



AGENDA – JUNE 28, 2011

INVOCATION ROLL CALL RECORDS

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

- The Mayor is appointing F. Roger Hoffman, 1054 Bay Street, Taunton to serve on the Board of Registrar of Voters for a term of four (4) years effective July 1, 2011 and expiring June 2015.

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-2 Com. from Interim City Solicitor – Submitting a draft Home Rule Petition for the Cohannet School Building, 120 Cohannet Street, Taunton
- Pg. 3 Com. from Assistant City Solicitor – Submitting information on the procedures for placing a nonbonding referendum concerning the future of the Cohannet School building
- Pg. 4 Com. from Chairman, Taunton Planning Board - Notifying of a public hearing
- Pg. 5 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 6-7 Com. from Mayor Crowley, Hearing Officer – Providing list of individuals in the Police and Fire Departments that will be laid off should layoffs be required
- Pg. 8-9 Com. from Mayor Crowley – Notification of Free Cash Approval
- Pg. 10-11 Com. from Councilor Pottier – Expressing opposition with the FY2012 Municipal Budget
- Pg. 12-14 Com. from Fire Chief – Submitting Budget Reduction Impact Statement

PETITIONS

Billiard Table License

Petition submitted by John Arruda requesting a **RENEWAL** of a Billiard Table License –DBA Taunton Portuguese American Civic Club located at 175 School Street, Taunton. **(1 Table)**

Junk Collector's License

Petition submitted by Patrick Walsh, Automotive Recovery Services, Inc. requesting a **RENEWAL** of his Junk Collector License –DBA- Insurance Auto Auctions located at 580 Myricks St., East Taunton.

Junk Dealer's License

Petition submitted by George Perry requesting a **RENEWAL** of his Junk Dealer's License –DBA- Hub Cap King located at 94 Tremont Street, Taunton.

Old Gold License

Petition submitted by James Perry requesting a **RENEWAL** of his Old Gold License –DBA- Perry Jewelers, Inc. located at 400 Broadway, Taunton.

Temporary Fixed Vendor License

Petition submitted by Sheila Cook, Teacher, requesting a **NEW** Temporary Fixed Vendor License for the non-profit organization Taunton Area School to Career, Inc. to be located at 45 Broadway at the Pilgrim Congregational Church to sell food from a vending cart and requesting a waiver of the license fee.

Claims

Claim submitted by Tiffany Galavotti, 44 Barbara Road, Raynham seeking reimbursement for damages to her automobile from hitting a manhole and a pothole on Williams Street near Taunton High School.

Miscellaneous

Departmental Site Plan Review for the addition of a 30,000 sq. ft. outside storage area at 71 Stevens Street, Taunton which is located in an Industrial District submitted by Fred Tardie, Stevens Street LLC, 71 Stevens St., East Taunton. **(Informational Only)**

Departmental Site Plan Review for an auto sales and auto repair use at 445 Winthrop Street located in the Highway Business District submitted by John-Paul Thomas, 98 County Street, Taunton. **(Informational Only)**

Decision of the Development Impact Review Board on the Petition for the Departmental Site Plan Review for the construction of a 2,600 sq. ft. storage building at 177 Robert Treat Paine Drive located in an Industrial District submitted by Michael Glynn on behalf of Waters Associates, 177 Robert Treat Paine Drive, Taunton. **(Informational Only)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

- Continued from June 21, 2011 Municipal Council Meeting – Com. from Assistant City Solicitor on the partial release of municipal liens on Morey's Bridge Dam
- **Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Cleanup
- **Executive Session** – Meet to discuss strategy with respect to collective bargaining for all city unions, school department unions, tmlp unions, with respect to the health insurance change proposals and other impacts on employees reducing funding in fiscal year 12-A public meeting would have an adverse affect on the City's negotiating positions.

ORDERS, ORDINANCES AND ENROLLED BILLS

Continued from the June 21, 2011 Municipal Council Meeting
FY2012 Preliminary Budget for a second reading to be ordained on a roll call vote

	<u>Salary & Wages</u>	<u>Other Expenses</u>	<u>Capital Expenses</u>	<u>Total Budget</u>
General Government	\$ 2,768,727.75	\$ 2,206,388.82	\$ 68,000.00	\$ 5,043,116.57
Public Safety	\$ 16,574,370.57	\$ 1,134,912.88	\$ 137,004.44	\$ 17,846,287.89
Education	\$ -	\$ 67,693,677.00	\$ -	\$ 67,693,677.00
Public Works/Facilities	\$ 2,637,250.78	\$ 4,295,180.00	\$ 371,016.23	\$ 7,303,447.01
Health/Citizen Services	\$ 1,203,126.81	\$ 862,353.00	\$ -	\$ 2,065,479.81
Culture & Recreation	\$ 1,495,224.34	\$ 624,858.53	\$ -	\$ 2,120,082.87
Debt & Interest	\$ -	\$ 7,951,582.58	\$ -	\$ 7,951,582.58
Miscellaneous	\$ -	\$ 9,041.80	\$ -	\$ 9,041.80
Employee Benefits	\$ 66,958.68	\$ 42,923,488.73	\$ -	\$ 42,990,447.41
Other Financing Uses	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00
Enterprise Accounts	\$ 6,127,295.76	\$ 13,657,400.28	\$ -	\$ 19,784,696.04
Total Budget	\$ 30,872,954.69	\$141,363,883.62	\$ 576,020.67	\$ 172,812,858.98

NEW BUSINESS

Respectfully submitted,



Rose Marie Blackwell
City Clerk

City of Taunton Office of the Mayor

Charles Crowley
Mayor

Todd J. Castro
Assistant to the Mayor

Gill E. Enos
Budget Director



15 Summer Street
Taunton, MA 02780
Tel. (508) 821-1000
Fax, (508) 821-1005

April 29, 2011

Council President Sherry Costa-Hanlon
Members of the Municipal Council
141 Oak Street
Taunton, MA 02780

Dear Council President Costa-Hanlon:

Please be advised that I am appointing F. Roger Hoffman of 1054 Bay Street, Taunton, MA to serve on the Board of Registrar of Voters for a term of (4) years to take effect July 1, 2011. He will be replacing Frank Biedak the Republican Board Member and his term will expire June 2015.

In the meantime, if you have any questions or comments, please feel free to contact me.

Respectfully,


Charles Crowley
Mayor

A City of Firsts
First Woman Town Proprietor- First Female Entrepreneur
First to Fly Liberty & Union Flag- First Major Silver Manufacturing Center

Peter J. Berry, Esq.

June 16, 2011

Mayor Charles Crowley
Municipal Council
City of Taunton
City Hall
15 Summer Street
Taunton, MA 02780

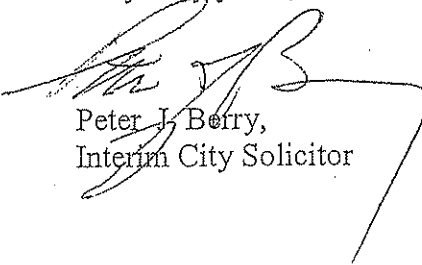
RE: Cohannet School Building, 120 Cohannet Street in Taunton

Dear Mayor Crowley and Council Members:

As requested, for the Municipal Council's consideration, enclosed please find a draft Home Rule Petition that, if approved by the Municipal Council, would authorize a petition to be made to the legislature requesting a special act to transfer the control of the Cohannet School building and property from the School Committee to the Municipal Council. The petition is drafted so that the Mayor would have to approve any subsequent Council decision to use, change the use, or transfer custody and control of the building to another City board or office.

Thank you for this opportunity to be of service to the City of Taunton. Please let me know if you have any questions or comments regarding this matter.

Very truly yours,



Peter J. Berry,
Interim City Solicitor

Enclosure

cc: Rose Marie Blackwell, City Clerk

DWLIBDB\253164.1\03332\00

Proposed Motion for Home Rule Petition for Cohannet School Building:

MOVED: That the Municipal Council request its representatives in the General Court to introduce legislation seeking a special act as set forth below for the transfer to the Municipal Council from the School Committee of the care, custody, management and control of the Cohannet School Building property located at 120 Cohannet Street, and to authorize the General Court, with approval by the Municipal Council, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, as follows.

AN ACT APPROVING THE TRANSFER OF THE CARE AND CUSTODY OF
THE COHANNET SCHOOL BUILDING PROPERTY TO
THE MUNICIPAL COUNCIL FROM THE SCHOOL COMMITTEE

Section 1. Notwithstanding any general or special law to the contrary, the city of Taunton, acting by and through its municipal council, shall have the care, custody, management and control of that certain property owned by the city of Taunton, known as the Cohannet school building and grounds and located at 120 Cohannet street in Taunton, and with the approval of the mayor, may use, or may transfer to another board or officer of the city the care, custody, management and control of such property for the use by such board or officer, such property for any municipal purposes as the municipal council may determine to be in the best interests of the city of Taunton.

Section 2. This Act shall take effect upon passage.

Vote:

Comment:



CHARLES CROWLEY
MAYOR

City of Taunton
LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1064
cotlawdept@tmlp.net



PETER J. BERRY
CITY SOLICITOR

JORDAN H. F. FIORE
ASSISTANT CITY SOLICITOR

June 22, 2011

Rose Marie Blackwell
City Clerk
City Hall
15 Summer Street
Taunton, MA 02780

Re: Cohannet School referendum and home rule petition

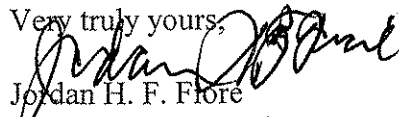
Dear Mrs. Blackwell:

You have asked this office to confirm the procedures for placing a nonbinding referendum on the future of the Cohannet School building. The City of Taunton has no special procedure under its Charter or ordinances, so the city would use the standard procedure as outlined in M. G. L. c. 53, §18A. This would mean the municipal council voting no later than thirty-five days before the election to place the question upon the ballot. Our charter does not require an approval by the mayor, although I do not believe that would be an issue in any event.

Another alternative that the council might wish to consider: Given that there is a proposal for a home rule petition to be presented to the legislature, the council may wish to link the home rule petition to the referendum. Many of our previous special laws and referenda have been the result of the passage of an act of the legislature, conditioned on ratification by the people in a referendum. The one disadvantage to this approach is that there is no guarantee that the legislature would approve the bill in time for the ratification to be included on this year's election ballot. However, this would render the people's vote binding, as opposed to the nonbinding limitation on referenda originated by the council.

I hope that this opinion is of help to you and the council.

Very truly yours,


Jordan H. F. Fiore
Assistant City Solicitor

Cc: City Solicitor Peter Berry



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1043

June 21, 2011

Honorable Charles Crowley, Mayor
Members of the Municipal Council
141 Oak St., Maxham School
Taunton, Ma. 02780

C/O Rose Marie Blackwell, City Clerk

RE: Form J Plan – 54 Jackson St. – Waiver of Frontage - Kevin Wells

Dear Mayor Crowley and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Form J Plan – Waiver of Frontage Requirements – for property located at 54 Jackson Street- to split one lot into 3 lots, owned by Kevin Wells, ½ Third Ave., Taunton, Ma.

The Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, July 21, 2011 at 5:30 PM.** at Maxham School, 141 Oak St., Taunton, Ma.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



TAUNTON PLANNING BOARD

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City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1043

June 21, 2011

Honorable Charles Crowley, Mayor
Members of the Municipal Council
141 Oak St., Maxham School
Taunton, Ma. 02780

C/O Rose Marie Blackwell, City Clerk

RE: Form J Plan – 228 Tremont St – Waiver of Frontage - Darrin Thibault

Dear Mayor Crowley and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Form J Plan – Waiver of Frontage Requirements – for property located at 228 Tremont St. - to split one lot into 2 lots, owned by Darrin Thibault, 55 Summerfield Dr., Raynham, Ma.

The Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, July 21, 2011 at 5:30 PM.** at Maxham School, 141 Oak St., Taunton, Ma.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

6.

City of Taunton Office of the Mayor

Charles Crowley
Mayor

Gill E. Enos
Budget Director

Todd Castro
Assistant to the Mayor



15 Summer Street
Taunton, MA 02780
Tel. (508) 821-1000
Fax. (508) 821-1005

June 21, 2011

Council President Sherry Costa Hanlon
Members of the Taunton Municipal Council
City of Taunton
141 Oak Street
Taunton, MA 02780

Re: Hearing Officer

Honorable Members of the Municipal Council:

On Friday, June 17, 2011 members of the Taunton Fire Department and the Taunton Police Department were given hearings as required by Massachusetts General Law Chapter 31, Section 41. These hearings were held for the contemplated potential layoff of civil service employees from each of these departments due to lack of money. Each union representing the employees, Local 1391 Taunton Firefighter's International Association and the Taunton Police Patrolman's Association, requested a group hearing rather than individual hearings. The Firefighter hearing was held at 9:15 am in the Municipal Council Chambers. The Police Officer hearing was held at 1:00 pm in the Municipal Council Chambers.

The City discussed the current budget conditions, the impacted employees and their Union representatives were given the opportunity to make statements regarding the current financial situation in the City and to ask questions. Copies of the City's Budget, along with copies of the individual notices sent to the employees were entered as Exhibits. Hearing notes are on file and will be maintained in the Human Resources Department.

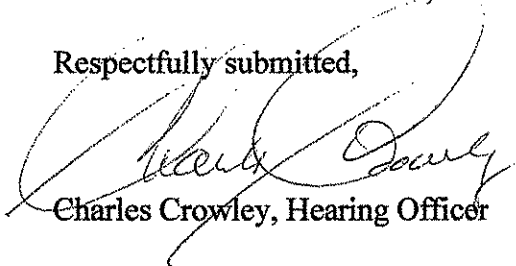
As a direct result of lack of appropriation in the budget, the following is a list of individuals in the Police and Fire Departments that will be laid off. Your conclusions will be guided by the decision regarding the revenue side of the budget. Due to the current financial situation before the City at this time, and in consideration of the financial projections for Fiscal 2012, as Hearing Officer for both the Firefighter and Police potential layoff hearings, I submit the following names and civil service dates to

the Municipal Council for final disposition should layoffs be required as of June 30, 2011 in the Taunton Fire and Police Departments.

TITLE	DEPARTMENT	CS Seniority Date	TITLE	DEPARTMENT	CS Seniority Date
Fire			Police		
Private	David Zuromski	09/10/08	Patrolman	Helvio Silveira	12/16/10
Private	Jeremy Rezendes	09/09/08	Patrolman	Lori Neves	01/26/07
Private	Patrick Barrett	04/22/08	Patrolman	Stephen Ricketts	01/26/07
Private	Michael Rodriguez	04/01/08	Patrolman	Ernest Chretien	01/24/07
Private	Thomas Cordeiro	09/12/07	Patrolman	Terrence Downing	01/23/07
Private	Jared Jackson	01/27/07	Patrolman	Brian Dunham	10/25/06
Private	Giuseppe Grasso	01/24/07	Patrolman	Anthony Pistolese	10/24/06
Private	Chad Morin	01/23/07	Patrolman	Stephen Balmain	07/25/06
Private	Jay Harrington	08/23/06	Patrolman	Michael Larkin III	08/20/05
Private	James Bagnell	08/22/06	Patrolman	Stephen Joiner	08/19/05
Private	Sarah Riendeau	08/12/11	Patrolman	Shawn Silvia	08/17/05
Private	Marc Faria	08/11/06	Patrolman	Lawrence McAulay	02/17/05
Private	Jason Boiros	08/10/06	Patrolman	Robert Travers	02/15/05
Private	Brian Soares	09/09/05	Sgt.	Matthew Skwarto	10/25/01
Private	Robert Fitzgerald	09/08/05	Patrolman	Michael Tremblay	10/23/01
Private	Juan J. Valencia	09/08/05	Patrolman	David Amaral	06/12/01
Private	Juan X. Valencia	09/08/05	Patrolman	Thomas Larkin	03/26/01
Private	Brooks Cornell	09/07/05	Patrolman	Joseph Balmain	11/27/00
Private	Timothy O'Leary	09/06/05	Patrolman	Chris DeFortis	11/27/00
Private	Steven Malcolm	08/23/05	Patrolman	Shawn Smith	11/27/00
Private	Roberto Gonzalez	08/19/05	Patrolman	John Borges	10/17/99
Private	Kurt Bourdon	08/18/05	Patrolman	Arsenio Chaves	10/17/99
Private	Brian Silveira	08/17/05	Patrolman	Peter MacDougall	10/17/99
Private	Ray Rasar II	06/21/05	Lt.	Daniel McCarthy	10/17/99
Private	Glen Provost	03/16/05	Patrolman	James Oliveira	10/17/99
Private	Joel Nadeau	03/15/05	Patrolman	Jack Westcoat	10/17/99
			Patrolman	Charles Brown	09/13/98

Under the requirements of MGL Chapter 31 § 41, within seven days after the filing of the report of the Hearing Officer to the Appointing Authority, the Appointing Authority shall give to such employee a written notice of his decision, which shall state fully and specifically the reasons therefore.

Respectfully submitted,



Charles Crowley, Hearing Officer

8.

*City of Taunton
Office of the Mayor*

*Charles Crowley
Mayor*



*15 Summer Street
Taunton, MA 02780
Tel. (508) 821-1000
Fax. (508)821-1005*

*Gill E. Enos
Budget Director*

*Todd Castro
Assistant to the Mayor*

June 23, 2011,

Council President Sherry Costa Hanlon
Members of the Taunton Municipal Council

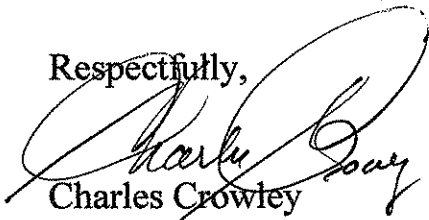
Dear Councilors,

I am in receipt of the Notification of Free Cash Approval for Fiscal Year 2010 from Gerard D. Perry, the Director of Accounts for the Massachusetts Department of Revenue. That office has certified the amount of available funds as of July 1, 2010 as follows:

General Fund:	\$ 1,121,100
Water Enterprise:	\$ 1,903,991
Golf Enterprise:	\$ 53,061
Nursing Home:	\$ 161,380

Please be advised that I am recommending that the amount of \$ 1,121,100 be placed in the Stabilization Account. The current balance in the Stabilization Account prior to this transaction is \$ 140,263.00. The balance in the Stabilization account after the transfer from Free Cash of \$ 1,121,100 will be \$ 1,261,363.

Respectfully,


Charles Crowley
Mayor

Massachusetts Department of Revenue Division of Local Services
Navjeet K Bal, Commissioner
Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

Thursday, June 23, 2011

Ann Hebert
Auditor
City of Taunton

Re: NOTIFICATION OF FREE CASH APPROVAL - Taunton

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2010 for the City of Taunton is:

General Fund		\$ 1,121,100
Water Enterprise	Enterprise Fund	\$ 1,903,991
Golf Enterprise	Enterprise Fund	\$ 53,061
Nursing Home	Enterprise Fund	\$ 162,380

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,
Gerard D. Perry
Director of Accounts

INTERGOVERNMENTAL MEMORANDUM

TO: THE HONORABLE MAYOR CHARLES CROWLEY, PRESIDENT
SHERRY COSTA HANLON AND MEMBERS OF THE TAUNTON
CITY COUNCIL

FROM: DAVID POTTIER, TAUNTON CITY COUNCIL

SUBJECT: FY2012 BUDGET

DATE: 6/24/2011

CC: ROSE MARIE BLACKWELL, CITY CLERK

Due to a long ago scheduled family commitment, I will be unable to be with you on Tuesday, June 28. However, I wish to take this opportunity to express my opposition to the presently constructed FY2012 budget for the following reasons:

1. The Mayor's Health Insurance Plan does not offer savings comparable to either the GIC or a similarly constructed MIA Blue Cross Blue Shield Plan – While my analysis suggests savings far greater than the Mayor's plan, I perhaps understand the council's unease in fully accepting my calculations. However, what should be indisputable is EBS Foran's memo of March 16, 2011 which states, "by doing this (adjusting the City plan to include similar features as the GIC Plan) this cost reduction would reduce the current Taunton costs by 11.9%". In dollars, this would provide \$2,888,956 in total premium savings compared to the Mayor's \$2,219,085 in savings, as presented in the MIA provided calculations. Also, clearly stated in the EBS Foran analysis presented to the Council in early June, the city and employees would conservatively save an additional \$1,254,030 in total premiums over and above those provided by the Mayor's plan by moving to GIC. MIA Alternative 2, which was discarded earlier on, would itself save an additional \$1 million over the Mayor's proposed plan.
2. The Mayor's budget calls for \$1 million in new revenue in trash bag fee increases before fully purging any and all nonessential line items, such as travel allowances and computer upgrades, from this budget. It plainly appears to me that these increases in revenue were seen as a

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first option rather than a last resort and I find it unfair to submit our residents to these increases before cutting every last “nice to have” discretionary item from the budget.

3. As of the date of this memo, we still have no idea about the level of our free cash account. How can we, in good conscience, vote for any budget plan without knowing our free cash figure?

I fully understand that constructing the budget in difficult financial times is a considerable task and credit Mayor Crowley, Gill Enos, and others for their efforts. Also, it is a reality that the majority of our problems are due to local aid cuts imposed by Governor Patrick and Beacon Hill over the last several years. However, I am extremely concerned that this budget does not do enough to address the fundamental structural challenges remaining nor does it set up the next Mayor and Council for future fiscal successes. Therefore, I am respectfully in opposition to this budget plan.

12.



CITY OF TAUNTON FIRE DEPARTMENT

50 School Street
Taunton, MA 02780
Tel. (508) 821-1452 • Fax (508) 821-1495

TIMOTHY J. BRADSHAW
Chief of Department

KATE GOVER
Administrative Assistant

June 23, 2011

Taunton City Council
Taunton City Hall
141 Oak Street
Taunton, MA 02780

RE: FY12 Fire Department's Budget Reduction Impact Statement

Dear Members of the City Council;

I am writing to once again stress the devastating effects that the proposed layoffs will have on the Taunton Fire Department's ability to provide adequate protection to the citizens of Taunton. It will be virtually impossible to cover a city of this size and population with only 80 firefighters. Both our citizens and the men and women who have sworn to protect them will be endangered if the Taunton Fire Department's current budget is approved.

The impact of your city's fire department running forty men understaffed will be as follows:

- There will be a lack of qualified 911 call takers on the Department. Only seven members will be qualified to man the 911/PSAP. Eight men are needed to fill a standard work week; two men per group.
- Two or possibly three engine companies will be unmanned much of the time. This will greatly increase the response times to calls. Medically speaking, we will be unable to meet standards of care such as, CPR within six minutes of the onset of a heart attack or defibrillation within five minutes of an incident. These are the most important steps in the chain of survival for a heart attack victim. On the fire suppression side, increased response times lead to larger fires upon arrival.
- Overtime costs will be increased. Due to the fact that a majority of our current 911 staff received pink slips, more overtime funds are needed to train more 911 call takers. Additional overtime will be required in order to keep a minimum of two engines covering the city. The present overtime budget I was granted is grossly insufficient to maintain these tasks.

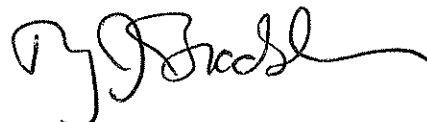
- The Taunton Fire Department will be unable to continue to respond to every medical call in the city. The contract the city recently signed with AMR Ambulance states that we will provide assistance to them on all medical calls. We will not be able to meet this contractual obligation.
- Fire Prevention will be understaffed creating long waits for Certificates of Compliance and other administrative matters relating to inspections. This includes real estate transactions, sales of homes, and business related matters throughout the city. The Prevention Office will be closed one or possibly two days a week.
- The SAFE Officer will be reassigned to the 911/PSAP office. The SAFE program in the schools, housing for the elderly, and all fire education programs in the City will be discontinued.
- The Fire Department will be unable to respond to multiple calls at the same time. A structure fire requires three engines. A Jaws of Life call requires two engines. It is not uncommon for us to have four engines at different emergencies throughout the city at the same time. **We would be forced to use a waiting list when responding to multiple call situations. This will lead to much larger fires and greater loss of life and property.**
- Open air burning permits will be canceled throughout the city due to reduced staffing levels.
- The city's ISO-Insurance Services Office rating of our Department would plummet. As the rating drops costs to residents and businesses in our community will increase in the form of insurance premiums.
- **Historically, insufficient staffing has led to more firefighter injuries.**
- The Department's fire ground operations will not meet the minimum NFPA standards. **The Department's ability to perform multiple searches at fires would be impossible with reduced staffing levels.** An example; triple deckers often require multiple teams of two firefighters to search multiple floors at the same time. As they are searching an RIT (Rapid Intervention Team) of two firefighters is at the ready to assist a firefighter in jeopardy. **We will not have the manpower on scene to continue these operations at structure fires. This will lead to much larger fires and greater loss of life and property.**
- Firefighters take 'calculated risks'. It is the nature of the job. The Incident Commanders at the Taunton Fire Department will have to reevaluate the way they make these calculations.
- The adjacent towns will not be able to handle our increased request for Mutual Aid. **Every time we use Mutual Aid due to the City of Taunton's staffing shortages, we will be stripping that town of their resources, thus endangering citizens in other communities.**
- The reduced staffing levels will not allow us to provide In-Service Training to our members.
- **The City of Taunton's Fire Department would be at its lowest staffing levels in history.**

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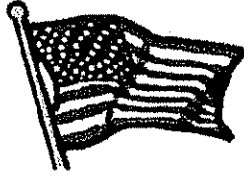
As the Chief of this Department I cannot control the number of emergencies or when they occur. I also cannot prevent multiple calls or the inevitable increased line of duty injuries. I cannot deny firefighters contractual time off in a Department that operates 24 hours a day 365 days a year.

Due to the aforementioned reasons I cannot recommend any reductions in staffing now or in the future. This is an unacceptable risk for the community.

Sincerely,

A handwritten signature in black ink, appearing to read "T. J. Bradshaw", with a long horizontal flourish extending to the right.

Timothy J. Bradshaw
Chief of Department



JUNE 28, 2011

HONORABLE CHARLES CROWLEY, MAYOR
COUNCIL PRESIDENT SHERRY COSTA-HANLON
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR
**TUESDAY, JUNE 28, 2011 AT 5:30 P.M. IN THE TEMPORARY CITY HALL AT
MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. IN THE CHESTER R.
MARTIN MUNICIPAL COUNCIL CHAMBERS**

5:30 P.M.

THE COMMITTEE ON FINANCE AND SALARIES

1. MEET TO REVIEW THE WEEKLY VOUCHERS AND PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON PUBLIC PROPERTY

1. MEET IN EXECUTIVE SESSION WITH THE CITY SOLICITOR AND RISK MANAGER TO DISCUSS INSURANCE SETTLEMENT
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH REPRESENTATIVES OF MORTON HOSPITAL AND STEWARD HEALTH CARE SYSTEM FOR A PRESENTATION
2. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



CHARLES CROWLEY
MAYOR

City of Taunton

LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1064
cotlawdept@tmlp.net

UNFINISHED BUSINESS



PETER J. BERRY
CITY SOLICITOR

JORDAN H. F. FIORE
ASSISTANT CITY SOLICITOR

June 17, 2011

Mayor Charles Crowley
President Sherry Costa Hanlon
And Members of the Taunton
Municipal Council

Re: Requested partial release of municipal liens on Morey's Bridge Dam

Ladies and Gentlemen:

At the Municipal Council meeting of June 7, 2011, it was voted to postpone discussion of a partial release of municipal liens on the Morey's Bridge Dam for one month, unless it was determined that time was of the essence to the Commonwealth in terms of the Morey's Bridge construction project and also to obtain a legal opinion as to the consequences of a partial release of lien and the ability to implement it.

I attach hereto a copy of a letter to me from Assistant Attorney General Seth Schofield following my discussions with him in the aftermath of that meeting. The reason for seeking a partial release of the lien is that part of the settlement of the litigation involving the Commonwealth, the City, Jefferson Development, and David Murphy included a conveyance by Mr. Murphy of the dam to the Commonwealth. Because this is a conveyance rather than an eminent domain taking, the Commonwealth would be receiving the dam encumbered by the city's liens unless they were specifically released. Transferring the property in this manner saves considerable time and expense in expediting the bridge project and the Commonwealth wishes to avoid eminent domain for these reasons. The failure to issue a partial release may jeopardize both the judicial settlement and the construction project. He has also indicated that the Commonwealth often seeks such releases from communities in similar circumstances and that a partial release is perfectly legal. He concurs with my earlier statement to you that the partial release only releases a portion of the security for the lien and not the financial substance of the lien itself. He further adds that in his opinion, separating the dam from the Whittenton Mills will actually enhance the value of the city's security, since it will be removing a source of serious potential liability.

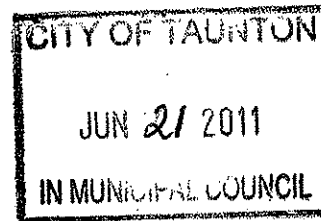
Attorney Schofield has attached a copy of the proposed deed to the Commonwealth to show you just what is being conceded and he and I would be working on language for the release together. Again, the Commonwealth has asked that the council vote in principle to issue the partial release as soon as possible so that the construction project may get underway in a timely fashion.

Very truly yours,



Jordan H. F. Fiore
Assistant City Solicitor

Cc: City Solicitor Peter J. Berry
Assistant Attorney General Seth Schofield



*Motion was made
to continue for
one week.*

*Rm Blackburn,
City Clerk*



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
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June 16, 2011

BY ELECTRONIC MAIL

Jordan H. F. Fiore
Assistant City Solicitor
City of Taunton Law Department
141 Oak Street
Taunton, MA 02780

**Subj: *Commonwealth v. Jefferson Development Partners LLC and David L. Murphy, Individually*, Suffolk Superior Court, Civil Action No. 2008-04829-B –
Partial Release**

Dear Assistant City Solicitor Fiore:

I understand that the Taunton Municipal Council is considering the Commonwealth's request that the City of Taunton grant a partial release for the unpaid taxes and other municipal fees that Jefferson Development Partners LLC (Jefferson Development) owes to the City. I am writing to ensure that the Council understands the limited scope of this request and the importance of obtaining a partial release quickly to prevent this issue from delaying (or even jeopardizing) reconstruction plans for Morey's Bridge and the Morey's Bridge Dam—a project that will greatly benefit the City and its citizens.

As you know, the Commonwealth filed a lawsuit against Jefferson Development and its manager, David L. Murphy, for ignoring orders directing the company to remedy the serious public safety and environmental hazards posed by Morey's Bridge Dam. Simultaneously, the Commonwealth sought and later obtained a preliminary injunction requiring Jefferson Development to remove the portion of the dam that posed the most immediate threat to public safety and property. Following completion of that work, the Commonwealth and Jefferson Development were able to reach an agreement that, when finalized, will require the company to pay a significant penalty for its violations and result in significant benefits to the public and the environment. In particular, the agreement requires Jefferson Development to convey any and all of its interest in Morey's Bridge Dam to the Commonwealth so that the State can reconstruct the aging Morey's Bridge and what remains of the dilapidated Dam. However, implementation of the project (the planning for which is well underway) cannot occur until the Commonwealth finalizes the settlement agreement with Jefferson Development and obtains the Morey's Bridge Dam property.

Jordan H. F. Fiore, Asst. City Solicitor
Re: Commw. v. Jefferson Development et al.

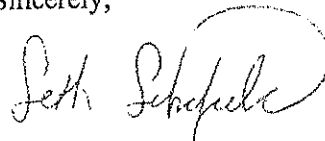
June 16, 2011
Page 2 of 2

The issue standing in the way of the Commonwealth finalizing the settlement agreement and obtaining the Morey's Bridge Dam property is the unpaid taxes and other municipal fees on the mill property owned by Jefferson Development. Before the Commonwealth can finalize the agreement and obtain the deed conveying the Dam property to the Commonwealth, we need to obtain a partial release from the unpaid taxes and municipal fees to ensure that the State will receive clear title to the very small piece of property (square feet, not acres) that it needs to facilitate the reconstruction project. A copy of the draft deed is attached. Significantly, the partial release that we seek will *not* release Jefferson Development from its liability for any of the unpaid taxes or municipal fees. Nor will such a partial release limit the City's ability to seek recovery of those unpaid taxes and fees from the approximately 42 plus acres that will be unaffected by the partial release. In fact, the partial release and conveyance of the Morey's Bridge Dam property will likely improve the City's security by eliminating a major existing liability associated with the property, i.e., the Dam, which the City would have to contend with if it initiated foreclosure proceedings to secure payment of the unpaid taxes and fees prior to the conveyance.

The Commonwealth and its consultants are very far along in the planning and design process for the Bridge and Dam reconstruction project. Given this progress, we are anxious to obtain the partial release to ensure that the project can proceed on schedule. Because of complexities with the permitting and construction process, even minor delays now may result in substantial delays in actual implementation of the project.

Thank you for your assistance. Please contact me if you have any questions about this issue.

Sincerely,



Seth Schofield
Assistant Attorney General
Environmental Protection Division
Tel: (617) 963-2436

Enclosure

QUITCLAIM DEED

Locus: Morey's Bridge Dam, Bay Street, Taunton

KNOW ALL PERSONS BY THESE PRESENTS that **Jefferson Development Partners LLC**, a Massachusetts limited liability company, with a business address of 25 Mohawk Drive, Leominster, Massachusetts (hereinafter referred to as "Grantor") hereby grants to the **Commonwealth of Massachusetts**, acting by and through its **Department of Conservation and Recreation**, 251 Causeway Street, Boston, MA 02114, acting under the authority of and in accordance with Section 3 of Chapter 132A of the Massachusetts General Laws, as amended, and all other statutory authority so enabling, and its successors and assigns (hereinafter referred to as the "Grantee"), with quitclaim covenants, in perpetuity and pursuant to Article 97 of the Amendments to the Massachusetts Constitution as part of the settlement agreement for Superior Court Civil Action No. 08-04829-B, all of Grantor's right, title, and interest in the dam, including the land under the dam, located in Taunton, Bristol County, Commonwealth of Massachusetts, described as follows:

Morey's Bridge Dam, formerly known as the Reservoir Dam or the White's Bridge Dam, located on the Mill River at Morey's Bridge on Bay Street.

Together with and subject to any and all rights of way, privileges, rights to flow or easements which may exist of record.

Being a portion of Parcel 2 conveyed by deed dated May 18, 2005, and recorded at the Bristol North Registry of Deeds on May 18, 2005 in Book 14793 at Page 138 to which deed reference may be had for title, and shown on a plan recorded on August 21, 1943 in the Bristol North Registry of Deeds in Plan Book, 38 Page, 22.

Grantor and Grantee shall prorate real estate taxes to the date of recording.

Pursuant to the provisions of Section 1 of Chapter 64D of the Massachusetts General Laws, no deed excise stamps are due on this instrument.

Executed under seal this ____ day of _____, 2010.

Jefferson Development Partners LLC by:

David L. Murphy, Manager

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____ 2010, before me, the undersigned notary public, personally appeared David Murphy, who proved to me through satisfactory evidence of identification, which is _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager of Jefferson Development Partners LLC.

Notary Public
My Commission Expires: