



City of Taunton
Municipal Council Meeting Minutes

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In the Chester R. Martin Municipal Council Chambers
Minutes, February 10, 2009 at 7:00 O'clock P.M.

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

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

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

Hearings:

Hearing came up by assignment on the petition submitted by the City of Taunton for the acceptance of Eighth Street as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted. Motion was made to invite Mark Slusarz, City Engineer into the enclosure. So Voted.** Councilor Barbour asked if the retention pnd is part of the acceptance and the City Engineer stated no. Com. from City Engineer stating the acceptance of this street is required for federal aid funding for drainage work related to the reconstruction of Somerset Avenue and the City is not encumbering any additional liability for this acceptance as it already maintains the roadway and he there for is submitting a positive recommendation was read. **Motion was made to make part of the hearing. So Voted.** Com. from the Chairman of the Taunton Planning Board was read stating that the Planning Board voted to send a positive recommendation with the condition to only accept 40 foot wide portion of Eighth Street (approximately 677 feet) as shown on the plan dated June 5, 2008. **Motion was made to make part of the hearing. So Voted.**

Communications from Mayor:

The Mayor read a communication dated February 10, 2009 concerning the F.B. Rogers Building. The letter states that originally only the middle section of the building required demolition. However, after partial demolition of this section, it is necessary to demolish the south brick section of the building as well. The Mayor stated that the city has received authorization by the State by their declaration of Emergency to proceed immediately with the building. He further stated the city could similarly declare a state of emergency and proceed in the rapid demolition of the building or the city could delay the demolition for six weeks to allow for the normal procurement process to unfold. The Mayor explained that the estimated cost to demolish the building is approximately \$900,000.00 and there are two options for funding that have been discussed to this point, including bonding the entire cost of the project or pay for a portion of the cost from a variety of accounts up to including the Stabilization Account. The City Treasurer stated that the City could bond \$1,000,000.00 for the entire cost of the project and repay the

funds back over two years. The cost under this plan would be: 1st year (FY10) - \$530,000.00 and 2nd year (FY11) \$515,000.00. Another option the Mayor stated, would be to use \$200,000.00 from CDBG funds that have been set aside for physical improvements, he recommends that the Council approve the use of \$183,012.76 from the "Sale of Public Property Account" and the balance of \$616,987.24 would be transferred from the Stabilization Account. This would allow the project to proceed as soon as possible. Therefore, the Mayor, in an effort to accomplish this project as soon as possible and avoid the added costs of fire watches and sprinkler repair costs as necessitated per order of the Fire Chief as well as to remove the building and the fire hazard that this building presents, the Mayor recommended a motion to join with the state in declaring a State of Emergency for the purposes of demolition of portions of the former F.B. Rogers Building. Additionally, the Mayor recommended a motion to approve the use of \$183,012.76 from the "Sale of Public Property Account" and to approve the use of a figure not to exceed \$616,987.24 from the Stabilization Account. Councilor Pottier motioned to recommend approval of the aforementioned motions that the Mayor presented. Upon discussion, Councilor Fiore stated he agrees with the emergency situation but is concerned with the complete demolition of the south building because that means that we are spending a million dollars to create a beach. Councilor Fiore stated he would like to see the preservation of at least some of the building. Councilor Costa-Hanlon stated to the City Solicitor that the motion last week that this was not an emergency, now we have a motion to declare an emergency, what is the procedure? To rescind last week's motion which would require six (6) votes. The City Solicitor stated you can always rescind a motion with a simple majority vote and then present a new motion. Under the Council rules, either use a majority vote to refer back to the Committee or use the majority vote to suspend the Council's own rules and vote on it this evening. **Councilor Pottier asked that we rescind the motion from last week that passed on a 5 to 3 vote. In favor were: Councilors Pottier, Hoye, Fiore, Carr and Barbour. Voting in opposition was Councilor Costa-Hanlon, Marshall, Croteau, and Buffington. So Voted.** Numerous Councilors spoke on the passing of this motion. Councilor Fiore motioned to send this to the Committee to the Council as a Whole. Councilor Pottier stated he is very comfortable with voting to second said motion. The Mayor asked the City Solicitor to clarify the voting of the motion to rescind last week's motion. The City Solicitor stated under the Council rules, 1. Take the motion and have 5 votes to refer back to the Committee then the Council would place it back to the Council. 2. But if you suspend the rules it can come up this evening and not go to the Committee which would take six (6) votes. Councilor Fiore stated we can declare an emergency and have the Committee of the Whole meeting this evening and not post. Councilor Croteau asked if CBGB money can be carried from one year to the next. The Mayor stated no we would lose it. Councilor Marshall asked numerous financial questions. **Motion was made to invite Mr. Kevin Shea into the enclosure. So Voted.** Councilor Croteau asked Mr. Shea if the CBGB monies are federal monies and do we have until October to spend the money. Mr. Shea stated yes, it is money from this fiscal year. The Mayor explained how CBDG monies are spent. Councilor Costa-Hanlon asked if Mr. Shea has drafted the RFP. He stated yes. Councilor Buffington asked Mr. Shea why can't we just secure the building instead of immediately demolishing it? Mr. Shea stated just the price to board up the windows is \$130,000.00. **Motion was made to invite Mr. Wayne Walkden in. So Voted.** The Mayor stated that the Fire Chief has a difference of opinion with our position. The Fire Chief had the Fire Marshall out with Wayne Walkden,

Superintendent of Public Buildings and he has ordered the Fire Watch and sprinkler system and cost about \$10,000.00 every time it breaks. Mr. Walkden stated it is cost effective to take down the south building – entire and center. Councilor Buffington asked Mr. Walkden if this emergency could be rectified by securing the premises. Mr. Walkden stated the cost of securing the sprinkler system is a nightmare. He stated the building is unsafe and unhealthy specifically by our building code, it is a dangerous building. Mr. Walkden explained the sprinkler system is a problem as it is always breaking down (raiser, pipes, compressors) costing a lot of money. Mr. Walkden explained MGL Chapter 148 section 27A reads that he has the authority to shut down any part of the sprinkler system in order to make, repair, or prevent freezing of the system in a temporary manor in such time as he can notify the head of the Fire Department of his emergency actions. He would need between \$10,000.00 to \$20,000.00 to get the sprinkler system back and running and the Fire Chief has a position that is opposed to his position. The Fire Chief wants him to keep the system on line. As of yesterday, he notified the Fire Chief that he will no longer make repairs to the system while temperatures are below 32° degrees. He strongly suggests to allow the building to come down now. Councilor Buffington stated he does not want to spend \$800,000.00 plus of the City's monies and Mr. Walkden stated it is too late. Councilor Buffington asked why the City can't secure the building, why do we need the fire watch and sprinkler system if no one can get into the building. Mr. Walden stated it is the Fire Chief's call. The Mayor stated that financially it is better to bring the building down now and is also concerned if there is a fire. Councilor Buffington stated that the State is not asking us to join with them and declare an emergency. The State (DCAM) environment has to do with the City's request to bypass the traditional RFP process. Councilor Buffington stated that under MGL, every contract for demolition that is estimated to cost more than \$100,000.00 shall be awarded to the lowest bidder according to the RFP process and he also explained the exception to the law under the law. Councilor Buffington asked Mr. Shea if the RFP has been issued yet. Mr. Shea stated it is prepared but not issued. Mr. Shea explained the central registrar's deadline. Mr. Shea stated this can be done by four (4) weeks. Councilor Barbour is concerned that time is of the essence and is concerned about the two (2) fire watches and also feels that Mr. Walkden should not put anymore money into said building, this should be a motion and to also add to the motion we do not need multiple fire watches to the Chief. Councilor Croteau stated this will end up costing the City 1.4 million and is not confident in the project. Councilor Costa-Hanlon asked the Mayor where the two (2) RFPs are that they motion Mr. Shea to prepare, that the Council asked for in December. The Mayor is asking for the Council to approve his motions this evening. Mr. Shea stated that Superior was still under contract at this time.

Motion was made to refer to Committee to the council as a Whole. In favor were Councilors Costa-Hanlon, Pottier, Fiore, Marshall, Croteau and Carr. In opposition, were Councilors Barbour, Buffington, and Hoyer. So Voted. Councilor Buffington stated before the Committee to the Council as a Whole meeting he would like to know more about the lawsuit. The Mayor stated the Fire Chief wants the Superintendent of Public Buildings to keep repairing the sprinkler system every time it breaks. Councilor Buffington stated he wants the Fire Chief here next week to see what law he is speaking of. Councilor Carr asked if there could be a Committee to the Council as a Whole meeting this evening. Councilor Pottier asked to postpone the meeting until next week to receive more information. Councilor Carr motioned to have a Committee to the Council as a Whole meeting this evening. Councilor Buffington stated the motion is

not in order as rule section 28 of the Council rules, you need a 48 hour notice. The City Solicitor stated you would need: 1. Five (5) votes to allow that Committee to sit during the Council meeting, 2. The Chairman would call the meeting or two (2) members of the Committee could, in writing that the Committee sits. In favor of a meeting this evening were Councilors Fiore, Carr, and Barbour. In opposition were Councilors Buffington, Croteau, Marshall, Hoye, Costa-Hanlon, and Pottier. Motion does not pass. **Councilor Costa-Hanlon motioned to send a letter to the Fire Chief and Superintendent of Public Buildings not to expend any further monies on the F.B. Rogers Building (Sprinkler system, etc) until demolition takes place. Additionally, that the Fire Chief employ only one (1) fire watch. So Voted.** Councilor Croteau and the City Solicitor discussed past fire watches in said building. **Councilor Croteau motioned to notify the Fire Chief that the Municipal Council is in support of Wayne Walkden, Superintendent of Public Building's recommendation and opinion on MGL Chapter 148, Section 27A. So Voted.** Councilor Buffington motioned that the Fire Chief is not allowed any action with any other attorney/court without the consent of the City Solicitor. **So Voted.** Councilor Marshall asked what are we going to do about the RFP. The City Solicitor stated two (2) things have to be done - that you permit Mr. Shea's office to make an attempt to be sure they have three (3) quotes in accordance with DCAM prepared for next week. **Councilor Croteau motioned that Mr. Shea contact the central registrar on Tuesday and make a notice to add place in and if the Council changes it's mind Tuesday night they can then cancel on Wednesday morning. So Voted. (The City Clerk spoke with Mr. Shea and Jim on these motions.)**

The Mayor read a communication submitted by Wayne Walkden, Superintendent of Public Buildings requesting an appropriation of \$86,580.86 for emergency work done by B&D Construction Company Inc. to relocate the extended day program to the Central Administration Office. **Motion was made to move approval. So Voted.**

The Mayor requested that the Council motion that the Committee to the Department of Public Works discuss the need for a Booster Station and a Tower in the north end of the City and to also discuss acquiring a piece of land on Bay Street. **So Voted.**

The Mayor read a communication in which he requests that the zoning classification for the area currently described as Phase Four and Phase Five of the Myles Standish Industrial Park be changed from "Open Space Conservancy" to Industrial. **Motion was made to refer to a public hearing and the Taunton Planning Board. So Voted.**

At this time Councilor Hoye exited the Council Meeting.

Communications:

Com. from Superintendent of Public Buildings requesting funding in the amount of \$39,981.94 for emergency work done by Jim Dorsey and Son at the F.B. Rogers Building. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Building Commissioner submitting the Building Permit Record for the month of January 2009. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from Lisa Roberts, 54 Prospect Hill Street, Taunton requesting assistance with off-street parking issues as she is unable to park in front of her residence during the workweek because clients of local businesses are parking there and her residence does not provide parking. **Motion was made to refer to the Committee on Police and License and invite Lisa Roberts to this meeting. So Voted.**

Com. from Captain Robert J. Bastis, Jr., Fire Inspector requesting clarification on fees that are to be waived for the VFW hall. **Motion was made to have all fees paid for unit 2-4. Motion was made to refer to the Mayor's Office use of space for Bristol Elders. So Voted.**

Com. from Sergeant Matthew McCaffrey, Dive Team Commander, Taunton Police Department informing of donations the Dive Team has received from several area businesses. **Motion was made to send a copy to each of the donors with a letter of gratitude from the Municipal Council and refer the issue of a building for the dive team to the Committee on Public Property. Chairperson to send a letter to the Dive Team on this matter. So Voted.**

Com. from General Manager, TMLP submitting a street lighting report for Preservation Drive. **Councilors Barbour and Croteau voting present. Motion was made to move approval. So Voted.**

Com. from City Solicitor submitting a letter outlining the process for Civil Service Employee Discipline. **Motion was made to receive and place on file. So Voted.**

Com. from Building Commissioner responding to a request he received regarding unsafe structures that was sent to the Superintendent of Public Buildings, stating he is the person responsible for unsafe structures and that notification was sent to the owner of the property and he has requested the Fire Department provide a list of additional properties that are in similar condition. He further stated they have taken action on structures at 390 Washington St., 70 Weir St., 74 Weir St., 44 Summer St. and 2 Red Lane. **Motion was made to refer for an update in four (4) weeks. So Voted.**

Councilor Fiore stated there will be a celebration of Abraham Lincoln's 200th birthday this Thursday evening at 7:00 PM at the Taunton Historical Society.

Petitions and Claims:

Petition submitted by Paulette Beverly MacDonald, 155 Mayflower Ave., Taunton requesting a renewal of her Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Brian Ferreira, 8 Marvel Street, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Somerset Avenue near Memorial Park. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Patricia Merzi, 21 Pearl Street, Taunton seeking reimbursement for damages to her automobile from hitting a pothole in front of 60 Winter Street. **Motion was made to refer to the City Solicitor. So Voted.**

Petition submitted by Attorney David Gay, Gay, Gay & Field, 73 Washington St., P.O. Box 988, Taunton requesting a waiver of the roadway moratorium for Washington Street and Broadway at the corner of Washington Street and Broadway (Walgreens Pharmacy) **Motion was made to refer to the Committee on the Department of Public Works. So Voted.**

Special Permit/Site Plan Review for a 75-dog kennel, animal training, animal shows and incidental sales to be located at 406 Tremont Street submitted by Nancy Droukas. **Motion was made to schedule a public hearing. So Voted.**

Departmental Site Plan Review for a 12 seat restaurant at 91 Weir Street submitted by Nelson J. Oliveira, 821 Glebe Street, Taunton. **Motion was made to receive and place on file. So Voted.**

Departmental Site Plan Review for a professional office in a home at 158 Duffy Drive submitted by Edmund R. and Bernadette M. Milot. **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 Pottier motioned that the Committee on Police and License discuss the fees that the towing providers charge. So Voted.

Councilor Pottier motioned to add Steve Turner to the 50/50 Liaison Committee. So Voted.

Councilor Barbour motioned that the Police Chief provide an update on what steps he has discovered for the training of crossing guards. So Voted.

Councilor Barbour motioned that the Assessor report back to the Municipal Council concerning tax payers real estate bills. He stated there should be a separate line stating what the debt exclusion should be and to also refer the software issue to the Mayor's Office. So Voted.

Councilor Fiore motioned that the Committee on Public Property meet to discuss numerous concerns with Leonard School and invite the School Committee to their meeting. So Voted.

Councilor Costa-Hanlon stated that she attended the Taunton High School Science Fair and would like to recognize the students and teachers for a job well done.

Councilor Costa-Hanlon stated that St. Vincent's serves approximately 100 people a meal every Wednesday and would like to thank the area supermarkets for their help.

Councilor Pottier stated that the parking tickets utilized by the City Police Officers are printed with a remittance address of City Hall, however, the Parking Clerk is located at the Registry of Motor Vehicles. Therefore, he motioned to refer to the Committee on Police and License to change the address to the RMV. So Voted.

Councilor Marshall motioned to refer to the Committee on Fires and Wires to inquire about the best way to repair engine 9. So Voted. *(The City Clerk spoke with the Clerk of Committees on this matter.)*

Councilor Marshall motioned that that the Committee on Fires and Wires meet in two weeks with Mrs. Gomes and the City Solicitor to discuss a performance evaluation on the Fire Chief. So Voted. *(The City Clerk spoke with the Clerk of Committees on this matter.)*

Orders, Ordinances, and Enrolled Bills

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

ARTICLE II. OPERATION OF VEHICLES

Sec. 13.82. Prohibited parking places

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 13.82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Bay Street – (Watson's Pond) on west side for a distance of 20 feet on both sides of the entrance to the park in front of Watson Pond State Park

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, eight Councilors present, eight Councilors voting to move approval. So Voted. Councilor Hoye was absent.**

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

ARTICLE III-Stopping, Standing and Parking

Sec. 13.90. Reserved parking for handicapped persons

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 13.90 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Bradford Street, one space directly in front of 3 Bradford Street for a period of five years.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, eight Councilors present, eight Councilors voting to move approval. So Voted. Councilor Hoye was absent.**

New Business:

Councilor Marshall motioned to provide Taunton District Court with a copy of our ordinance book. So Voted.

Councilor Buffington motioned that the Committee on Police and License discuss promotional positions in our City's Police Department. So Voted.

Councilor Buffington motioned that the Committee on Ordinance and Enrolled Bills discuss the composition of rank on how many captains, lieutenants and sergeants in the Police Department. So Voted.

Meeting adjourned at 9:20 P.M.

A true copy:

Attest:

City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 10, 2009

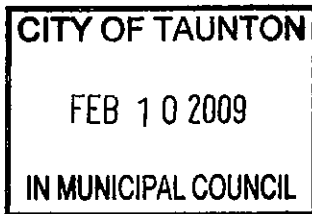
THE COMMITTEE ON FINANCE AND SALARIES

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


MEETING CALLED TO ORDER AT 5:51 P.M.

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

MEETING ADJOURNED AT 5:52 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 10, 2008

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILOR COSTA-HANLON. ALSO PRESENT WAS CITY SOLICITOR STEVEN TORRES

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

1. **MEET WITH THE CITY SOLICITOR TO REVIEW DRAFT ORDINANCE CONCERNING BB GUNS**
THE CITY SOLICITOR PROVIDED THIS ORDINANCE IN FINAL FORM TO THE COMMITTEE
MOTION: **MOVE APPROVAL AND REFER TO FIRST READING THIS EVENING**
2. **MEET WITH THE CITY SOLICITOR TO REVIEW DRAFT ORDINANCE FOR SCRAPYARDS**
THE CITY SOLICITOR PROVIDED THIS ORDINANCE IN FINAL FORM TO THE COMMITTEE
MOTION: **MOVE APPROVAL AND REFER TO FIRST READING THIS EVENING**
3. **MEET WITH THE CITY SOLICITOR TO REVIEW DRAFT FORECLOSURE ORDINANCE**
THE CITY SOLICITOR PROVIDED A DRAFT ORDINANCE WITH HIGHLIGHTED CHANGES.
MOTION: **THAT THIS ITEM BE PLACED ON THE AGENDA FOR TWO WEEKS FOR A FINAL DRAFT, AND IN THE MEANTIME, COUNCILORS TO PROVIDE ANY CHANGES OR ADDITIONS THEY WOULD LIKE TO SEE TO THE CITY SOLICITOR. THE CITY SOLICITOR TO CHECK ON WHETHER THIS HAS BEEN CHALLENGED AND ALSO ON ENFORCEMENT ISSUES.**
4. **MEET WITH THE CITY SOLICITOR TO REVIEW DRAFT ORDINANCE PERTAINING TO WATER AND SEWER BILLS.**
THE SOLICITOR'S OFFICE MET WITH THE WATER DIVISION SUPERVISOR ON THIS MATTER. THE SOLICITOR'S OFFICE SUGGESTS DEFINING THE TERM QUARTER AS BEING NO LESS THAN 91 DAYS AND NO MORE THAN 99 DAYS.
MOTION: **SOLICITOR TO COME BACK IN TWO WEEKS WITH ORDINANCE REFLECTING THAT A QUARTER IS TO BE NO LESS THAN 91 DAYS AND NO MORE THAN 99 DAYS.**
5. **MEET TO DISCUSS APPENDIX A OF THE ORDINANCES – RULES AND ORDERS OF THE MUNICIPAL COUNCIL**
THE CHARIMAN ASKED THAT THE COMMITTEE LOOK THESE OVER AND TO COME BACK WITH ANY CHANGES, ADDITIONS, SUBTRACTIONS OR SUGGESTIONS THAT THEY WOULD LIKE TO SEE FOR DISCUSSION IN TWO WEEKS.

PAGE TWO

FEBRUARY 10, 2009

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS – CONTINUED

MOTION: THAT THE CITY CLERK E-MAIL APPENDIX A TO ALL OF THE CITY COUNCILORS FOR THEIR REVIEW. REFER THIS MATTER FOR TWO WEEKS

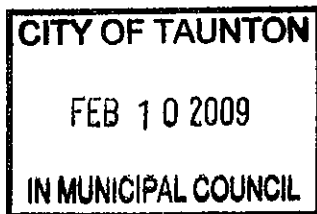
6. MEET TO REVIEW MATTERS IN FILE

A. DISCUSSED WAS THE NEED TO REVIEW THE TIF APPLICATION PROCESS. IT WAS REQUESTED THAT THIS BE BROUGHT UP IN THIS COMMITTEE IN TWO WEEKS FOR REVIEW. KEVIN SHEA IS TO BE HERE FOR THAT MEETING. THE CLERK OF COMMITTEES WAS ASKED TO NOTIFY ALL COUNCILORS THAT THEY SHOULD PROVIDE THEIR SUGGESTIONS FOR THIS MEETING IN TWO WEEKS. THE TIF APPLICATION IS TO BE E-MAILED TO ALL COUNCILORS ALSO.

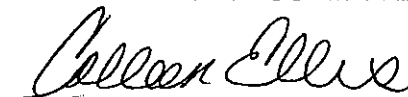
MOTION: REFER FOR DISCUSSION IN TWO WEEKS

MOTION: THAT THE CITY SOLICITOR'S OFFICE DRAFT A PUBLIC NUISANCE ORDINANCE FOR A MEETING IN TWO WEEKS.

MEETING ADJOURNED AT 6:30 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.



City Clerk