



City of Taunton
Municipal Council Meeting Minutes

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In the Chester R. Martin Municipal Council Chambers
Minutes, April 7, 2009 at 10:03 O'clock P.M.

Regular Meeting

Councilor President Pottier presiding

Prayer was offered by the Council President

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:

Councilor Pottier thanked the Councilors for the late start. He stated something will need to be done to try to have the Council Meetings begin on time.

Gertrude A. Dermody Memorial Courtyard Ceremony on Sunday, May 3, 2009 at 11:00 AM. **Motion was made to refer to the Council President. So Voted.**

Council President Pottier read a communication submitted by the Mayor stating that he has consulted with District Attorney Samuel Sutter and the Attorney General's Office regarding the matter of the City Clerk and Police Chief being placed on paid administrative leave as a result of the recent hearing on Joshua Acerra as it has become apparent that an independent investigation is necessary to evaluate the conduct of these two individuals. The Mayor stated in his letter that the Attorney General's Office suggested the City conduct an investigation similar to one conducted for Mayor Susan Kay of Weymouth, which involved the Police Chief. During that investigation, The Attorney General's Office recommended the use of retired State Police Officer Edward Johnson who is a private investigator. The Mayor stated he spoke with Mayor Kay and she praised Mr. Johnson and that he has set up a meeting with Mr. Johnson on Wednesday, April 8, 2009 and asked Council President Pottier to join the meeting. Councilor Pottier stated he contacted Mr. Edward R. Bedrosian, Jr. who works with the Attorney General, as he is concerned the Mayor working with City Solicitor Torres trying to run the specifics of this case through the Attorney General's Office. Councilor Pottier stated during this conversation he and Mr. Bedrosian and suggested to contact Mr. Johnson to determine if he would be able to do such an investigation and then upon his findings, refer to the Attorney General's Office. That is why Councilor Pottier agreed to meet with the Mayor to represent the Council. Councilor Barbour thought it was clear that the Council motioned to form a subcommittee to handle this and the Council would make the directive and speak to the interested parties and request the independent investigation or audit. Councilor Barbour would like the Council to send a letter to the Attorney General's Office requesting that they investigate and/or audit all the information

and if they feel they cannot do that, they should send a letter to the Council directly in writing. Does not want verbal communication from Mayor. He would be more comfortable with the Council President or the subcommittee handling this. Councilor Barbour stated is not comfortable with this meeting. He thought the Council was going to form a panel of the three senior most members of Council and the Council President. He also further understood the body was going to request an appropriation of \$25,000.00 to handle such an investigation in the event the Attorney General's Office would not. Councilor Buffington stated he does not feel the Mayor should be interjecting where he has no authority. The Council has made specific motions and will not hire the Mayor's hand picked investigator. This whole thing started back in September through the evidence during the Acerra hearing in which it became quite clear that there were three people who may have committed wrongdoing – Mr. Acerra, Chief O'Berg and Ms. Blackwell. Then we learned there was a meeting in the Mayor's Office between the Mayor, City Solicitor, City Clerk, and the Police Chief on September 19th and Mr. Roderick and Mr. Reardon's report was in that room. Four days later on September 23rd, this Council who is the appointing authority who hires, fires and disciplines all three employees in which the Mayor has no role. Councilor Buffington stated the Council that evening asked the Mayor what was going on with the Acerra thing. Councilor Buffington stated he feels that the Council was not going to get any information and that things were just rumors. He stated he knew back then that this was a big deal. Councilor Buffington wishes that back in September when the Council asked about this, that the information would have been presented to the people who deal with this and not hidden from them. If we fast forward to the Acerra hearing, the week before the hearing concluded, Councilor Buffington stated he made a motion that the Council passed unanimously to receive three copies of the transcripts and the videos so they could send them to the Attorney General's Office. The letter should come directly from the Councilors. To date, nothing has been received. The Council motioned at the hearing that they would hire its own attorney to represent them only. There were three purposes for the investigator. 1. To investigate, review the evidence, interview witnesses and perform an investigation and give a report. 2. To determine if there is cause to believe disciplinary action should be initiated toward any employee appointed by the Council, and 3. If there is, to prosecute the case for discipline with the Council. Nothing has changed. Councilor Buffington asked Councilor Pottier not to attend the meeting with the Mayor and Mr. Johnson. Councilor Buffington stated that he motioned at a previous meeting for the Mayor to appropriate \$25,000.00 for legal fees to hire an independent investigator. He has a copy of the letter the Assistant City Clerk sent on March 30th and the Mayor has seven days to appropriate the money otherwise the Council can appropriate it themselves. Councilor Buffington stated they do not have confirmation from the Mayor that he will appropriate this money. **Therefore, Councilor Buffington motioned that under Section 33 of Chapter 44 of the Massachusetts General Laws, \$25,000.00 be appropriated for the purpose of hiring an independent attorney or law firm to investigate.** Councilor Croteau asked Councilor Buffington to include in this motion that the money is to be drawn from the Reserve Fund or the appropriate account. Councilor Buffington stated that perhaps the Council could appropriate the money from the \$180,000.00 the Council saved the City by putting the FB Rogers building out to bid instead of doing it as an emergency basis as suggested. Councilor Buffington stated the motion is to appropriate \$25,000.00 for the purpose of **hiring an independent attorney or law firm to represent the Municipal Council to investigate**

all matters arising out of the Joshua Acerra hearing to determine if there is cause to believe there is disciplinary action should be initiated against any employee appointed by the Municipal Council to provide a written report and prosecute the case for discipline if there is any against any such employee. Councilor Fiore does not feel a retired trooper is the appropriate direction to go in this case. We are not just looking at analyzing police procedure as in Weymouth. We need to look at the spectrum of Civil Service Law. We also need to have someone who can deal in light of the fact that the City Solicitor has been presented with a conflict as he has been involved in advice to the Chief during the Acerra Hearing and therefore, we need someone in his place that can make an independent evaluation of that. Councilor Fiore stated that he and Councilor Buffington, two of the Committee members who are attorneys think it would be appropriate for the Council to look at former prosecutors or retired judges. He does not feel the trooper can run the gamut for the types of services we need. Councilor Hoye stated he has sat on the Council for more than 7 ½ years and has never been more angry than he is now. He asked where this is going. September 23rd is when the Council asked the Mayor what was going on and he did not want to do anything then but now he is contacting the Attorney General – who asked him to do this? These are not his appointments. The micromanaging has to stop. He apologizes to the City Solicitor who has to be in the middle of this. The person the Committee (Councilor Fiore, Councilor Hoye, Councilor Buffington, and Council President Potter) picks will have to have no connection to anyone involved in the investigation, the Councilors, the Mayor, the City Solicitor, or anyone. We need to move forward now. Councilor Costa-Hanlon wonders what Councilor Crowley would have done if he were one of nine who voted nine to nothing on a very specific motion and was given orders by someone who did not attend most of the hearings, but had the gall to pick up the phone and give the framework to someone else as to where the investigation should go. She echoes Councilor Hoye's position that this is ridiculous. If she remembers correctly, the Council was told that he could not sit there as he could be a potential witness and yet as a potential witness, he can pick up a phone and attempt to steer this investigation. This is totally unacceptable. She hopes Council President Pottier would have conveyed to Mayor Crowley that it was not a good idea to circumvent this Council which he was a member of for 22 years. She stated that she feels that it was unfair to place Councilor Pottier in the middle of this. Councilor Croteau thinks he is in the same canoe as Councilor Costa-Hanlon. He recalls sitting at a Council Meeting with Councilor Crowley, having a difference of opinion. Councilor Croteau recalls Councilor Crowley stating to him that Councilor Croteau was only one of nine and he no longer possess the dictatorial powers he had as Superintendent of Schools. Councilor Croteau told Mayor Crowley in private some time later that while he may have been a dictator, he was a rank amateur in comparison to a professional. Councilor Croteau stated he sat here because he was entitled to sit here with a vote, one of nine. If Mayor Crowley had a problem with the vote, he was here last week and he did not express anything to the Council. Some people may not respect him or the others, but the vote must be respected. These very clear votes were nine to nothing. Whatever we do from this point on should be up to the sub-committee. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. So Voted.** Councilor Buffington motioned to express the resolution asking Councilor Pottier not to attend this meeting. Councilor Pottier stated will not discuss any previous discussions with anyone on this matter. He absolutely knew the reaction of this body when discussion around this took place. He felt it would be an 8-1 vot, 9-0 vote. He can now count on how the

Councilors will vote on certain issues. Seeing that, it does not appear the Council's wish to consider Mr. Johnson. He stated he would not attend that meeting as the Council leader or their representative. He would have gone to the meeting to obtain references or such. Councilor Marshall stated he does not envy Councilor Pottier but appreciates his attempt to try to mediate. He stated that obviously we have a great divide – where this body wants this investigation to go and where Mayor Crowley thinks this investigation needs to go. He does not feel any resolution will be obtained as to how this investigation needs to proceed. Councilor Marshall supports the motion for the official capacity to alleviate confusion. Councilor Pottier believes we have a difference of opinion between our Executive Branch and our Legislative Branch as to how things should go. Councilor Hoyer stated he did not expect this tonight. We should send a letter to the Mayor that says thanks but no thanks. Everyone deserves an answer. We need a resolution. Councilor Croteau says what we have seen is the apex of a trend that started over a year ago and is no longer a trend. We have two branches of government that must respect each other. Councilor Fiore wants to vote for this motion because he feels for Mr. Pottier. He is also a friend of the Mayor and it is difficult for him to take the position as strongly opposed to what he appears to want as he feels he has to make. He believes it is more difficult for Councilor Pottier as he endorsed his campaign. He will stand by him. **Councilor Buffington motioned to express the resolution asking Councilor Pottier not to attend this meeting. So Voted.** Councilor Pottier asked if they could meet anywhere at any time. Councilor Buffington stated he believes as long as it is posted. Councilor Fiore stated they are subject to the Open Meeting Law. **Councilor Buffington motioned that the Assistant City Clerk send a third letter tomorrow to Greg Glynn to receive the copies of the tapes and to the City Solicitor to provide the transcripts of the hearings. The fees should be charged to the line for City Council Expense.** The City Solicitor stated his office has already received invoices and that they are pushing it and keeping on top of this. Councilor Buffington stated it has been three weeks and feels they could get the transcripts to them. **So Voted. Councilor Costa-Hanlon motioned that the City Auditor respond in two days to the Council President to assist with the determination as to where to set aside the \$25,000.00 the Council appropriated. She would like to see a ledger where it was appropriated. Councilor Croteau would like it set up as a sub-line with a specific reference to special investigation FY2009. Councilor Buffington thinks it should be under the Municipal Council Budget and the cost could be greater than \$25,000.00 to do this. So Voted.** Councilor Marshall stated the Council is constantly reminded of the separation between the Executive and Legislative Branches. He asks that the Council's role in this be respected, as he does not feel respected. The one thing asked of the Mayor was to appropriate the money and he did not by not responding. That's all they asked for. This whole matter is greater than the Joshua Acerra matter. It has rocked the citizens faith in government. Unless we have an investigation by an independent party, faith in City government cannot be restored. This must be done correctly. The Council is on the right track. He thought the Council was going to discuss the motion to place Ms. Blackwell on paid administrative leave. Councilor Pottier told Councilor Marshall the attorney for Ms. Blackwell was not able to attend this evening so it will be discussed next Tuesday. Councilor Marshall asked why we need an attorney. Council Pottier stated she needs an attorney for her representation. Councilor Marshall stated that he must be mistaken on what we are doing. He thought it was to reconsider the vote of two weeks ago to place Ms. Blackwell out on paid administrative leave. He did not think the Council was going to hear testimony.

Councilor Pottier thought it was to discuss that vote and also any punitive measures that might be taken to Ms. Blackwell prior to end of the investigation. Councilor Barbour stated that he thought the Council could discuss this in executive session. Attorney Torres told him they could not because it was an employee matter and they have to have notification. It was to review and/or reconsider the motion against Ms. Blackwell. In order to do this, Ms. Blackwell must be notified. The Council can't just go into executive session without her present. Councilor Marshall thought it was going to decide to keep her out on paid administrative leave pending the outcome of the investigation or bring her back to work pending the investigation and the outcome. He is unsure what we need testimony from Ms. Blackwell or her attorney for, he personally does not need to hear anything else. Councilor Barbour stated he does not believe the Council was looking for testimony or to revisit that. It was from the advice of the City Solicitor that we could not discuss a personnel matter without the person being properly notified. Councilor Marshall stated she should have been notified last week and we should be able to discuss this tonight. He is not looking at discussion punitive damages prior to the investigation. Councilor Marshall hopes that there are no allegations of wrongdoing and she is free to come back to work. This has been made more than the original intent last week, which was to decide whether to bring her back while the investigation is pending. That's what he thought was being discussed. This should not be held up because her attorney could not appear. He does not feel he needs to hear from her attorney. Councilor Barbour clarified that at not time last week did he discuss discipline action. He stated, they needed to have "healthy discussion". It has been two weeks. We have four people being paid as department heads and by no means does he expect the investigation to stop, change, to be altered in any way, shape or form. It was simply to have a healthy discussion as to whether or not Ms. Blackwell should be returned subject to the investigation and this whole process. He is not casting judgment on anyone. He voted against placing her on leave because he was unsure how long the investigation would take. He was not asking for determination of discipline. Councilor Marshall welcomes the healthy discussion. He did not feel the Council needs the attorney or the union involved because he did not think Ms. Blackwell would be before us. He does not think she needs to be before us. It would be silly for her to add anything at this point especially since she took the stand during the hearing and invoked her constitutional rights. He was not expecting any new ground breaking information. Councilor Marshall stated that this has put a strain on the City Clerk's Office. He stated that Ms. Leger has done remarkably well, as have Ms. Sousa and Ms. St. George who have picked up the pace but they need help. **Therefore, he motioned to refer to Mr. Cammarata's office to see if he had a volunteer from the Senior Tax Work-off Program that could volunteer in the City Clerk's Office. So Voted.** Councilor Fiore stated he did not agree to a further meeting to say he did not mean what he did the other day. He does think it is helpful to have discussion or meeting with Ms. Blackwell to be helpful to the investigative process. It could help setup a timeframe and that is why he agreed to go along with this. He does not want a simple reconsideration of the vote. He did what he intended to do, he meant what he said. He has received no new information that suggests doing something any different. He thought meeting with her could speed the process along and make some sort of interim arrangement that can satisfy all parties involved but in no way, shape, or form is he voting to rescind what the Council did before, but he is willing to take actions as a result of it. He would prefer to have her and her counsel present. Councilor Buffington asked if she was given notice. The City Solicitor stated she was served with a

notice under Chapter 39 Section 23b that informed her of her rights and her right to have counsel present. The same notice that always goes out. Mr. Kaplan communicated his unavailability and that was voted to the Council President. Councilor Buffington stated she was given notice that this would be discussed this evening. She had the right to show up. Councilor Buffington stated he was under the impression that we were not taking any testimony from her. If we were to, she should be sworn in, there should be a court reporter and those sorts of things. He was under the impression from the maker of the motion that there was not going to be testimony. He stated he nor anyone was confused on this vote that evening. All the Council can do is the best they can and hope that the public thinks we have handled it well. He personally likes Ms. Blackwell very much. She has always helped him with a friendly face and smile. That made the decision to do what was done difficult. He made his decision and must live with it. The Council should not go back on it. If there is no testimony, what else is there to decide? There will be no deals made until this investigation is complete. Councilor Hoye stated he always liked Ms. Blackwell and still does, but stands by the vote. **Councilor Hoye motioned to send a transcript of the meeting to the Gazette so they can report on tonight's meeting. So Voted.** Councilor Barbour stated he did not ask for deals but wanted a healthy discussion over how to handle the City Clerk's Office in her absence and perhaps we could review the process and the timeline, things of that nature. Councilor Barbour stated for the record he did not ask for special consideration or any deals. He did not accuse anyone of being confused. He simply made comment of the lateness of the hour. He did not ask anyone to stop an investigation. He is not asking for anything. He will use the phrase he used last week – "Healthy Discussion" of the Council's options. Councilor Costa-Hanlon stated she understands Councilor Barbour's intent on the motion and asked the City Solicitor if by sending the letter they did placing Ms. Blackwell on notice, in your opinion hearing what the motion was, was that letter notifying her that that would be discussed and further that she had a right to be here with counsel, do you believe that was a proper letter to send? He stated that Chapter 39 Section 23b requires that notification to be sent. Her attorney then notified the City Solicitor that he would be unavailable tonight and that was forwarded to the Council President. That is the standard practice that is always used by the Council in these situations and he stated this Council in that situation has always granted an extension as long as they are not prolonging it. Because Ch. 39 Sect. 23b requires you to have that person notified if there is any action to be discussed concerning their employment that's a standard letter we apply and use complying with the Open Meeting Law. Councilor Costa-Hanlon is concerned that if the Council has this discussion and Ms. Blackwell is not here because she believes her attorney is not here, are they within their rights to have their healthy discussion in accordance with the Open Meeting Law? City Solicitor stated that the Council cannot discuss any action against an employee unless they are present with their counsel or via a waiver. Because she communicated through her attorney and then it was communicated through the Council, for the continuance, there is an implied waiver from her attorney. Councilor Costa-Hanlon asked the City Solicitor if it was his opinion that it would be a violation of the Open Meeting Law if the Council had a healthy discussion relative to Ms. Blackwell if she is not here with her attorney and she has not submitted what he would deem a waiver? The City Solicitor stated yes, this would be a violation. Councilor Buffington asked if the Council gives someone a notice to discuss this, and no one shows up or gives a waiver, it can never be discussed? The City Solicitor stated that this is a different situation. If she is not here and she requested a continuance that the Council approved,

like many others, then that is what we have done and she and her attorney can expect the same. Her attorney has done this for years. He specifically asked for the fourteenth so it is not a situation of a continuance of a continuance. Councilor Buffington asked what will happen at the meeting on the fourteenth? If there will be no more testimony, what more will be discussed? Councilor Buffington stated the issues he heard that have been raised do not pertain to Ms. Blackwell personally, or her reputation or character, or any of the other things that trigger the open meeting law. What he heard is that her office needs help, and maybe the Council was not thinking clearly at 2:00 AM. Is the discussion going to be that the office needs help or is it going to be involved in something else that involves her testimony? If it is not, then lets make a decision. Unless someone can tell him the Council will hear something different, why not get it over with now. Councilor Barbour stated the Council does not know. Part of the purpose of the discussion would be to discuss a timeframe of the paid administrative leave of Ms. Blackwell – is it indefinite until the investigation is over, is it after 60 days or 30 days she returns to her office? He did not anticipate any testimony, but a discussion. Councilor Barbour said he found out yesterday that Attorney Kaplan was away out of state. He did not think it was an issue or would create a lengthy discussion. Councilor Barbour asked for clarification, assuming everyone else knew there was a request to continue or a letter from the Mayor. If the question is how long she will be out, the Council does not need her for that. Councilor Barbour stated for clarification, he did not know Councilor Pottier was going to read a communication from the Mayor with regards to any of this. Councilor Barbour went on record stating he found out Attorney Kaplan would not be here tonight during the Committee on Fires and Wires when Mr. Bob Rooney informed him that Mr. Kaplan who is the legal representative for the Firefighters. He stated there is nothing being hidden by Councilor Barbour. Councilor Buffington stated no one wants to have someone on paid administrative leave longer than necessary. But getting the things they have requested, such as the transcripts and the videos would be helpful to do this quickly. He has not heard any reason or any reason likely that is coming up next week to move this quicker. Councilor Buffington motioned that at this time, Ms. Blackwell not be taken off paid leave. Councilor Croteau stated that if the City Clerk and her attorney were sitting here it would not be a violation of the Open Meeting Law. It would not allow Attorney Kaplan to speak or allow him to ask any questions of Ms. Blackwell and they would not be able to participate in the discussion. Therefore, there is no violation. However, if the City Solicitor had not sent the letter he sent, that would be a violation. If any of the City Councilors during this discussion said an inappropriate remark, Attorney Kaplan would have been allowed to speak and it would have been a big violation. Councilor Croteau suggests having the meeting and discussion next week and does not think anything will be said to get them into the discussion. **Councilor Buffington motioned that at this time, Ms. Blackwell not be taken off paid leave. Councilors Fiore, Croteau, Carr, Barbour, and Pottier voting no. Councilors Hoye, Costa-Hanlon, Marshall and Buffington voting yes.** Councilor Pottier states we will have this next Tuesday. Councilor Costa-Hanlon stated that was not what the motion was. She stated that Councilor Buffington's motion was to not take her off paid administrative leave at this time. Councilor Pottier stated it was four yes, five no. Discussion about what this means took place and it was stated that the City Clerk is on paid leave. The Council stated they will meet next Tuesday. Councilor Croteau stated Councilor Barbour motioned to discuss the situation relative to the City Clerk's Office.

Communications:

Com. from Budget Director requesting a transfer of funds in the amount of \$30,000.00 to pay vendors for the remainder of the year. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Budget Director requesting approval of a fee increase for trash bags from \$5.00 per 5 pack of bags to \$10.00 per five pack of bags. **Motion was made to refer to the Mayor for a recommendation. Councilor Croteau stated any fee increase requests should come from the Mayor. So Voted.**

Com. from Division of Human Resources for the appointment of 1 Temporary Full-time Fire Lieutenant. **Motion was made that the Assistant City Clerk check to see if this list is still valid or if it has expired. Additionally, that the Assistant City Clerk provide a confidential copy to each Councilor with the scores of each candidate listed. So Voted.**

Com. from Division of Human Resources for the appointment of 1 Temporary Full-time Fire Captain. **Motion was made that the Assistant City Clerk check to see if this list is still valid or if it has expired. Additionally, that the Assistant City Clerk provide a confidential copy to each Councilor with the scores of each candidate listed. So Voted.**

Com. from Division of Human Resources for the appointment of 1 Temporary Full-time Deputy Fire Chief. **Motion was made that the Assistant City Clerk check to see if this list is still valid or if it has expired. Additionally, that the Assistant City Clerk provide a confidential copy to each Councilor with the scores of each candidate listed. So Voted.**

Com. from Executive Director submitting the Annual Statement for financial condition of the City of Taunton Contributory Retirement System for the year ended December 31, 2008. **Motion was made to receive and place on file and refer to the Committee on Fires and Wires. So Voted.**

Com. from General Manager, TMLP submitting a response to a street light request for the intersection of Fisher Street, Shores Street and Highland Street stating that this issue has been rectified. **Motion was made to receive and place on file. So Voted.**

Com. from General Manager, TMLP requesting approval to install 2-70 watt high pressure sodium street-lights on poles 30-2 and 30-4 on Norton Avenue. **Motion was made to move approval. So Voted.**

Com. from Attorney Mark Antine, 63 Winthrop Street, Taunton requesting a one-year extension of the special permit/site plan for Cumberland Farms, Inc. for premises at 310 Broadway. **Motion was made to move approval. So Voted. Councilor Barbour voting present. Motion was made to reconsider the prior motion. Councilors Costa-Hanlon, Fiore, Carr, Croteau, and Pottier voting in favor, Councilors Buffington, Marshall, Hoyer and Barbour voting in opposition. Motion was made to invite the Attorney in three weeks. Councilors Costa-Hanlon, Fiore, Carr, Croteau and**

Pottier voting in favor. Councilors Buffington, Marshall, and Hoye voting in opposition. Councilor Barbour voting present. So Voted.

Com. from Treasurer/Collector submitting an update on Grievance Decision(s) relating to health insurance deductions. **Motion was made to refer to the Firefighters Union, Police Supervisor's Union and that the Treasurer/Collector provide a breakdown by how many members of each are affected. So Voted.**

Councilor Hoye read an extra communication submitted by the New Life Church requesting the use of the electronic sign to advertise their open house on Sunday, April 12, 2009 at 8:00 AM at their location on 45 Broadway. **Motion was made to move approval for the electronic sign. So Voted.**

Councilor Hoye read an extra communication submitted by the Taunton Literacy Council requesting use of the electronic sign to advertise their Spring Social on Thursday, April 16, 2009 at the Taunton Elks Lodge beginning at 6:00 PM. **Motion was made to move approval for the electronic sign. So Voted.**

Councilor Marshall read an extra communication submitted by Deborah Klugh, Vice President, Hopewell School PTT requesting use of the electronic sign to advertise their McTeacher's Night Fundraiser on Tuesday, April 14, 2009 from 4PM-7PM at McDonald's on Winthrop St. **Motion was made to move approval for the electronic sign. So Voted.**

Councilor Carr stated that there is a vacancy on the Golf Course Commission and motioned to appoint Gerald Peterson, Jr., 18 Johnson St., Taunton to this vacancy for a term of three years, expiring in April of 2012. **Motion was made to move approval So Voted.**

Petitions and Claims:

Constable application submitted by Paul Gregg, 38 Godfrey Street, Taunton requesting a renewal of his Constable License desiring to serve as a high school security guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Klessio L. Rodrigues requesting a renewal of his Livery License – DBA- KLR Service Transportation, Inc. to be located at 30 Wildflower Road, Taunton. (1 Vehicle) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Ogomezie Odenigbo requesting a new Livery License –DBA- American Cab Co. to be located at 35 Pilgrim Village Road #1801, Taunton. (1 Vehicle) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Ruth A. Burke requesting a new Livery License –DBA- Top Notch Transportation Inc. to be located at 90 Dighton Ave., Taunton. (1 Vehicle) **Motion was**

made to refer to the Committee on Police and License and the Police Chief. Councilor Buffington voting present. So Voted.

Petition submitted by Jeffrey and Amy Hirtle requesting a renewal of their Second Hand Article License and Old Gold License –DBA- Bay State Traders to be located at 10 Cape Road, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Peter Molvig, West Coast Auto Sales, 101 County Street, Somerset seeking reimbursement for damages to his automobile from hitting potholes on Burt Street. **Motion was made to refer to the City Solicitor. So Voted.**

Decision of the Development Impact Review Board on the petition for the Departmental Site Plan Review for the construction of 3 parking spaces and 200 sq. ft of impervious area at 425 John Quincy Adams Road which is located in an Industrial District. **Motion was made to receive and place on file and to have the City Planner provide copies of each DIRB decision to each Councilor. So Voted. (The Assistant City Clerk provided a letter on this matter to Mr. Scanlon.)**

Decision of the Development Impact Review Board on the petition for the Departmental Site Plan Review for the construction of a 143 sq. ft. storage building with a 2,500 sq. ft outdoor storage area on lot 29-29 John Hancock Road which is located in an Industrial District. **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 Fiore motioned to refer the conditions of Leonard School and Walker School to the Committee on Public Property for discussion. So Voted. Councilor Croteau stated he was in receipt of a communication from Principal Michele Sharpe of Walker School as well as from the Building Department concerning their Periodic/Annual Inspection of Walker School. **Motion was made to provide a copy of each of these documents to each Councilor. So Voted.**

The Council motioned that the Clerk of Council Committees provide a copy of any communication concerning school related issues to Ms. Hackett, future Superintendent of Schools. So Voted.

Councilor Marshall motioned that the Mayor submit a report for next week to the Council regarding the timeframe for the Dental Clinic move and the costs associated with it. Councilor Croteau also motioned that the Mayor provide the Council with a copy of the contract between the Dental Clinic and the City. Additionally, that he provide an explanation on why the health clinic had to be moved to the third floor and why a \$50,000.00 change order was necessary. So Voted.

Councilor Marshall motioned that the Acting Police Chief submit a breakdown of Police Detail monies owed to the City broken down by vendor and date (past due – 30, 60, 90 and 120 days). So Voted.

Councilor Croteau read a communication from Dr. Frederick Elder requesting the City to answer why the Soper Conservation Park the City received over \$1 million dollars 5 ½ years ago to build on Warner Boulevard. **Motion was made to refer to the Mayor and the City Solicitor as to the status of the estate and request a response from either the Mayor or City Solicitor to Reverend Elder. Councilor Fiore requesting to be recognized as voting present as he is the secretary of the Old Colony Historic Society. So Voted.**

Councilor Buffington motioned to formally vote on the memorandum from Mayor Crowley to Council President Pottier concerning the independent investigation that was discussed at the beginning of the meeting. **Motion was made to receive and place on file. So Voted.**

Councilor Barbour stated that a few months ago, the Police Chief or the Safety Officer submitted a report regarding the possibility of placing a crosswalk on Bay Street near BJ's and North Taunton Baptist Church. Councilor Barbour motioned that this matter be placed on the Committee on Police and License agenda under old business for discussion. So Voted.

New Business:

Councilor Costa-Hanlon stated that the City Solicitor informed her that according to his opinion, any stimulus money that comes in and is going to be used by the City for projects would fall under the 50/50 Ordinance. Therefore, Councilor Costa-Hanlon motioned that each department head, including the Mayor's Office, notify the Committee of any projects utilizing stimulus funds that may fall under the 50/50 Ordinance. So Voted.

Councilor Croteau motioned that the DPW Commissioner investigate the concern of the resident of 17 Locust Street as he has reported a water problem as well as a catch basin problem that is washing his lawn away. So Voted.

Councilor Barbour read a communication submitted by Brian Roth, 118 Woodland Trail, East Taunton requesting "Dead End" and "Children Playing" signs to be posted at the entrance of Woodland Trail on the corner of South Precinct Street. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Meeting adjourned at 11:47 P.M.

A true copy:

Attest:


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 7, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS CROTEAU AND POTTIER. ALSO PRESENT WAS BUDGET DIRECTOR GILL ENOS

MEETING CALLED TO ORDER AT 5:44 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 RISK MANAGER FOR AN APPROPRIATION OF \$80,000.00 DUE TO EXPENDITURES FOR LOSSES BEYOND THE \$50,000.00 BUDGET APPROPRIATE FOR THE LOSS FUND. FUNDS TO BE TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-5784 AS FOLLOWS:
\$75,000.00 TO ACCOUNT NO. 1-945-202 5740
\$5,000.00 TO ACCOUNT NO. 1-945-202- 5760.
MOTION: TO HAVE RISK MANAGER ATTEND A FUTURE MEETING AND PROVIDE A REPORT WITH A BREAKDOWN OF THE NUMBER OF INCIDENCES AND THE DEDUCTIBLE. IF THE DEDUCTIBLE VARIES, HOW MANY AT EACH AMOUNT. ALSO A REPORT AND BREAKDOWN IS TO BE PROVIDED REGARDING THE NEW POLE SCHOOL
MOTION: MOVE APPROVAL OF REQUEST OF LAW DEPARTMENT FOR AN APPROPRIATION OF \$75,000.00 NEEDED TO SATISFY PAYMENT OF SERVICES AND MONTHLY EXPENSES THROUGH THE REMAINDER OF FY 09. FUNDS TO BE TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-5784 TO LAW DEPARTMENT OTHER EXPENSE ACCOUNT NO. 1-151-202-5304.
MOTION: LAW DEPARTMENT TO PROVIDE A BREAKDOWN ON ALL EXPENSES ASSOCIATED WITH THE SOLID WASTE DISPOSAL FACILITY FROM THE BEGINNING OF THE PROJECT TO DATE INCLUDING CONSULTING FEES, LEGAL FEES, ETC.

THE BUDGET DIRECTOR REPORTED THAT AFTER THESE TRANSFERS THE BALANCE IN THE RESERVE ACCOUNT IS \$50,426.57

PAGE TWO

APRIL 7, 2009

THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED.

3. MEET TO REVIEW MATTERS IN FILE

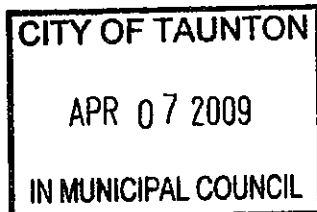
MOTION: THAT THE FOLLOWING INFORMATION BE PROVIDED TO
THE COMMITTEE:
THE CURRENT BALANCE OF FREE CASH
THE BALANCE IN THE STABILIZATION FUND
THE BALANCE IN OVERLAY RESERVES
ALSO, THE AMOUNT DRAWN FROM OVERLAY IN FISCAL
YEAR 2007, 2008 AND PROJECTED FOR 2009.

MEETING ADJOURNED AT 5:55 P.M.

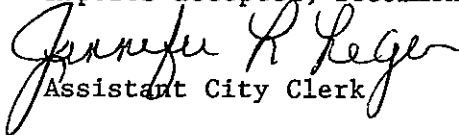
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 7, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR THOMAS HOYE, CHAIRMAN AND COUNCILORS BUFFINGTON, CROTEAU, MARSHALL AND CARR. ALSO PRESENT WERE D.P.W. COMMISSIONER FRED CORNAGLIA, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU, JOHN LAWRENCE, DIVISION SUPERVISOR, PAUL PATNAUDE, REPRESENTING PETITIONER FOR SEWER EXTENSION. WATER DIVISION SUPERVISOR CATHAL O'BRIEN AND MARK SLUSARZ, CITY ENGINEER

MEETING CALLED TO ORDER AT 6:14 0.M.

1. SEWER EXTENSION

In accordance with Chapter 19-1 of the City of Taunton Ordinance and on the petition of Peter Ciaglo, 58 Lynn Lane, Middleboro, MA, 02346, a hearing will be held on Tuesday, April 7, 2009 at 5:45 p.m. in the Chester R. Martin Municipal Council Chambers, City Hall, 15 Summer Street, Taunton, Massachusetts, 02780, for a proposed sewer extension for Monadnock Avenue.

The proposal is to install a 2" forced main beginning at house #19 and extending northerly about 500 feet to the existing 8" gravity main on Tremont Street.

No betterment assessment will be made since no City funding is involved.

Plans and specifications for the project can be viewed in the Office of the Department of Public Works.

THE PETITIONER WILL EVENTUALLY SELL THE PROPERTY AT 19 MONADNOCK AVENUE, BUT THE SEPTIC SYSTEM HAS FAILED. HE HAS NO OPTION BUT TO CONNECT TO CITY SEWER. THERE ARE SIX HOMES ALOGN THE WAY TO TREMONT STREET. HE WILL PROVIDE STUBS FOR THREE OF THEM AS THE OTHER THREE WANT NO PART OF IT BECAUSE THEY HAVE HAD NEW SEPTIC SYSTEMS INSTALLED.

THE D.P.W. COMMISSIONER PROVIDED A POSITIVE RECOMMENDATION. PHILIP KNORR OF 25 MONADNOCK AVENUE SPOKE IN FAVOR OF THE PETITION AND ALSO REQUESTED TO HAVE THE ROAD IMPROVED BECAUSE THERE IS A SERIOUS ISSUE WITH POTHOLES. HE PROVIDED A PETITION. THE PETITIONER WILL INSTALL THE FORCED MAIN OFF THE PAVEMENT SO WILL NOT BE RESPONSIBLE FOR REPAIRING THE ROAD. HOWEVER, IF THEY SHOULD HAVE TO GO INTO THE ROAD, THAT AREA WILL BE PATCHED.

THE D.P.W. WILL REPAIR THE POTHOLES ON MONADNOCK AVENUE.

NO ONE SPOKE IN OPPOSITION OF THE PETITION.

LETTER OF VEOLIA SANITARY SEWER COLLECTIONS SYSTEM DATED 4/4/09 WAS READ WHICH INCLUDED COMMENTS PROVIDED BY VEOLIA WATER REGARDING THE PROPOSED SEWER EXTENSION PLAN FOR MONADNOCK AVE.,

PGE TWO

APRIL 7, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

TAUNTON

1. AT DISCHARGE POINT IN EXISTING SEWER MH 90 TO TOP OF BENCH TO EDGE OF INVERT TO DIRECTION OF FLOW
2. SEWER EXTENSION SUBJECT TO ALL REQUIRED ACCEPTANCE TESTING ACCORDING TO SANITARY SEWER SPECIFICATIONS
3. SAND IS REQUIRED PIPE EMBEDMENT MATERIAL AROUND PIPE
4. NEED TO INSTALL A SHUT OFF VALVE OUTSIDE THE PUMP CHAMBER TO FACILITATE ANY PUMP REPAIRS (FLOW ISOLATION).
5. PLACE CHECK VALVE ON STREET SIDE OF CURB STOP. THIS WILL ISOLATE FLOW IF ANY REPAIRS NEED TO BE MADE TO THE CURB STOP IN THE FUTURE
6. PLACE SEWER MARKING TAPE IN TRENCH TWO FEET ABOVE SEWER PIPE
7. A RESIDENT ENGINEER IS REQUIRED ON SITE FOR THE SEWER EXTENSION INSTALLATION AND ACCEPTANCE TESTING
8. PROJECT MUST MEET TAUNTON SANITARY SEWER SPECIFICATIONS

MOTION: LETTER TO BE PART OF THE HEARING

MR. PATNAUDE STATED THAT ALL OF THE ABOVE COMMENTS HAVE BEEN INCORPORATED INTO HIS PLAN.

MOTION: MOVE APPROVAL

MOTION: REFER TO DEPARTMENT OF PUBLIC WORKS THE PETITION FOR REPAIR OF ROAD.

2. **MEET TO DISCUSS RECENT DIRB MEETING WHERE THERE WAS A STIPULATION OF A PRIVATELY OWNED PUMPING STATION**
IT WAS NOTED IN DIRB CONDITIONS FOR THE 223 FREMONT STREET DEVELOPMENT, THAT THERE IS A CONDITION LISTED, CONDITION #18, WHICH STATES "SEWER PUMP STATION SHALL BE PRIVATELY OWNED". THERE HAS BEEN EXTENSIVE DISCUSSION ON SEWER PUMPS STATIONS AND NOT WANTING TO ACCEPT ANY MORE ON BEHALF OF THE CITY. DISCUSSED WAS THAT THERE MAY BE A PROBLEM ENFORCING ANY ISSUES WITH THE PUMP STATION IF IT IS PRIVATELY OWNED. IT WAS ALSO NOTED THAT THE ISSUE OF PROHIBITING ACCEPTING PUMPING STATIONS WAS REFERRED TO THE ORDINANCE COMMITTEE. THE COMMITTEE REQUESTED THAT A LETTER BE SENT TO ALL DEPARTMENTS DEALING WITH DEVELOPMENT, SUCH AS ZONING, PLANNING AND CONSERVATION, WITH THE COMMITTEE'S INTENTION ON THIS MATTER. IT WAS REQUESTED THAT THIS ISSUE BE PUT ON AGENDA FOR ORDINANCE COMMITTEE AS SOON AS POSSIBLE.

MOTION: REFER TO CITY SOLICITOR FOR HIS OPINION REGARDING IF A PRIVATELY OWNED PUMP STATION FAILS AND THE RESPONSIBLE PARTY CANNOT BE LOCATED, IT COULD BECOME A HEALTH AND SAFETY ISSUE THAT THE CITY WOULD HAVE TO RESPOND TO, THEREFORE, COULD THE CITY EVEN ALLOW A PRIVATELY OWNED PUMP STATION AND HOW COULD THE CITY GET PAID FOR WORKING ON A

PAGE THREE

APRIL 7, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

PRIVATELY OWNED PUMP STATION. WOULD THERE BE A NEED FOR SOME TYPE OF AGREEMENT OR CONTRACT. OPINION TO BE PROVIDED IN TWO WEEKS

3. MEET WITH THE D.P.W. COMMISSIONER FOR AN UPDATE ON NEED FOR BOOSTER STATION & TOWER IN NORTH END OF CITY AND ACQUIRING PIECE OF LAND ON BAY STREETS

THE CITY IS IN THE PROCESS OF ACQUIRING LAND ON BAY STREET FOR THE BOOSTER STATION AS WELL AS DESIGNING AND ULTIMATELY GOING OUT TO BID TO BUILD THE WATER BOOSTER STATION. IT WILL BE USED TO FILL THE NORTH TAUNTON HIGH SERVICE AREA AND INCLUDE THE MYLES STANDISH INDUSTRIAL PARK AND RESIDENTIAL STREETS UP THERE, PARTICULARLY SOME PORTIONS OF HARVEY STREET, NORTH CRANE AVE AND DUBLIN DRIVE AND FIELD STREET.

THEY ARE ALSO IN THE PROCESS OF DESIGNING THE REHABILITATION OF WELLS 1 AND 2 ON THE DEVER CAMPUS, AND IN THE PROCESS OF WORKING OUT AGREEMENTS WITH THE STATE. THEY ARE ALSO DESIGNING A WATER TOWER IN THE EVENT THAT THIS GOES THROUGH AS WELL. THEY ARE ALSO WORKING THROUGH THE FUNDING MECHANISMS.

THE BOOSTER STATION WILL BE ON BAY STREET OPPOSITE HOMEPLATE ABOUT 300 FEET UP.

THEY WANT THIS PROJECT TO BE AWARDED BY JULY 1ST. THE TOWER WILL BE IN THE DEVER CAMPUS, NEXT TO COLUMBIA CULTURAL CENTER. THE LAND WILL PROBABLY BE LEASED FROM THE STATE.

THE MONEY TO CONSTRUCT THE TOWER IS NOT IN THE LOAN MONEY.

4. MEET WITH THE D.P.W. COMMISSIONER FOR AN UPDATE ON PLACEMENT OF CROSSWALK ON HOPEWELL STREET IN VICINITY OF HOPEWELL PARK

THE PROPOSAL WAS TO PUT A CROSSWALK IN THE VICINITY OF HOLY ROSARY CHURCH. THERE IS NOTHING THAT PRECLUDES PUTTING A CROSSWALK THERE BUT THERE IS A NEED FOR ADVANCED WARNING SIGNS FOR THE CROSSWALK.

AFTER MUCH DISCUSSION, IT WAS DECIDED TO LOOK INTO A PLAN FOR A CROSSWALK CLOSER TO THE POOL ENTRANCE AT HOPEWELL PARK.

MOTION: REFER TO CITY ENGINEER TO LOOK AT CROSSWALK AT POOL ENTRANCE AND STOP SIGN AT EXETER, HAMILTON AND HOPEWELL STREET AREA.

5. MEET TO REVIEW MATTERS IN FILE

A. IT WAS NOTED THT HOPEFULLY NEXT WEEK THE MAYOR CAN PROVIDE A DEFINITIVE ANSWER REGARDING SEWER EXPANSION.

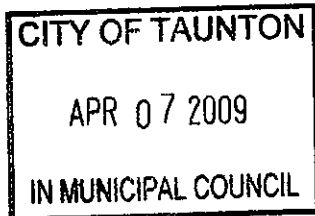
B. THE D.P.W. WAS THANKED FOR KEEPING UP WITH THE POT HOLE ISSUE IN THE CITY.

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APRIL 7, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

MEETING ADJOURNED AT 7:00 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Colleen M. Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.

A handwritten signature in cursive script, appearing to read "Jennifer R. Rego".
Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 7, 2009

THE COMMITTEE ON FIRES AND WIRES

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS CROTEAU AND POTTIER. ALSO PRESENT WERE STEVEN TORRES, CITY SOLICITOR, MARIA GOMES, HUMAN RESOURCE DIRECTOR, FIRE CHIEF LEMAN PADEFORD AND MARK BAPTISTE, ROBERT ROONEY, MICHAEL PERRY ED BOIROS AND RUSSEL LAINE OF THE FIRE DEPARTMENT

MEETING CALLED TO ORDER AT 7:05 P.M.

MOTION: TO GO OUT OF ORDER AND DISCUSS THE GRIEVANCES FIRST

6. MEET TO DISCUSS GRIEVANCE

THE FIREFIGHTERS UNION STATED THAT THEY WOULD LIKE TO HAVE GRIEVANCE NOS. 09-57 AND 09-060 HEARD IN EXECUTIVE SESSION. IT WAS ALSO NOTED THAT GRIEVANCE NO. 09-059 WAS SETTLED BEFORE THE MEETING.

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.

SIX VOTES WERE TAKEN IN EXECUTIVE SESSION.

1. MEET WITH THE FIRE CHIEF FOR A REPORT AS TO WHETHER THE DIVE TEAM WAS IN FACT OUT OF SERVICE FOR TWO MONTHS

2. MEET WITH THE FIRE CHIEF FOR AN UPDATE ON THE TRAINING OF THE DIVE TEAM

THE CHIEF STATED THAT ON THE 30TH HE MET WITH THE DIVE MASTER AND ASKED FOR A REPORT. HE HAS NOT RECEIVED THIS REPORT AS YET. THE CHIEF WAS REQUESTED TO PUT IN WRITING THAT HE IS TO RECEIVE THE REPORT BY FRIDAY, APRIL 10TH.

MOTION: REVIEW ITEMS 1 AND 2 IN ONE WEEK

3. MEET WITH THE FIRE CHIEF FOR A REPORT AS TO WHY THERE WAS NEVER A PROBLEM WITH CYLINDERS FROM 1993-2007

THE CHIEF STATED THAT HE HAS ASKED THE MECHANIC FOR HIS RECORDS. HE BELIEVES THAT ONE MONTH WAS THE TIME FRAME FOR THIS ITEM. THE CHIEF FURTHER STATED THAT HE HAS REVIEWED THE RECORDS IN HIS OFFICE AND HE FOUND NO RECORDS CONCERNING INSPECTION AND TESTING. THE CHIEF WILL BE DOING SOME RESEARCH ON THE BILLING RECORDS WHICH MAY SUPPLY SOME INFORMATION.

IT WAS NOTED THAT FORMER CHIEF TOM DOWNEY HAD PREVIOUSLY STATED THAT THERE WAS A PROBLEM FROM TIME TO TIME AND WHEN ASKED HOW LONG IT TOOK TO CORRECT THE PROBLEM WHEN IT DID OCCUR, HE SAID DAYS.

PAGE TWO

APRIL 7, 2009

THE COMMITTEE ON FIRES AND WIRES – CONTINUED

MOTION: TO DETERMINE WHAT ARE THE CURRENT PROBLEMS WITH THE CYLINDERS AND WHY DOES IT TAKE SO LONG TO FIX THE PROBLEMS. FIRE CHIEF TO REPORT BACK WITH THIS INFORMATION NEXT WEEK.

4. **MEET WITH THE FIRE CHIEF FOR A REPORT REGARDING THE COST FOR BRASS TAGS FOR THE TAG SYSTEM AND THE COST ACTUALLY PAID FOR THE PLASTIC TAGS**

THE CHIEF REPORTED THAT HE MET WITH CAPTAIN LEVIGNE LAST WEEK. CAPTAIN LEVIGNE NEVER HAD A FIRM PRICE ON BRASS TAGS. CAPTAIN LEVIGNE WILL FOLLOW UP ON THE BRASS TAGS. THE PLASTIC TAGS COST \$177.00 FOR 100. THE CHIEF STATED WHEN HE OBTAINS THE INFORMATION HE WILL FORWARD IT TO THE COMMITTEE.

MOTION: FIRE CHIEF TO PROVIDE THIS INFORMATION FOR NEXT WEEK. ALSO A REASONABLE ESTIMATE OF THE LIFE EXPECTANCY OF A PLASTIC TAG AND A BRASS TAG.

5. **MEET WITH THE FIRE CHIEF FOR A REPORT AS TO THE DATE BY WHICH ENGINE 1 WILL BE IN PLACE AND IN SERVICE.**

LETTER DATED 4/6/09 OF FIRE CHIEF WAS READ IN WHICH HE STATED THAT ENGINE #1 WAS INITIALLY RETURNED ON MARCH 25TH. FOLLOWING THE MECHANIC'S INSPECTION, IT WAS RETURNED TO GREENWOOD TO RESOLVE A NUMBER OF OUTSTANDING ITEMS. THOSE REPAIRS HAVE BEEN COMPLETED, AND ENGINE #1 RETURNED TO TAUNTON ON APRIL 6TH.

FOLLOWING COMPLETION OF THE MECHANIC'S INSPECTION, THE TRAINING OFFICER WILL CONDUCT A RE-ORIENTATION OF PRIMARY DRIVERS PRIOR TO THE VEHICLE BEING PLACED IN SERVICE. AS CAPTAIN DUMONT WAS NOT THE TRAINING OFFICER LAST YEAR WHEN THIS ENGINE WAS DELIVERED, HE WILL NEED SOME TIME TO ORIENT HIMSELF TO THE VEHICLE, PRIOR TO THE DEPARTMENT TRAINING.

CAPTAIN DUMONT ANTICIPATES EACH GROUP WILL REQUIRE TWO TO THREE DAYS TIME TO COMPLETE THE RE-ORIENTATION. BASED ON THE ROTATION OF GROUPS, HE WOULD ESTIMATE ENGINE #1 SHOULD RETURN TO SERVICE BY THE END OF THE MONTH.

THE CHIEF FEELS RE-ORIENTATION IS NEEDED BECAUSE THE TRUCK HAS BEEN GONE FOR SIX MONTHS AND BEFORE THAT IT WAS IN SERVICE A RELATIVELY SHORT PERIOD OF TIME AND IS SUBSTANTIALLY DIFFERENT THAN ANY OTHER VEHICLE IN THE DEPARTMENT FLEET.

THE MECHANIC ALSO STATED THAT THERE MAY STILL BE ISSUES WITH THE TRUCK.

MOTION: THAT AN UPDATE BE PROVIDED THROUGH THE CHIEF, REGARDING MR. PERRY'S INSPECTION OF THIS VEHICLE IN ONE WEEK.

PAGE THREE

APRIL 7, 2009

THE COMMITTEE ON FIRES AND WIRES – CONTINUED

6. **MEET WITH THE FIRE CHIEF FOR A REPORT AS TO WHEN ENGINE FOUR WILL BE BACK IN SERVICE AND THE RAYNHAM VEHICLE WILL BE RETURNED TO RAYNHAM**

LETTER DATED 4/6/09 OF FIRE CHIEF WAS READ IN WHICH HE STATED THAT ENGINE #4 WAS RETURNED TO SERVICE ON TUESDAY APRIL 3, 2009. THIS INFORMATION WAS REPORTED TO COUNCILOR BARBOUR ON TUESDAY APRIL 3, 2009.

MOTION: LETTER TO BE PART OF THE RECORD

7. **MEET WITH THE FIRE CHIEF FOR A STATUS REPORT ON THE REPAIRS ON THE EAST TAUNTON FIRE STATION.**

THE CHIEF ASKED FOR AND DID RECEIVE A REPORT FROM THE HOUSE CAPTAIN ON THE MATTER. THE CHIEF HAS NOT COMPLETED THE FINANCIAL REVIEW OF ANY ADDITIONAL EXPENSES THAT WENT THROUGH HIS OFFICE. THE REPORT WILL BE FORTHCOMING.

IT WAS ALSO NOTED THAT A PURCHASE ORDER WAS WRITTEN IN AUGUST FOR THE ALARM BUT THE WORK HAS NOT STARTED YET. THE CHIEF STATED THAT THIS WORK IS TO BE DONE BY THE BUILDING DEPARTMENT.

MOTION: THAT A REPORT FROM THE BUILDING SUPERINTENDENT BE PROVIDED FOR NEXT WEEK AS TO WHEN THE WORK WILL BE DONE.

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

A. THE FIRE CHIEF PROVIDED A LETTER DATED 4/3/09 WHICH STATED THAT AT THE FIRES AND WIRES COMMITTEE MEETING HELD ON 3/24/09, A REQUEST WAS MADE REGARDING THE SCHEDULING OF INSPECTIONS FOR THE DEPARTMENTS SELF-CONTAINED BREATHING APPARATUS.

INDUSTRIAL PROTECTION SERVICES HAS NOTIFIED HIS OFFICE ON APRIL 1ST THAT THEIR SERVICE TRUCK WILL BE IN TAUNTON ON APRIL 23RD AND 24TH TO INSPECT THE AIR PACKS.

THE AIR SUPPLY CYLINDERS ON LADDER #2 WILL BE HYDRO-TESTED AS SOON AS TIME ALLOWS.

MOTION: LETTER TO BE PART OF COMMITTEE REPORTS

MOTION: TO INSTRUCT THE FIRE DEPARTMENT MECHANIC TO HAVE THE AIR SUPPLY CYLINDERS HYDRO-TESTED IMMEDIATELY WITH A LOCAL COMPANY

B. THE HUMAN RESOURCE DIRECTOR ASKED FOR THE SUPPORT OF THE COMMITTEE ON ISSUE OF HER HAVING A PROBLEM RECEIVING BACK REQUESTED MEDICAL DOCUMENTATION UNDER THE FAMILY MEDICAL LEAVE ACT. SHE HAS FOUND IT NECESSARY TO MAIL OUT A FEW PACKETS TO DIFFERENT MEMBERS OF THE FIRE DEPARTMENT RELATIVE TO EXTENDED SICK LEAVES UNRELATED TO 111F CASES. UNDER THE REQUIREMENT THE EMPLOYEE HAS 15 DAYS TO RETURN THE PAPERWORK. SHE HAS BEEN GETTING SOME RESISTANCE IN TERMS OF GETTING THIS PAPERWORK RETURNED BY THE EMPLOYEE AND SHE ASKED THE COMMITTEE TO MAKE A MOTION THAT BACKS UP THE ABILITY OF THE H.R. DEPARTMENT TO GET THAT

PAGE FOUR

APRIL 7, 2009

THE COMMITTEE ON FIRES AND WIRES – CONTINUED

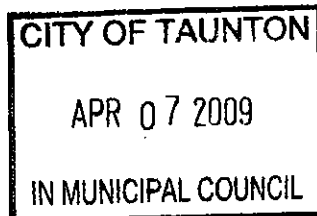
DOCUMENTATION RETURNED IN A TIMELY MATTER.

MOTION: SO MOVED

THE UNION STATED THAT THEY HAVE REVIEWED THE FORMS AND NONE OF THE EMPLOYEES HAVE REQUESTED FAMILY MEDICAL LEAVE. THE EMPLOYER MUST NOTIFY THE EMPLOYEE THAT THE LEAVE WILL BE DESIGNATED AND COUNTED AS FAMILY MEDICAL LEAVE AS THE CITY THROUGH THE HUMAN RESOURCES DEPARTMENT CAN INVOKE FAMILY MEDICAL LEAVE IF THE EMPLOYEE IS OUT MORE THAN THREE DAYS. THE UNION FURTHER STATED THAT THERE IS A NEED FOR ANOTHER DOCUMENT TO BE SENT OUT SHOWING THAT THE CITY WANTS TO INVOKE FMLA.

C. DISCUSSED WERE THE RESERVE VEHICLES. THEY ARE BOTH STILL IN ACTIVE SERVICE. ONCE ENGINE 9 IS INSPECTED BY THE MECHANIC IT WILL BE PLACED IN SERVICE, THEN ENGINE 22, THE RESERVE VEHICLE, WILL GO BACK IN RESERVE. ONCE ENGINE ONE IS READY TO GO BACK IN SERVICE, THE OTHER RESERVE VEHICLE, ENGINE 21, WILL GO BACK IN RESERVE.

MEETING ADJOURNED AT 9:58 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.

Assistant City Clerk



CITY OF TAUNTON

ORDER #38
FY 2009
APRIL 7, 2009

In Municipal Council 20.....

Ordered, That

THE SUM OF EIGHTY THOUSAND DOLLARS

AND NO CENTS (\$80,000.00) BE AND HEREBY IS TRANSFERRED FROM RESERVE

ACCOUNT NO. 1-132-202-5784 AS FOLLOWS:

\$75,000.00 TO RISK MANAGEMENT ACCOUNT NO. 1-945-202-5740

\$5,000.00 TO RISK MANAGEMENT ACCOUNT NO. 1-945-202-5760

..... *Clerk.*



CITY OF TAUNTON

ORDER #39
FY 2009
APRIL 7, 2009

In Municipal Council 20.....

Ordered, That

THE SUM OF SEVENTY FIVE THOUSAND DOLLARS

AND NO CENTS (\$75,000.00) BE AND HEREBY IS TRANSFERRED FROM RESERVE

ACCOUNT NO. 1-132-202-5784 TO:

ACCOUNT NO. 1-151-202-5304 – LAW DEPARTMENT LEGAL ASSISTANCE

..... *Clerk.*