



*City of Taunton
Municipal Council Meeting Minutes*

~
*In the Chester R. Martin Municipal Council Chambers
Minutes, January 13, 2009 at 7:55 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Hoyer, Costa-Hanson, Pottier, Fiore, Marshall,
Croteau, Carr, Buffington, Barbour*

A moment of silence was observed for School Committeewoman Josephine Almeida's mother and Audrey Showstead, mother-in-law of our Cable Access Recorder, who both passed away

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

Hearings:

Hearing came up by assignment upon the petition submitted by Attorney David T. Gay, Gay, Gay & Field, PC, 73 Washington St., P.O. Box 988, Taunton and others for the acceptance of Solitude Drive as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted. Motion was made to invite Attorney David Gay and Mr. Casey into the enclosure. So Voted.** Attorney Gay asked that Solitude Drive be accepted as a public way in the City of Taunton. Com. from City Engineer was read submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the record. So Voted.** Speaking in favor was Anthony Zuma, 39 Worcester St., Taunton. No one speaking in opposition. **Motion was made to close the hearing and grant the petition. So Voted.**

Hearing came up by assignment upon the petition submitted by residents represented by Attorney David T. Gay, Gay, Gay & Field, PC, 73 Washington St., P.O. Box 988, Taunton for the acceptance of Preservation Drive as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted. Councilor Barbour voting present, Councilor Croteau motioned to be excused. So Voted. Motion was made to invite Attorney David Gay into the enclosure. So Voted.** Attorney Gay asked that Preservation Drive be accepted as a public way in the City of Taunton. Com. from City Engineer was read submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the record. So Voted.** No one speaking in favor or in opposition. **Motion was made to close the hearing and grant the petition. So Voted.**

Hearing came up by assignment upon the petition submitted by Yvon Nadeau, 94 Libby Lane, Taunton and others for the acceptance of Blake Street as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted. Motion was made to invite Yvon Nadeau into the enclosure. So Voted.** Mr. Nadeau asked that Blake Street be accepted as a public way in the City of Taunton. Com. from City Engineer was read submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the record. So Voted.** No one speaking in favor or in opposition. **Motion was made to close the hearing and grant the petition. So Voted.**

Hearing came up by assignment upon the petition submitted by Michael Gorfin, 111 Silver Fox Circle and other for the acceptance of Silver Fox Circle as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted. Motion was made to continue the hearing for one week. So Voted.**

Hearing came up by assignment upon the petition submitted by Joseph Malloch, Malloch Construction, 113 Padelford St., Berkley, MA and others for the acceptance of Ciera Circle as a public way in the City of Taunton. **Motion was made to invite Joseph Malloch into the enclosure. So Voted.** Mr. Malloch asked that Cierra Circle be accepted as a public way in the City of Taunton. Com. from City Engineer was read submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the record. So Voted.** No one speaking in favor or in opposition. **Motion was made to close the hearing and grant the petition. So Voted.**

Hearing came up by assignment upon the petition submitted by Joseph Malloch, Malloch Construction, 113 Padelford St., Berkley, MA and others for the acceptance of Powhattan Estates Roadways including Sakonet Avenue, Powhattan Drive, Tyask Street, Metacomet Avenue, Pocasset Place, Meeshawn Avenue and Wampum Drive as public ways in the City of Taunton. **Motion was made to open the hearing. So Voted.** Com. from the City Engineer stating that Powhattan Estates was found to be built in accordance with the approved plans, however because it was developed as a 40B subdivision it requires a financial analysis to be performed prior to acceptance. He further states that the City only recently received the analysis and has not had the opportunity to review it. Additionally, if accepted, the sewerage pump station also becomes ownership of the City, something the City cannot undertake until the upcoming fiscal year, and therefore does not recommend acceptance at this time. **Motion was made to make part of the hearing. So Voted.** Com. from the Chairman, Zoning Board of Appeals was read stating that once the Board has the opportunity to review the audit, they will be able to make a determination and provide a recommendation. **Motion was made to make part of the hearing. So Voted.** Com. submitted by the City Solicitor was read stating that based upon his review of the audit, he concludes there has been compliance with the regulatory requirements and condition of the Special Permit. **Motion was made to make part of the hearing. So Voted.** Councilor Marshall stated without a positive recommendation from the Zoning Board of Appeals, we should not go forward. Councilor Barbour stated we should not accept pumping stations in the future. Councilor

Hoye stated we should only allow gravity systems. **Motion was made to refer back to the Zoning Board of Appeals and that the Zoning Board of appeals sign off on the audit. Additionally, that the DPW Commissioner sign off on the pumping stations. So Voted.** James Cook, 215 Powhatten Drive stated he feels the whole development should be completed before the City accepts the Powhatten Estates. **Motion was made to continue the hearing for one month. So Voted.**

Motion was made to recess at 8:50 PM. So Voted.

Motion was made to revert back to the regular order of business at 11:00 PM. So Voted.

Council President Pottier began presiding over the meeting.

Communications from Mayor:

At this time, the Mayor read a communication submitted by Joel Wolk, Senior Special Projects Manager, Gilbane, providing an update on the gas leak at the Taunton High School/Parker Middle School Project. **Motion was made to receive and place on file. So Voted.**

At this time, the Mayor read a communication submitted by Joel Wolk, Senior Special Projects Manager, Gilbane, providing an update on false fire alarm at the Taunton High School/Parker Middle School Project. **Motion was made to receive and place on file. So Voted.**

The Mayor read a communication submitted by the Building Superintendent regarding the fire alarm wires that were cut by a contractor. **Motion was made to receive and place on file. So Voted.**

The Mayor read a communication submitted by the Director of Human Services requesting permission to destroy computer equipment, 15 metal chairs, 2 coffee makers, and 1 vacuum. **Motion was made to refer to the Committee on Public Property. So Voted.**

Communications:

Com. from Margaret Callanan, Deputy General Counsel, Executive Office of Energy and Environmental Affairs and Seth Scholfield, Assistant Attorney General, Environmental Protection Division, Office of the Attorney General, One Ashburton Place, Boston – Concerning the Morey’s Bridge Dam/Temporary Cofferdam. **Motion was made to move approval and send Councilor Marshall to said meeting as the City Council’s designee. So Voted.**

Com. from Building Commissioner submitting the Building Permit Record for the month of December 2008. **Motion was made to refer to the Mayor’s Office. So Voted.**

Com. from Denise Paiva, Greater Taunton Jaycees, P.O. Box 188, Taunton requesting use of the electronic sign to advertise their fundraiser, “Joey and Maria’s Comedy Italian

Wedding" on Saturday, February 14, 2009 at Roseland Function Hall. **Motion was made to move approval. So Voted.**

Com. from Conservation Agent providing reports submitted to them by Aggregate Industries concerning dewatering. **Motion was made to refer this Communication to Mr. Stephen Miles with the dewatering communications. So Voted.**

Com. from Steve Mello, Facilities Director, Mill River Professional Center, LLC, 1 Washington St., Taunton submitting a response regarding speed bumps in front of the YMCA stating they are considering installing speed bumps throughout the property in the spring of 2009. **Motion was made to receive and place on file. So Voted.**

Com. from Executive Director of Retirement notifying of a retirement for Normand F. Menard, an employee of the Fire Department effective February 21, 2009. **Motion was made to move approval and send the appropriate scroll. So Voted. Councilor Barbour stated he understands that there is a hiring freeze and was going to address this with the Mayor this evening. However, he stated he will speak with the Mayor tomorrow, as he is concerned that the number of retirees that need to be replaced is growing in numbers in both the Police and Fire Departments. Therefore, Councilor Barbour motioned that the Mayor report back in one week as to what course of action he intends to take on this matter and the filling of these positions. So Voted. Councilor Barbour motioned that the Police Chief and the Fire Chief report back on the number of Police Officers and Firefighters that have retired since the hiring freeze, what each department's numbers should be contractually, how many employees are on each force, and how much money has been paid out in overtime as a result of the retirements. Additionally, Councilor Barbour motioned that was made that the Police Chief consider the possibility of shrinking the number of sectors in the Police Department. So Voted. Additionally, Councilor Barbour motioned that the Fire Chief report how much equipment is out of service due to the lack of manning. So Voted.**

Petitions and Claims:

The following is a RENEWAL for a Class II License:

1. Patriot Auto Sales and Service LLC to be located at 420 Broadway, Taunton
Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.

Constable Application submitted by James Francis Gaffney, 420 Myricks St., East Taunton requesting a new Constable License desiring to serve civil process. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Anthony O'Dea, 142 Erin Road, East Taunton, seeking reimbursement for damages to his automobile from hitting a pothole in front of 17 Erin Road, near Caswell Street. **Motion was made to refer to the City Solicitor and the DPW Commissioner to have the pothole filled. So Voted.**

Claim submitted by the Kaufman Family, 24 Lake Ridge Drive, Taunton seeking reimbursement for damages to their property from a snowplow dumping snow on their yard and lifting the sod. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Nelly Curtis, 94 Highland Street, Taunton seeking reimbursement for damages to her mailbox that was torn down by a snowplow. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Barbara Packer, 1595 Wheeler St., North Dighton seeking reimbursement for damages to her automobile from hitting a newly installed curb at the Simon Says Restaurant on Route 138. **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 submitted by Gershman Brown Crowley, LLC, 185 Broadway, Providence, RI for a 12,900 sq. ft. CVS (retail, pharmacy with drive thru) at 670, 671, 677 County Street, Taunton which is located in an Office 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:

A communication submitted by Carol Souza, Risk Manager was read stating that she has agreed to settle with Commerce Insurance just the physical damage to police cruiser 237 and has deposited a check in the amount of \$12,125.00 into the Police Department Insurance Recovery Account. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Councilor Costa-Hanlon motioned that the City Solicitor provide the Council with updates on the following previous motions: Written opinion for Civil Service (Termination), Draft foreclosure and blighted property ordinance, Opinion on the Charter relative to the City Council's authority to fund or add to the City budget – not just under the charter, but also under the General Laws of MA, Opinion on whether the Mayor or any department can accept in-kind services, Written notification from our agent relative to the Alex Rich property for the 21E report (surface drilling). So Voted.

New Business:

Councilor Costa-Hanlon motioned to inquire with the City Planner and the DPW Commissioner if the City can restrict tractor-trailer trucks from traveling around the Taunton Green and if so, what would the traffic pattern be? Additionally, Councilor Costa-Hanlon stated she was informed that when Mayor Johnson was in office, no tractor-trailer trucks were allowed to travel around the Taunton Green and she motioned that this statement be researched for validity. So Voted.

Councilor Costa-Hanlon stated that there is an account for the Boyden Refuge and all donations are deposited into this account. Therefore, Councilor Costa-Hanlon motioned that the City Auditor inform them what type of account this is, how much money is in the account and how much has been spent from it. So Voted.

Councilor Fiore motioned that the Committee on Public Property discuss the construction accident that occurred last week at Taunton High School with the Project Manager, School Building Committee and the School Committee. So Voted.

Councilor Croteau motioned to refer to the DPW Commissioner to fill the potholes on Tremont Street from North Walker Street to the Rehoboth Line and also investigate if potholes in Nichols Mills need to be filled. So Voted. *(The City Clerk spoke with Debbie at the DPW on this matter.)* Councilor Croteau also motioned to the DPW Commissioner add Tremont Street from North Walker Street to the Rehoboth line to the paving list. So Voted.

Councilor Buffington stated he received information on police cruiser graphics and motioned that the Police Chief be provided a copy. So Voted.

Councilor Barbour motioned that the Fire Chief provide a letter stating what the inspection process is that the City goes through for our vehicles. Is it independently inspected annually or is it at specific intervals. Councilor Potter asked to add that the Fire Chief give us a current status of the Fire Department vehicles and also ask the Police Chief to provide the Council with the same. Additionally, that the Fire Department mechanic also give us his role relative to these issues through the Fire Chief. So Voted.

CIVIL SERVICE HEARING: Pursuant to General Laws Chapter 31, Section 41 through 45, a hearing will be held before the Taunton Municipal Council at 7:00 P.M. Pursuant to Section 23B, of Chapter 39 the hearing may be held in open or closed session.

Councilor Barbour stated that a Civil Service Hearing was to take place this evening and the Council was not notified of a reschedule date. Councilor Barbour stated that it concerns him that the employee is still on paid leave, also vacates a position, and the employee is probably concerned about his employment being questionable. **Motion was made to refer to the City Solicitor to reschedule the hearing to January 26, 2009 and that the Councilors receive notice of this no later than Friday for a time line. So Voted. Councilor Croteau motioned to notify all parties that this hearing will take place on Monday, January 26, 2009. So Voted. Councilor Pottier stated he received notice that this was supposed to go before a three-member board before it comes to the Council. Councilor Croteau stated whoever negotiated this language is in error. They cannot give away the Council's authority. Councilor Buffington motioned that if the hearing does not take place on January 26, 2009 this will take place in the Committee on Police and License on January 27, 2009 and go into executive session if needed and give notice to the Police Officer involved, the Police Chief, the Officer's attorney, the City Solicitor, and the Police Chief give a summary of the allegations and the Clerk of Committees to give written notice to the Police Chief, City Solicitor and Police Officer. So Voted.**

Meeting adjourned at 11:45 P.M.

A true copy:

Attest:

A handwritten signature in cursive script that reads "Cm Blackwell".

City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 13, 2009

THE COMMITTEE ON FINANCE AND SALARIES

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

MEETING CALLED TO ORDER AT 5:43 P.M.

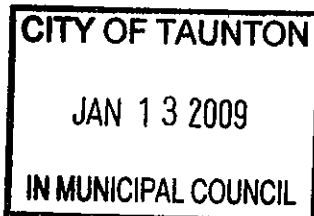
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY
DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR
CITY DEPARTMENTS

MEETING ADJOURNED AT 5:44 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 13, 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, WATER DIVISION SUPERVISOR CATHAL O'BRIEN, WATER DEPARTMENT EMPLOYEE DAVID PIMENTAL, AND JOSEPH FEDERICO OF BETA GROUP

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

2. MEET WITH THE D.P.W. COMMISSIONER FOR FURTHER DISCUSSION ON HIS PROPOSED GUIDELINES & REQUIREMENTS FOR WAIVER OF 5 YEAR MORATORIUM ON STREETS & ROADS

THE D.P.W. COMMISSIONER PROVIDED A DRAFT OF THE 5 YEAR MORATORIUM WAIVER GUIDELINES. IT WAS NOTED THAT NEW CONSTRUCTION IS NOT CONSIDERED AN EMERGENCY. REPLACEMENT FOR HEALTH AND SAFETY ISSUES WOULD BE THE ONLY REASON TO GRANT A WAIVER AND ANY REQUEST FOR A WAIVER WOULD COME BEFORE THE COUNCIL FOR APPROVAL.

MOTION: TO MAKE THE DRAFT GUIDELINES AND REQUIREMENTS PART OF THE RECORD

DISCUSSED WAS THE ISSUE OF INSPECTING THE CUT IF A WAIVER IS GRANTED. THE COMMISSIONER INFORMED THE COMMITTEE THAT BEFORE A BOND IS RELEASED, SOMEONE DOES GO OUT TO INSPECT THE CUTS IN THE ROADWAY. IT WAS REQUESTED THAT THE CITY ENGINEER BE PROVIDED WITH THESE RULES AND REGULATIONS BECAUSE HE IS SOMEONE THAT PEOPLE NEED TO GO TO EARLY IN THE PROCESS OF APPLYING TO BUILD.

MOTION: REFER THIS MATTER TO ORDINANCE COMMITTEE

ALSO DISCUSSED WAS WHAT NOTIFICATION IS PROVIDED WHEN A STREET IS GOING TO BE PAVED. THE COMMISSIONER INFORMED THE COMMITTEE THAT HE MEETS WITH ALL UTILITIES AND THEY ARE PROVIDED WITH A LIST OF ALL STREETS UNDER THE 5 YEAR MORATORIUM AND ALSO PROPOSED STREETS TO BE DONE. DISCUSSED WAS SENDING THIS NOTIFICATION OUT WITH THE T.M.L.P. BILLS. ALSO, THE D.P.W. PUTS NOTICES AT EACH RESIDENCE ALONG THE STREET OR ROAD TO BE PAVED.

3. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS WHAT THE NOTIFICATION PROCESS GUIDELINES ARE FOR ROAD OPENING PERMITS WHEN IT COMES TO NOTIFYING AREA RESIDENTS AND BUSINESSES

THE COMMISSIONER REPORTED THAT REGARDING ROAD CLOSINGS, IT IS THE POLICE CHIEF THAT MAKES THE DECISION TO CLOSE A STREET PER ORDINANCE. DISCUSSION WAS HELD REGARDING THE EFFECT CLOSING A ROAD HAS ON BUSINESS ON THAT ROAD. THERE IS A NEED TO TAKE A LOOK AT THIS ISSUE, AND IT WAS NOTED THAT THE DECISION TO CLOSE STREETS SEEMS TO BE MADE TOO EASILY.

PAGE TWO

JANUARY 13, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

MOTION: REFER TO THE COMMITTEE ON POLICE AND LICENSE FOR DISCUSSION.

ON DISCUSSION, THE D.P.W. COMMISSIONER STATED THAT DURING PRE-CONSTRUCTION MEETINGS THE DETAIL OFFICER IS PRESENT. THEY WILL DISCUSS IF IT IS NECESSARY TO CLOSE A STREET, BUT IT WAS NOTED THAT THE TYPE OF WORK BEING DONE DETERMINES WHETHER THERE IS A NEED TO CLOSE THE ROAD. THE COMMISSIONER WILL MEET WITH THE DETAIL OFFICER DURING THE PRE-CONSTRUCTION MEETINGS TO EMPHASIZE THE NEED TO KEEP ROADS OPEN AS MUCH AS POSSIBLE. RESIDENTS AND SMALL BUSINESSES DEPEND ON THIS TRAFFIC AND TO ONLY CLOSE ROADS AS A LAST RESORT.

THE ABOVE MOTION WAS NOT VOTED ON.

MOTION: TO INVITE THE POLICE CHIEF TO THE NEXT D.P.W. COMMITTEE MEETING TO DISCUSS THIS ISSUE.

1. MEET WITH THE D.P.W. COMMISSIONER & WATER DIVISION SUPERVISOR TO DISCUSS ISSUES CONCERNING WATER BILLS, AND TO DISCUSS PROPOSED APPEAL PROCESS GUIDELINES

DISCUSSED WAS THAT THERE WAS A DISCREPANCY ON DATES ON SOME WATER BILLS. THE WATER DIVISION SUPERVISOR REPORTED THAT THIS WAS AN INTERNAL ISSUE, THAT NO CUSTOMER WAS OVERBILLED AND THAT THE PROBLEM HAS BEEN CORRECTED AND SHOULD NOT HAPPEN AGAIN. HE FURTHER INFORMED THE COMMITTEE THAT NEXT YEAR THERE WILL BE A METER AUDIT.

MR. O'BRIEN WILL BE COMING BACK BEFORE THE COMMITTEE IN FOUR WEEKS TO DO A PRESENTATION REGARDING METER REPLACEMENT AND ALSO A PRESENTATION ON THE WATER BILL ITSELF.

HE FURTHER STATED THAT NOW THAT THE BILLING IS ON A TIERED STRUCTURE IT IS VERY IMPORTANT THAT BILLS GO OUT AT THE CORRECT TIME – EVERY 90 DAYS. HE DID REITERATE THAT NO ONE WAS OVERBILLED, JUST THE DATES ON THE BILL WERE WRONG. HIS DEPARTMENT MUST MAKE SURE THAT ALL DATES ARE MET IN REGARD TO BILLING, AND THE DEPARTMENT WILL BE ON NOTICE IN WRITING THAT ALL DATES ARE TO BE MET. HE FURTHER STATED THAT THERE IS ONE STAFF PERSON THAT HAS THE SOLE RESPONSIBILITY FOR INPUTTING THE INFORMATION IN ORDER TO GET THE BILLS OUT. HOWEVER, THE STAFF IN THE DEPARTMENT IS CROSS-TRAINED SO IF THAT INDIVIDUAL IS OUT, SOMEONE ELSE CAN STEP IN AND DO THE JOB. DISCUSSED FURTHER WAS WHETHER THERE IS AN ORDINANCE THAT STATES THAT THE WATER BILLS MUST BE FOR 90 DAYS. IT WAS NOTED THAT ALL IT SAYS IS THAT THE BILLS MUST BE SENT QUARTERLY.

MOTION: REFER TO ORDINANCE COMMITTEE TO DISCUSS ORDINANCE FOR WATER BILLS STATING THAT THE BILLS ARE TO BE FOR NO LESS THAN 88 DAYS AND NO MORE THAN 92 DAYS.

DISCUSSED WAS THE APPEAL PROCESS FOR WATER BILLS. IF A LEAK IS FOUND, IT IS STILL THE RESPONSIBILITY OF THE PROPERTY OWNER, BUT THEY CAN PAY OVER 12 MONTHS WITH ZERO INTEREST AND PENALTIES. THE DIVISION SUPERVISOR AND D.P.W. COMMISSIONER EMPHASIZED THE

PAGE THREE

JANUARY 13, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

NEED FOR NEW METERS AND A METER REPLACEMENT PROGRAM.

4. **MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS ISSUES OF STREET SAFETY ON MIDDLEBORO AVENUE FROM CASWELL ST. TO E. TAUNTON POST OFFICE, AND POSSIBILITY OF PAINTING CROSSWALKS, ADDING MORE SIGNAGE, ETC.**

THE COMMISSIONER PROVIDED A PRINT OUT OF WHAT IS ALREADY IN PLACE IN THIS AREA. HE FURTHER STATED THAT HE DISCUSSED THIS AREA WITH THE POLICE DEPARTMENT SAFETY OFFICER AND HE RECOMMENDED NO OTHER SIGNAGE BE PUT UP.

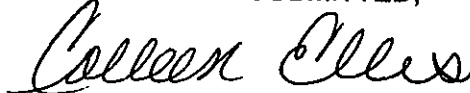
5. **MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS & REVIEW COMPREHENSIVE MANAGEMENT WASTEWATER PLAN AND TO DISCUSS ISSUE OF BETTERMENTS**

IT WAS NOTED THAT THERE ARE 14 NEEDS AREAS LISTED IN THE PLAN. EACH AREA WAS GIVING A RANKING. THE COMMISSIONER REPORTED THAT A LETTER IS GOING OUT TO RESIDENTS OF MATTHEWS LANDING AND RESIDENTS OF STREETS LEADING TO MATTHEWS LANDING, BURT STREET, WINTHROP STREET AND THE WILLIAMS STREET AREA.

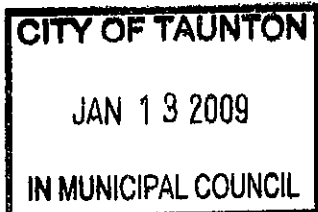
MR. FEDERICO WAS ASKED TO PROVIDE A COPY TO THE COMMITTEE OF THE 14 RANKED NEEDS AREA.

MEETING ADJOURNED AT 7:19 P.M.

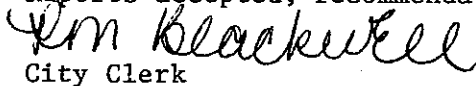
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 13, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: DAVID W. POTTIER, PRESIDENT AND COUNCILORS BARBOUR, BUFFINGTON, CARR, CROTEAU, MARSHALL, FIORE, COSTA-HANLON AND HOYE. ALSO PRESENT WERE MAYOR CHARLES CROWLEY, CITY SOLICITOR STEVEN TORRES AND SENATOR MARC PACHECO

MEETING CALLED TO ORDER AT 7:25 P.M.

1. MEET WITH SENATOR MARC PACHECO TO OBTAIN AN UPDATE ON THE ATTORNEY GENERAL'S LAWSUIT AGAINST JEFFERSON PARTNERS AND ISSUES WITH THE MOREY'S BRIDGE DAM

IT WAS NOTED THAT THE CURRENT DAM IS NOT SAFE. IF THE DAM SHOULD BREACH, THERE WILL BE SIGNIFICANT PROBLEMS DOWN STREAM, SABBATIA LAKE WOULD BE LOST AND THERE WOULD ALSO BE SIGNIFICANT ENVIRONMENTAL ISSUES.

THE SENATOR SUGGESTED GOING INTO EXECUTIVE SESSION TO DISCUSS A MEDIATION AGREEMENT.

SENATOR PACHECO REPORTED THAT THE ATTORNEY GENERAL'S OFFICE ASKED HIM TO PARTICIPATE IN A MEDIATION SESSION IN ORDER TO COME UP WITH A STRATEGY TO GET SOMETHING DONE AS SOON AS POSSIBLE. HE WENT OVER HIS STRATEGY WITH THE ATTORNEY GENERAL'S OFFICE, SPOKE TO MR. MURPHY AND HAS SPOKEN TO THE MAYOR.

EARLIER, THERE WAS A PRIVATE INTEREST IN THE DAM. TODAY AND IN THE FUTURE, THERE IS NOT THE SAME TYPE OF INTEREST BUT THE PRIVATE OWNER IS STILL RESPONSIBLE FOR THE DAM.

SOME WANT TO GET RID OF THE DAM BUT THIS WOULD NOT BE IN THE BEST INTEREST OF THE RESIDENTS AROUND THE LAKE AS IT WOULD DESTROY IT. THERE IS NOW A PUBLIC INTEREST IN THE DAM. TO ENSURE THE CITY'S INVOLVEMENT REGARDING THE DAM, THE CITY WOULD HAVE TO ACQUIRE THE RIGHTS OF THE DAM. THEY ARE NOT PROPOSING FOR THE CITY TO PAY FOR IT. THEY ARE HOPING TO GET THE PRIVATE OWNER TO COME TO AN AGREEMENT WHEREBY HE WOULD PAY FOR THE REPAIRS TO THE DAM AND THEN TRANSFER THE RIGHTS TO THE CITY.

DISCUSSED ALSO WAS THE COFFERDAM. IT IS THERE BECAUSE AN APPLICATION WAS FILED IN WHICH THE CITY IS AN APPLICANT ACCORDING TO SENATOR PACHECO. THERE WAS NO CERTIFIED ENGINEERING REPORT, THEREFORE THE STRUCTURE IS NOT SAFE. SENATOR PACHECO STATED THAT THE CITY CAN PETITION TO GET THE COFFER DAM FIXED. HE DOES SUGGEST FIGURING OUT A WAY TO ADDRESS THE ISSUES WITH THE COFFER DAM. IT WAS FURTHER NOTED THAT ALL WORK ON THE MOREY'S BRIDGE IS STOPPED DUE TO THE ISSUES WITH THE DAM.

MOTION: TO RECESS THE MEETING (7:50 P.M.)

MEETING CALLED BACK FROM RECESS AT 8:52 P.M.

MOTION: FOR THE PURPOSES OF DISCUSSING POTENTIAL LITIGATION, ON A ROLL CALL VOTE, ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION.

PAGE TWO

JANUARY 13, 2009

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

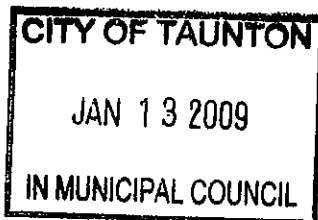
MOTION: ON A ROLL CALL VOTE, ALL COUNCILORS PRESENT
VOTED TO COME OUT OF EXECUTIVE SESSION.
NO VOTES WERE TAKEN IN EXECUTIVE SESSION.

MEETING ADJOURNED AT 11:00 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



City Clerk