



*City of Taunton  
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers  
Minutes, April 28, 2009 at 7:09 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,  
Croteau, Carr, Buffington, Barbour*

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

*Communications from Mayor:*

At this time, the Mayor stated Bob Scrieber, Chairman of a sudden cardiac arrest organization, along with Rusty Waterson, head of the chapter for Southeastern Massachusetts were here to present citations and pins to Police Officer, Peter Corr and the Engine 1 members of the Fire Department for their efforts in saving a gentleman who suffered a heart attack at the Taunton Lodge of Elks a few weeks back. **Motion was made to invite them into the enclosure. So Voted.** Honored were: Peter Corr, Lieutenant Mark Dupras, Firefighters Jeffery Gallagher, George Kelly, Chad Morin, and Sara Riendeau. **Motion was made to excuse the parties. So Voted.**

**Motion was made to recess to continue the Committee Meetings at 7:22 PM. So Voted.**

**Motion was made to return to the Municipal Council Meeting at 12:42 PM. So Voted.**

*Appointments:*

At this time, the Mayor read a communication submitted by Kevin Martin submitting his resignation from the Park and Recreation Commission. **Motion was made to receive with regret and send the appropriate scroll. So Voted.**

At this time the Mayor appointed Larry Newman, 144 White Pine Drive to the Park and Recreation Commission to fill the un-expired term of Kevin Martin, expiring in February 2010. **Motion was made to move approval. So Voted.**

*Communications:*

Com. from Director/Agent, Veterans Services requesting a transfer of funds in the amount of \$110,000.00 into the Veterans Benefits Account. All monies paid from this account are reimbursed to the City from the State at a rate of 75%. Council motioned to

refer to your Committee for discussion with the City Solicitor and Human Resource Director, the possibility of removing the position of Police Chief from Civil Service.

**Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from the Fire Chief requesting a transfer of funds in the amount of \$4,742.00 to pay for overtime needed to continue the development of the Tel-e-staff program. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from the Fire Chief requesting to end the temporary positions of Deputy Chief Edward Boiros, Captain Todd Myers, Lieutenant Jonathan Nunes as Deputy Dexter has returned to work. **Motion was made to move approval. So Voted.**

Com. from the Fire Chief providing an update on Engine #1. **Motion was made to refer to Committee Reports.**

Com. from Sergeant Matthew McCaffrey, Dive Team Commander, Taunton Police Dive Team informing of a donation from Ronald B. Ledoux, 400 Kingman Street, East Taunton to the Taunton Police Dive Team. **Motion was made to send a letter of gratitude. So Voted.**

Com. from John Frye, Secretary, Pilgrim Amateur Wireless Association, 11 Sara Drive, Taunton requesting use of Gertrude Boyden Refuge on June 27-28, 2009 for area amateur radio operators to participate in the annual test of the ability to provide emergency communications in the field and away from normal power. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from Christopher DiCostanzo, Community Care Services, Inc., 70 Main Street, Taunton requesting permission to utilize Liberty and Union Plaza on May 1, 2009 to have their clients clean it and plant flowers, etc. and on May 8, 2009 for a Community Mental Health Awareness Day, serving hamburgers and hotdogs. **Motion was made to refer to the Commissioner, Parks, Cemeteries, and Public Grounds. So Voted.**

Com. from Mary Donovan, Chairman Ways & Means, Taunton Garden Club requesting use of the electronic sign to advertise the Taunton Annual Garden Spring Plant Sale on Saturday, May 16, 2009 from 10:00 AM – 2:00 PM at the First Parish Church. **Motion was made to move approval. So Voted.**

Com. from Carol Gregory, Client Relations, Milton Chiropractic, 68 Winthrop St., Taunton requesting use of the electronic sign to advertise their Family Health and Wellness Fair. **Motion was made to deny the request. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds advising of a donation of \$5,000.00 from Anthony Falbo, Vice President and General Manager of the Fortistar Methane Group. The funds will be utilized to purchase picnic tables and plant a shade tree. **Motion was made to send a letter of gratitude for the donation. So Voted.**

Com. from Commissioner, Parks, Cemeteries, and Public Grounds responding to a request for plantings at the Lincoln Square. She states that she is unsure how to proceed with this request without removing existing sidewalk and not interfering with any ADA compliance issues. **Motion was made to send a letter to Marilyn to let her know the Council is actually talking about the island in the roadway. Councilor Fiore offered to donate Mr. Lincoln Roses. So Voted.**

Councilor Hoyer read an extra communication submitted by Attorney David T. Gay, Gay, Gay & Field regarding the Columbia Cultural Center at 775 John Quincy Adams Road and the City Water System Improvements/Water Tower. **Motion was made to refer to the DPW and the Mayor's Office for future discussion. So Voted.**

**Petitions and Claims:**

Application submitted by Lawrence Newman requesting a new Constable License desiring to work Police Details. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Jean L. Pratt for the renewal of her Second Hand Article License – DBA- The Bargain Bazaar Thrift Shop, Inc. located at 320 Bay Street and requests a waiver of the license fee as this is a non-profit organization. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Gabriel Pires requesting a renewal of his Livery License –DBA- Link Transport to be located at 445 Winthrop Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by George Kenaan requesting a renewal of his Livery License –DBA- High Class Limo to be located at 70 Solitude Dr., Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Paul Courcy, 170 Seekell St., E. Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Cushman Street near house number 8. **Motion was made to refer to the City Solicitor and the DPW Commissioner to repair the potholes. So Voted.**

Claim submitted by Suzanne Caron, 600 County St., #308, Taunton seeking reimbursement for damages to her automobile from hitting a pipe on Washington Street near the intersection of Winter Street. **Motion was made to refer to the City Solicitor and the DPW Commissioner to repair the potholes. So Voted.**

Claim submitted by Lisa Aguiar, 130 Silverwood Dr., Taunton seeking reimbursement for damages to her automobile from hitting two potholes, one on Somerset Ave. near 43 Somerset Ave. and one on Baker Road West. **Motion was made to refer to the City Solicitor and the DPW Commissioner to repair the potholes. So Voted.**

Councilor Fiore stated that a few weeks ago, the TMLP installed a light at the intersection of Fisher Street, Shores Street and Highland Street as requested. However, the citizen

who requested this wanted the light to be placed on pole #2. Therefore, the Council motioned that the TMLP place the light on pole #2 on Fisher Street. 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 to send a communication to the TMLP that the Washington post lights on Solitude Drive have been approved to be turned on and any developments with these lights already up have been approved for lighting. However, there is a moratorium for the installation of any other of these lights within the City unless they are privately lit or some other cost mechanism is established. So Voted.

Councilor Carr stated she would like to discuss the returning of the City Clerk to her position. She stated the office is under a lot of stress, there are lines out the door and taxpayers are not being served. Councilor Carr motioned to place under old business for next week the discussion on whether to return the City Clerk to her position and the Human Resource Director and the Mayor come up with a solution to the current staffing situation in that office. Councilor Hoyer requested that this motion be split into two motions, as he does not want to discuss the return of the City Clerk at this time. Councilor Barbour stated he has been championing the staffing of the City Clerk's Office for which he has been criticized. He stated he would like to hear from Ms. Robin Sousa, employee of the City Clerk's Office for her input on the current situation in that office. Councilor Croteau does not feel that it should be placed on the agenda for next week as the scenario is likely to be like that of the previous meeting. **Motion was made to invite Ms. Sousa to speak. So Voted.** Councilor Buffington stated they received the transcripts today. He supports the portion of the motion to get assistance to the City Clerk's Office staff. **A vote of the original motion by Councilor Carr to place under old business for next week the discussion on whether to return the City Clerk to her position and the Human Resource Director and the Mayor come up with a solution to the current staffing situation in that office was taken. Voting in favor were Councilors Barbour, Carr, Fiore, and Pottier. Councilors Buffington, Croteau, Marshall, Costa-Hanlon, and Hoyer voting in opposition. Motion does not carry.** Councilor Marshall motioned to refer the issue of staffing in the City Clerk's Office to the Mayor and the Human Resource Director, along with the Acting City Clerk for an update next week. **So Voted.** Councilor Barbour motioned that the Special Investigation Committee provide an update in one week relative to the status of the investigation. **So Voted.** Councilor Fiore stated that the Committee has began making some calls but has not chosen anyone as of yet but are hoping to have something soon.

Councilor Buffington motioned that the Committee on the Department of Public Works place the issue of the deficiencies in Gallgan's Court on its agenda for next week or the week after. So Voted.

Councilor Croteau motioned that the Department of Public Works Committee place the issue of an auto repair facility on Somerset Avenue being utilized to store equipment and

crush stone on its agenda for next week and to receive an update on the project. So Voted.

**Orders, Ordinances, and Enrolled Bills**

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

**\$300,000.00** is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replace or installation of septic systems within the Mathews Landing subdivision, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow **\$300,000.00** and issue bonds or notes therefore under G.L.c.111 s127B ½ and /or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owner, in accordance with those agreements, but such bonds or notes shall be general obligations of the City; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Mayor is authorized to expend all funds available for the projects and to take any other action necessary to carry out the projects. **Motion was made to pass to a second reading. So Voted.**

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

**\$465,000.00** is appropriated, for the cost of engineering services for plans and specifications for improvements of the City's wastewater system, consisting of the Winthrop Street, Williams St area (Duffy Dr, Phyllis Rd, Barbara Rd, Ellen Rd, Baylies Rd, Donna Terrace, Mary Dr, Marilyn Dr) and Davenport Terrace sewer extension projects in accordance with the City's Comprehensive Wastewater Management Plan; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow **\$465,000.00** under Chapter 44 of the General Laws or any other enabling authority; that while such borrowing shall constitute a general obligation of the City, it is expected that the debt service on such borrowing shall be paid from betterment assessments; and that the Mayor is authorized to take any other action necessary to carry out this project. **Motion was made to pass to a second reading. So Voted.**

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

**\$8,331,000** is appropriated for the purpose of financing the construction of improvements to the City's wastewater system, consisting of the Winthrop Street, Williams Street (Duffy Dr, Phyllis Rd, Barbara Rd, Ellen Rd, Baylis Rd, Donna Terrace,

Mary Dr, Marilyn Dr) and Davenport Terrace sewer extension projects in accordance with the City's Comprehensive Wastewater Management Plan, including without limitation with respect to each project all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow **\$8,331,000** and issue bonds or notes therefore under Chapter 44 of the General Laws, Chapter 29C of the General Laws or any other enabling authority; that while such bonds and notes shall, except as otherwise determined by the Treasurer and Mayor as provided below, constitute general obligations of the City, it is expected that this debt service on such bonds and notes shall be paid from betterment assessments; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. **Motion was made to pass to a second reading. So Voted.**

**New Business:**

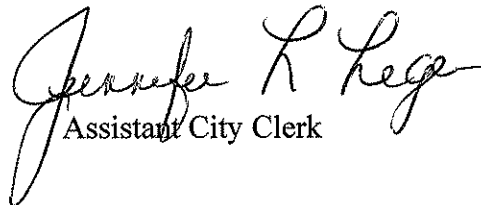
Councilor Pottier motioned that the Mayor inform the Council if Seekell Street is on the master list for repairs. Additionally, that the potholes on this street be referred to the DPW Commissioner for repair. So Voted.

Councilor Carr stated that a resident reported a large hole in the catch basin in front of 2 Johnson Street and expressed concern that someone could fall in. Therefore, she motioned that the DPW Commissioner have this catch basin repaired. So Voted.

Meeting adjourned at 1:18 A.M.

A true copy:

Attest:

  
Assistant City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2009

**THE COMMITTEE ON FINANCE AND SALARIES**

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

MEETING CALLED TO ORDER AT 5:53 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 BUDGET DIRECTOR PROVIDED DOCUMENTS REGARDING COSTS ASSOCIATED WITH THE SOLID WASTE MANAGEMENT FACILITY.

**MOTION: THAT FISCAL YEARS 07 AND 06 ARI COSTS BE PROVIDED. THAT THE PROJECTED COSTS AND EXPENDITURES FOR FY 09 BE PROVIDED AND PROJECTED COSTS FOR FY 10 BE PROVIDED.**

**MOTION: TO REFER TO THE COMMITTEE ON SOLID WASTE FOR PROJECTED SCHEDULE FOR THIS PROJECT**

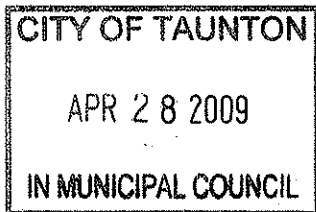
THE BUDGET DIRECTOR ALSO PROVIDED DOCUMENTS PROVIDING BALANCES IN FREE CASH, STABILATION AND OVERLAY (FY03-FY09). COUNCILOR CROTEAU STATED THAT HE FEELS THAT THERE ISN'T A NEED TO CARRY THAT AMOUNT OF MONEY AND THAT IF WE NEED TO DO ANYTHING RELATIVE TO PROCURING FUNDS IN PROPPING UP THE BUDGET SO MORE PEOPLE DON'T HAVE TO BE LAID OFF THIS IS AN AREA WHERE WE COULD LOOK. THE BUDGET DIRECTOR WAS REQUESTED TO RUN TOTALS FOR THE LISTS OF TAX ABATEMENTS.

MEETING ADJOURNED AT 6:03 P.M.

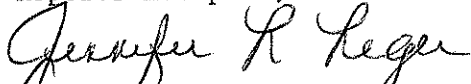
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



Reports Accepted, recommendations adopted.

  
Assistant City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2009

**THE COMMITTEE ON FIRES AND WIRES**

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS POTTIER AND CROTEAU. ALSO PRESENT WERE CHIEF LEMAN PADELFOR, FIREFIGHTERS BOB ROONEY, RUSSELL LAINE, MARK BAPTISTE AND ATTORNEY MARK KAPLAN

**MEETING CALLED TO ORDER AT 6:15 P.M.**

**1. MEET TO DISCUSS GRIEVANCES**

THE UNION REQUESTED THAT GRIEVANCE NO. 09-060 BE HEARD IN EXECUTIVE SESSION.

**MOTION:** ON A ROLL CALL VOTE ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION.

**MOTION:** ON A ROLL CALL VOTE ALL COUNCILORS PRESENT VOTED TO COME OUT OF EXECUTIVE SESSION.

**THERE WERE TWO MOTIONS MADE IN EXECUTIVE SESSION.**

**COMMITTEE RECESSED AT 6:45 P.M.**

**COMMITTEE CALLED BACK TO ORDER AT 9:51 P.M.**

THE UNION STATED THAT THE REMAINING GRIEVANCES COULD BE HEARD IN OPEN SESSION.

**GRIEVANCE NO. 09-56**

**NATURE OF GRIEVANCE:** VIOLATION BUT LIMITED TO ARTICLE XVIII AND CITY ORDINANCES ARTICLE II SECTION 7-25. ON OR ABOUT JANUARY 08, 2009 THE CHIEF SENT ENG. 5 OUT TO REPLACE TIRE AND INSTALL. IT HAS BEEN THE MECHANICS JOB FOR THE LAST 9 YEARS TO DO THIS JOB. ALSO HAS BEEN OTHER DUTY'S THE CHIEF HAS RELIEVED THE MECHANIC OF. SEE ATTACHED LIST.

**REMEDY:** LET THE MECHANIC RESUME ALL HIS DUTIES

**RESPONSE OF CHIEF:** MIKE PERRY WILL BEGIN REGULAR MEETINGS WITH THE CHIEF, (DAILY IF POSSIBLE) AND WILL JOINTLY DISCUSS MAINTENANCE ISSUES AND PROBLEMS. FOLLOW-UP AT THE END OF MARCH THE CHIEF REPORTED THAT HE AND THE MECHANIC ARE STILL WORKING TOWARDS MORE REGULAR MEETINGS. ALSO, ONCE THE MECHANIC MOVES BACK TO CENTRAL STATION, WHICH SHOULD BE IN A FEW WEEKS, IT WILL HELP THIS PROCESS.

DISCUSSED WAS ALLOWING THE MECHANIC TO SPEND UP TO \$250.00 PER WEEK WITH DAILY SUBMISSION OF PAPER WORK, AFTER JULY 1<sup>ST</sup>.

THE UNION STATED THAT THE CHIEF, MECHANIC, HUMAN RESOURCE DIRECTOR, AND MR. ROONEY ALL SEEMED TO BE SATISFIED WITH THE OUTCOME OF THE MEETING THAT WAS HELD REGARDING THIS ISSUE. HOWEVER, MR. ROONEY HAD SOME CONCERNS ON THIS MATTER. HE THOUGHT THAT THE \$250.00 AUTHORIZATION TO SPEND WAS TO BEGIN NOW. THE CHIEF STATED THAT THE BUDGET IS GETTING VERY TIGHT SINCE IT IS THE END OF THE YEAR, THERE ARE NO FREE FUNDS IN THE 202 ACCOUNT AT THIS



PAGE TWO

APRIL 28, 2009

**THE COMMITTEE ON FIRES AND WIRES – CONTINUED**

TIME. MR. ROONEY FEELS THAT THIS WAS NOT WHAT WAS SAID AT THE MEETING.

OTHER ISSUES WERE THAT IN THE MEETING THERE WAS A DISCUSSION ABOUT THE MECHANIC GOING TO GET THE SNORKLE, THE CHIEF DECIDED TO GO GET IT HIMSELF. IT IS NOW SITTING AT THE DPW WAITING FOR THE MECHANIC TO GET BACK FROM VACATION.

ALSO, MR. ROONEY STATED THAT THE COMMITTEE ABOUT THREE WEEKS AGO INSTRUCTED THE CHIEF TO GET THE JAWS OF LIFE INSPECTED. THE JAWS OF LIFE WILL NOT BE INSPECTED UNTIL NEXT WEEK. IT TOOK 2-3 WEEKS BEFORE THE CHIEF APPROVED GETTING THIS DONE.

**MOTION: THAT THE DATE OF THE CONVERSATION BETWEEN THE FIRE CHIEF AND MECHANIC REGARDING THE JAWS OF LIFE BE PROVIDED TO THE COMMITTEE, THE DATE THE MECHANIC MADE THE APPOINTMENT AND THE ACTUAL DATE OF THE INSPECTION**

THE UNION FEELS THAT INPUT IS NEEDED FROM THE HUMAN RESOURCE DIRECTOR REGARDING WHAT TOOK PLACE IN THE MEETING AS THINGS SEEM TO CHANGE AFTER THE MEETING.

**MOTION: THAT AN UPDATE FROM MRS. GOMES, HUMAN RESOURCE DIRECTOR BE PROVIDED AS TO WHAT PROGRESS WAS MADE REGARDING MEDIATION WITH THE MECHANIC AND CLARIFICATION AS TO WHAT WAS AGREED UPON.**

**GRIEVANCE NO. 09-062**

**NATURE OF GRIEVANCE:** VIOLATION OF BUT NOT LIMIT TO ARTICLE XXVIII AND ARTICLE XVIII. LT. HAYES PUT IN HIS REQUEST FOR REIMBURSEMENT FOR HIS EMT CERTIFICATION AND BOOKS FOR CAPT. EXAM IN DECEMBER AND HAS NOT RECEIVED HIS REIMBURSEMENT AS OF THIS DATE. THERE ARE SEVERAL PEOPLE THAT HAVE PUT IN FOR REIMBURSEMENTS AS FAR BACK AS JANUARY THAT HAVE NOT BEEN PAID. ALSO THE PRIOR YEAR REIMBURSEMENTS HAVE NOT BEEN PAID AS OF THIS DATE.

**REMEDY:** SUBMIT ALL REIMBURSEMENT, CURRENT AND PRIOR YEAR, TO THE AUDITOR OFFICE WITHIN A WEEK. AND A COPY OF SAME TO ATTACH TO THIS GREIVANCE

**RESPONSE OF CHIEF OF DEPT.:** YOUR REQUEST TO SUBMIT ALL REIMBURSEMENTS TO THE AUDITOR'S OFFICE WITHIN ONE WEEK IS NOT POSSIBLE. AS I EXPLAINED WHEN WE SPOKE, THE PROCESS TAKES LONGER THAN THAT. THIS OFFICE HAS SEEN A DRAMATIC INCREASE IN REQUESTS FOR SPECIAL REPORTS, SPECIAL RESEARCH AND OTHER REQUESTS OVER THE PAST SEVERAL MONTHS, THAT IS CONSUMING AN INCREASING PERCENTAGE OF OUR TIME. THERE ARE ADDITIONAL ONGOING PROJECTS THAT ALSO CONSUME OUR TIME. WE WILL CONTINUE TO PROCESS OUR WORK AS EFFICIENTLY AS POSSIBLE AND PAY REIMBURSEMENTS AS SOON AS POSSIBLE. AN E-MAIL OF MARIA GOMES DATED 4/21/09 TO THE FIRE CHIEF WAS READ IN WHICH SHE STATED THAT SHE HAD REVIEWED A COPY OF THE GRIEVANCE. IF A RECEIPT HAS BEEN SUBMITTED TO THE CHIEF'S OFFICE, IT SHOULD BE SUBMITTED TO THE AUDITOR FOR REIMBURSEMENT WITHIN TWO WEEKS OF THE CHIEF RECEIVING IT. ANYTHING OUTSIDE OF THAT IS TOO LONG. IF IT IS

PAGE THREE

APRIL 28, 2009

**THE COMMITTEE ON FIRES AND WIRES – CONTINUED**

BOUNCED BACK FROM THE AUDITOR'S OFFICE, SHE UNDERSTANDS THAT THE CHIEF POSTS A LIST WITH THE NAMES OF THOSE IMPACTED-THAT IS FINE AND REASONABLE. WE CAN'T EXPECT, NOR WOULD SHE EXPECT FOR HERSELF TO WAIT FOR MORE THAN A MONTH FROM START TO FINISH TO GET REIMBURSED. SHE FURTHER STATED THAT IF THE CHIEF NEEDS ASSISTANCE PROCESSING THOSE REIMBURSEMENTS THE PROCESS IN THE OFFICE NEEDS TO CHANGE. HAVE THE ADMINISTRATIVE ASSISTANT PREPARE THE REIMBURSEMENTS FOR THE CHIEF'S REVIEW. THE CHIEF SHOULD NOT BE TYPING OR PREPARING THE VOUCHERS FOR REIMBURSEMENT. FURTHER, SHE STATES THAT THIS MATTER SHOULD NOT NEED TO GO BEFORE FIRES AND WIRES.

**MOTION: TO APPROVE THE GRIEVANCE**

FURTHER DISCUSSION WAS HELD REGARDING THE FACT THAT A WEEK IS NOT A REASONABLE TIME FRAME FOR SUBMISSION OF PAPERWORK FOR REIMBURSEMENT. TWO WEEKS IS BETTER. THE CHIEF STATED THAT HE HAS ALSO ASKED THE UNION FOR A LIST OF THE ITEMS REFERRED TO IN THE GRIEVANCE AND HAS NOT RECEIVED IT YET.

THE UNION CLARIFIED THAT THEY ARE SAYING THAT ONE WEEK IS THE TIME IN WHICH TO SIMPLY START THE PROCESS. THE PROCESS CANNOT START WITHOUT THE CHIEF DOING WHAT HE IS SUPPOSED TO DO. CURRENTLY REIMBURSEMENTS ARE TAKING 2, 3, 4 MONTHS OR LONGER. FROM THE TIME A REQUEST FOR REIMBURSEMENT IS SENT TO THE CHIEF'S OFFICE IT SHOULD BE NO MORE THAN TWO WEEKS TIME TO GET IT TO CITY HALL. WHEN A REQUEST IS BROUGHT INTO THE CHIEF'S OFFICE, THE ADMINISTRATIVE ASSISTANT REVIEWS IT AND IF SOMETHING IS MISSING, SHE INFORMS THE PERSON THEN AND THERE.

**MOTION: FROM THE TIME THE ADMINISTRATIVE ASSISTANT RECEIVES AND REVIEWS THE PAPERWORK REGARDING REIMBURSEMENTS, THE APPROPRIATE PAPERWORK IS TO BE DELIVERED TO CITY HALL WITHIN TWO WEEKS, WITH THE VOUCHER TO BE SUBMITTED WITHIN AN ADDITIONAL TWO WEEKS.**

THE UNION STATED THAT ONE MONTH IS FINE WITH THEM.

COUNCILOR CROTEAU MADE THE FOLLOWING MOTION:

**MOTION: THAT IF WE HAVE ANY PROBLEMS THAT HAVE TO BE BROUGHT TO THIS COMMITTEE ABOUT THIS GRIEVANCE AND THIS PROCESS, AND IF WE CONTINUE TO HAVE THE TYPE OF PROBLEMS THAT HAVE COME BEFORE THE COMMITTEE, IT IS HIS OPINION AFTER SEVERAL MONTHS THAT THERE IS A PATTERN HERE, AND HE SPECIFIED THIS GRIEVANCE BEING TALKED ABOUT RIGHT NOW, AND WILL SPECIFY SPECIFIC PROBLEMS IN THE FUTURE AS THEY COME BEFORE THE COMMITTEE. IF THERE ARE ANY FURTHER PROBLEMS WITH THIS PARTICULAR GRIEVANCE AND PROCESS DISCUSSED, HE WILL MAKE A MOTION TO HOLD THE CHIEF INSUBORDINATE FOR HIS EITHER INABILITY OR UNWILLINGNESS TO MANAGE ADMINISTRATIVE DETAILS**

PAGE FOUR

APRIL 28, 2009

THE COMMITTEE ON FIRES AND WIRES – CONTINUED

AS HAVE BEEN BROUGHT BEFORE THIS COMMITTEE SPECIFYING THIS PROCESS BEING TALKED ABOUT RIGHT NOW. AND THAT AS A RESULT THE CHIEF WILL BE SUSPENDED FOR A PERIOD OF FIVE DAYS WITHOUT PAY.

2. MEET TO REVIEW MATTERS IN FILE

A. THE UNION STATED THAT THEY WOULD LIKE TO DISCUSS THE FAMILY MEDICAL LEAVE ACT. DUE TO THE FACT THAT MRS. GOMES COULD NOT BE HERE, A MEETING IS TO BE SET UP WITH THE HUMAN RESOURCE DIRECTOR, MARK BAPTISTE AND COUNCILOR BARBOUR TO DISCUSS THIS MATTER.

B. ALSO DISCUSSED WAS THE DIVE TEAM. THE ORCUTT FAMILY HAS DONATED MONTH TO THE CITY, AND THEY WANT TO KNOW THE STATUS OF THE DIVE TEAM. IS THE CHIEF GOING TO DO WHAT IS NEEDED TO KEEP THE DIVE TEAM FUNDED AND ACTIVE, WILL THE TRAINING BE DONE, WILL THEY BE UTILIZING THE EQUIPMENT. COUNCILOR COSTA HANLON WILL SPEAK TO THE ORCUTT FAMILY TO GET THEIR SPECIFIC CONCERNS AND A MEETING WILL BE SCHEDULED IN FOUR TO FIVE WEEKS.

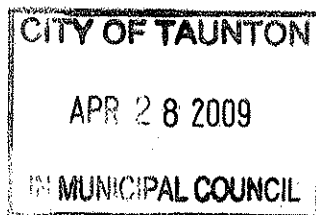
C. A MEETING WAS REQUESTED TO BE SET UP TO DISCUSS THE PROGRESSIVE DISCIPLINARY ISSUE REGARDING THE CHIEF. THIS MATTER WAS REFERRED BACK TO THE CITY SOLICITOR AND HUMAN RESOURCE DIRECTOR FOR A MEETING IN A FEW WEEKS.

MEETING ADJOURNED AT 10:54 P.M.

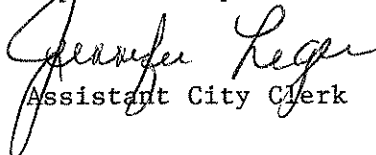
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



Assistant City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2009

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS MARSHALL, BUFFINGTON, HOYE AND BARBOUR. ALSO PRESENT WERE SUPERINTENDENT OF SCHOOLS ARTHUR STELLAR, SCHOOL COMMITTEE MEMBERS JOSEPH MARTIN, JOSEPHING ALMEIDA, PETER CORR, CHRISTINE FAGAN AND BARRY COOPERSTIEN, AND WAYNE WALKDEN AND THOMAS PESTANA OF THE BUILDING DEPARTMENT.

**MEETING CALLED TO ORDER AT 7:26 P.M.**

**1. MEET WITH THE SUPERINTENDENT OF SCHOOLS, SCHOOL COMMITTEE, BUSINESS MANAGER AND SUPERINTENDENT OF PUBLIC BUILDINGS TO DISCUSS CONDITIONS AT FORMER LEONARD SCHOOL BUILDING AND WALKER SCHOOL**

IT WAS NOTED THAT LEONARD SCHOOL WAS INSPECTED ON JANUARY 12, 2009. THE BUILDING SUPERINTENDENT FILED A REPORT. THERE WERE SAFETY ISSUES, MAINTENANCE ISSUES AND FIRE AND BUILDING CODE ISSUES. THERE WERE MANY ITEMS OF SAFETY CONCERNS INCLUDING PEELING PAINT, NO HAND RAILS, SECOND FLOOR HAS OLD ASBESTOS FLOOR TILES THAT WERE LIFTING AND CRACKING. THE BUILDING NEEDS TO BE GUTTED. ALSO THE ROOF NEEDS TO BE REPLACED. DUE TO THE FACT THAT IT WOULD COST MUCH MONEY AND TAKE A LOT OF TIME, THE DECISION WAS MADE TO CLOSE THE BUILDING. THE EXTENDED DAY CARE PROGRAM WAS MOVED TO THE OLD E. POLE SCHOOL. LEONARD SCHOOL IS EMPTY AND WILL BE BOARDED UP. IT NEEDS TO BE EMPTIED OF COMBUSTABLE ITEMS. THE FIRE CHIEF AND MR. WALKDEN WILL THEN DETERMINE THE BEST WAY TO BOARD UP THE BUILDING. THERE IS AN UNDERGROUND OIL TANK ISSUE AT THIS PROPERTY ALSO. IT IS UP TO THE CITY AND THE SCHOOL DEPARTMENT TO DECIDE WHAT TO DO WITH THIS BUILDING.

DISCUSSED WAS THAT THERE ARE EIGHT ACRES OF LAND TO THE REAR OF THE SCHOOL. IT WAS NOTED THAT A MOTION WILL BE MADE THAT THE LAND BEHIND THE LEONARD SCHOOL BE DEEDED TO THE SCHOOL COMMITTEE TO BUILD AN ELEMENTARY SCHOOL. THE REASON FOR THIS MOTION WOULD BE SO THAT THE CITY COULD NOT SELL THE PROPERTY. IT WAS ALSO REQUESTED THAT WITH THIS MOTION THE LAND THAT THE OLD LEONARD SCHOOL IS ON BE INCLUDED.

FURTHER DISCUSSION WAS HELD REGARDING THE FACT THAT IF THE ROOF IS NOT TAKEN CARE OF THE BUILDING WILL CONTINUE TO DETERIORATE. AT THE VERY LEAST, THE REAR SECTION OF THE ROOF NEEDS TO BE REPLACED AND THE FRONT PART NEEDS TO BE REPAIRED. THIS WOULD BUY SOME TIME AND THE BUILDING DEPARTMENT COULD DO THIS RELATIVELY EASILY.

IT WAS STATED THAT THE SCHOOL COMMITTEE HAS HAD NO FORMAL DISCUSSION ON WHAT TO DO WITH THIS BUILDING. IT WAS REFERRED TO THE LONG RANGE PLANNING COMMITTEE.

THERE ARE TWO ISSUES THAT NEED TO BE ADDRESSED. FIRST, THE LAND. THE SCHOOL DEPARTMENT NEEDS TO RETAIN POSSESSION OF THE LEONARD SCHOOL PROPERTY AND TO OBTAIN POSSESSION OF THE 8 ACRES BEHIND IT. SECOND, THE BUILDING THAT IS THERE NOW WOULD PROBABLY NOT BE PART

PAGE TWO

APRIL 28, 2009

**THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED**

OF ANY RENOVATION PROJECT SO IDEAS ARE NEEDED FROM THE BUILDING SUPERINTENDENT AS TO WHAT THE COST WOULD BE TO TAKE DOWN THE BUILDING AND THE COST TO PUT IT BACK IN USE.

THE MAYOR STATED THAT HE INTENDS TO RETAIN THE LAND BEHIND THE SCHOOL AND HAS NO INTENTION OF SELLING IT. HE FURTHER STATED THAT HE WOULD LIKE TO SPEND ANY AVAILABLE FUNDS ON THE SCHOOLS THAT HAVE STUDENTS IN THEM RATHER THAN A VACANT BUILDING.

A LONG RANGE PLANNING COMMITTEE MEETING OF THE SCHOOL DEPARTMENT WILL BE SCHEDULED SOON. WHEN THEY DO MEET AND DECIDE WHAT THEY ARE GOING TO DO, THEY WILL REPORT BACK TO THIS COMMITTEE. FURTHER DISCUSSION WAS HELD REGARDING THAT FACT THAT THE SCHOOL DEPARTMENT DOESN'T OWN ANY LAND. THE SCHOOL DEPARTMENT IS NOT A SEPARATE MUNICIPAL CORPORATION, AND THAT ANY LAND THAT ANY SCHOOL IS ON IS OWNED BY THE CITY OF TAUNTON. LAND CAN BE DESIGNATED UNDER LAW TO THE SCHOOL DEPARTMENT. ONCE IT IS IT STAYS THERE UNTIL THE SCHOOL COMMITTEE VOTES OTHERWISE. IF THERE ARE TWO SEPARATE PARCELS OF LAND HERE, AND ONE HAS A SCHOOL ON IT THAT IS UNDER THE CONTROL OF THE SCHOOL DEPARTMENT, AN ANSWER IS NEEDED AS TO HOW MANY OTHER PARCELS THERE ARE AND ARE THEY UNDER THE SCHOOL DEPARTMENT'S CONTROL.

A REPORT WAS AGAIN REQUESTED REGARDING THE MONEY THAT CAME IN TO THE EXTENDED DAY CARE ACCOUNTS AND WHERE THE MONEY WAS SPENT.

**MOTION: COMMITTEE TO MEET WITH THE CITY SOLICITOR AT THE CHAIRMAN'S CONVENIENCE SOMETIME IN THE NEAR FUTURE TO DISCUSS OPTIONS AS TO WHAT THE COMMITTEE MAY OR MAY NOT BE ABLE TO DO WITH THE LAND THAT ABUTS THE LEONARD SCHOOL. ALSO TO INCLUDE THE LAND THAT THE BUILDING CURRENTLY SITS ON.**

MR. WALKDEN REPORTED THAT HE FOUND A VARIETY OF SAFETY AND MAINTENANCE ISSUES AT WALKER SCHOOL. THE PRIMARY ISSUE THAT WAS FOUND IS THE KITCHEN AREA LOCATION. IT IS AN ILLEGAL SITUATION AND CANNOT REMAIN THE WAY IT IS. PEOPLE WOULD NOT BE ABLE TO GET OUT SAFELY IN THE EVENT OF A FIRE OR SMOKE. CLASSROOM DOORS ALSO OPEN INTO THE SERVING AREA WHICH WOULD BLOCK THE AREA EVEN WORSE. THEREFORE THIS KITCHEN SERVING AREA NEEDS TO BE RELOCATED TO ANOTHER AREA WITHIN THE SCHOOL. THE ELECTRICAL SERVICE WILL NEED UPGRADING FOR THE KITCHEN SERVICE. IT WOULD COST ABOUT \$25,000 TO RELOCATE THE SERVING AREA, HOWEVER, THERE IS NO GOOD PLACE TO PUT IT IN THE BUILDING.

IT WAS NOTED THAT TO BRING WALKER SCHOOL TOTALLY UP TO CODE WOULD COST ABOUT \$1 MILLION TO \$1.3 MILLION. IT WOULD COST ABOUT \$50,000 JUST TO FIX THE SAFETY ISSUES.

**MOTION: THAT MR. WALKDEN FORWARD BUILDING REPORTS TO THE SCHOOL COMMITTEE, THE LONG RANGE PLANNING COMMITTEE AND THE SCHOOL PRINCIPALS.**

PAGE THREE

APRIL 28, 2009

**THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED**

IT WAS NOTED THAT THE \$1.3 MILLION INCLUDES AN ELEVATOR AND HANDICAPPED ACCESSIBILITY.

ALSO DISCUSSED WAS THAT THE WALKER SCHOOL RENOVATIONS WERE APPROVED BY THE STATE BUT WERE TAKEN OFF THE TABLE BECAUSE THE MONEY WAS NEEDED FOR THE NEW E. POLE SCHOOL. ALSO IT WAS SUGGESTED THAT THE ARCHITECTURAL PLANS MAY STILL BE AVAILABLE AND THAT THE ARCHITECT BE CONFERRED WITH.

MR. WALKDEN WILL PRICE OUT THE NECESSARY IMPROVEMENTS TO ABOUT \$50,000.

**2. MEET WITH THE SUPERINTENDENT OF SCHOOLS, SCHOOL COMMITTEE, BUSINESS MANAGER AND SUPERINTENDENT OF PUBLIC BUILDINGS TO DISCUSS CHANGE ORDERS CONCERNING THE TAUNTON HIGH SCHOOL/PARKER MIDDLE SCHOOL PROJECT.**

IT WAS NOTED THAT AN ACCOUNTING WAS REQUESTED FROM THE PROJECT MANAGER RELATIVE TO ALL CHANGE ORDERS AND ALL THE BIDS THAT HAVE GONE OUT AND WHETHER THE BIDS WERE A PLUS OR MINUS RELATIVE TO THE ORIGINAL BUDGETED AMOUNT. THIS WAS NEVER RECEIVED BY COUNCIL.

IT WAS NOTED THAT THERE HAS BEEN \$3,029,000.00 IN CHANGE ORDERS AND THAT THE BUILDING COMMITTEE VOTES ON THESE CHANGE ORDERS.

ALSO DISCUSSED WAS THAT THE ORIGINAL PLANS CALLED FOR 18 SCIENCE LABS. THE 18 SCIENCE LABS WERE PART OF THE EDUCATIONAL SPECS. YOU CAN CHANGE THINGS IN THE BUILDING BUT YOU DON'T CHANGE EDUCATIONAL SPECS. WITHOUT THE APPROVAL OF THE STATE AGENCY. ALSO, \$50,000 WAS REQUESTED TO CHANGE A SCIENCE LAB TO A CLASSROOM. SCIENCE LABS COST MORE THAN CLASS ROOMS, THEY SHOULD BE RETURNING MONEY.

**MOTION: COMMITTEE WOULD LIKE THE SPECIFICS AS TO CHANGE FROM SCIENCE LAB TO CLASSROOM, AND WHETHER THIS CAME UP AT A BUILDING COMMITTEE MEETING.**

ALSO, MR. WALKDEN STATED THAT HE IS AT THIS SITE ALMOST DAILY INSPECTING ISSUES WITH THE PROJECT. THIS TRIGGERED THE DISCUSSION AS TO WHAT THE JOB IS OF THE CONSTRUCTION MANAGER AT RISK, AND THAT GILBANE IS BEING PAID LOTS OF MONEY BUT SEEMS TO NOT BE DOING THEIR JOB. IT WAS FURTHER NOTED THAT PART OF THE ISSUE WITH THIS PROJECT IS THAT IT IS A RENOVATION OF AN EXISTING BUILDING WHICH IS MUCH MORE DIFFICULT THAN BUILDING A NEW BUILDING.

FURTHER DISCUSSION WAS HELD RELATIVE TO IF WE KNOW THAT GILBANE IS NOT DOING THE WORK THEY ARE SUPPOSED TO BE DOING, WHAT CAN BE DONE ABOUT IT. THERE IS A NEED TO TAKE STEPS TO LOOK AT BREAKING THE CONTRACT

**MOTION: TO REFER TO THE COMMITTEE OF THE COUNCIL AS A WHOLE TO MEET WITH THE BUILDING SUPERINTENDENT, CITY SOLICITOR AND SCHOOL COMMITTEE TO DISCUSS LEGAL OPTIONS THE CITY COULD TAKE AGAINST GILBANE.**

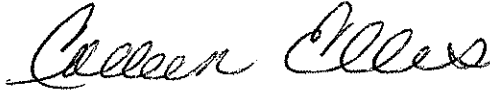
PAGE FOUR

APRIL 28, 2009

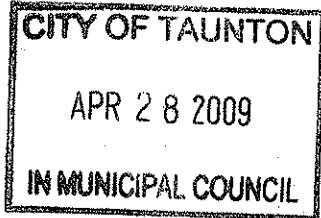
THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MEETING ADJOURNED AT 9:50 P.M.

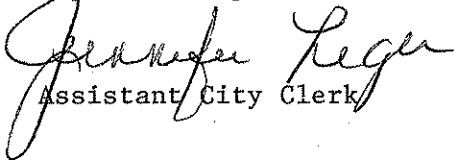
RESPECTFULLY SUBMITTED;



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



Assistant City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2009

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR JASON BUFFINGTON, CHAIRMAN AND COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE ACTING POLICE CHIEF JOHN REARDON, DETECTIVE DENNIS SMITH, ATTORNEY ED ROSTER, MR. JAMES BURKE AND WENDELL BRADFORD

**MEETING CALLED TO ORDER AT 10:56 P.M.**

1. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON REQUEST FOR RECONSIDERATION ON PETITION FOR CLASS II AUTO LICENSE FOR A & B REALTY TRUST, 288 BROADWAY, TAUNTON**  
ATTORNEY ED ROSTER STATED THAT MR BURKE HAS DONE WHAT WAS ASKED OF HIM AND HAS BEEN GIVEN A POSITIVE RECOMMENDATION BY THE POLICE DEPARTMENT. MR. ALMEIDA, THE OTHER TRUSTEE DID NOT APPEAR, BUT HIS LAWYER INFORMED ATTORNEY ROSTER THAT HE WAS NOT GOING TO OBJECT TO THIS LICENSE.  
**MOTION: MOVE APPROVAL**
2. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE DENNIS SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:**  
A. **PAUL GREGG, 38 GODFREY ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL FOR SCHOOL SECURITY ONLY**  
B. **ALBERT SOUTO, 14 CROCKER ST., TAUNTON – RENEWAL**  
**MOTION: MOVE APPROVAL FOR CROSSING GUARD ONLY**
3. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON PETITION OF JEFFREY & AMY HIRTLE, 77 SHORT ST., SO. EASTON FOR RENEWAL OF SECOND HAND ARTICLE & OLD GOLD LICENSE D/B/A BAY STATE TRADERS, 10 CAPE ROAD, TAUNTON**  
**MOTION: MOVE APPROVAL**
4. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON PETITION OF EDDIE DENNIS, 146 PROSPECT HILL ST., TAUNTON FOR RENEWAL OF SECOND HAND ARTICLE LICENSE D/B/A SAMANTHA'S BOOKS AND GIFTS, 398 BAY ST., TAUNTON**  
**MOTION: MOVE APPROVAL**
5. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON PETITION OF JAMES SILVIA, JR., 45 BAYLIES RD., TAUNTON FOR RENEWAL OF ANTIQUE LICENSE D/B/A MEMORABLE MEMORABILIA, 45 BAYLIES RD., TAUNTON FOR INTERNET SALES**  
**MOTION: MOVE APPROVAL**
6. **MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF TEMPORARY FIXED**



PAGE TWO

APRIL 28, 2009

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

**VENDOR'S LICENSES:**

A. JOSE SILVA, 316 MIDDLEBORO AVE., E. TAUNTON D/B/A JOE'S FRESH SEAFOOD, 255 CAPE HIGHWAY, TAUNTON

MOTION: MOVE APPROVAL

B. GEORGE HOWE, 3 CHESTNUT LANE, LEXINGTON, MA D/B/A HOLY SPIRIT ASSOCIATION FOR UOWC TO SELL FLOWERS AT GRAMPY'S PROPERTY, CORNER OF WEIR & HIGH STS.

MOTION: MOVE APPROVAL

COUNCILOR BUFFINGTON HAD A CONFLICT ON THE FOLLOWING LICENSE REQUEST AND DID NOT PARTICIPATE.

7. MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON PETITION OF RUTH BURKE, 90 DIGHTON AVE., TAUNTON FOR NEW LIVERY LICENSE D/B/A TOP NOTCH TRANSPORTATION INC., 90 DIGHTON AVE.

MOTION: MOVE APPROVAL – ONE VEHICLE

8. MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON PETITION OF KLESSIO RODRIGUES, 30 WILDFLOWER RD., TAUNTON FOR RENEWAL OF LIVERY LICENSE FOR KLR SERVICE TRANSPORTATION, INC., 30 WILDFLOWER RD.

MOTION: MOVE APPROVAL – ONE VEHICLE

9. MEET WITH THE ACTING POLICE CHIEF AND KEVIN SCANLON ON WHAT CITY CAN DO TO ENSURE SIDEWALKS ARE CLEARED FOR PEDESTRIANS

LETTER DATED 4/28/09 OF KEVIN SCANLON, DIRECTOR OF PLANNING AND CONSERVATION WAS READ IN WHICH HE STATED THAT THE CURRENT ORDINANCE REQUIRES SNOW REMOVAL BY ANY OWNER (RESIDENTAL OR COMMERCIAL) ABUTTING A SIDEWALK IN THE BUSINESS OR CENTRAL BUSINESS ZONING DISTRICTS (SEE SECTION 20-20 REVISED ORDINANCES). THE ONLY ISSUE ON SNOW REMOVAL IN THESE AREAS IS EDUCATION OF PROPERTY OWNERS AND THEN EFFECTIVE ENFORCEMENT. WITH THE REMAINDER OF THE CITY THERE ARE SEVERAL OPTIONS:

1. REQUIRE ALL PROPERTY OWNERS TO CLEAR THE SIDEWALK IN FRONT OF THEIR PROPERTY AND EXPLORE SOME SORT OF HARDSHIP EXEMPTION FOR THOSE INCAPABLE OF CLEARING
2. DO NOTHING
3. REQUIRE ALL BUSINESSES CITY WIDE TO CLEAR THE SIDEWALKS IN FRONT OF THEIR BUSINESSES (THIS WOULD LEAVE PORTIONS OF SOME SIDEWALKS CLEAR AND OTHERS NOT)
4. EXPAND THE SNOW REMOVAL REQUIREMENT TO COVER THE OFFICE AND HIGHWAY BUSINESS DISTRICTS.

HIS RECOMMENDATION IS OPTION 1 PROVIDED THE CITY SOLICITOR CAN PROVIDE SOME ACCEPTABLE EXEMPTION LANGUAGE FOR THE ELDERLY AND PHYSICALLY CHALLENGED.

PAGE THREE

APRIL 28, 2009

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

**MOTION: TO REFER RECOMMENDATION NO. 1 TO THE CITY SOLICITOR'S OFFICE TO PROVIDE A LEGAL OPINION IN TWO WEEKS ON THE HARDSHIP CASES AND THEN IN TURN REFER IT BACK TO THE COMMITTEE WHICH WOULD THEN BE SENT TO ORDINANCE COMMITTEE.**

**10. MEET WITH THE ACTING POLICE CHIEF & DETECTIVE SMITH ON CONTINUED APPLICATION FOR APPOINTMENT AS CONSTABLE OF WENDELL BRADFORD, 51 ANDREA LANE, TAUNTON**

MR. BRADFORD INFORMED THE COMMITTEE THAT HE SUBMITTED A NEW APPLICATION TO DETECTIVE SMITH. HE ALSO PROVIDED A JUDGEMENT FROM THE COURT AS WAS REQUESTED BY THE COMMITTEE. DETECTIVE SMITH INFORMED THE COMMITTEE THAT HE BROUGHT SEVERAL REPORTS OF INCIDENCES THAT MR. BRADFORD HAS BEEN INVOLVED IN OVER THE YEARS. MR. BRADFORD WAS ASKED WHETHER HE WOULD LIKE TO HAVE THE COMMITTEE GO INTO EXECUTIVE SESSION TO DISCUSS SOME OF THE ISSUES CONCERNING HIS PROBATION RECORD AND THE REPORTS THAT DETECTIVE SMITH WILL PROVIDE.

MR. BRADFORD CHOSE OPEN SESSION.

MR. BRADFORD DID SHOW THE COMMITTEE THE JUDGEMENT HE RECEIVED IN COURT IN THE AMOUNT OF \$550.68. HE ALSO STATED THAT HE PROVIDED MR. SMITH WITH ANOTHER APPLICATION. IT WAS NOTED THAT THERE WERE SOME DISCREPANCIES BETWEEN THE FIRST APPLICATION AND THE SECOND APPLICATION, NAMELY, THE QUESTION HAVE YOU EVER BEEN CONVICTED OF AN OFFENSE IN ANY COURT AND IF SO STATE THE NATURE OF THE OFFENSE AND DISPOSITION. IN THE ORIGINAL APPLICATION OF 3/3/09 MR. BRADFORD STATED NO, IN THE SECOND ONE HE STATED YES. MR. BRADFORD SAID THIS MATTER OCCURRED OVER 25 YEARS AGO AND HE DID NOT REMEMBER IT. COUNCILOR BARBOUR STATED THAT HE HAS SPOKEN AT LENGTH WITH ACTING CHIEF REARDON AND DETECTIVE SMITH AND THEY DO NOT RECOMMEND APPROVING THE CONSTABLE LICENSE AND THAT HE IS NOT COMFORTABLE APPROVING IT.

**MOTION: TO DENY THE APPLICATION**

**MOTION WAS SECONDED**

ON DISCUSSION IT WAS NOTED THAT THIS COULD GO ONE OF TWO WAYS: HAVE DETECTIVE SMITH PRESENT THE INFORMATION THAT HE HAS AND MR. BRADFORD CAN GIVE HIS EXPLANATION OR THE COMMITTEE CAN JUST TAKE A VOTE NOW.

MR. BRADFORD STATED HE WOULD LIKE THE OPPORTINTY TO EXPLAIN. MR. BRADFORD WAS GIVEN THE OPTION AGAIN TO GO INTO EXECUTIVE SESSION AND HE CHOSE TO DO SO.

**ABOVE MOTION WAS WITHDRAWN**

**MOTION: ON A ROLL CALL VOTE ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION**

**MOTION: ON A ROLL CALL VOTE ALL COUNCILORS PRESENT VOTED TO COME OUT OF EXECUTIVE SESSION**

PAGE FOUR

APRIL 28, 2009

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

**MOTION: TO DENY THE APPLICATION OF WENDELL BRADFORD TO BE A CONSTABLE.**

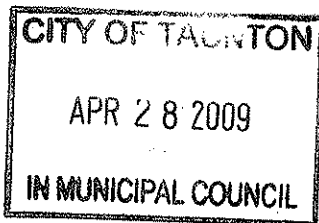
**11. MEET TO REVIEW MATTERS IN FILE**

A. ACTING CHIEF REARDON PROVIDED A BREAKDOWN OF COSTS REGARDING THE JOSHUA ACERRA INVESTIGATION.

**MOTION: PLACED IN FILE**

B. ACTING CHIEF REARDON, CAPT. WALSH AND DETECTIVE SMITH HAVE REVIEWED THE CONSTABLE APPLICATION. THEY HAVE COME UP WITH A BETTER ONE AND THEY WILL BE MEETING WITH THE CITY SOLICITOR TO REVIEW AND THEN COME BACK TO THE COMMITTEE. IT WAS ALSO NOTED THAT WHEN A CONSTABLE COLLECTS A FEE PART OF THAT FEE IS SUPPOSED TO BE TURNED INTO THE CITY

**MEETING ADJOURNED AT 11:40 P.M.**



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEE

Reports accepted, recommendations adopted.

Assistant City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 28, 2009

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

PRESENT WERE: COUNCILOR DAVID POTTIER, PRESIDENT AND COUNCILORS HOYE, COSTA-HANLON, FIORE, MARSHALL, CROTEAU, CARR, BUFFINGTON AND BARBOUR. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, ATTORNEY MATT COSTA OF GAY, GAY AND FIELD AND ATTORNEY MARC ANTINE

MEETING CALLED TO ORDER AT 11:45 P.M.

1. **MEET FOR A PRE-REVIEW HEARING ON EXTENSION OF A SPECIAL PERMIT/SITE PLAN REVIEW GRANTED 3/13/07 UPON PETITION OF ATTORNEY DAVID GAY ON BEHALF OF BJ'S WHOLESALE CLUB TO ALLOW A FILLING STATION AT 2089 BAY STREET, TAUNTON**  
ATTORNEY MATT COSTA INFORMED THE COMMITTEE THAT IN 2007 THE CITY COUNCIL GRANTED A SPECIAL PERMIT TO INSTALL A GAS STATION AT THIS LOCATION. A REQUEST FOR AN EXTENSION IS BEING REQUESTED AT THIS TIME. THE REASON FOR THE REQUEST IS THAT A COUPLE OF M.E.P.A. DECISIONS, MASS HIGHWAY AND THE MASS. OFFICE OF ENVIRONMENTAL AFFAIRS REQUIRED COMPLETION OF SOME WORK RESULTING IN THE REQUEST FOR AN EXTENSION.  
SOME COUNCILORS EXPRESSED CONCERN WITH THIS DUE TO THE AQUIFERS AND DEVER WELLS. COUNCILOR COSTA HANLON REQUESTED TO BE PROVIDED WITH THE SPECIAL PERMIT WITH CONDITIONS, CONSERVATION COMMISSION FILING, M.E.P.A. FILING, D.E.P. FILING ALONG WITH ALL LETTERS, PLANS, BASICALLY THE ENTIRE FILE. ALSO A COPY OF THE NATURAL HERITAGE MAP AND A DRAFT OF THE DIMENSIONS OF THE ABOVE GROUND STORAGE TANKS.  
FURTHER DISCUSSION WAS HELD REGARDING THE FACT THAT THEY ARE JUST LOOKING FOR AN EXTENSION FOR ONE YEAR AND THAT IT IS NOT NECESSARY TO GO THROUGH THE ENTIRE HEARING AGAIN. THEY ARE SAYING THAT THE M.E.P.A. PROCESS CAUSED THE DELAY, AND THERE HAS BEEN NO GROUND BREADING. THE ONLY ISSUE ON THE TABLE IS THE EXTENSION  
**MOTION: REFER THIS MATTER FOR NEXT WEEK IF THE INFORMATION REQUESTED IS PROVIDED. IF NOT, PUT OFF HEARING FOR TWO WEEKS**  
**MOTION DID NOT CARRY.**  
**MOTION:: EXCUSE ATTORNEY COSTA COUNCILOR COSTA-HANLON VOTING IN OPPOSITION.**
2. **MEET FOR A PRE-REVIEW HEARING ON ISSUANCE OF A SPECIAL PERMIT/SITE PLAN REVIEW UPON PETITION OF ATTORNEY DAVID GAY FOR GERSHMAN BROWN CROWLEY, INC., LINCOLN, RI TO ALLOW A PHARMACY DRIVE THRU WINDOW FOR THE PROPOSED CVS PHARMACY AT 670, 671, 677 COUNTY STREET AND 133 HART STREET.**  
ATTORNEY MATT COSTA INFORMED THE COMMITTEE THAT THEY HAVE ALREADY RECEIVED THE SPECIAL PERMIT FOR RETAIL AND THE ONLY APPROVAL REQUESTED FROM THE COUNCIL AT THIS TIME IS FOR A DRIVE

PAGE TWO

APRIL 28, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

THRU WINDOW.

THEY HAVE BEEN APPROVED BY THE D.I.R.B. AND THE PLANNING BOARD.

THERE WILL BE NO INTERCOM AT THE DRIVE THRU.

**MOTION: TO EXECUSE ATTORNEY COSTA**

**MOTION: TO GO OUT OF THE REGULAR ORDER**

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

ATTORNEY ANTINE INFORMED THE COMMITTEE THAT IN 2007 THE COUNCIL VOTED TO GRANT TO CUMBERLAND FARMS, INC, A SPECIAL PERMIT/SITE PLAN APPROVAL WITH CONDITIONS FOR A PROPOSED GASOLINE FILLING STATION AND CONVENIENCE STORE AT 310 BROADWAY. HE IS REQUESTING THAT THE COUNCIL VOTE TO EXTEND THE SPECIAL PERMIT/SITE PLAN APPROVAL FOR A PERIOD OF ONE YEAR SUBSEQUENT TO MAY 17, 2009. THE REASONS FOR THIS REQUEST ARE THAT CUMBERLAND FARMS HAS MADE A SUBSTANTIAL FINANCIAL COMMITMENT TO THE CITY AND THE PREMISES THROUGH ITS PURCHASE OF THE PREMISES AND CONTINUES TO HAVE A SUBSTANTIAL INTEREST IN THE DEVELOPMENT OF THE PREMISES. THEY HAVE ANNUALLY RENEWED THE HAZMAT PERMIT REQUIRED FOR A GASOLINE STATION AND HAVE REQUESTED AND BEEN GRANTED EXTENSIONS OF ITS MASS. HIGHWAY DEPARTMENT PERMIT FOR THE PREMISES. EVERYTHING IS DONE, AND THEY ARE READY TO APPLY FOR A BUILDING PERMIT BUT DUE TO THE ECONOMY, THEY ARE NOT READY AT THIS TIME. THEREFORE THEY REQUEST THIS EXTENSION.

**MOTION: TO EXCUSE THE PARTIES.**

**3. MEET FOR A PRE-REVIEW HEARING ON PROPOSED CHANGES TO CITY OF TAUNTON ZONING ORDINANCE TO REZONE PHASE FOUR AND PHASE FIVE OF THE MYLES STANDISH INDUSTRIAL PARK FROM "OPEN SPACE CONSERVANCY" TO INDUSTRIAL**

MAYOR CROWLEY IS ASKING THAT PHASE 4 AND PHASE 5 BE REZONED FROM OPEN SPACE CONSERVANCY TO INDUSTRIAL. ALL OF PHASE 4 AND PHASE 5 WITH THE EXCEPTION OF A SMALL PART IS NOW ZONED OPEN SPACE CONSERVANCY. THE CURRENT ZONING WOULD NOT ALLOW THE LIFE SCIENCE CENTER TO BE LOCATED THERE. THEREFORE THE REQUEST FOR THE CHANGE. THEY HAVE TAKEN INTO ACCOUNT CONCERNS THE NEIGHBORS HAD, SO IN PHASE FOUR NO BUILDING WILL EXCEED 50,000 SQUARE FEET, THE LOADING DOCKS WILL BE ON THE OTHER SIDE, AWAY FROM THE RESIDENCES TO PROVIDE A BUFFER. THIS WILL MEAN \$2 MILLION IN NEW TAX REVENUE TO THE CITY AND ABOUT 2500 NEW JOBS. THE MAYOR STATED THAT NEW GROWTH REVENUE IS DESPERATELY NEEDED.

IT WAS NOTED THAT PART OF THE LEGISLATION STATED THAT THE T.D.C. MUST GIVE US 25 ACRES OF RECREATION LAND, WHICH ENCUMPSSES THE BALLFIELD THAT IS LOCATED THERE NOW AND 25 ACRES. IT ALSO SAYS THAT THE T.D.C. CAN REPLACE THOSE 25 ACRES WITH 25 ACRES SOMEWHERE ELSE. THE ISSUE WITH THE COUNCIL IS WHAT THE T.D.C. IS GOING TO GIVE AND WHERE IT WILL BE. IT WAS ALSO NOTED THAT THERE IS NO DEADLINE AS TO WHEN THE T.D.C. MUST FIND THE OTHER 25 ACRES, BUT A DEADLINE CAN BE GIVEN AT THE FULL HEARING ON THIS MATTER.

PAGE THREE

APRIL 28, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

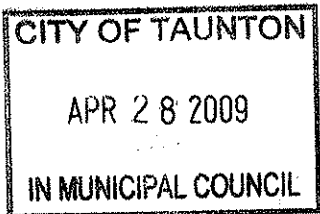
**MOTION: THE T.D.C. IS TO PROVIDE A LIST OF THREE POSSIBLE SITES FOR THE 25 ACRES FOR NEXT WEEK.**

**MEETING ADJOURNED AT 12:40 A.M.**

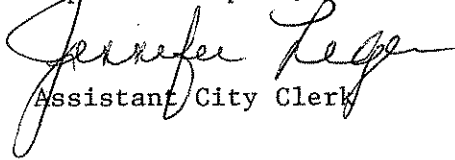
RESPECTFULLY SUBMITTED, .



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



Assistant City Clerk