARE. DISCUSSED WAS WHETHER THESE LOANS WILL EFFECT THE RATEPAYER AND IT WAS NOTED THAT THEY SHOULD NOT IMPACT THE RATEPAYER.

MEETING ADJOURNED AT 6:44 P.M.

CITY OF TAUNTON

SEP 2 9 2009

IN MUNICIPAL COUNCIL

RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE:

COUNCILOR THOMAS HOYE, CHAIRMAN AND COUNCILORS BUFFINGTON, MARSHALL AND CARR. ALSO PRESENT WERE D.P.W. COMMISSIONER FRED CORNAGLIA, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU, STREET SUPERVISOR JACK LAWRENCE AND WATER DIVISION SUPERVISOR CATHAL O'BRIEN

MEETING CALLED TO ORDER AT 6:50 P.M.

1. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS STORM WATER DRAIN MAINTENANCE

IT WAS REPORTED THAT THERE IS CURRENTLY A CONTRACT WITH A COMPANY TO CLEAN THE DRAINS. THERE ARE 4-5,000 DRAINS IN THE CITY SO IT IS ONGOING. HUNDREDS OF YARDS OF MATERIAL HAVE BEEN TAKEN OUT OF THE DRAINS ALSO.

2. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS PLYWOOD ON THE PLAIN STREET BRIDGE

THE RAILING BEHIND THE PLYWOOD IS BENT, CAUSED BY AN ACCIDENT. THERE IS LEAD PAINT ON THE BRIDGE SO IT WOULD HAVE TO BE CONTAINED IN ORDER TO SANDBLAST THE OLD PAINT OFF. THE COST TO DO THE ENTIRE BRIDGE IS \$60-75,000. THE COST TO FIX THE TWO PANELS THAT WERE DAMAGED IS \$6-9,000. THE D.P.W. CONTACTED THE POLICE DEPARTMENT REGARDING THE DAMAGE TO THE BRIDGE BUT THERE IS NO RECORD OF AN ACCIDENT. IT WAS A HIT AND RUN.

MOTION: REFER REPAIR OF THE DAMAGED SECTION OF THE BRIDGE TO THE MAYOR'S OFFICE FOR FUNDING

3. MEET WITH THE D.P.W. COMMISSIONER FOR AN UPDATE ON PROJECT BEING PERFORMED OFF OF OAK STREET

THE WATER DIVISION SUPERVISOR REPORTED THAT THIS IS A HAZARDOUS WASTE CLEANUP. THE RESPONSIBLE PARTIES ARE AWARE OF THIS MATTER AND D.E.P. IS OVERSEEING THE WORK. THERE IS NO CLOSURE DATE AS YET.

MOTION: PLACE ON FILE

4. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS CONSIDERING INSTALLATION OF SIDEWALKS ON HOPEWELL STREET NEAR HOPEWELL PARK

THE ISSUE OF THE CROSSWALK, STRIPING AND SIGNS AT EXETER AND HOPEWELL STREETS HAS BEEN REFERRED TO ORDINANCE COMMITTEE.

THE SIDEWALKS, WHICH WOULD BE FROM THE CHURCH TO EXETER STREET WOULD COST \$38-40,000 FOR THE CHURCH SIDE AND \$49-54,000 FOR THE OTHER SIDE. IT WAS REPORTED THAT THERE IS A NEED TO DETERMINE THE EXACT LAYOUT OF THE STREET AND DEFINE PROPERTY LINES FIRST DISCUSSED WAS THE NEED TO PROCEED WITH THE STRIPING, CROSSWALK AND SIGNAGE AS PART OF A PHASE I, ALONG WITH THE SURVEY.

IT WAS NOTED THAT SEWER WORK IS GOING TO BE NEEDED IN THIS AREA SO THE SIDEWALKS SHOULD NOT BE DONE UNTIL THE SEWER WORK IS COMPLETED.

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SEPTEMBER 29, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

IT WAS REPORTED THAT THE CROSSWALK AT NORTH TAUNTON BAPTIST CHURCH WILL BE PUT IN. THE COST FOR SIDEWALKS FROM BAYBERRY LANE TO THE CHURCH IS \$86-91,000 AND FROM THE CHURCH TO THE TEDESCHI PLAZA IS \$40,000.

5. MEET WITH THE D.P.W. COMMISSIONER FOR AN UPDATE ON THE SOMERSET AVENUE PROJECT

THE COMPLETION DATE FOR THE PROJECT IS MAY 3, 2010. IT WAS REPORTED THAT CSX WANTS TO REPAIR THE RAILROAD CROSSING COLUMBUS DAY WEEKEND AND SHUT THAT PORTION OF THE ROAD DOWN. THE COBB BROOK CULVERT IS BEING WORKED ON.

IT WAS REPORTED THAT THE STONE WALL ISSUE HAS NOT BEEN FIXED YET AND WILL PROBABLY STAY THE WAY IT IS, THERE IS ALSO AN ISSUE WITH A FENCE THAT WILL HAVE TO BE REDONE. THE ISSUES WITH THE LOAM HAVE BEEN CORRECTED.

IT WAS REPORTED THAT THE STOP SIGN ON HIGHLAND STREET AT THE INTERSECTION WITH SOMERSET AVENUE HAS TO BE MOVED, AND REQUEST WAS MADE TO CHECK A TREE THAT IS IN THE GRANITE CURB IN THIS SAME AREA.

6. MEET TO REVIEW MATTERS IN FILE

A. LETTER DATED 9/25/09 OF BARRY COOPERSTEIN OF THE BOARD OF ASSESSORS WAS READ IN WHICH HE STATED THAT IN 2004, THE CITY OF TAUNTON ACQUIRED A VACANT PIECE OF LAND ON WILSON STREET #64-247, WHICH HAS A SEWER BETTERMENT LIEN. THE ASSESSORS ARE REQUESTING APPROVAL TO REMOVE THIS LIEN FROM THIS CITY-OWNED PROPERTY FOR FY 2009 AND FORWARD.

MOTION: SO MOVED

B. DISCUSSED WAS ISSUE OF SIDEWALKS BEING CLEARED NEAR SCHOOLS AND DOWNTOWN FOR THIS COMING SNOW SEASON. IT WAS NOTED THAT THE D.P.W. HAD BEEN LOOKING AT EQUIPMENT IN ORDER TO ACCOMPLISH THIS.

MOTION: REFER TO MAYOR'S OFFICE TO FUND THIS EQUIPMENT. MAYOR TO PROVIDE INFORMATION AS TO WHERE THE MONEY FROM THE AOUARIA PROJECT IS.

D. DISCUSSED WAS ISSUE WITH TREE LOCATED IN FRONT OF THE NEW PORTUGUESE FIRE PIT ON WEIR STREET. THE OWNERS OF THE BUSINESS HAD REQUESTED THAT THIS TREE BE TAKEN DOWN. THE PARK AND RECREATION DEPARTMENT SAID THAT THEY CANNOT REMOVE THE TREE. IT WAS NOTED THAT THE TREE IS EFFECTING THE SIDEWALK IN THAT THE CONCRETE SIDEWALK IS LIFTING.

DISCUSSED WAS WHETHER THIS TREE COULD BE CUT BACK.

MOTION: THAT THE SITUATION WITH THE SIDEWALK BE REPAIRED AND D.P.W. IS TO CHECK THE TREE

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SEPTEMBER 29, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

MEETING ADJOURNED AT 7:30 P.M.

OF TAUNTON

SEP 2 9 2009

IN MUNICIPAL COUNCIL

RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE:

COUNCILOR DAVID POTTIER, PRESIDENT AND COUNCILORS

HOYE, COSTA-HANLON, FIORE, MARSHALL, CARR,

BUFFINGTON AND BARBOUR. ALSO PRESENT WERE CITY PLANNER KEVIN SCANLON, RICHARD SHAFER OF THE TAUNTON DEVELOPMENT CORPORATION AND ATTORNEY

MATT COSTA FROM GAY, GAY & FIELD

MEETING CALLED TO ORDER AT 7:41 P.M.

1. MEET WITH THE CITY PLANNER FOR A PRE-REVIEW HEARING ON PROPOSED ZONING CHANGE TO PROVIDE ADDITIONAL CONTROL, REGULATION AND REVIEW OF FACILITIES DEALING WITH THE TREATMENT AND CARE OF INDIVIDUALS WITH DRUG ADDICTIONS THE CITY PLANNER OUTLINED A PROCESS THAT WOULD BROADEN THE DEFINITION OF THE CURRENT "HOSPITALS" ZONING CATEGORY IN ORDER FOR IT TO INCLUDE TREATMENT CENTERS SUCH AS A METHADONE CLINIC. ANY DRUG CLINIC/TREATMENT FACILITY WOULD FALL WITHIN THE ZONING OF THE HOSPITALS CATEGORY AND WOULD REQUIRE THAT IT QUALIFY FOR A SPECIAL PERMIT.

THE CITY PLANNER SAID THAT THE TYPES OF CLINIC SUCH AS THE ONE COMING IN DOWNTOWN, CAN BE BAD IN THAT THEY CAN HAVE PEOPLE CONGREGATING ON SIDEWALKS, ETC.

FURTHER DISCUSSED WAS THAT THE ISSUE MAY BE WITH LAW ENFORCEMENT AS THE CITY HAS A LOITERING ORDINANCE ON THE BOOKS.

IT WAS NOTED BY THE MAYOR THAT THIS WILL PROVIDE A TOOL FOR THE COUNCIL TO HAVE OVERSIGHT AND CONDITIONS THAT MAY BE WARRANTED. BY ALLOWING THIS CHANGE, AT THE LEASE, THEY WILL HAVE TO COME BEFORE THE COUNCIL

MOTION: REFER TO THE HEARING. CITY SOLICITOR TO PROVIDE OPINION.

COUNCILOR HOYE VOTING IN OPPOSITION

3. MEET WITH STEVEN BRODEUR, GENERAL MANAGER AND DANIEL COSTA, MANAGER FOR A PRE-REVIEW HEARING ON PETITION OF SMOKEY BONES, 1023 COUNTY STREET, TAUNTON TO ALLOW LIVE ENTERTAINMENT

MR. BRODEUR HAD BEEN IN ATTENDANCE, BUT HAD TO LEAVE AND WAS UNABLE TO RETURN.

MOTION: PASS TO HEARING

PAGE TWO

SEPTEMBER 29, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

2. MEET WITH RICHARD SHAFER OF THE TAUNTON DEVELOPMENT CORPORATION FOR A PRE-REVIEW HEARING ON PETITION FOR THE RE-ZONING OF A CERTAIN AREA OF LAND FROM ITS PRESENT INDUSTRIAL & SUBURBAN RESIDENTIAL ZONE TO THE ADJACENT BUSINESS ZONE

THIS PARCEL IS AT THE ENTRANCE TO THE INDUSTRIAL PARK AND IS CURRENTLY ZONED RESIDENTIAL AND INDUSTRIAL. A PETITION HAD PREVIOUSLY BEEN SUBMITTED TO REZONE THIS TO GENERAL BUSINESS. ATTORNEY COSTA STATED THAT THIS WOULD BE THE BEST USE OF THE PROPERTY AS IT IS NOT SUITED TO RESIDENTIAL.

ATTORNEY GAY'S OFFICE REPRESENTS THE PROSPECTIVE PURCHASER. IT IS A 6.7 ACRE SITE. THERE IS A PURCHASE AND SALE AGREEMENT. THE PLAN IS TO CONSTRUCT A TWO STORY OFFICE BUILDING WITH A SMALLER BUSINESS BUILDING. ATTORNEY COSTA STATED THAT THE BENEFIT TO THE CITY WOULD BE THAT TAX REVENUE WOULD BE GENERATED AND THE EMPLOYEES WOULD USE THE SERVICES OF NEIGHBORING BUSINESSES.

IT WAS REQUESTED THAT THE PURCHASE AND SALE AGREEMENT BE PROVIDED FOR THE HEARING, ALONG WITH INFORMATION AS TO WHAT TYPE OF BUSINESS WILL BE ALLOWED THERE IF THE ZONING IS CHANGED, AND EXACTLY WHO IS ATTORNEY GAY REPRESENTING.

DISCUSSED AT LENGTH WAS THE ISSUE OF AN ENTRANCE TO THIS PROPERTY OFF OF BAY STREET. COUNCILORS EXPRESSED CONCERN WITH THIS AND WOULD PREFER THE ENTRANCE TO BE OFF OF THE INDUSTRIAL PARK ROAD TO AVOID TRAFFIC BACK-UP ON THE 495 OFF RAMP ONTO BAY STREET

MEETING ADJOURNED AT 8:20 P.M.

CITY OF TAUNTON

SEP 2 9 2009

IN MUNICIPAL COUNCIL

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RESPECTFULLY SUBMITTED.

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.