



City of Taunton
Municipal Council Meeting Minutes

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Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, August 16, 2011 at 8:00 O'clock P.M.

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

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

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, 141 Oak Street for the acceptance of Birch Avenue, Evergreen Drive, Pinecrest Drive, and Tremont Avenue as public ways in the City of Taunton. **Motion was made to open the hearing. So Voted.** The City Clerk read a Com. from Chairman, Taunton Planning Board stating that they have no recommendations as these streets do not fall under any subdivisions approved by the Board. **Motion was made to make part of the hearing. So Voted.** Speaking in favor of the petition was Doreen Santos, 23 Pinecrest Drive. She stated the roadway condition is beyond repair. No one speaking in opposition. **Motion was made to close the hearing and grant the petition. So Voted. Motion was made to refer Pinecrest Drive to the Department of Public Works for immediate attention. So Voted.**

Appointments:

At this time, the Mayor appointed Walter Harrigan, 94 Joanne Drive Taunton to fill the Park and Recreation Commission vacancy due to the death of Robert Lane for a term expiring in September 2013. **Motion was made to move approval. So Voted.**

Motion was made to go out of the regular order of business to the communication on page 40 for the appointment of one (1) temporary full time Fire Lieutenant. So Voted.

Com. from City Clerk for the appointment of One (1) Temporary Full-time Fire Lieutenant. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of Jason P. Boiros. **Motion was made to invite Jason P. Boiros into the enclosure to be sworn in by the City Clerk. So Voted.**

Motion was made to recess to the Committee on Public Property at 8:07 PM. So Voted.

Motion was made to revert back to the regular order of business at 9:07 PM. So Voted.

Communications:

Com. from Environmental Compliance Officer, Board of Health responding on request to investigate odors being detected in the Jefferson and Madison Street areas on Sunday and Monday, August 8th and 9th. He stated he detected no landfill gas odors during these inspections and has received information that there have been no issues with the flare, engine or loss of vacuum to the landfill system. He did state that he did smell strong odors and is working with Fortistar and Waste Management to repair this issue. **Motion was made to refer to the Committee on Solid Waste. Councilor Buffington motioned to place the letter from Peter Richer (that the Council President read) on the Council Agenda for next week. So Voted.**

Com. from Chairman, Board of Assessors stating that in response to a request to have exemption and abatement forms available on the website, they are currently available for printing from the website. **Motion was made to receive and place on file. So Voted.**

Com. from City Solicitor responding on who is responsible for Capital Improvements and replacement of fuel tanks and other equipment at the John F. Parker Golf Course. He states that work with the fuel storage tanks is the responsibility of the Golf Course Commission and the City and only those items of maintenance, repair and landscaping outlined in the contract are the responsibility of the operator. **Motion was made to receive and place on file. So Voted.**

Com. from Assistant City Solicitor providing the Order of Taking for the Bay Street Bridge over Mill River (Replacement of Dam) and requesting the adoption of this order. **On a roll call vote, eight (8) Councilors present, seven (7) Councilors voting in favor. Councilor Barbour voting in opposition, Councilor Marshall was absent.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing on the repetitive petition on 30 Waverly Street for a change of use from Light Manufacturing to Service Use (HVAC Business) submitted by Cotti-Johnson HVAC, Inc. 80 Cedar St., Canton on September 1, 2011 at 5:30 PM. **Motion was made to receive and place on file. So Voted.**

Com. from Paul Allison, Taunton Fire Department MDA Coordinator requesting permission to conduct the annual "Fill the Boot" for MDA on September 4, 2011 from 8:00 AM – 12:00 PM and September 5, 2011 from 8:00 AM – 4:00 PM. **Motion was made to receive and place on file and refer to the Council President. So Voted.**

Com. from Irene Fernandes, John Shea Court, 21 Hodges Avenue, Taunton extending an invitation to attend the 10th anniversary of September 11th on Sunday, September 11 at 2:00 PM. **Motion was made to receive and place on file and refer to the Mayor and Council President. So Voted.**

Com. from Doris Tokarz, 1714 Bay Street, Taunton requesting "No Parking" signs on Bay Street near the Watson Pond State Park entrance. **Councilor Barbour motioned to refer to the Committee on Police and License for signage. Councilor Barbour withdrew his motion. Councilor Carr motioned to instruct the Police Chief to erect "No Parking" signs along the Watson's Pond border on Bay Street. So Voted.**

Councilor Buffington motioned that the Committee on Ordinance and Enrolled Bills discuss the issue of “no parking” on Bay Street which borders Watson’s Pond State Park and create an Ordinance to this effect to make this enforceable. So Voted. Councilor Marshall stated he would like to see a compromise with DCR such as allowing free parking in the further lot and once that is full, charging for parking in the main lot. Councilor Colton stated he would like to see parking stopped tomorrow for a safer environment. **Councilor Costa-Hanlon motioned to send another letter to DCR requesting a reduction in parking fees or a response back with a resolution or perhaps DCR could attend an upcoming meeting of the Committee on Police and License to discuss this matter. So Voted.**

Com. from Director of Emergency Management notifying that TEMA has received approval of the Emergency Management Planning Grant in the amount of \$17,000.00 and requesting a reimbursable appropriation of this amount to the TEMA line item Rescue Equipment to purchase equipment. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor’s Office. So Voted.**

Petitions and Claims:

Petition submitted by George Howe requesting a renewal of the Temporary Fixed Vendor License for Holy Spirit Association for UOWC, Inc. to be located at Grampy’s Property on the corner of Weir and High Streets. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Douglas Fredericks, requesting a renewal of the News Rack License for the Taunton Daily Gazette located at 5 Cohannet Street, Taunton. (24 Locations) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Decision of the Development Impact Review Board on the petition for the Departmental Site Plan Review for the use of the entire building as retail at 370 County Street, Taunton which is located in the Urban Residential District submitted by Pierre Ibrahim, 370 County Street, Taunton. **Motion was made to receive and place on file. So Voted.**

Decision of the Development Impact Review Board on the petition for Departmental Site Plan Review for a retail landscaping business with a 400 sq. ft. building, 1,700 sq. ft. of mulch storage and 11,000 sq. ft. of outdoor landscape materials sales on lot 76-117 Winthrop Street, Taunton which is located in the Highway Business District submitted by Brian Conway, 2780 GAR Highway, Swansea. **Motion was made to receive and place on file. So Voted. Councilor Costa-Hanlon motioned that the City Clerk provide a copy of the plan to all the Councilors. So Voted.**

Departmental Site Plan Review submitted by the City of Taunton, 15 Summer Street for a 95 vehicle municipal parking lot at 18 Pleasant Street located in the Office District. **Motion was made to receive and place on file. So Voted.**

Departmental Site Plan Review submitted by Thomas C. Hoyye, Jr., 28 Marcia Bliss Way for a 20-seat ice cream parlor at 337 Winthrop Street located in the Highway

Business District. **Motion was made to receive and place on file. So Voted. Councilor Hoye voting present.**

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:

At this time a motion was made to invite Ann Motta, resident of Middleboro Avenue, East Taunton to speak. So Voted. She stated that she lives next door to the East Taunton Fire Station and she and other residents are upset due to the fire station being closed. She stated something has to be done to keep the station open as East Taunton is too large and trucks are out all the time.

Councilor Colton motioned that the Committee on the Department of Public Works discuss snow removal on sidewalks in September or October. So Voted.

Councilor Colton stated that he has received complaints of the quality of the picture on channel 17. Residents have also stated there needs to be some type of resolution with both Comcast for the quality of the picture and Verizon for the sound quality.

Councilor Carr motioned that the Fire Chief and Police Chief send an updated details invoice list to each Councilor within the next two weeks. So Voted.

Councilor Marshall motioned that all department heads download and comply with the record retention schedule and that Wayne Walkden use this schedule when discussing City Hall. The retention schedule can be found by logging onto the following website: www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf. So Voted.

Councilor Hoye motioned that the DPW Commissioner update the Committee on the Department of Public Works concerning the placement of railings on the bridge at General Cobb Street. So Voted.

Councilor Barbour stated that the Committee on Solid Waste needs to discuss the renewal of the ARI contract at their next meeting.

Councilor Barbour stated he received a call from Mr. Bender regarding outstanding payments from last year to ARI. Councilor Croteau stated they will be discussed on Monday.

Councilor Barbour motioned that the Committee on the Needs of the Golf Course have the City Solicitor work on crafting the contract for the Golf Course and that the Committee review the contract as it expires this December 31st. Councilor Barbour stated typically the contract is just rolled over yearly, but he feels we really need to look at the specifics and find out when the RFP went out. So Voted.

The family of the late Gaspar Sylvia asked that Councilor Barbour extended gratitude to all who attended the dedication of the bridge in his name.

Councilor Costa-Hanlon stated that based on the conversation in a past Committee meeting concerning the FEMA maps, she went on the web-site and downloaded a document dated August 1, 2002. She stated she was concerned with page 9 as it stated that we as a community had the opportunity to review the changes in the FEMA map and make changes and revisions within six months. The Council stated they are concerned about revision and changes and wondered if that opportunity has left us. Therefore, Councilor Costa-Hanlon motioned that the City Engineer and City Planner look at this document again and that there is also a requirement for the City to have a flood plain map and address issues of flooding and have an ongoing map for the flood plain area and report back to the Council within two weeks. So Voted. Ms. Juanita Gallagher spoke on this issue and stated that she feels that the law state that anyone, not just veterans who boarder wetlands are entitled to a tax rebate. She stated this is the same with the flood plain map. Taxpayers deserve to get a break. Councilor Barbour motioned that the City Assessor respond back to the Municipal Council if there is a MGL that specifically states that anyone who borders wetlands or flood plain areas receive a tax rebate and report back to the Council and if so what MGL is it? So Voted.

Councilor Costa-Hanlon stated we still have the matter of the executive session on the status of negotiations. She asked if everyone received the email outlining the motion that was made. Everyone confirmed they did. Councilor Barbour stated we do not need to meet on this matter this evening.

Councilor Carr motioned that the Committee to the Council as a Whole discuss the City Master Plan with the City Planner, Chairman of the Planning Board and the Executive Director of the Mayor's Office on Economic and Community Development. So Voted.

New Business:

Councilor Marshall asked for an explanation as to why bills for ARI are not being paid. Councilor Barbour stated they are in the Committee on Finance and Salaries for review. Councilor Croteau stated that they will be coming up next week.

Councilor Carr motioned that the DPW Commissioner investigate 61 Worcester Street, which was resurfaced and ever since has had drainage problems. Also, problems with frost heaves in the winter and getting in and out of their driveway and requested that the DPW Commissioner report back to the Committee on the DPW. So Voted.

Councilor Costa-Hanlon reminded everyone that the Church in the Park will be on Saturday from 12:00 PM – 5:00 PM at Memorial Park.

Councilor Costa-Hanlon stated that on Sunday, the Taunton Fire Department will conduct a fundraiser block party for MDA at Curley's Pub beginning at 12:00 PM.

Councilor Costa-Hanlon motioned that Item number 3 in the Committee to the Council of as a Whole to meet with the DPW and the Street Division be taken out of that

Committee and be placed in the Committee on the Department of Public Works. So Voted.

Meeting adjourned at 10:30 P.M.

A true copy:

Attest: 
City Clerk

RMB/JLL

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 16, 2011

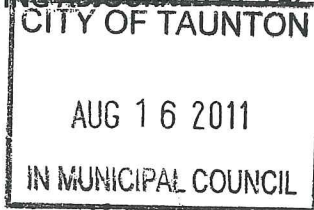
THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS POTTIER AND COSTA-HANLON

MEETING CALLED TO ORDER AT 5:40 P.M.

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS AND PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS FOR THE WEEK
MOTION: MOVE APPROVAL OF THE PAYROLLS FOR THE WEEK.
COUNCILORS CROTEAU AND POTTIER VOTING IN FAVOR. COUNCILOR COSTA-HANLON
VOTING IN OPPOSITION. MOTION CARRIES.

~~MEETING ADJOURNED AT 5:42 P.M.~~



RESPECTFULLY SUBMITTED,

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Rm Blackwell
CITY CLERK

**CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 16, 2011**

THE COMMITTEE ON SOLID WASTE

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS CARR, COSTA-HANLON, HOYE AND MARSHALL. ALSO PRESENT WERE D.P.W. COMMISSIONER FRED CORNAGLIA, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU, CATHAL O'BRIEN, WATER DIVISION SUPERVISOR, KEVIN DUQUETTE OF THE BOARD OF HEALTH, WES GREGORY OF WE CARE, JEFF HEATHOF GHD AND ROBERT MCNAMARA OF WE CARE

MEETING CALLED TO ORDER AT 6:10 P.M.

- 1. MEET WITH REPRESENTATIVES OF WE CARE, D.P.W., MAYOR'S OFFICE AND MEMBERS OF THE BOARD OF HEALTH TO REVIEW THE CURRENT PROPOSAL PROVIDED BY WE CARE. PORTIONS OF THIS MEETING MAY GO INTO EXECUTIVE SESSION.**

WE CARE PROVIDED A PACKET ENTITLED A VISION FOR AN INTEGRATED WASTE MANAGEMENT STRATEGY, CITY OF TAUNTON, MASSACHUSETTS, JUNE 7, 2011.

MOTION: PACKET TO BE PART OF THE RECORD

IT WAS NOTED THAT ADDED TO THIS PACKET WAS A LETTER DATED 8/8/2011 OF WE CARE WHICH INCLUDED THEIR PRICING PROPOSAL WHICH SHOULD REMAIN CONFIDENTIAL

MOTION: TO AMEND THE ABOVE MOTION AND MAKE THE PACKET PART OF THE EXECUTIVE SESSION MINUTES

A LETTER DATED 7/22/2011 FROM MAYOR CHARLES CROWLEY TO WES GREGORY OF WE CARE WAS READ REQUESTING INFORMATION ON PROPOSED REVISIONS TO THEIR ORIGINAL PROPOSAL FOR A SOLID WASTE MANAGEMENT FACILITY. THE REVISIONS ARE TO EMBODY THE "INTEGRATED WASTE MANAGEMENT STRATEGY" PRESENTED TO THE COMMITTEE IN APRIL AND JUNE, 2011.

THE FIRST TWO PAGES OF A LETTER DATED 8/8/11 TO THE D.P.W. COMMISSIONER FROM JEFFREY LEBLANC, PRESIDENT OF WE CARE ORGANICS WAS READ IN OPEN SESSION. THIS LETTER WAS IN RESPONSE TO THE MAYOR'S REQUEST FOR INFORMATION ON THE PROPOSED REVISIONS. WE CARE IS REQUESTING CONSIDERATION FOR THE FOLLOWING EXPANDED, BUT INTEGRATED WASTE MANAGEMENT SERVICES – THE CITY HAS THE OPTION TO SELECT ALL OR SOME OF THE SERVICES. THEIR PROPOSAL CONSISTED OF MSW MANAGEMENT AT THE 39 ACRE DESIGNATED SITE (THE INDUSTRIAL PARK ALSO TO BE CONSIDERED) SLUDGE MANAGEMENT AT THE TAUNTON WASTEWATER TREATMENT PLANT, DEVELOP AND OPERATE A RECYCLING FACILITY IN AN UNUSED BUILDING IN THE INDUSTRIAL PARK AND CITY COLLECTION SERVICES.

QUESTIONED WAS THE IMPACT TO THE NEIGHBORS WITH ODOR ISSUES. IT WAS NOTED THAT WITH THE BAILING SYSTEM, EVERYTHING IS SEALED AND THE TRANSFER STATION IS ENCLOSED. IT WAS ALSO STATED THAT IF TRUCKS WERE USED, THE BALE SYSTEM WOULD NOT BE USED BECAUSE IT WOULD GO OUT EVERYDAY. WE CARE HAS EXPERIENCE IN ALL ASPECTS OF THEIR PROPOSAL. ALSO QUESTIONED WAS THE COST TO RESIDENTS, THE PACKET PROVIDES GENERAL ASSUMPTIONS.

COUNCILORS WOULD ALSO LIKE TO SEE TOTES VS. BINS, BUT THE BIGGEST ISSUE WITH THIS WOULD BE THE COST.

THE MAYOR IS IN NEGOTIATIONS WITH IWT TO PRESENT A PROPOSAL. THE COMMITTEE WOULD LIKE SIMILAR INFORMATION FROM BOTH COMPANIES IN ORDER TO COMPARE
THE CHAIRMAN REPORTED THAT A MEETING WAS HELD TODAY IN ORDER TO GO OVER THE PROPOSED CONTRACT WITH IWT AND THEY ARE WORKING ON A COMPLETE AND FULL CONTRACT WITH THEM AND IT SHOULD BE PROVIDED TO THE COUNCIL IN THE NEXT WEEK OR TWO.

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THE COMMITTEE ON SOLID WASTE – CONTINUED

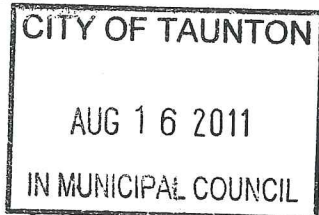
MOTION: ON A ROLL CALL VOTE ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PRICING PROPOSAL AND POTENTIAL BENEFITS WITH WE CARE.

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

ONE VOTE WAS TAKEN IN EXECUTIVE SESSION.

MOTION: INSTRUCT THE MAYOR AND LAW DEPARTMENT TO BEGIN CONTRACT NEGOTIATIONS WITH WE CARE SO THAT WITHIN A MONTH THE COMMITTEE WOULD HAVE TWO CONTRACT PROPOSALS, ONE FROM IWT AND ONE FROM WE CARE WHICH WOULD THEN PROVIDE ALL INFORMATION SO THAT THE COUNCIL AND THE ADMINISTRATION CAN MAKE A DECISION THAT WILL BEST SUIT THE SOLID WASTE NEEDS OF THE CITY.

MEETING ADJOURNED AT 7:45 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 "Pm Blackwell".
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 16, 2011

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS CARR, COLTON, BUFFINGTON AND BARBOUR. ALSO PRESENT WAS ASSISTANT TAX POSSESSION AGENT/RISK MANAGER SUSAN BARBER

MEETING CALLED TO ORDER AT 8:02 P.M.

2. MEET WITH THE ASSISTANT TAX POSSESSION AGENT TO DISCUSS WAGON WHEEL ROAD PARCEL 89-110

THE ASSISTANT TAX POSSESSION AGENT REPORTED THAT THERE IS NO CITY SEWER ON THE STREET, AND PROVIDED A LETTER FROM CONSERVATION AGENT MICHELE RESTINO IN WHICH SHE STATED THAT SHE HAD WALKED THE PROPERTY IN JULY AND FOUND THAT A MAJORITY OF THE PARCEL IS WET WITH A FEW AREAS OF UPLAND. SHE ALSO ATTACHED AN AERIAL VIEW OF THE PROPERTY OFF THE MASS GIS SITE OLIVER WHICH SHOWS THE PROPERTY ENTIRELY WITHIN NATURAL HERITAGE ENDANGERED SPECIES PROGRAM (NHESP) PRIORITY HABITAT OF RARE SPECIES AND ESTIMATED HABITATS OF RARE WILDLIFE. SHE ALSO DEPICTED ADDITIONAL WETLAND AREAS USING DARK BLUE MARKER. ALL THE WETLANDS ARE CONNECTED. IN FACT, THERE IS A CULVERT JUST TO THE WEST OF THE PAINTBALL AREA RUNNING NORTH-SOUTH, MOST LIKELY PART OF THE ORIGINAL DEVELOPMENT'S DRAINAGE.

MOTION: LETTER TO BE PART OF THE COMMITTEE REPORTS

COUNCILOR CARR QUESTIONED THAT SINCE THE LAND IS WITHIN THE NATURAL HERITAGE ENDANGERED SPECIES PROGRAM PRIORITY HABITAT OF RARE SPECIES AND ESTIMATED HABITATS OF RARE WILDLIFE, DOES THIS MEAN THAT YOU CANNOT BUILD OR PUT ANYTHING IN THIS AREA.

THE CHAIRMAN ANSWERED NO, THAT IT MEANS THAT THERE IS ANOTHER LAYER IN THE DEVELOPMENT PROCESS TO GO THROUGH IN ORDER TO GET PERMISSION TO BUILD. A DEVELOPER WOULD HAVE TO FILE WITH THE STATE AND THEY WOULD HAVE TO COME OUT AND MAKE A DETERMINATION.

COUNCILOR BARBOUR STATED THAT IF 25 YEARS AGO THIS WAS A BUILDABLE LOT, OBVIOUSLY THEY WOULD HAVE TAKEN ADVANTAGE OF IT. THERE IS NO SEWER ON WAGON WHEEL, AND HE FEELS THAT THERE MAY BE A SLIGHT CHANCE OF A BUILDABLE LOT. HE ALSO STATED THAT HE FEELS THAT THE COMMITTEE SHOULD NOT SPEND ANY SIGNIFICANT REAL DOLLARS ON IT, WE HAVE THE OPINION OF THE CONSERVATION AGENT, SO IF THE CITY WERE TO PUT IT OUT FOR PUBLIC BID THAT A CAVIOT BE PUT ON THE DEED THAT IT IS RESTRICTED FROM BUILDING. HE WOULD BE COMFORTABLE WITH THIS AS A NON-BUILDABLE LOT.

A MR. JIM MOONEY OF 52 WAGON WHEEL ROAD ADDRESSED THE COMMITTEE. HE STATED THAT HE HAS DONE RESEARCH AND FOUND NO PERMITS ALLOWING FOR FILLING OF THE WETLANDS IN THAT AREA, HOWEVER, HE HAS PHOTOS WHICH SHOW THAT A PORTION OF THIS PROPERTY WAS CLEARED AND FILLED WITH GRAVEL IN THE SHAPE THAT COULD BE DESCRIBED AS ANOTHER CULDESAC. HE FEELS THAT THIS PROPERTY SHOULD BE RESTORED TO ITS NATURAL STATE.

THE ASSISTANT TAX POSSESSION AGENT INFORMED THE COMMITTEE THAT THE TITLE IS GOOD.

MOTION: THAT THE PARCEL BE PUT ON THE LIST FOR THE ABUTTERS TO BID ON OR THAT IT BE PUT OUT TO PUBLIC BID, BUT PUT A DEED RESTRICTION ON IT THAT THE LOT IN ITS PERPETUITY STAY AS A NON-BUILDABLE LOT, IT STAYS IN THE STATE IN WHICH IT IS BEING SOLD.

THE CHAIRMAN STATED THAT HE CANNOT SUPPORT THE ABUTTERS PROGRAM BECAUSE HE FEELS THAT THE ABUTTERS PROGRAM NEEDS TO BE ABOLISHED, BUT HE WOULD SUPPORT THE MOTION IF IT WAS TO BE SOLD BY SEALED BID.

THE MOTION WAS CLARIFIED AS FOLLOWS:

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MOTION: THAT THE LOT IS TO BE SOLD BY SEALED BID, WITH A DEED RESTRICTION ADDED THAT IT BE SOLD AS A NON-BUILDABLE LOT AND IT STAYS IN ITS CURRENT NATURAL STATE IN PERPETUITY. ALL DIRECT ABUTTERS ARE TO RECEIVE NOTICE OF THE SALE. THE LAW OFFICE IS TO PROVIDE A COMMUNICATION TO THE COMMITTEE THAT THIS TYPE OF A DEED RESTRICTION CAN BE PLACED ON THE DEED.

3. MEET TO REVIEW MATTERS IN FILE

LAST WEEK THE ISSUE OF THE PAYMENT TO THE INSURANCE ADJUSTER WAS TABLED FOR ONE WEEK. THE RISK MANAGER IS ASKING PERMISSION TO PAY THE ADJUSTER'S INVOICE. THE RISK MANAGER HAD PREVIOUSLY PROVIDED ALL COUNCILORS WITH A COPY OF THE CONTRACT WITH THE INSURANCE ADJUSTER.

COUNCILOR CARR STATED THAT THE ONLY QUESTION SHE HAD WAS THAT THE CONTRACT THE COUNCILORS HAD RECEIVED HAD NO SIGNATURES ON IT AND SHE WANTED TO MAKE SURE IT WAS SIGNED. IT WAS NOTED THAT IT WAS SIGNED BY BOTH PARTIES. THE RISK MANAGER STATED THAT THIS ONE PAGE DOCUMENT WAS THE ONLY ONE SHE HAD.

COUNCILOR BUFFINGTON ASKED IF THERE WAS ANY OTHER CONTRACT, AND THE RISK MANAGER STATED THAT SHE WAS NOT AWARE OF ANY OTHER ONE, BUT THAT SHE CAME IN AFTER THE CONTRACT WAS SIGNED. COUNCILOR BUFFINGTON FURTHER STATED THAT THIS CONTRACT IS A DISGRACE AND IT IS AN EMBARRASSMENT THAT SOMEONE SIGNED IT ON BEHALF OF THE CITY.

COUNCILOR COLTON STATED THAT HE AGREES.

COUNCILOR CARR STATED THAT AS BRIEF AS THE CONTRACT MAY BE, IT IS A CONTRACT, IT HAS BEEN SIGNED WE OWE THE GENTLEMEN HIS MONEY.

MOTION: TO ALLOW THE RISK MANAGER TO PAY THE BILL FROM THE INSURANCE ADJUSTER.

COUNCILOR MARSHALL SECONDED THE MOTION, ON DISCUSSION, HE ASKED IF WE DO NOT PAY THE ADJUSTER, WHAT ARE OUR OPTIONS. THE RISK MANAGER STATED HE WOULD PROBABLY SUE. COUNCILOR MARSHALL STATED THAT THERE IS NOTHING SAYING THAT THE COMMITTEE CAN'T FORWARD THIS BILL TO THE MAYOR'S OFFICE AND FINANCE AND SALARIES, AND HAVE THE MAYOR PAY IT. THE RISK MANAGER IS ONLY SEEKING APPROVAL TO PAY IT BECAUSE SHE REQUESTED TO PAY IT OUT OF THE INSURANCE SETTLEMENT, AND NOTHING CAN BE SPENT OUT OF THE INSURANCE SETTLEMENT WITHOUT THIS COMMITTEE'S APPROVAL. EVEN IF THE COMMITTEE SAID NO, THE RISK MANAGER COULD SUBMIT THIS TO THE MAYOR'S OFFICE FOR PAYMENT, BUT WOULD HAVE TO FIND A VENUE TO PAY THIS INVOICE FROM.

COUNCILOR COSTA-HANLON STATED THAT THE CONTRACT SAYS THERE IS A LIEN ON THE PROCEEDS. BY SIGNING THIS, THE CITY HAS AGREED TO A LIEN ON ANY OF THE NET PROCEEDS, SO SHE DOES NOT THINK LEGALLY THAT THE CITY CAN DO THIS. THE CITY HAD THREE DAYS TO RESCIND THIS, AND IT LOOKS LIKE IT WAS SIGNED ON JANUARY 24, 2011. THE WAY SHE READS THIS IS THAT THE ADJUSTER IS ASCERTAINING A FEE LIEN.

COUNCILOR BUFFINGTON DISAGREED. HE STATED THAT IT SAYS YOU CAN CANCEL IT WITHOUT ANY PENALTY WITHIN THREE DAYS. THERE IS LANGUAGE IN THE CONTRACT ABOUT A LIEN, BUT IT SAYS THAT THEY ASCERTAIN A LIEN ONLY IN THE EVENT WHERE THE CITY REVOKES THE CONTRACT AND ONLY THEN THEY HAVE THE LIEN ON PROCEEDS "OFFERED OR SECURED THROUGH HIS EFFORTS". IN HIS ESTIMATION, HE CANNOT SEE HOW THE ARGUMENT CAN POSSIBLY BE MADE THAT THE INSURANCE ADJUSTER'S EFFORTS SECURED US \$1 MILLION FOR CODE UPGRADES BECAUSE THERE IS NO DOUBT SO

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AUGUST 16, 2011

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

LONG AS WE GO BACK INTO CITY HALL. HE FURTHER STATED THAT HE FEELS THAT THIS GENETLEMEN DID A GOOD JOB AND SHOULD BE PAID A FAIR AMOUNT FOR THE WORK THAT HE DID. HE AGREES WITH COUNCILOR CARR THAT IF HE SIGNED A CONTRACT, HE SHOULD PAY IT. HE DID NOT SIGN THIS CONTRACT, HE WOULD NOT HAVE SIGNED THIS CONTRACT.

COUNCILOR MARSHALL STATED THAT THE COMMITTEE DID NOT SIGN THE CONTRACT SO THE COMMITTEE EITHER AGREES TO PAY THE BILL OUT OF THE INSURANCE PROCEEDS, WHICH REQUIRES A POSITIVE VOTE FROM THE COMMITTEE, OR IF THE COMMITTEE DOES NOT VOTE TO PAY IT, IT NEEDS TO BE REFERRED TO THE MAYOR'S OFFICE BECAUSE HE SIGNED THE CONTRACT.

COUNCILOR BUFFINGTON STATED THAT EITHER WAY, SOMEONE SHOULD TRY TO TALK TO THE ADJUSTER AND SEE IF IT IS NEGOTIABLE IN SOME WAY.

THE RISK MANAGER STATED THAT THE ADJUSTER'S INVOICE DOES NOT REFLECT CODE UPGRADES, THIS CLAIM IS STILL OPEN.

COUNCILOR BUFFINGTON ASKED REGARDING THE AMOUNTS ON THE INVOICE, HOW MUCH WERE PAID TO THE CITY BEFORE THE ADJUSTER WAS HIRED. THE RISK MANAGER STATED THAT SHE BELIEVES IT WAS JUST THE DIRECT COSTS THAT THE INSURANCE COMPANY PAID DIRECTLY. SHE WOULD HAVE TO BREAK IT DOWN. THERE WAS AN ADVANCEMENT OF \$200,000 THAT SHE USES TO PAY THE BILLS.

COUNCILOR MARSHALL STATED THAT IF THE RISK MANAGER WENT TO HER SPREADSHEET, THE AMOUNTS PAID BY THE INSURANCE COMPANY PRIOR TO THE CONTRACT BEING SIGNED WITH THE ADJUSTER SHOULD BE TAKEN OFF THE BILL. THE RISK MANAGER STATED THAT IS NOT HOW THE CONTRACT READS.

COUNCILOR BARBOUR STATED THAT HE DOES NOT FEEL THIS IS IN THE BEST INTEREST OF THE TAXPAYERS. EVEN IF THE CITY IS PAYING A SMALL PERCENTAGE ON DOLLARS THAT THIS COMPANY DID NOT ACHIEVE FOR US, IT IS STILL NOT RIGHT. HE FEELS THAT THIS INVOICE SHOULD NOT COME OUT OF THE INSURANCE MONEY, IT SHOULD BE PAID OUT OF THE MAYOR'S RESOURCES.

COUNCILOR CARR STATED THAT IF THE INVOICE IS SENT TO THE MAYOR, IT IS STILL GOING TO COME OUT OF TAXPAYER MONEY.

COUNCILORS CARR AND MARSHALL VOTED IN FAVOR OF THE MOTION.

COUNCILORS BARBOUR, BUFFINGTON AND COLTON VOTING IN OPPOSITION.

MOTION DOES NOT CARRY.

MOTION: REFER THIS INVOICE TO THE MAYOR'S OFFICE TO PAY IT OUT OF NON-INSURANCE FUNDS

COUNCILOR COLTON SECONDED THE MOTION ON DISCUSSION. COUNCILOR COLTON STATED THAT HE IS IN AGREEMENT WITH COUNCILOR CARR AND COUNCILOR MARSHALL. HE WOULD LIKE TO SEE THE ADJUSTER GET PAID. HIS PROBLEM IS THAT THE CITY JUST SIGNED A ONE PARAGRAPH CONTRACT NEARLY SIX MONTH AFTER THE FIRE WHEN WE ALL KNOW THAT WE RECEIVED SIGNIFICANT FUNDS BEFORE THE ADJUSTER WAS EVEN INVOLVED. HE THINKS THAT COUNCILOR BUFFINGTON'S IDEA OF GETTING A BREAKDOWN AND TRYING TO NEGOTIATE WITH THE ADJUSTER IS THE WAY TO GO. BEFORE REFERRING THIS TO THE MAYOR, THE COMMITTEE SHOULD LOOK AT THE BREAKDOWN.

COUNCILOR BUFFINGTON STATED THAT HE CANNOT SUPPORT THE MOTION. IT SHOULD BE CALCULATED HOW MUCH MONEY THE CITY WAS ABLE TO BRING IN AS A RESULT OF THE ADJUSTERS EFFORTS. ANY MONEY THAT WAS PAID TO THE CITY PRIOR TO JANUARY 24, 2011, THE ADJUSTER DID NOT EARN AND SHOULD NOT BE PAID FOR THAT.

THE ABOVE MOTION WAS WITHDRAWN.

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AUGUST 16, 2011

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MOTION: THAT ANY MONIES GIVEN BY THE INSURANCE COMPANY TO THE CITY PRIOR TO THE SIGNING OF THE CONTRACT ON JANUARY 24, 2011, BE SUBTRACTED FROM OUR OVERALL SETTLEMENT AND THAT WE ENTER INTO NEGOTIATIONS TO PAY THE ADJUSTER 3% OF THE FUNDS GIVEN TO THE CITY SINCE JANUARY 24, 2011

COUNCILOR BUFFINGTON SECONDED AND ASKED TO ADD TO THIS MOTION THAT IF AT THE TIME OF THE SIGNING OF THIS CONTRACT THE INSURANCE COMPANY HAD ALREADY AGREED OR COMMITTED TO PAY THE CITY SOMETHING BUT THE MONEY DID NOT COME IN UNTIL AFTER JANUARY 24TH, THIS MONEY SHOULD BE EXCLUDED ALSO. **SO MOVED.**

COUNCILOR MARSHALL, ON DISCUSSION, ASKED WHO WOULD BE BEST TO DETERMINE THIS, WOULD IT BE RUSS MATARANO, THE INSURANCE AGENT. THE RISK MANAGER ASKED TO CLARIFY THAT THE INSURANCE COMPANY DID NOT GIVE US MONEY, THEY PAID CONTRACTORS DIRECTLY THAT THEY HIRED. THEY HIRED THE CLEANING COMPANY AND PAID THEM DIRECTLY. THE ONLY MONEY THAT CAME INTO THE CITY WAS THE \$200,000 ADVANCEMENT AND IT WAS A \$3 MILLION SETTLEMENT. COUNCILOR BARBOUR STATED THAT THE MONEY THAT WAS PAID TO THEM WAS PAID OUT FROM THE CLAIM.

IT WAS NOTED THAT THE MONEY PAID TO THE COMPANIES HIRED IS PART OF THE CITY'S SETTLEMENT SO IT IS PART OF THE 3% THAT THE ADJUSTER IS GETTING. THE RISK MANAGER STATED THAT THE CONTRACT STATES HE IS TO BE PAID 3% OF THE TOTAL CLAIM.

COUNCILORS CARR AND BARBOUR VOTED IN OPPOSITION OF THE MOTION.
COUNCILORS BUFFINGTON AND COLTON VOTED IN FAVOR OF THE MOTION.
MOTION DOES NOT PASS.

MOTION: TO CONTINUE THIS MATTER FOR ONE WEEK. THE LAW DEPARTMENT IS TO GET IN TOUCH WITH THE ADJUSTER TO SEE IF THERE IS AN APPETITE TO NEFOTIATE NOTING THE CONCERNS WITH THE 3% PRIOR TO THE HIRING OF THE ADJUSTER.

1. MEET IN EXECUTIVE SESSION TO REVIEW ALL BIDS RECEIVED ON 44 FERNCREST DRIVE AND TO REVIEW THE APPRAISAL.

AN APPRAISAL WAS DONE ON THIS PROPERTY AND HAS REMAINED SEALED. ON ADVICE OF COUNCIL THE COMMITTEE WILL GO INTO EXECUTIVE SESSION.

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

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

NO VOTES WERE TAKEN IN EXECUTIVE SESSION.

MOTION: TO SELL LOT 36-150, 44 FERNCREST DRIVE TO THE HIGHEST BIDDER, ALFRED TERRA, OF 231 SOUTH WALKER STREET IN THE AMOUNT OF \$155,100.00

COUNCILOR BARBOUR SECONDED THE MOTION AND ON DISCUSSION ASKED THAT THIS BE IN ACCORDANCE WITH WHAT WAS SET IN THE BID BY THE LAW DEPARTMENT SUCH AS THE TIME LIMIT TO CLOSE.

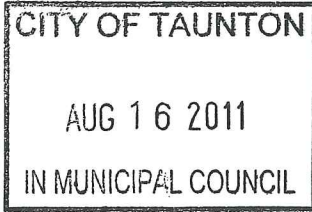
MOTION: SO MOVED.

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AUGUST 16, 2011

THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MEETING ADJOURNED AT 9:03 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

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 16, 2011

THE COMMITTEE OF THE COUNCIL AS A WHOLE

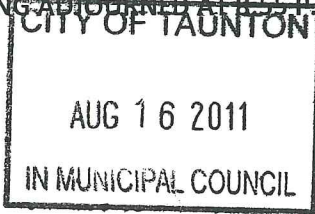
PRESENT WERE: COUNCIL PRESIDENT SHERRY COSTA-HANLON AND COUNCILORS COLTON,
CROTEAU, CARR, BUFFINGTON, MARSHALL, HOYE, POTTIER AND BARBOUR

MEETING CALLED TO ORDER AT 8:54 P.M.

THE COUNCIL PRESIDENT REQUESTED A MOTION TO REFER ALL MATTERS ON THE COUNCIL AS A
WHOLE COMMITTEE AGENDA TO AUGUST 30, 2011.

MOTION: SO MOVED

MEETING ADJOURNED AT 8:55 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 "Am Blackwell".

CITY CLERK