



City of Taunton
Municipal Council Meeting Minutes

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In the Chester R. Martin Municipal Council Chambers
Minutes, January 27, 2009 at 10:15 O'clock P.M.

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

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

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

Hearings:

Continued Hearing came up by assignment upon the petition for the Renewal of a Class III Auto Dealer's License for Tony's Auto Wrecking, 303 Broadway, Taunton. **Motion was made to reopen the hearing. So Voted. Motion was made to continue for one week. So Voted.**

Continued 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 reopen the hearing. So Voted.** Com. from City Engineer providing an update stating that the issue of a depression formed adjacent to a culvert running across the road, forming a low point and curb inlet stones sticking out above sidewalk grade have been resolved was read. **Motion was made to make part of the hearing. So Voted. Motion was made to invite Tyler Martin, one of the family members who built the road, representing Michael Gorfin, the individual who submitted the paperwork into the enclosure. So Voted.** No one speaking in favor or in opposition. **Motion was made to close the hearing and grant the petition. So Voted.**

Communications from Mayor:

The Mayor read a communication submitted by the DPW Commissioner with a breakdown of costs per winter storm for the 2008/2009 season so far. **Motion was made to receive and place on file. So Voted.**

The Mayor read an extra communication submitted by Liz Moitoso, Relay for Life of Greater Taunton stating that they will be holding their event at Hopewell Park on June 5th and 6th and requests that traffic be limited to a one-way direction from Albro Avenue to Bradford Avenue on June 5th from 2:00 PM and 7:00 PM. They additionally request the Police Department perform in-kind service in assisting the flow of traffic during that time. **Motion was made to move approval and notify the Police Chief, Fire Chief, and the Ambulance Service. So Voted.**

The Mayor read a communication submitted by the Police Chief regarding the staffing levels in the Taunton Police Department. The Chief states the Police Department is short four members due to retirements, four officers are out injured, one officer is on administrative leave and one officer is scheduled to retire March 27, 2009. The department currently has 111 sworn members and should have a compliment of 131 officers. **Motion was made to refer the amount of staffing levels and vacant positions to the Committee on Police and License. The City Clerk spoke with the Clerk of Committees concerning the Fire vacancies. So Voted.**

The Mayor read a communication he submitted to the Municipal Council explaining that he met with Wayne Walkden, Supervisor of Public Buildings, the City Solicitor, Risk Manager, the Superintendent and School Committee Chairwoman Josephine Almeida via conference call. Mr. Walkden expressed serious concerns following a thorough inspection of the former Leonard School Building and expressed that it is his opinion that the building in its present condition presents both health and safety concerns for its occupants and should not be occupied until all noted deficiencies are corrected. The Mayor stated that the best course of action would be to move the Extended Day Program to the former cafeteria at the Old Pole School immediately. Councilor Pottier stated he was in phone contact with Mr. Walkden and the Mayor early last week on this matter and left a communication on the Councilor's desks of the update that Mr. Walkden has been given to me. The Mayor stated as soon as he was informed on this matter, we took action on it. Councilor Costa-Hanlon stated she is concerned that there is a report that is dated January 12, 2009 that is very strongly worded about a public building that the Council has never seen. She asked Councilor Pottier if he ever saw Mr. Walkden's report before today. Councilor Pottier stated we have talked about the report. The Mayor stated Mr. Walkden reports everyday issues to him. The Mayor is giving the report that was requested last week. Councilor Croteau stated that the Council should be fully aware as to what is going on with Leonard School. **Councilor Croteau motioned to refer the future of Leonard School to the Committee on Public Property and invite the Superintendent of Public Buildings, School Committee, and DPW Commissioner. So Voted.** Councilor Croteau stated we either need to demolish the building or fix the roof. Councilor Croteau stated in Committees this evening he asked for a legal opinion of the status of the extended day program. Councilor Hoye agrees with Councilor Croteau that we need to demolish the building or make the necessary repairs. Councilor Carr asked the Mayor if there is any criteria that the school department return the school building back to the City if it is not being used. The City Solicitor stated he will look into the law and get back to the Council as to when the City can take control of the building.

The City Solicitor read a letter he wrote concerning the F.B. Rogers Building. The letter states the history of the F.B. Rogers Building, current procurement process that lead to the contract for hazardous materials, the abatement for demolition, and any ongoing dispute with the contractor who abandoned the job. Additionally, the letter refers to numerous problems with the building from MOCD. The City Solicitor's office and MOCD are declaring an emergency that has been submitted to the State and approved. The Fire Chief and the DEP have been involved. Once they identify the cost at MOCD then it will come forward to the Council to bond/loan authorization before construction. City Solicitor stated when it is declared an emergency you must go forward with three (3)

written quotes. Councilor Marshall asked why the City Solicitor is choosing the aforementioned instead of the RFP process. The City Solicitor stated due to advertising and time. He explained how MOCD proceeded from here. MOCD prepared two (2) separate sets of specifications for emergency demolition on the abatement of hazardous materials and a second on the demolition – they received the specifications and received three (3) written quotes from demolition contractors and at this time they need a declaration from the Council and DCAM to demolish the building. Councilor Marshall stated he was told it was not a water base system anymore, from the Fire Chief and the Director of MOCD. The Mayor stated we produced the evidence to DCAM and stated the best course of action is to take down immediately. The City Solicitor stated we are in the process of suing and in the process of putting a complaint together. The City Solicitor explained the process the Building Department has been working on with MOCD on the declaration of emergency from the State. Councilor Croteau asked the City Solicitor if he is going to get three (3) written bids. He stated three (3) on demolition and three (3) on abatement. The City Solicitor stated on a project like this you have to take the lowest written bid. Council Marshall asked did they advertise for the three (3) quotes. The City Solicitor stated they proceeded with accordance of an emergency. Council Buffington read the Committee Minutes concerning the RFP process and also stating the minutes read this is a dry sprinkler system so they don't have to heat the building. Councilor Buffington stated he is not comfortable with the process the City has presented this evening due to the large amount of money. Councilor Buffington asked if we have reached an agreement with Superior to rescind the Contract. The City Solicitor stated yes, we will pay the remaining value of work performed by them in the range of \$129,000.00 plus the retainer. **Councilor Marshall motioned to move forward with the conventional RFP process. In favor were Councilors Hoyer, Marshall, and Costa-Hanlon. In opposition were Councilors Fiore, Pottier, Croteau, Buffington, Carr, and Barbour. Motion did not pass. Councilor Carr motioned that the Committee to the Council as a Whole invite Steve Torres, City Solicitor, Kevin Shea, MOECD, Wayne Walkden, Superintendent of Public Buildings, Lemman Padelford, Fire Chief, and a representative from the Weir Corp. to their next meeting to discuss issues with the FB Rogers property. The following should be brought to said meeting: The emergency application that was sent to DCAM and what their response was, quotes, the RFP, cost of repairs for the past few months, and cost of the fire watches. So Voted.**

Communications:

Com. from City Planner submitting a response to a request asking to determine the feasibility of restricting truck traffic on Taunton Green and he states to defer this question to the City Engineer and the Law Office. **Motion was made to refer to the City Engineer, Law Department and SRPEDD. So Voted.**

Com. from Chairman, Taunton Planning Board informing of a public hearing for the Form J Plan, 62 Baker Road East on February 5, 2009 at 5:30 PM in the Chester R. Martin Municipal Council Chambers. **Motion was made to receive and place on file. So Voted.**

Com. from Director, Emergency Management requesting to establish a gift account for the Taunton Emergency Agency as they recently received a \$3,000.00 check from

Entergy, owners of the Pilgrim Nuclear Power Plant to purchase needed equipment. **Motion was made to move approval. So Voted.**

Com. from City Auditor providing response on the gift account for Boyden Refuge, providing information on what certain funds can be utilized for and what the balance is. **Motion was made to receive and place on file and ask the Auditor to list any account that lists Boyden or Bird Sanctuary (re-Visit). So Voted.**

Com. from Director, Human Services requesting to deposit funds into the Elder Emergency Gift Account in the amount of \$1,000.00 for the purpose of assisting elders of Taunton. **Motion was made to move approval. So Voted.**

Com. from Treasurer/Collector submitting a Land Court Decree for a tax title parcel assessed to John G. Burton on Campbell Court. **Motion was made to refer to the Committee on Public Property, the Superintendent of Public Buildings, Carol Souza, and Tax Agent. So Voted.**

Com. from Herbert W. Aikens, President, Lighthouse Electrical Contracting, Inc., 59 North Ave., Rockland providing renewable energy planning information. **Motion was made to refer to the TMLP, City Planner and Building Department. So Voted.**

Com. from Marie Perdue, Captain, Team Dominoes, Relay for Life requesting use of the electronic sign to advertise their yard sale fundraiser on April 25-26, 2008 from 9:00 AM – 3:00 PM at 15 Cottage Street, Taunton. **Motion was made to move approval. So Voted.**

Com. from Fire Chief submitting a response to a request regarding staffing levels within the Fire Department. **Motion was made to refer to the Committee on fires and Wires. So Voted.**

Councilor Pottier read an extra communication submitted by the Fire Chief regarding vehicle inspection and vehicle status. **Motion was made to refer to the Committee on Fires and Wires. So Voted.**

Councilor Pottier read an extra communication submitted by the Budget Director providing an update on the FY07 and FY08 Audit. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Councilor Carr read an extra communications submitted by Kathy Tutino, Our Lady of Lourdes School, 52 First Street, Taunton requesting use of the electronic sign to advertise their 25th Annual Penny Sale on Saturday, March 7, 2009. **Motion was made to move approval. So Voted.**

Petitions and Claims:

Petition submitted by Steven Vilas-Boas, 106 Broadway, Taunton requesting a new Temporary Fixed Vendor License –DBA- Pushing Petals located at 3 Cape Road, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Suzy Aubertine, 35A College Lane, Dartmouth seeking reimbursement for damages to her automobile from a snowplow hitting a mailbox and then her car at 281 Caswell Street, East, Taunton. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Janice C. Reilly, 198 Caswell St., East Taunton seeking reimbursement for damages to her mailbox that has been hit by snowplows. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Michael Bagni, 30 Princess Pine Circle, Taunton seeking reimbursement for damages to his automobile from hitting a group of potholes on Hamilton Street near Coram and Dartmouth Streets. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Tim Clish, 81 Forest Hill Dr., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Myles Standish Boulevard near the Holiday Inn. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Elizabeth Vermette, 4 Hillcrest Road, Unit 7, Foxboro, seeking reimbursement for injuries sustained from a fall on Kings Court near the Boys and Girls Club. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Al Soares, P.O. Box 322, North Dighton seeking reimbursement for damages to his automobile from hitting a pothole at 305 Myles Standish Boulevard. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Tammy Westgate, 8 Church Ave., Taunton seeking reimbursement for damages to her vehicle from hitting a pothole on Hamilton Street near Hopewell Pool. **Motion was made to refer to the City Solicitor. So Voted.**

Petition submitted by Carolyn Basler, 2285 County St., E. Taunton requesting the installation of a stop sign on O'Connell Way at the intersection of Stevens Street. **Motion was made to refer to the Committee on Police and License and the Police Chief. 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 stated that the 50/50 Ordinance Committee is short a member and if anyone would like to be on the Committee they should send the Council a letter.

Councilor Pottier motioned that the Committee on Police and License discuss the stoplight/pedestrian light at the Mill River Apartments. Additionally, that the City Planner provide the requested information on this matter to the Committee. So Voted.

Councilor Buffington motioned that the Committee on Finance and Salaries discuss with the mechanic of the Fire Department, his idea's or suggestions to better spend the insurance monies from the accident involving the Engine 9 Fire Truck. So Voted.

New Business:

Councilor Pottier asked to refer the aggressive abandonment of property to the Mayor's Office. Councilor Pottier stated he will give the information to the Mayor's Office.

Councilor Costa-Hanlon motioned that the City Solicitor identifies the other departments, besides the City Clerk that would be the records custodian for public documents and email his response to Councilor Costa-Hanlon. So Voted.

Councilor Costa-Hanlon motioned that the City Engineer work with the Safety Officer and review the intersection of Cohannet and High Streets and investigate if anything can be improved upon at this very busy location, for example, adding a pedestrian light, and report back to the Municipal Council. So Voted.

Councilor Costa-Hanlon talked about the City identifying distressed areas within a city, for example, the Whittenton and DeWert areas as part of the stimulus package the Governor and Federal Government are looking for.

Councilor Barbour stated that the City utilizes MIA as the health insurance provider. This company also offers property casualty insurance and liability insurance. Other communities that use these three services and are cautious with their claims have reportedly received substantial rebates back to their community. Councilor Barbour motioned that the Committee to the Council as a Whole receive a response from the Risk Manager in three weeks on the following: provide a list of how our insurance is broken down, is the City self-insured, how does the City insure its vehicles and property, when are they coming up for renewal? Additionally, Councilor Barbour motioned that the Risk Manager reach out to the MIA Group for a competitive bid. So Voted.

Meeting adjourned at 11:55 P.M.

A true copy:

Attest:

Rose Marie Blackwell

City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 27, 2009

THE COMMITTEE ON FINANCE AND SALARIES

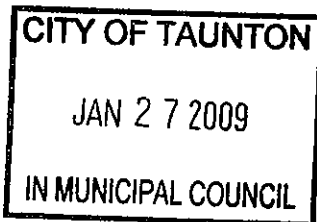
PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS
CROTEAU AND POTTIER

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 MATTERS IN FILE**
THE BUDGET DIRECTOR WAS REQUESTED TO PROVIDE A STATUS OF THE AUDITS FOR NEXT WEEK'S MEETING.

MEETING ADJOURNED AT 5:45 P.M.



RESPECTFULLY SUBMITTED,

Colleen Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.

Rm Blackwell
City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 27, 2009

THE COMMITTEE ON FIRES AND WIRES

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS CORTEAU AND POTTIER. ALSO PRESENT WERE CITY SOLICITOR STEVEN TORRES, HUMAN RESOURCES DIRECTOR MARIA GOMES, FIRE CHIEF LEMAN PADELFOURD, UNION ATTORNEY MARK KAPLAN AND FIREFIGHTERS MARK BAPTISTE AND ROBERT ROONEY

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

**2. MEET TO DISCUSS GRIEVANCES
GRIEVANCE NO. 008-37 – DATED 4/15/08**

NATURE OF GRIEVANCE: THE CHIEF HAS VIOLATED THE CONTRACT BY NOT PROVIDING CERTAIN MEMBERS OF THE FIRE DEPARTMENT WITH THE CAREER INCENTIVE BASE SALARY INCREASES TO WHICH EARNED THEIR ACADEMIC CREDITS ENTITLED THEM PURSUANT TO ARTICLE XXV OF THE CONTRACT. AMONG THE MEMBERS WHO HAVE BEEN ADVERSELY AFFECTED BY THE CHIEF'S VIOLATION OF THE CONTRACT ARE THE FOLLOWING: TROY MERRIT, MATT O'BRIEN, CHAD MORIN AND JAY HARRINGTON. ANY OTHER ADVERSELY AFFECTED MEMBERS WHOSE CLAIMS ARE BROUGHT TO LOCAL 1391'S ATTENTION AFTER THE DATE OF THE FILING OF THIS GRIEVANCE SHOULD BE ADDED TO THE ABOVE LIST.

RESPONSE OF CHIEF OF DEPT.: MATT O'BRIEN PAY EFFECTIVE 4/13/08. CHAD MORIN – NO FIRE SCIENCE CLASS COMPLETE, HE HAS SUBMITTED A NEW TRANSCRIPT DATED 6/5/08 WHICH I WILL REVIEW. JAY HARRINGTON PAY EFFECTIVE 8/9/08. I WILL LOCATE AND REVIEW TROY MERRIT

THIS GRIEVANCE WAS DISCUSSED ON 6/30/08 AND WAS CONTINUED AT THAT TIME. THIS GRIEVANCE ALSO CAME UP FOR DISCUSSION ON 7/8/08 AND THE UNION REQUESTED THAT IT BE CONTINUED TO SEPTEMBER SO THAT THEY COULD HAVE FURTHER DISCUSSIONS WITH THE HUMAN RESOURCE DIRECTOR. IT WAS ALSO POSTPONED FROM 10/21/08.

THE CHIEF STATED THAT AS FAR AS HE KNOWS EVERYTHING ON THIS MATTER IS UP TO DATE. HE DID NOT HAVE ANY DETAILS ON MR. MERRIT, BUT RECALLED THAT THERE WAS AN ISSUE WITH TRANSFER CREDITS.

MOTION: MR. MERRIT IS TO BE PAID RETROACTIVE TO THE DATE THE TRANSCRIPT WAS RECEIVED.

GRIEVANCE NO. 08-42 – DATED 6/4/08

NATURE OF GRIEVANCE: VIOLATION TO BUT NOT LIMITED TO ARTICLE I AND XVII: REQUEST THE IMPLEMENTATION OF THE TFD ACCOUNTABILITY SYSTEM AS DRAWN UP BY THE TRAINING CAPTAIN. THIS WOULD INCLUDE THE PASSPORTS(TAG) AND NOT JUST THE RIDING LIST (PAPER). THE CHIEF HAS STATED HE WILL BE INDICATING AN ACCOUNTABILITY SYSTEM IN JULY THAT DOES NOT INCLUDE THE TAGS. WE DO NOT WISH TO HINDER THIS CHANGE-ONLY TO ENHANCE IT.

RESPONSE OF CHIEF OF DEPT.: NONE

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THE COMMITTEE ON FIRES AND WIRES – CONTINUED

THE CHIEF STATED THAT TRAINING IS ALMOST COMPLETED. THE UNION STATED THAT THERE IS NO BOARD FOR THE TAGS, AND THE MOUNTINGS ON VEHICLES IS STILL BEING WORKED ON. THE BOARD IS A MAJOR COMPONENT. DISCUSSED WAS GETTING A DATE CERTAIN FOR WHEN THE SYSTEM IS TO BE FULLY IMPLEMENTED.

THE CHIEF STATED THAT IMPLEMENTATION STARTED LAST WEEK AND THERE IS A 30 DAY TRIAL PERIOD.

THE UNION WANTS ALL COMPONENTS IN PLACE BEFORE THE START OF THE TRIAL PERIOD.

MOTION: THE TAG SYSTEM IS TO BE FULLY IMPLEMENTED ON FEBRUARY 17, 2009 – WHATEVER COMPONENTS THAT ARE MISSING MUST BE IN PLACE BY THAT DATE, THEN THE TRIAL PERIOD IS TO BEGIN ON THAT DATE.

THE UNION STATED THAT ORIGINALLY THEY HAD ASKED FOR BRASS TAGS, BUT THEY HAVE PLASTIC, WHICH IN A FIRE WOULD BE DESTROYED. IT WAS NOTED THAT A GRANT WAS RECEIVED FOR THIS PROJECT.

GRIEVANCE NO. 08-049 – DATED 9/25/08

NATURE OF GRIEVANCE: VIOLATION BUT NOT LIMITED TO ARTICLE XVI.XVIII AND GRIEVANCE #07-24. PVT. TOM LIMA HAS BEEN ON THE DEPARTMENT FOR OVER 20 YEARS AND AT THE LAST OPEN ENROLLMENT HE CHANGED HIS COVERAGE FROM THE PPO TO THE HMO AND HIS CONTRIBUTION TO 75% CITY, 25% EMPLOYEE.

REMEDY: CHANGE HIS CONTRIBUTION BACK TO 77% CITY 23% EMPLOYEE AND ALL BACK PAY

RESPONSE OF CHIEF OF DEPT.: THIS OFFICE DOES NOT HAVE ANY AUTHORITY OVER THIS ISSUE, THEREFOR I RETURN THIS GRIEVANCE WITH THE UNDERSTANDING THIS WILL BE FORWARDED ON TO THE NEXT STEP. LETTER DATED 1/14/09 OF ATTORNEY MARK KAPLAN WAS READ IN WHICH HE STATED THAT AT THE 12/9 HEARING ON THIS GRIEVANCE, THE FIRES AND WIRES COMMITTEE DIRECTED CITY SOLICITOR TORRES AND HIM TO ATTEMPT TO RESOLVE THE GRIEVANCE BE DEVELOPING A "SIDEBAR" TO THE CONTRACT. BY MEANS OF A LETTER TO CITY SOLICITOR TORRES DATED 12/15, A COPY OF WHICH IS ENCLOSED, MR. KAPLAN SUBMITTED SUCH A "SIDEBAR" PROPOSAL ON BEHALF OF LOCAL 1391. HOWEVER, THAT PROPOSAL HAS NOT RESULTED IN AN AGREEMENT BETWEEN THE PARTIES.

ACCORDINGLY, MR. KAPLAN REQUESTS ON BEHALF OF LOCAL 1391 THAT THE HMO PREMIUM RATE GRIEVANCE (NO. 08-049) BE PLACED BACK ON THE AGENDA EITHER FOR THE NEXT MEETING OF THE FIRES AND WIRES COMMITTEE OR AS SOON THEREAFTER AS POSSIBLE.

MOTION: LETTER TO BE PART OF THE RECORD

LETTER OF ATTORNEY MARK KAPLAN TO CITY SOLICITOR STEVEN TORRES DATED 12/15/08 WAS READ. MR. KAPLAN STATED THAT AT THE FIRES AND WIRES COMMITTEE MEETING ON 12/9 THE GRIEVANCE WAS REFERRED TO THEM TO ATTEMPT TO RESOLVE BY DEVELOPING A "SIDEBAR" TO THE CONTRACT.

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THE COMMITTEE ON FIRES AND WIRES – CONTINUED

MR. KAPLAN'S SUGGESTION FOR THE SIDEBAR IS THAT THE PARTIES EXECUTE A DOCUMENT WHICH WILL CLARIFY THE FIRST ENTRY UNDER "HMO POLICY (HMO BLUE NEW ENGLAND)" IN ARTICLE XVI TO READ AS FOLLOWS:
EXISTING EMPLOYEES (AS OF JUNE 1, 2004 AND ENROLLED IN A CITY HEALTH PLAN AS OF JUNE 1, 2004 IRRESPECTIVE OF THE DATE ON WHICH THEY FIRST ENROLL IN OR TRANSFER THEIR COVERAGE TO THE HMO POLICY) CITY 77%, EMPLOYEE 23%

HE FURTHER STATES IN HIS LETTER THAT THIS CLARIFYING LANGUAGE WOULD THEN BE INCORPORATED INTO THE SUCCESSOR CONTRACT THAT IS CURRENTLY BEING NEGOTIATED. IN ADDITION, THE GRIEVANT, FIREFIGHTER LIMA, AND ANY OTHER SIMILARLY SITUATED EMPLOYEES WOULD HAVE THEIR HMO CONTRIBUTION RATES ADJUSTED TO THE 77%/23% LEVELS AS OF THE DATE OF THEIR INITIAL ENROLLMENT IN OR TRANSFER TO THE CITY'S HMO POLICY.

THIS PROPOSED CLARIFYING LANGUAGE IS BEING SUBMITTED WITHOUT PREJUDICE TO THE POSITION THAT MR. KAPLAN ADVOCATED BEFORE THE FIRES AND WIRES COMMITTEE AT THE GRIEVANCE HEARING ON 12/9 – NAMELY THAT THE EXISTING CONTRACT LANGUAGE ALREADY REQUIRES THE INTERPRETATION THAT IS SET FORTH IN THE PROPOSED CLARIFYING SIDEBAR SINCE THE ONLY CONTRACTURAL REQUIREMENTS TO QUALIFY FOR THE MORE FAVORABLE 77%/23% CONTRIBUTION RATES ARE THAT AN EMPLOYEE MUST HAVE BEEN BOTH EMPLOYED AND ENROLLED IN ANY CITY HEALTH PLAN AS OF JUNE 1, 2004. THIS LANGUAGE WAS INCORPORATED INTO THE 2004-2007 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND LOCAL 1391 PURSUANT TO THE AWARD OF ARBITRATOR ALTMAN IN JLMC-05-06-F WHICH WAS ISSUED IN FEBRUARY, 2005.

MOTION: LETTER TO BE PART OF THE RECORD

MOTION: TO GRANT THE GRIEVANCE

MOTION: THAT THE COMMITTEE SEND A DIRECTIVE TO THE TREASURER/COLLECTOR REGARDING THIS DECISION OF THE COMMITTEE ON THE PERCENTAGE CHANGES.

MOTION: REFER TO THE MAYOR'S OFFICE THE RATIONALE OF KEEPING THE 75/25 SPLIT TO NEGOTIATIONS.

GRIEVANCE NO. 08-053 – DATED 11/7/08

NATURE OF GRIEVANCE: VIOLATION OF BUT NOT LIMITED TO ARTICLE I, XVIII, III SECTION 2, IV SECTION 3 #9. YOUR ORDER DATED 27 OCT. 2008 VIOLATES PAST PRACTICE AND WILL FURTHER TIE UP APPARATUS ON SCENES ESPECIALLY DURING THIS BUDGET CRUNCH AND WHEREAS THIS JOB HAS BEEN DONE IN THE PAST ON AN OVERTIME BASIS WHEN NEEDED AND ONLY DONE BY AN ON DUTY FIRE INVESTIGATOR WHEN AN OFF DUTY INVESTIGATOR WAS NOT AVAILABLE

RESPONSE OF CHIEF OF DEPT.: DUE TO LACK OF ADEQUATE OVERTIME, THIS GRIEVANCE IS DENIED. I AM WILLING TO REVIEW THE POLICY ONCE SUFFICIENT FUNDING BECOMES AVAILABLE IN THE FIRE DEPARTMENT BUDGET.

THE CHIEF INFORMED THE COMMITTEE THAT THE REDUCTION IN OVERTIME IS

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THE COMMITTEE ON FIRES AND WIRES – CONTINUED

\$3,000.00. THE UNION STATED THAT THIS HAS BEEN RECOGNIZED AS A SPECIALTY JOB AND DONE AS AN ADDITIONAL DUTY. THEY FURTHER STATED THAT LOTS OF THE TRAINING IS DONE ON THEIR OWN TIME AND THE ONLY INCENTIVE IS THE OVERTIME.

MOTION: THE CHIEF IS TO PROVIDE HOW MUCH WAS SAVED SINCE THIS CHANGE WAS PUT IN PLACE – BETWEEN OCTOBER 2008 AND THE PRESENT TIME

DISCUSSED WAS A STIPEND FOR THIS JOB, BUT THE CITY SOLICITOR DID NOT RECOMMEND THIS.

MOTION: TO APPROVE THE GRIEVANCE AND GO BACK TO FORMAT AS WAS DONE BEFORE – TO CALL IN SOMEONE OFF DUTY AND IF NO ONE CAN BE LOCATED, THEN USE THE INVESTIGATOR ON DUTY. NO ONE IS TO BE PAID ANY RETROACTIVE MONIES, AND THE UNION AGREES THAT NO ONE WILL FILE A GRIEVANCE WHO HAS BEEN ADVERSELY AFFECTED.

DISCUSSED AT THIS TIME WAS THAT THE POLICE DEPARTMENT ISSUED THE TAGS TO THE FIREFIGHTERS IN RELATION TO THE TAG SYSTEM THAT IS CURRENTLY BEING IMPLEMENTED. DETECTIVE SMITH OF THE POLICE DEPARTMENT ORDERED THE TAGS, RECEIVED THE BILL AND FORWARDED IT TO THE FIRE DEPARTMENT. HE STATED THAT AS OF THE LAST WEEK IN DECEMBER, THIS BILL WAS NOT PAID AND THE COMPANY WAS GOING TO RE-ISSUE A BILL TO THE FIRE DEPARTMENT.

MOTION: PAYMENT OF THE INVOICE IS TO BE DONE IMMEDIATELY

GRIEVANCE NO. 09-54 – DATED 1/19/09

NATURE OF GRIEVANCE: VIOLATION BUT NOT LIMITED TO ARTICLE XVIII. FOR MANY YEARS, THE ESTABLISHED PRACTICE IN THE TAUNTON FIRE DEPARTMENT HAS BEEN TO RELEASE FROM DUTY AT 12:00 NOON ON THE DAY BEFORE CHRISTMAS (CHRISTMAS EVE) AND THE DAY BEFORE NEW YEAR'S (NEW YEAR'S EVE) THE EMPLOYEES IN THE FOLLOWING STAFF POSITIONS WHO WORK AN ADMINISTRATIVE SCHEDULE (10 HOURS A DAY, FOUR DAYS A WEEK BETWEEN MONDAY AND FRIDAY) – THE FIRE PREVENTION CAPTAIN, LIEUTENANT AND PRIVATE, THE TRAINING OFFICER, THE DEPARTMENT MECHANIC, THE COMMUNICATIONS OFFICER AND THE S.A.F.E. COORDINATOR. THIS YEAR (I.E. DECEMBER 2008) THE CHIEF UNILATERALLY TERMINATED THAT PRACTICE BY REQUIRING THAT THE EMPLOYEES IN THE ABOVE-REFERENCED SEVEN STAFF POSITIONS WORK THE FULL DAY BEFORE BOTH CHRISTMAS AND NEW YEAR'S RATHER THAN BEING RELEASED FROM DUTY AT 12:00 NOON ON THOSE DAYS WHICH HAD BEEN A JOB BENEFIT FOR THE EMPLOYEES IN THE STAFF POSITIONS FOR MANY YEARS.

THIS CONSTITUTED A DIRECT VIOLATION OF ARTICLE XVIII OF LOCAL 1391'S COLLECTIVE BARGAINING AGREEMENT WITH THE CITY WHICH PROVIDES AS FOLLOWS:

ALL OTHER JOB BENEFITS ENJOYED BY THE EMPLOYEES WHICH ARE NOT SPECIFICALLY PROVIDED FOR OR ABRIDGED IN THIS AGREEMENT, ARE HEREBY PROTECTED BY THIS AGREEMENT.

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THE COMMITTEE ON FIRES AND WIRES – CONTINUED

REMEDY: IN ORDER TO REMEDY THIS VIOLATION OF THE CONTRACT, LOCAL 1391 REQUESTS AS FOLLOWS:

1. THAT ANY OF THE EMPLOYEES IN THE SEVEN BARGAINING UNIT STAFF POSITIONS WHO ACTUALLY WORKED BEYOND 12:00 NOON EITHER ON THE DAY BEFORE CHRISTMAS AND/OR THE DAY BEFORE NEW YEAR'S AS A RESULT OF THE CHIEF'S UNILATERAL DIRECTIVE BE COMPENSATED FOR ALL SUCH WORK AT THE RATE OF TIME AND ONE-HALF; AND

2. THAT ANY OF THE AFORESAID EMPLOYEES WHO TOOK EITHER A VACATION DAY OR A PERSONAL LEAVE DAY EITHER ON THE DAY BEFORE CHRISTMAS AND/OR ON THE DAY BEFORE NEW YEAR'S AS A RESULT OF THE CHIEF'S UNILATERAL DIRECTIVE HAVE ANY SUCH VACATION OR PERSONAL LEAVE DAYS RESTORED TO THEIR RESPECTIVE ACCOUNTS.

THE CITY SOLICITOR STATED THAT THE CHIEF DID NOT MAKE THIS DECISION UNILATERALLY AND THAT THE CONTRACT DOES NOT SPECIFICALLY ADDRESS THIS ISSUE.

THE UNION STATED THAT THERE ARE 7 STAFF OFFICERS WHO WORK 10 HOUR DAYS, 4 DAYS A WEEK AND THAT THEY HAVE ALWAYS DONE AS CITY HALL DOES.

A LETTER DATED 12/24/08 OF ATTORNEY MARK KAPLAN WAS PROVIDED TO THE COMMITTEE BUT WAS NOT READ ALOUD.

MOTION: LETTER TO BE PART OF THE RECORD

THE CITY SOLICITOR STATED THAT YOU CANNOT CREATE A PAID BENEFIT BY PAST PRACTICE.

MOTION: TO REFER THIS MATTER TO ONGOING NEGOTIATION WITH UNDERSTANDING THAT IT IS PROSPECTIVE AND ONLY FOR DECEMBER 24TH AND DECEMBER 31ST.

MOTION WITHDRAWN

THE UNION REQUESTED TO INCLUDE THE DAY AFTER THANKSGIVING

MOTION: THAT THIS ISSUE BE HELD IN ABEYANCE AND DISCUSSED BY THE COMMITTEE IN FOUR WEEKS

MOTION WITHDRAWN

MOTION: TO DENY THE GRIEVANCE

1. **MEET WITH THE FIRE CHIEF TO DISCUSS ISSUES CONCERNING MEMBERS OF THE DEPARTMENT THAT HAVE REFUSED TO SIGN A LETTER OF ACCEPTANCE FOR LAWS AND POLICIES RELATING TO VEHICLE OPERATION.**

THE CHIEF PROVIDED A LETTER REFLECTING THAT NINE MEMBERS OF THE DEPARTMENT REFUSED TO SIGN OFF AS RECEIVING THE LAWS AND ORDERS PACKET RELATED TO VEHICLE OPERATION.

THE UNION STATED THAT THEY FEEL THAT THE CHIEF SHOULD SIGN POLICIES THAT COME FROM HIM, IF HE WANTS MEMBERS OF THE DEPARTMENT TO SIGN THEM. THE CHIEF STATED THAT THIS IS NOT A POLICY, IT IS MASS. GENERAL LAWS AND IS JUST AN ACCEPTANCE OF RECEIPT.

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THE COMMITTEE ON FIRES AND WIRES – CONTINUED

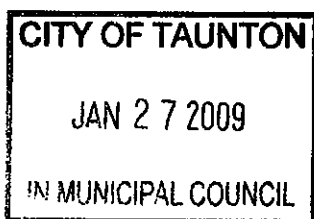
MOTION: THE APPOINTING AUTHORITY DIRECTS THE FIRE CHIEF AND ANY SUBORDINATE PERSON WHO DRAWS UP POLICIES TO SIGN THEM ALSO. FURTHER, WHATEVER THE COUNCIL ASKS THE FIREFIGHTERS TO SIGN, THE FIRE CHIEF IS ALSO TO SIGN

MEETING ADJOURNED AT 7:35 P.M.


RESPECTFULLY SUBMITTED;



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
JANUARY 27, 2009

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR JASON BUFFINGTON, CHAIRMAN AND COUNCILORS HOYE AND BARBOUR. ALSO PRESENT WERE CITY SOLICITOR STEVEN TORRES, HUMAN RESOURCE DIRECTOR MARIA GOMES, POLICE CHIEF RAYMOND O'BERG, DETECTIVE DENNIS SMITH, CAPTAIN EDWARD WALSH, SERGEANT JOSEPH LOTT, JAMES BURKE OF A & B REALTY TRUST, BRIAN STRAUSBAUGH OF ACME FABRICATION AND HIS ATTORNEY TOM PHILIPACK OF 274 BROADWAY, TAUNTON AND NICK FELIZARD OF KNOW HOW TRAILOR REPAIR

MEETING CALLED TO ORDER AT 7:41 P.M.

MOTION: TO REVERT FROM THE REGULAR ORDER OF BUSINESS AND DO NO. 7 ON THE COMMITTEE AGENDA FIRST.

7. MEET TO DISCUSS GRIEVANCE

GRIEVANT: SGT. JOSEPH LOTT

DATE: DECEMBER 18, 2008

FACTS: SERGEANT JOSEPH LOTT, THE GRIEVANT, HAS BEEN AN EMPLOYEE OF THE TAUNTON POLICE DEPARTMENT SINCE 1988, AND A MEMBER OF THE TAUNTON POLICE SUPERVISORY PERSONNEL ASSOCIATION (TPSPA) SINCE 2000. IN JULY 2008, THE GRIEVANT WENT TO THE CITY TREASURER'S OFFICE, THE DEPARTMENT RESPONSIBLE FOR ADMINISTERING THE HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES, AND CHANGED HIS HEALTH INSURANCE FROM THE INDEMNITY PLAN (BLUE CROSS ELECT PPO) TO THE HMO POLICY (HMO BLUE NEW ENGLAND). AT SOME POINT AFTER MAKING THIS CHANGE, THE GRIEVANT BECAME AWARE THAT HIS PAYROLL DEDUCTIBLE FOR THIS CHANGE WAS BEING MADE AT 25% RATHER THAN THE 23% THAT THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND TPSPA PROVIDES FOR. HE SPOKE WITH MARIA GOMES, THE CITY'S HUMAN RESOURCE MANAGER ABOUT THE ISSUE. GOMES ATTEMPTED TO RESOLVE THE ISSUE BUT WAS UNSUCCESSFUL AS THE CITY TREASURER INSISTED THAT THE RATES FOR CHANGE WERE A ONE TIME OFFER BY THE CITY AND DID NOT APPLY TO FUTURE CHANGES. THE CITY'S OFFICIAL POSITION NOW ON THIS IS THAT THE RATE OF 23% WAS A ONE TIME RATE OFFER TO EXISTING EMPLOYEES AS OF JUNE 1, 2004 AND ALL SUBSEQUENT CHANGES BY EMPLOYEES TO THE HMO POLICY WOULD BE AT THE 25% RATE. THE CURRENT RATE STRUCTURE WAS THE RESULT OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE TPSPA AND WAS INCORPORATED INTO THE 2002-2005 CBA. THE 2005-2008 CBA PROVIDES IN ARTICLE 19 THE FOLLOWING RATES FOR EMPLOYEE HEALTH INSURANCE:

HMO POLICY (HMO BLUE NEW ENGLAND)

EXISTING EMPLOYEES (AS OF JUNE 1, 2004 AND CURRENTLY ENROLLED IN A CITY HEALTH PLAN AS OF JUNE 1, 2004):

CITY 77%

EMPLOYEE 23%

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JANUARY 27, 2009

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

NEW HIRES:
CITY 75%
EMPLOYEE 25%
INDEMNITY PLAN (BLUE CARE ELECT PPO)
ALL EMPLOYEES
CITY 75%
EMPLOYEE 25%

UNDER THE CBA, ANY CITY EMPLOYEE WHO SELECTS THE HMO POLICY, AND WAS EMPLOYED BY THE CITY AND WAS ENROLLED IN A CITY HEALTH PLAN AS OF JUNE 1, 2004, HAS A CONTRIBUTION RATE OF 23%. THE GRIEVANT MEETS THESE REQUIREMENTS AS HE WAS EMPLOYED BY THE CITY ON JUNE 1, 2004 AND WAS PARTICIPATING IN A CITY HEALTH PLAN ON THAT DATE. THE LANGUAGE OF THE CBA IS CLEAN AND UNAMBIGUOUS. THE GRIEVANT SHOULD BE PAYING 23% NOT 25%

RELIEF SOUGHT: THE GRIEVANT SEEKS TO BE MADE WHOLE. THIS INCLUDES BEING COMPENSATED FOR THE EXCESS PAYROLL DEDUCTION THAT HAVE BEEN MADE BY THE CITY AS WELL AS MODIFICATION OF HIS CURRENT HEALTH INSURANCE DEDUCTION TO THE SET CBA RATE OF 23%

RESPONSE OF CHIEF: REFER TO NEXT LEVEL
THE CITY SOLICITOR RECOMMENDED GRANTING THE GRIEVANCE.

MOTION: MOVE APPROVAL OF THE GRIEVANCE

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
 - A. DANIEL THOMAS DALTON, 750 WHITTENTON ST., #1221, TAUNTON
- RENEWAL

MOTION: MOVE APPROVAL FOR CIVIL PROCESS ONLY

- B. RICHARD F. ENOS, 22 GARFIELD ST., TAUNTON – RENEWAL

MOTION: MOVE APPROVAL FOR SCHOOL CROSSING ONLY

- C. JAMES FRANCIS GAFFNEY, 420 MYRICKS ST., EAST TAUNTON –
NEW

MOTION: MOVE APPROVAL FOR CIVIL PROCESS ONLY

2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF BILLIARD TABLE LICENSE FOR RANDY LOMBARDI, 432 KINGMAN ST., E. TAUNTON D/B/A J.L. BOOMERANGZ, 16-18 TRESMOTT ST., TAUNTON

MOTION: MOVE APPROVAL FOR FOUR TABLES

3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING RENEWAL APPLICATIONS FOR CLASS II LICENSES:

- A. A & M AUTO EXCHANGE, 424 WINTHROP ST., TAUNTON

MOTION: MOVE APPROVAL WITH 15 VEHICLE LIMIT

- B. AFTER HOURS AUTO SALES, 20 NORTH AVE., TAUNTON

MOTION: HOLD FOR NEXT MEETING

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THE COMMITTEE ON POLICE AND LICENSE -- CONTINUED

- C. B & J AUTO SALES, 14 WHITTENTON ST., TAUNTON
MOTION: MOVE APPROVAL WITH 2 VEHICLE LIMIT
- D. BRENO'S COLLISION & SALES, INC., 408 WINTHROP ST., TAUNTON
MOTION: MOVE APPROVAL
- E. CAMBRA AUTO SALES, 117 SUMMER ST., TAUNTON
MOTION: MOVE APPROVAL
- F. FRANK'S AUTO BODY, INC., 265 BROADWAY, TAUNTON
MOTION: MOVE APPROVAL WITH 10 VEHICLE LIMIT
- G. MIKE'S AUTO SALES, 594 WINTHROP ST., TAUNTON
MOTION: MOVE APPROVAL WITH 12 VEHICLE LIMIT - 5 FRONT, 7 REAR
- H. NORTHEAST AUTO EXCHANGE, INC., 577 WINTHROP ST., TAUNTON
MOTION: MOVE APPROVAL WITH LIMIT OF 10 CLASSIC CARS
- I. OAKLAND AUTO SALES, LLC., 214 TREMONT ST., TAUNTON
MOTION: MOVE APPROVAL WITH 74 VEHICLE LIMIT
- J. PATRIOT AUTO SALES AND SERVICE, LLC., 420 BROADWAY, TAUNTON
MOTION: MOVE APPROVAL
- K. R & F MOTORS, INC., 35 DANA ST., TAUNTON
MOTION: MOVE APPROVAL
4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF JEFF NIEDBALA, 221 RATHGAR ST., FALL RIVER, MA D/B/A SPINDLE CITY PRECIOUS METALS, 2 GALLERIA MALL DRIVE, E. TAUNTON, FOR A NEW OLD GOLD LICENSE
MOTION: MOVE APPROVAL
5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH TO DISCUSS THE FOLLOWING REQUESTS FOR RENEWAL OF CLASS II LICENSES:
- A. A & B REALTY TRUST, 288 BROADWAY, TAUNTON
 DETECTIVE SMITH INFORMED THE COMMITTEE THAT HE BEGAN HIS YEARLY INSPECTIONS IN DECEMBER 2008 OF ALL CLASS II LICENSE HOLDERS. UPON INSPECTING A & B REALTY TRUST, IT REVEALED THE SAME AS LAST YEAR'S INSPECTION. THE BUILDING DISPLAYS A SIGN INDICATING THE PROPERTY IS FOR SALE, NO CARS ARE DISPLAYED AND NO SIGN INDICATING THE LOCATION SELLS USED AUTOMOBILES AS REQUIRED BY STATUTE. NO ONE COULD BE LOCATED IN THE SECURED BUILDING. PHOTOGRAPHS WERE TAKEN OF THE PREMISES. DETECTIVE SMITH HAS BEEN TO THE PREMISES SEVERAL TIMES AND NO ONE APPEARS TO BE PRESENT EACH TIME HE WAS THERE. IN 2007, WHEN HE DID HIS INSPECTION, HE FOUND THE IDENTICAL FINDINGS AT WHICH TIME HE CONTACTED PETITIONER, MR. BURKE OF RAYNHAM. AT THAT TIME, HE INFORMED DETECTIVE SMITH HE HAD JUST PURCHASED THE PROPERTY AND WAS ATTEMPTING TO GET ORGANIZED. MR. BURKE WAS INFORMED BY DETECTIVE SMITH THAT CITY ORDINANCE ALLOWS THE LICENSE TO BE INACTIVE FOR ONE YEAR AND AFTER SUCH TIME THE LICENSE REVERTS BACK

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

TO THE CITY. HE WAS ALSO INFORMED THAT HE WAS TO HAVE A SALES BOOK, A SIGN, HIS LICENSE POSTED AND OFFER MOTOR VEHICLES FOR SALE. ALL OF WHICH HE HAS FAILED TO HAVE IN PLACE.

MR. BURKE STATED THAT HE HAS A RECORD BOOK, AND HAS DONE A COUPLE OF TRANSACTIONS AND TWO MORE ARE PENDING. HE ALSO SAID THAT SOMEONE IS THERE FROM 8:30 –11:00 A.M. HE WILL WORK WITH DETECTIVE SMITH TO FULFILL THE REQUIREMENTS OF THE LAW.

MOTION: TO CONTINUE THIS MATTER FOR ONE MONTH

B. ACME FABRICATION & EQUIPMENT LEASING CO., LLC., 91 ARLINGTON ST., TAUNTON

DETECTIVE SMITH INFORMED THE COMMITTEE THAT UPON INSPECTING THIS PROPERTY HE FOUND NO ONE AROUND AND A SIGN THAT SAYS RITE AUTO. IN DECEMBER 2007, THE FINDINGS WERE IDENTICAL. HOWEVER, HE KNEW THAT THE LICENSE HAD JUST BEEN TRANSFERRED. THE LICENSE NOW HAS BEEN INACTIVE FOR ONE YEAR, THERE IS NO SALESBOOK AND NO SIGN.

MR. BRIAN STRAUSBAUGH AND HIS ATTORNEY TOM PHILIPACK REQUESTED TIME TO STRAIGHTEN THIS MATTER OUT. HE HOPES TO HAVE EVERYTHING IN PLACE WITHIN TWO MONTHS. MR. STRAUSBAUGH ALSO INFORMED THE COMMITTEE THAT HE HAD TO DO MUCH CLEANING UP OF THE PREMISES.

MOTION: TO CONTINUE THIS MATTER FOR ONE MONTH SO THAT PETITIONER CAN BRING THIS MATTER INTO COMPLIANCE

C. KNOW HOW TRAILER REPAIR, INC., 567 WINTHROP STREET, TAUNTON

IN DECEMBER, 2007, THIS PETITION RECEIVED A POSITIVE RECOMMENDATION. HOWEVER, THE LICENSE HAS BEEN INACTIVE FOR OVER A YEAR. HE IS IN BUSINESS, HAS THE BOOK REQUIRED, BUT DOES NEED A SIGN. HE SELLS TRAILERS AND NEEDS THE CLASS II TO SELL THEM, SO DETECTIVE SMITH RECOMMENDED HE CHANGE HIS SIGN TO READ KNOW HOW TRAILER REPAIRS AND SALES.

MOTION: TO CONTINUE FOR FOUR WEEKS SO THAT PETITIONER CAN BRING THIS MATTER INTO COMPLIANCE

6. MEET WITH THE POLICE CHIEF TO DISCUSS REPLACEMENT OF CRUISER 237 AND OTHER VEHICLES THAT ARE OUT OF COMMISSION.

THE POLICE CHIEF REPORTED THAT THE RISK MANAGER IS STILL DEALING WITH THE INSURER ON CAR 237. THEY HAVE RECEIVED THE MONEY FOR THE VEHICLE ITSELF BUT THE ISSUE IS WITH THE EQUIPMENT IN THE CAR.

THE POLICE CHIEF FURTHER NOTED THAT THEY HAVE RECEIVED \$12,000 FOR THE VEHICLE, BUT A NEW ONE WILL COST \$21,000 AND IF IT IS FULLY EQUIPPED IT COULD EASILY AMOUNT TO ABOUT \$38,000.00.

THE POLICE DEPARTMENT HAS POSSESSION OF CAR 237 AND HAS BEEN USING IT FOR PARTS.

THE CHIEF STATED THAT HE DOES NEED VEHICLES FOR THE DEPARTMENT.

MOTION: REFER TO THE CITY SOLICITOR'S OFFICE TO PURSUE THIS MATTER AND TO GET WHAT IS RIGHTFULLY DUE TO THE CITY. ALSO, INFORMATION IS TO BE PROVIDED AS TO WHETHER THERE IS A PROVISION FOR UNDER INSURED COVERAGE OR ADDITIONAL INSURED. REFER BACK TO

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

COMMITTEE FOR TWO WEEKS. RISK MANAGER TO BE INVITED TO SAID MEETING.

MOTION: REFER THIS ISSUE TO THE MAYOR'S OFFICE FOR EMERGENCY FUNDING FOR THE BALANCE NEEDED TO PURCHASE A NEW CRUISER PLUS THE EQUIPMENT NEEDED

THE MAYOR STATED THAT HE SPOKE TO THE RISK MANAGER AND SHE INFORMED HIM THAT THE INSURANCE COMPANY IS WAITING FOR DOCUMENTATION REGARDING THE EQUIPMENT IN THE CRUISER

8. MEET TO DISCUSS STATUS OF OFFICER WHO IS PRESENTLY ON PAID LEAVE

THE CITY SOLICITOR INFORMED THIS COMMITTEE THAT IT IS A PRACTICE NOT TO DISCUSS THESE ISSUES IN OPEN SESSION, THAT THIS MATTER SHOULD NOT BE ON THE AGENDA.

THE COMMITTEE EXPRESSED ITS CONCERN WITH THE ISSUE OF THE EMPLOYEE BEING ON PAID ADMINISTRATIVE LEAVE FOR APPROXIMATELY 6 WEEKS AND THAT NO FORMAL EXPLANATION AS BEEN PROVIDED TO THE COUNCIL AS APPOINTING AUTHORITY

THE CITY SOLICITOR INFORMED THE COMMITTEE THAT THIS MATTER IS NOW BEFORE A THREE PERSON PANEL TO DETERMINE IF THERE IS A SUFFICIENT VIOLATION TO BRING THE MATTER TO THE COUNCIL. BEFORE THE COUNCIL CAN EXERCISE THEIR AUTHORITY THE THREE PERSON PANEL MUST COMPLETE IT'S PROCESS. HE FURTHER NOTED THAT THE CITY AND THE UNION HAVE DEVELOPED PROTOCOL AND HAVE RESOLVED ISSUES REGARDING DISCIPLINARY ISSUES AND COMPLAINTS.

FURTHER DISCUSSION WAS HELD REGARDING THE THREE MEMBER PANEL NEEDING TWO MORE WEEKS TO COMPLETE THEIR PROCESS, AND THAT THE LENGTH OF THIS PROCESS IS AT THE EXPENSE OF THE TAXPAYERS. ALSO DISCUSSED WAS THAT NO MATTER WHAT ACTION THE PANEL TAKES, THE MATTER SHOULD STILL COME BEFORE THE COUNCIL. THE SOLICITOR REITERATED THAT IF THE PANEL DETERMINES THAT THERE SHOULD BE DISCIPLINARY ACTION TAKEN, IT WILL COME BEFORE THE COUNCIL, IF NOT, IT DOES NOT COME TO THE COUNCIL.

IT WAS SUGGESTED THAT THIS ISSUE BE FORWARDED TO THE STATE TO DETERMINE THE LEGALITY OF THE CONTRACT

THE THREE MEMBER PANEL IS MEETING AGAIN ON FEBRUARY 13TH.

THE COMMITTEE STATED THAT IF NO DISCIPLINE IS RECOMMENDED THEY WANT TO KNOW WHO RECOMMENDED PAID LEAVE.

THE SOLICITOR STATED THAT ON FEBRUARY 13TH, THE THREE MEMBER PANEL WILL HEAR EVIDENCE, WEIGH THE EVIDENCE AND CHARGES AND DETERMINE IF FURTHER ACTION IS NEEDED AND THAT THE COUNCIL AS A CAUTIONARY MATTER COULD SCHEDULE THE HEARING ON FEBRUARY 17TH ON THE CONDITION THAT THE THREE MEMBER PANEL REFERS IT TO THE COUNCIL FOR FURTHER ACTION.

MOTION: TO TENTATIVELY SCHEDULE THE POTENTIAL HEARING FOR TUESDAY MEETING FOLLOWING THE FEBRUARY 13TH THREE MEMBER PANEL MEETING.

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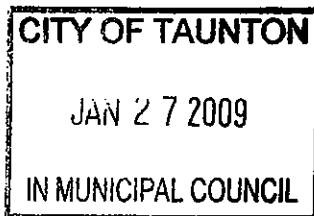
THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

9. MEET TO REVIEW MATTERS IN FILE

A. COUNCIL INFORMED THE POLICE CHIEF THAT POLICE VEHICLES HAD PLOWED PRIVATE RESIDENCES DURING THE LAST STORM. THE POLICE CHIEF WAS REQUESTED TO SEND A MEMO STATING THAT THE PLOWS ARE FOR CITY USE ONLY.

MOTION: TO OBTAIN FROM BOTH THE POLICE CHIEF AND FIRE CHIEF A LIST AS TO HOW MANY IN THEIR DEPARTMENT ARE OUT INJURED, WHEN THEY LEFT OUT INJURED, WHAT REQUIRED THEM TO LEAVE (THE REASON) AND WHEN THEY ARE EXPECTED TO RETURN.

MEETING ADJOURNED AT 10:10 P.M.



RESPECTFULLY SUBMITTED,

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

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

Reports accepted, recommendations adopted.

A handwritten signature in cursive script that reads "Rm Blackwell".
City Clerk