



AGENDA – DECEMBER 14, 2010

INVOCATION ROLL CALL RECORDS

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

Pg. 1-3 Com. from Director, Human Resources – MIIA Health Benefits Trust Board of Trustees

Pg. 4-6 Com. from Chairman, License Commission – Requesting a vote

Pg. 7-10 Com. from Lisa Lowney, Office Manager, Office of Congressman Barney Frank, Jones Building, 29 Broadway, Suite 310, Taunton – Submitting a response regarding School Street apartments

PETITIONS

The following are RENEWALS for Class II Licenses:

1. R&F Motors, Inc. located at 35 Dana St., Taunton
2. B&J Auto Sales located at 14 Whittenton St., Taunton
3. Frank's Auto Body, Inc., located at 265 Broadway, Taunton
4. Jamie's Auto Body, Inc., located at 111 Arlington St., Taunton

Miscellaneous

Decision of the Development Impact Review Board on the Petition for the Departmental Site Plan Review submitted by Michale Bowden, IPC Global Solutions, 55 Scotland Blvd., Bridgewater, MA for the addition of loading docks at 605 Myles Standish Blvd., Taunton which is located in an Industrial District. **(Informational Only)**

Decision of the Development Impact Review Board on the Petition for the Departmental Site Plan Review submitted by Scott Wessels, 16 Brook St., Taunton for a 3,000 sq. ft. retail use at 1004 Crane Ave., South, Taunton which is located in an Industrial District. **(Informational Only)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

- **Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Cleanup

ORDERS, ORDINANCES AND ENROLLED BILLS

Order for a first reading to be passed to a second reading

Ordered That,

There is hereby appropriated the sum of \$4,875,000.00 to pay additional costs of acquiring a portion of the premises described in deeds recorded in Book 4052, Page 105, Land Court Certificate of Title #9733 recorded at Bristol County Northern Registry of Deeds and being shown on a plan entitled “City of Taunton, Legal Department compiled Plan of Ward 1, Map 27, Plot 45 (D.I. Trust II), scale 1”=150”, dated May 24, 2002 by John A. Hanlon Co.” as previously approved by vote of this Council, including the payment of any and all costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore, and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

NEW BUSINESS

Respectfully submitted,



Rose Marie Blackwell
City Clerk



CITY OF TAUNTON
MASSACHUSETTS

HUMAN RESOURCES DEPARTMENT

Maria V. Gomes
Director
Sandra B. Peavey
Office Manager

City Hall
15 Summer Street
Taunton, MA 02780
(508) 821-1060
FAX (508) 821-1066

December 7, 2010

Municipal Councilors
City of Taunton
141 Oak Street
Taunton, MA 02780

RE: MIIA Health Benefits Trust Board of Trustees

Dear Councilors:

Enclosed please find a letter from Ann G. Ludlow, Manager of Health Benefits Trust, MIIA regarding the Council's request that the City of Taunton be considered for a seat on the MIIA Health Benefits Trust Board of Trustees.

If I can be further assistance, please don't hesitate to contact.

Sincerely,

Maria V. Gomes
Director
Human Resources

MVG/sbp

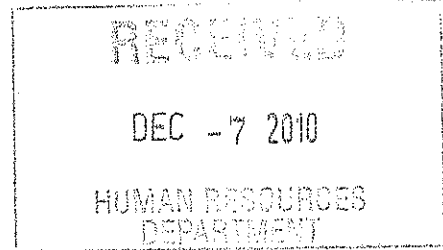
Enclosure



One Winthrop Square, Boston, MA 02110
617-426-7272 or 800-882-1498
Facsimile 617-426-9546 • www.emia.org

December 7, 2010

Maria Gomes
Human Resource Director
City of Taunton
15 Summer St.
Taunton, MA 02780



Dear Maria:

You recently sent me the Municipal Council's request that the City of Taunton be considered for a place on the MIIA Health Benefits Trust Board of Trustees. Having representation of a range of members, both large and small, as well as from throughout the Commonwealth is important. MIIA's connection to the membership and the strength of its programs are enhanced through broad and diverse representation on the Board.

The process for electing members of the Trust Board is set forth in Section 2.03 of the Trust Agreement which Mayor Nunes executed when the City originally joined the Trust. It reads as follows:

"No later than sixty (60) days prior to the Annual Meeting date scheduled by the Trustees, the Secretary shall appoint a nominating committee composed of the Chairman and two (2) other Trustees. No later than thirty (30) days prior to the Annual Meeting, the nominating committee shall mail to all Trustees a report nominating as Trustee, for each position to be filled, at least one (1) person willing and able to serve as Trustee and indicating that, if a Trustee wishes to nominate another person to serve as Trustee, such nomination must be received in writing by the Secretary at least twelve (12) days prior to the Annual Meeting. At that meeting the Trustees in attendance shall elect by ballot the Trustees from those nominated in the nominating committee's report and those nominated as aforesaid by a Trustee. The nominee(s) receiving the greatest number of votes shall be deemed elected as Trustees, shall commence their terms at the conclusion of the meeting, and shall serve for the duration of their terms and until their successors are duly elected."

The nominating committee will be meeting soon to consider candidates for the Trust and I have forwarded the City's interest in having a representative on the Board to the committee.

I should note that currently mayors may not serve on the various MIIA boards without violating the State's conflict of interest statutes. Recognizing the importance of having our member cities represented on the MIIA boards, the MMA had filed legislation to

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change this. To date, we have not been successful in achieving passage of that legislation, however, we are committed to re-filing the legislation, particularly given the recent request from the City of Taunton. Getting support for this language from cities would improve the chances of passage by the Legislature.

We value the input a member your size can provide and have been looking at other opportunities for your participation. MIIA has a Health Trust Advisory Committee that could benefit from your participation and I encourage your consideration of that option. Please let me know if you would like further information on that option.

I look forward to our continued discussions on this matter.

Sincerely,



Ann G. Ludlow
Manager
Health Benefits Trust

CITY OF TAUNTON



Board of License Commissioners
Taunton, Massachusetts 02780

508- 821-1037
Fax: 508-821-1064

December 9, 2010

Joseph H. Rose, Chairman
John Mullen, Commissioner
Peter C. Lamb, Commissioner

Mayor Charles Crowley and Members of
The Municipal Council
City of Taunton
15 Summer St.
Taunton, Ma 02780

**Re: 10 AM Sunday Sales by Restaurants, Hotels,
Clubs and General on Premises License Holders**

Dear Mayor Crowley and Councilors:

On July 2, 2010 the City of Taunton received an advisory from the Alcohol Beverage Control Commission in Boston concerning the expansion of hours of operation on Sunday's beginning at 10AM. Along with the advisory came an e-mail from William A. Kelly, Esq., Legal Counsel to ABCC, explaining the procedures necessary for a city or town to "opt" into this new law.

After speaking to the Assistant City Solicitor, Jordan H. F. Fiore, and following the guidance from Boston, the License Commissioners voted to "opt" into the new law on October 28, 2010. The remaining legal necessity is the approval of the City Council.

As I understand it the nuts and bolts of the new law are as follows:

- a. The new law allows Section 12 establishments to open at 10 am on Sunday.
- b. The Local Licensing Authority (LLA) must submit a Form 43 to the ABCC with the Sunday hours of sale for each establishment.
- c. LLA has the right to say yes/no to approval of application of establishment.
- d. Establishments cannot appeal to the ABCC if LLA says no to the application.

The Board of License Commissioners respectfully requests that the City Council votes to "opt" into the new law. Please feel free to contact me if you have any questions.

Respectfully,

Handwritten signature of Joseph H. Rose in cursive script.
Joseph H. Rose, Chairman
License Commission

Enclosures

City of Taunton Law Dept.

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From: City of Taunton Law Dept. [cotlawdept@tmlp.net]
Sent: Friday, July 02, 2010 2:44 PM
To: 'jbwe50@verizon.net'; 'j.mullen21@comcast.net'; 'pdlamb@burkelambcpa.com';
'dmsmith@tauntonpd.com'; 'chief@tauntonpd.com'
Subject: FW: 10 AM Sunday SALES BY RESTAURANTS, HOTELS, CLUBS, & GOPs
Attachments: SUNDAY SALES BY 12 AT 10AM - ADVISORY issued 070210.doc

-----Original Message-----

From: William Kelley [mailto:William.Kelley@state.ma.us]
Sent: Friday, July 02, 2010 1:25 PM
To: Achushnet; New Bedford; Attleboro; Easton; Fairhaven; Fall River; Freetown/Assonet;
Mansfield; North Attleborough; Norton; Seekonk; Taunton; Dartmouth; Raynham; Rehoboth;
Somerset; Swansea; Berkley; Dighton; Westport
Subject: 10 AM Sunday SALES BY RESTAURANTS, HOTELS, CLUBS, & GOPs

Good Afternoon Everyone,

Attached please find an ADVISORY regarding the recently effective NEW LAW ON 10 AM Sunday SALES BY RESTAURANTS, HOTELS, CLUBS, & General On Premises Section 12 License holders.

Effective July 1, 2010 a new law was approved that gives each qualifying local liquor licensing authority the permission to choose whether to allow any or all section 12 license holders to start selling alcoholic beverages as early as 10 AM on Sundays. This new law simply amended section 33B of chapter 138 to allow each city or town to choose to "opt into" the new state law that would give their local liquor licensing authority the discretion to decide whether to grant an additional one (1) hour of sale on Sundays, now starting at 10AM, to any or all of the section 12 license holders in their community, whether the license is a restaurant, hotel, general on premises, club or war veterans club license. Each city and town should check with the Town Counsel or City Solicitor to determine the procedure required to "opt into" this new law.

ABCC approval for these discretionary hours of sale is not required; but an informational "Form 43" with the Sunday hours of sale should be sent to the ABCC, consistent with the practice suggested before this most recent change in the law. A section 12 license holder who is denied the discretionary hours of sale may not appeal that denial to the ABCC.

Questions concerning this Notice and the new Sunday Sales law may be directed to the Alcoholic Beverages Control Commission at 617-727-3040.
For more information, please visit our website at www.mass.gov/abcc.

Very truly yours,

William A. Kelley, Jr., Esq.
Legal Counsel
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
617-727-3040 x 17
(Fax) 617-727-1510

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Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Timothy P. Cahill
Treasurer and Receiver General

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY

Effective July 1, 2010, the legislature passed a new law authorizing Local Liquor Licensing Authorities (“LLA”) to allow M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. This law amends M.G.L. c 138, §33B by allowing each city or town to “opt into” the new law giving their LLA discretion to grant an additional one (1) hour of sale of alcoholic beverages on Sundays, now starting at 10 a.m. to any or all of the §12 licensee in their community. Cities and towns should check with their counsel to determine the procedure required to “opt into” this new law. ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational “Form 43” with the Sunday hours of sale to the ABCC.

Each §12 licensee should consult with their LLA to determine the necessary steps to get permission to sell alcoholic beverages at 10 a.m. on Sundays. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c. 138, § 64, and that sales of alcoholic beverages take place only on the days and hours last approved by the LLA.

NO §12 LICENSEE HAS THE RIGHT TO SELL ALCOHOLIC BEVERAGES EXCEPT DURING THE HOURS the LLA PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010. ANY LICENSEE WHO SELLS BEFORE THE HOURS OF SALE PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010 BY THE LLA VIOLATES THE LAW AND FACES DISCIPLINARY ACTION FROM THE LLA BY SUSPENSION, REVOCATION, CANCELLATION OR MODIFICATION OF THE LICENSE IN ADDITION TO ARREST AND CRIMINAL PROSECUTION FOR THE ILLEGAL SALE OF ALCOHOLIC BEVERAGES.

Individuals with questions concerning this Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

(Issued: Friday, July 02, 2010)

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

2252 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2104
(202) 225-5931

29 CRAFTS STREET
SUITE 375
NEWTON, MA 02458
(617) 332-3920

7,
Congress of the United States
House of Representatives
Washington, DC

558 PLEASANT STREET
ROOM 309
NEW BEDFORD, MA 02740
(508) 999-6462

THE JONES BUILDING
29 BROADWAY
SUITE 310
TAUNTON, MA 02780
(508) 822-4796

December 3, 2010

Ms. Jennifer Leger, Assistant City Clerk
City of Taunton
15 Summer St.
Taunton, MA 02780

Dear Ms. Leger:

I am responding to your letter to the Congressman dated November 2, 2010, regarding the complaints you received from residents at the apartment complex located on School Street. The Congressman asked that I contact MassHousing that oversees that property, to discuss the safety as well as the physical structure of these apartments at Taunton Green. MassHousing reached out to the property manager and was informed that she has not received any such complaints.

The residents would be better served by going through management or, if you wish to serve as a liaison, that office and provide in more detail the complaints that have been received. I would be more than happy to forward to MassHousing so they can be addressed. If you have any questions, please contact me at 508.822.4796. Thank you.

Sincerely,



Lisa J. Lowney
Office Manager
Office of Congressman
BARNEY FRANK

Enclosure

Reply: The Jones Building
29 Broadway, Suite 310
Taunton, MA 02780



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Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

RECEIVED

DEC 03 2010

Barney Frank, M.C.
Taunton, MA

November 29, 2010

Ms. Lisa Lowney
Office Manager
Office of Congressman Barney Frank
Jones Building
29 Broadway, Suite 310
Taunton, MA 02780

Dear Lisa:

I write as a follow-up to our recent phone conversation regarding Taunton Green. In your letter to me of 12th November, you wrote that "the City has indicated that they have received numerous complaints on behalf of the residents who have voiced concerns over their safety and the physical structure of this building."

As you and I discussed, I have spoken directly with MassHousing's Rental Management staff regarding the status of this property generally and also about the Agency's most recent interactions with the site. Specifically, I hoped to determine what our staff has heard with regard to complaints about this property.

As you may know, Taunton Green is a 75 unit Section 8 Recap property located in downtown Taunton. It is a four story concrete mercantile building that was converted to elderly housing in 1981. There are also two commercial spaces on the building's ground level. MassHousing staff report that to date, our Agency has received no complaints from tenants or community members regarding the physical condition of the property. After your inquiry, MassHousing staff called and spoke with the property manager for Taunton Green on November 16th. The property manager also indicates that she has not received any such complaints.

Historically, MassHousing's last property management review of Taunton Green was conducted on December 16, 2009 when the site received a satisfactory rating. (This was preceded by a HUD REAC inspection on August 29, 2007.)

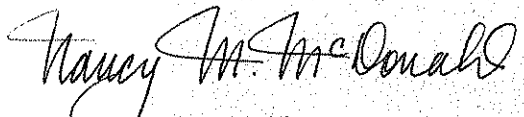
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In conversations between the site manager and MassHousing staff, the site reports that the elevator has been properly maintained and has a current certification. As far as we know, there have been no violations or discussions with the town regarding the sprinkler/fire system.

If possible, it would be very helpful if you could forward us any specific complaints that you have received or any specific concerns that have been raised. MassHousing will then inquire with the Agent on site and ask them to respond promptly.

Thank you for your inquiry. I will wait to hear from you. If you need to call me, I can be reached directly at 617.854.1852.

Sincerely yours,



Nancy M. McDonald
Government Affairs Manager

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November 2, 2010

Congressman Barney Frank
The Jones Building
29 Broadway
Suite 310
Taunton, MA 02780

Dear Congressman Frank:

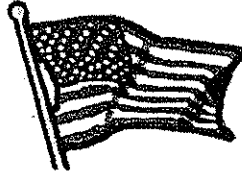
At a regular meeting of the Municipal Council held on Tuesday, October 26, 2010, the Municipal Council stated that many residents of the School Street Apartments have voiced concern over safety as well as the physical structure of these apartment buildings.

Therefore, the Council motioned to reach out to you to determine if there is anything you could do to look into whether HUD could perform an evaluation on the property.

Your attention to this matter is greatly appreciated.

Sincerely,

Jennifer L. Leger
Assistant City Clerk



DECEMBER 14, 2010

HONORABLE CHARLES CROWLEY, MAYOR
COUNCIL PRESIDENT DEBORAH A. CARR
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR **TUESDAY, DECEMBER 14, 2010 AT 5:30 P.M.** IN THE NEW **ELIZABETH POLE SCHOOL, 215 HARRIS STREET, TAUNTON, MA**

5:30 P.M.

THE COMMITTEE ON FINANCE AND SALARIES

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET WITH THE BUDGET DIRECTOR & CITY AUDITOR TO REVIEW & DISCUSS INFORMATION PROVIDED REGARDING PAYMENTS TO A.R.I.
4. MEET WITH THE CITY TREASURER, CITY AUDITOR AND CITY SOLICITOR TO DISCUSS INFORMATION REQUESTED ON THE INSURANCE TRUST FUND
5. MEET TO REVIEW MATTERS IN FILE

COMMITTEE ON ORDINANCES AND ENROLLED BILLS

1. MEET WITH THE HUMAN RESOURCE DIRECTOR & PRESIDENT OF C.O.T.M.A. TO DISCUSS JOB DESCRIPTIONS & WORK PERFORMANCE EVALUATIONS FOR DEPARTMENT HEADS
2. MEET WITH THE CITY SOLICITOR TO DISCUSS PROPOSED LEGAL CONFLICTS POLICY
3. MEET TO REVIEW MATTERS IN FILE

COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH THE CITY SOLICITOR TO DISCUSS QUESTIONS REFERRED TO LAW OFFICE REGARDING FINANCING OF THE SOPER/WARNER BOULEVARD PROPERTY
2. MEET IN EXECUTIVE SESSION FOR AN UPDATE ON PENDING LAWSUITS
3. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES