



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, April 21, 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, Croteau, Marshall,
Pottier, Costa-Hanlon, Hoye
Councilors Carr and Fiore were absent*

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

Communications from Mayor:

At this time, the Mayor read a proclamation proclaiming April 22, 2009 as Earth Day in the City of Taunton. **Motion was made to move adoption. So Voted. Motion was made to invite Karen Kullas into the enclosure to accept the proclamation. So Voted.**

At this time, the Mayor stated that last year's budget is now online and informed the Council that the House Budget had a greater devastating impact than the Governor's Budget. He has sent letters to all Legislators and Senators requesting restoration of local aide. He stated that it will be virtually impossible to avoid some layoffs. The State Senate Budget is expected to be worse. Education has been level funded across the board as until now Chapter 70 has been protected. As a result, the burden falls on the Fire, Police and General Government. The Mayor stated that the Governor has yet to file Legislature that would allow Cities to defer the payment of snow and ice deficit from this year and spread it over three years. The Mayor stated he has cut approximately \$2 million dollars by reviewing line items. He anticipates utilizing some stabilization, but not all of it. He further stated that layoffs are a significant possibility and he will be able to provide more specific numbers in May. The Mayor encourages everyone to contact the Legislature to restore local aide. He welcomed anyone's suggestions. Various Councilors spoke on this matter. One such matter was the increase in next year's health care cost. **Councilor Hoye motioned that a letter be sent to MIAA asking them to provide an explanation to the Municipal Council as to why there is an increase of \$845,000.00 in the City of Taunton's health care cost for next year. So Voted.**

Communications:

Com. from Assistant DPW Commissioner requesting a transfer of funds in the amount of \$36,000.00 to cover contractual expenses. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from City Planner submitting a response on Site Plan Review/DIRB as requested by the Council and providing two proposals to alter the City Ordinance establishing the DIRB. **Motion was made to refer to the Committee to the Council as a Whole. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a Public Hearing on the Form J Plan submitted by Eleanor DaRosa, 17 Pinehill St., East Taunton on Thursday, May 7, 2009 at 5:30 PM in the Chester R. Martin Municipal Council Chambers. **Motion was made to receive and place on file. So Voted.**

Com. from Lisa Wezowicz, Fundraising Committee, Pilgrim Congregational Church, 45 Broadway, Taunton requesting use of the electronic sign to advertise their Mexican Night on April 24, 2009 at 6:30 PM. **Motion was made to move approval. So Voted.**

Com. from Paul Allison and Brian Rose requesting use of the electronic sign to advertise a benefit for Sgt. Shane P. Duffy Scholarship to be held at the PACC on May 9, 2009 from 6:00 PM – 11:00 PM. **Motion was made to move approval. So Voted.**

Com. from Stacia Brackett, Chairperson, Taunton River Festival advising of Taunton River Festival and requesting “no parking” designation. **Motion was made to move approval and notify the Police Chief, Fire Chief and the Ambulance Service. So Voted.**

Com. from Stacia Brackett, Chairperson, Taunton River Festival requesting use of the electronic sign to advertise the Taunton River Festival on Saturday, June 6, 2009 from 10AM-5PM with a rain date of June 7, 2009. **Motion was made to move approval. So Voted.**

Com. from Stacia Brackett, Chairperson, Taunton River Festival requesting a second stage for their event. **Motion was made to move approval and refer to the Building Department. So Voted.**

Com. from Fire Chief requesting One Temporary Full-Time Fire Lieutenant. **Motion was made to move approval to call for the list. So Voted.**

Councilor Pottier read an extra communication submitted by Police Chief Raymond O’Berg requesting approval of his retirement from the Taunton Police Department effective May 15, 2009. He also submitted a letter asking that the May 15, 2009 retirement date he requested be withdrawn and that the Council approve his superannuation retirement with a date approved by the Taunton Retirement Board. **Motion was made to make part of the record and send a copy to the Retirement Board advising them of this letter. So Voted.**

Councilor Barbour read an extra communication submitted by the Fire Chief providing an update on Engines #1 and #9. **Motion was made that the Fire Chief make a decision to place Engine #1 back in service if it will not place anyone in jeopardy while the insurance matters are mitigated. Also that the Fire chief and Carol Souza provide information whether the equipment is safe to go back in working order until such**

time the issue with the insurance is worked out. That the Fire Chief provide his decision by tomorrow at 5:00 PM through the Mayor's Office and the Mayor is to notify the Council. So Voted.

Councilor Hoye read an extra communication submitted by the Taunton Dynamites Board requesting the City to instruct the TGSL to inform them which weekends they can use the complex between June 15th and August 15th for two non-consecutive weekends. **Motion was made to refer to the School Committee and the Park and Recreation Department. So Voted.**

Petitions and Claims:

Petition submitted by James Silvia, Jr. requesting a renewal of his Antique License – DBA- Memorable Memorabilia located at 45 Baylies Road, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Jose Silva requesting a renewal of his Temporary Fixed Vendor License –DBA- Joe's Fresh Seafood located at 255 Cape Highway (in the parking lot of the Farmer's Outlet), Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Eddie Dennis requesting a renewal of his Second Hand Article License –DBA- Samantha's Books and Gifts located at 398 Bay St. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by the residents of Crane Street requesting that safety speed limit signs along the roadway to reduce the speed of vehicles in that area. **Motion was made to refer to the Safety Officer and the Committee on Police and License. So Voted.**

Claim submitted by Wendy Bombardier, 190 Richmond St., East Taunton seeking reimbursement for damages to her leaching field from trees being dropped on her lawn during tree removal. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Kevin Friary, 132 Ferncrest Dr., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on West Britannia Street near #225. **Motion was made to refer to the City Solicitor and the DPW Commissioner to fill the potholes. So Voted.**

Claim submitted by Walter Madeira, 9 Fay St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on West Water Street near Fifth Street. **Motion was made to refer to the City Solicitor and the DPW Commissioner to fill the potholes. So Voted.**

Claim submitted by Juan Rodriguez, 7 Park St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on at the corner of Fifth Street and Water Street. **Motion was made to refer to the City Solicitor and the DPW Commissioner to fill the potholes. So Voted.**

Claim submitted by Sharon R. Marshall, 3 Bryant Street, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on High Street near the Episcopal Church. **Motion was made to refer to the City Solicitor and the DPW Commissioner to fill the potholes. So Voted.**

Claim submitted by Nicholas Crowninshield, 30 Elmgrove Ave., Providence, RI seeking reimbursement for damages to his automobile from hitting a pothole on Bennett Street near the intersection of Ashland Street. **Motion was made to refer to the City Solicitor and the DPW Commissioner to fill the potholes. So Voted.**

Decision of the Development Impact Review Board on the Petition for a Departmental Site Plan Review for a drive-thru window at 33 Weir Street, Taunton which is located in a Central Business District. **Motion was made to receive and place on file. So Voted.**

Decision of the Development Impact Review Board on the Petition for a Departmental Site Plan Review for a 6,600 sq. ft. building and a 38,500 sq. ft. salt pile storage at 37 Cushman Street, Taunton which is located in an industrial district. **Motion was made to receive and place on file. So Voted.**

The City Clerk read an extra communication submitted by the Citizens of Pat-Ree Drive in East Taunton requesting that Pat-Ree Drive be declared a public road. **Motion was made to refer to a public hearing in three weeks and refer to the City Engineer and the DPW Commissioner. 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 Pottier motioned that the DPW Commissioner provide an update to the Committee on the Department of Public Works on the Somerset Avenue Project, specifically at the intersection of Highland Street for their next meeting. So Voted.

Councilor Pottier motioned that the Mayor provide an update on the specific dollar figure to improve the safety of the intersection of Gordon Owen Parkway and Williams Street. So Voted.

Councilor Croteau motioned to refer to the Mayor's Office and the DPW Commissioner, the issue of an auto repair junkyard on Somerset Avenue being utilized by the contractor for equipment storage and rock crushing and gravel refinement during the day which is causing residents distress. So Voted.

Councilor Croteau motioned that the Mayor provide the Council with a report on the legal and consulting fees for the landfill project in the Myles Standish Industrial Park. So Voted.

Councilor Croteau motioned that the Mayor provide the Council with a status report on the betterment and sewer stubs for Harris Street. So Voted.

Councilor Croteau motioned that the Auditor's Office put a tracer on the invoices submitted by Jeanne Mastro-Showstead for videos from February and also the videos from the recently concluded hearing. The original bills were submitted to the Law Department. So Voted.

Councilor Croetau motioned that the Building Commissioner provide an analysis for the bids on the High School Project that have been submitted and awarded. So Voted.

Councilor Croteau motioned that the Police Department set-up a periodic radar stop on Crane Ave South, from the Condos to Norton Avenue near the new school complex.

Councilor Buffington motioned that the DPW Commissioner review the parking lot at Galligans Court as it is in deplorable condition and that he provide a report on this matter for the next Committee on the Department of Public Works. So Voted.

Councilor Buffington motioned that the DPW Commissioner repair the potholes on Round Street at the intersection of Hodges Street. So Voted.

Councilor Buffington stated he has received complaints from residents of poor water quality on Walker Avenue. Therefore, he motioned that the Water Supervisor attend the next DPW Committee meeting to provide a report on this matter. So Voted.

Councilor Buffington motioned to refer to the Committee on Police and License for discussion with the City Solicitor and Human Resource Director, the possibility of removing the position of Police Chief from Civil Service. So Voted.

Councilor Hoye motioned that the DPW Commissioner have the potholes on Burt Street repaired. So Voted.

New Business:

Councilor Costa-Hanlon stated that she noticed in the Beacon that the Mayor of Northampton put up a website that is quite extensive. Therefore, she motioned to refer this website to the Mayor's Office for review. So Voted.

Council Pottier motioned to refer to the Committee on Police and License, the issue of cars and trucks parking on sidewalks throughout the City causing difficulties for pedestrians. So Voted.

Councilor Pottier motioned to refer the broken glass and leaves in the roadway on Kilton Street near Oak Street to the DPW Commissioner for removal. So Voted.

Councilor Pottier motioned that the City Solicitor provide a comment on the Fire Department's policy of only accepting checks for the \$5.00 burning permits they issue and refer your comments to the Committee on Fires and Wires. So Voted.

Councilor Hoyer motioned that the Committee on Ordinances and Enrolled Bills review the ordinance that was set regarding City departments accepting cash only, check only, or both as the Council believes that a consistent policy needs to be set. So Voted.

Councilor Marshall motioned that the Board of Health take immediate action on the house at 86 Broadway, between SRPEED and Silva's Funeral Home on Broadway as the trash is piling up and residents are concerned about rodents. So Voted.

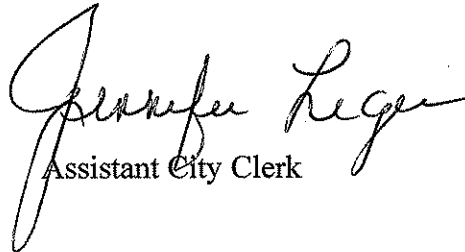
Councilor Marshall motioned that the City Solicitor provide an opinion on whether roadside memorials placed on public sidewalks can be removed. So Voted.

Councilor Marshall motioned that the DPW Commissioner repair the potholes on Caswell Street from McCaffrey's Farm to South Precinct Street. So Voted. *(The Assistant City Clerk called this matter into the DPW and spoke with Karen.)*

Meeting adjourned at 8:11 P.M.

A true copy:

Attest:


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 21, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DAVID POTTIER, ACTING CHAIRMAN AND
COUNCILOR CROTEAU. ALSO PRESENT WAS GILL ENOS,
BUDGET DIRECTOR

MEETING CALLED TO ORDER AT 5:40 P.M.

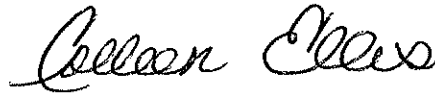
1. **MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK

2. **MEET TO REVIEW REQUESTS FOR FUNDING**
MOTION: MOVE APPROVAL OF REQUEST OF GILL ENOS, BUDGET DIRECTOR TO TRANSFER \$30,000.00 FROM AIRPORT ACCOUNT NO, 1-650-201-5109 – SALARIES AND WAGES TO ACCOUNT NO. 1-650-202-5599 – OTHER EXPENSES – SUPPLIES

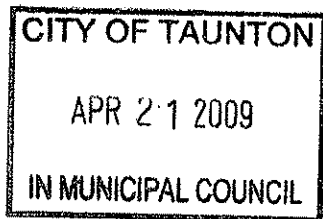
3. **MEET TO REVIEW MATTERS IN FILE**
ON APRIL 7, 2009 A REQUEST WAS MADE FOR THE LAW DEPARTMENT TO PROVIDE A BREAKDOWN OF ALL EXPENSES ASSOCIATED WITH THE SOLID WASTE DISPOSAL FACILITY FROM THE BEGINNING OF THE PROJECT TO DATE INCLUDING CONSULTING FEES, LEGAL FEES, ETC. THIS INFORMATION HAS NOT BEEN PROVIDED AS YET.
MOTION: THAT THIS REQUEST BE REFERRED TO THE MAYOR'S OFFICE ALSO.

MEETING ADJOURNED AT 5:42 P.M.

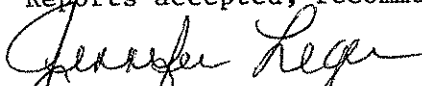
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 21, 2009

THE COMMITTEE ON PROCUREMENT OF INDEPENDENT LEGAL COUNSEL

PRESENT WERE: COUNCILORS BUFFINGTON, POTTIER AND HOYE

MEETING CALLED TO ORDER AT 6:42 P.M.

1. MEET TO DISCUSS THE PROCUREMENT OF INDEPENDENT LEGAL COUNSEL

THIS IS THE FIRST FORMAL MEETING OF THE COMMITTEE, NO PREVIOUS MEETINGS HAVE BEEN HELD. THE COMMITTEE IS ONE MEMBER SHORT TONIGHT, COUNCILOR FIORE COULD NOT MAKE IT THIS EVENING. COUNCILOR BUFFINGTON HAS BEEN IN TOUCH WITH HIM ABOUT WHEN HE WILL BE AVAILABLE AND THAT WILL BE DISCUSSED LATER.

COUNCILOR BUFFINGTON INFORMED THE COMMITTEE THAT HE HAS COMPILED A SUBSTANTIAL LIST OF PEOPLE WHO HE FEELS ARE QUALIFIED TO DO THIS WORK. HE HAS SPOKEN TO SOME BUT NOT ALL OF THE PEOPLE ON THE LIST. ATTORNEY FIORE HAS ALSO COMPILED A LIST. COUNCILOR BUFFINGTON FURTHER STATED THAT HE HAS ALSO MET WITH SOME LONGSTANDING ATTORNEYS AND JUDGES AND SOLICITED THEIR ADVICE AS TO NAMES TO BE CONSIDERED.

THE NEXT TASK FOR THE COMMITTEE IS TO SELECT ONE PERSON WHO CAN DO THE JOB THAT THE COMMITTEE WANTS THEM TO DO.

SINCE COUNCILOR FIORE COULD NOT BE HERE, HE HAD ASKED THAT THIS MATTER BE POSTPONED FOR ONE NIGHT, BUT ANOTHER MEMBER OF THE COMMITTEE CANNOT BE HERE TOMORROW. THE RECOMMENDATION WAS TO MEET ON SATURDAY MORNING. ALSO, SO LONG AS THIS MEETING IS RECESSED TO A DATE AND TIME CERTAIN, IT WILL NOT HAVE TO BE POSTED AGAIN.

ALSO DISCUSSED WAS THE NEED FOR THE COMMITTEE TO INSIST UPON RECEIVING THE EVIDENCE THAT ALREAD EXISTS. THE BEST EVIDENCE OUT THERE IS THE TRANSCRIPTS OF THE HEARING. COUNCILOR BUFFINGTON DID RECEIVE TWO COPIES OF THE DVD RECORDINGS LAST WEEK, HOWEVER, THE TRANSCRIPTS HAVE NOT BEEN RECEIVED. THE COUNCIL HAS REQUESTED THE TRANSCRIPTS ON THREE DIFFERENT OCCASIONS. HE DID STATE THAT HE DID GET A CALL FROM THE LAW DEPARTMENT ABOUT A WEEK AGO SAYING THAT SOME OF THE TRANSCRIPTS ARE IN BUT NOT ALL OF THEM. THE COMMITTEE WAS ASKED TO CONSIDER MAKING A FOURTH REQUEST TO THE LAW DEPARTMENT TO EXPEDITE THE RECEIPT OF THE TRANSCRIPTS.

MOTION: THAT THE LAW DEPARTMENT BE ASKED TO EXPEDITE THE RECEIPT OF THE TRANSCRIPTS OF THE HEARING.

DISCUSSED WAS OTHER EVIDENCE THAT HAD BEEN COLLECTED BY ATTORNEY FLANAGAN AND THE LAW DEPARTMENT. IT WAS NOTED THAT THE MINUTES OF THE MEETING WILL BE RECEIVED FROM THE CLERK'S OFFICE AS WELL AS THE EXHIBITS THAT WERE INTRODUCED AT THE HEARING. IN ADDITION, ATTORNEY COFFEY, WHO WAS MR. ACERRA'S ATTORNEY AT THE HEARING, CONTACTED COUNCILOR BUFFINGTON AND HE INDICATED THAT THERE WAS SOME ADDITIONAL INFORMATION WHICH HE IS IN POSSESSION OF THAT HE THOUGHT WOULD BE HELPFUL FOR WHOMEVER REPRESENTS THE COUNCIL. SO SOME ADDITIONAL INFORMATION WILL BE RECEIVED. HE IS AVAILABLE TO PROVIDE THIS TO THE COMMITTEE RIGHT AWAY.

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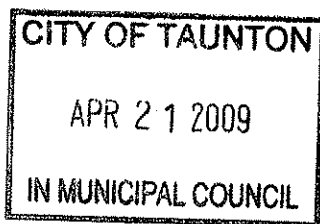
APRIL 21, 2009

**THE COMMITTEE ON PROCUREMENT OF INDEPENDENT LEGAL COUNSEL –
CONTINUED**

JUST FOR THE RECORD, THE MEETING WHICH WILL BE HELD ON SATURDAY MORNING WILL BE AN OPEN MEETING, MEMBERS OF THE PRESS AND THE PUBLIC ARE CERTAINLY INVITED, ALTHOUGH IT COULD BE DETERMINED AT SOME POINT THAT THERE MAY BE A NEED TO GO INTO EXECUTIVE SESSION. THE COMMITTEE IS TRYING TO MOVE THIS ALONG AS SOON AS POSSIBLE, BUT THERE HAS BEEN GREAT DIFFICULTY IN GETTING THE EVIDENCE NEEDED. THEREFORE, IT WAS AGREED THAT THE MEETING WILL BE HELD ON SATURDAY MORNING, APRIL 25, 2009 AT 8:00 A.M. IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS, CITY HALL.

DISCUSSED WAS THAT WHOEVER IS HIRED SHOULD NOT HAVE ANY RELATIONSHIP WITH A CITY COUNCILOR OR EMPLOYEE. IT WAS REQUESTED THAT THE COMMITTEE COME UP WITH A SHORT LIST THAT COULD BE E-MAILED TO THE COUNCILORS SO THEY COULD LET THE COMMITTEE KNOW IF THERE WAS ANY CONFLICT. IT WAS NOTED THAT EVERY MEMBER OF THE COUNCIL IS INVITED TO THE MEETINGS OF THIS COMMITTEE. THIS COMMITTEE'S JOB IS TO RECOMMEND TO THE FULL COUNCIL AN ATTORNEY OR A LAW FIRM TO REPRESENT THE MUNICIPAL COUNCIL ONLY. THEREFORE IT WILL BE THE MUNICIPAL COUNCIL WHO HIRES SOMEONE AND ALL COUNCILORS WILL HAVE A ROLE IN THE PROCESS. IF AT ANY POINT COUNCILORS ARE LOOKING FOR INFORMATION, THEY CAN CONTACT A COMMITTEE MEMBER. THE COMMITTEE WILL MAKE AVAILABLE A LIST OF EVERY NAME THAT THEY ARE GOING TO CONSIDER.

MOTION: TO RECESS THIS MEETING UNTIL 8:00 A.M. ON SATURDAY MORNING, APRIL 25, 2009.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.

A handwritten signature in cursive script that reads "Jennifer Rege".
Assistant City Clerk



CITY OF TAUNTON

ORDER #43
FY 2009
APRIL 21, 2009

In Municipal Council 20.....

Ordered, That

THE SUM OF THIRTY THOUSAND DOLLARS

AND NO CENTS (\$30,000.00) BE AND HEREBY IS TRANSFERRED FROM AIRPORT

ACCOUNT NO. 1-650-201-5109 – SALARIES AND WAGES

TO: ACCOUNT NO. 1-650-202-5599 – OTHER EXPENSES – SUPPLIES

..... *Clerk.*