



## AGENDA – NOVEMBER 1, 2011

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING: NONE**

### **COMMUNICATIONS FROM THE MAYOR**

#### **APPOINTMENTS**

- Re-appointment of Wayne Walkden as Superintendent of Public Buildings for a term of three years expiring November 2014.
- Re-appointment of Marc Slusarz as City Engineer for a term of three years expiring November 2014.

### **COMMUNICATIONS FROM CITY OFFICERS**

Pg. 1-2 Com. from Senator Marc R. Pacheco – Responding to inquiry regarding laws pertaining to constable fees in Massachusetts

Pg. 3-5 Com. from Joan Lima, Treasurer, Taunton Educational Secretaries and Assistants Association – Requesting union dues deductions to be deferred

### **PETITIONS**

#### **Hours of Operation**

1. Express, LLC located at 2 Galleria Mall Drive, Taunton
2. Children's Place located at 2 Galleria Mall Drive, Taunton
3. Hennes & Mauritz, Inc. –dba- H&M located at 2 Galleria Mall Drive, Taunton
4. Ocean State Job Lot of Taunton, LLC –dba- Ocean State Job Lot located at 280 Winthrop St., Taunton

#### **Fortune Tellers License**

Petition submitted by Bissie Mitchell requesting a **RENEWAL** of her Fortune Tellers License –DBA- Sonia's Palm Reading located at 396 Winthrop Street, Taunton.

### **COMMITTEE REPORTS**

## UNFINISHED BUSINESS

- **Executive Session** – Meet to discuss the status of negotiations with all bargaining units of the City of Taunton, any outstanding issues with regard to negotiations, and progress made with regard to said issues

## ORDERS, ORDINANCES AND ENROLLED BILLS

### *Order for a second reading to be ordained on a roll call vote*

Ordered That,

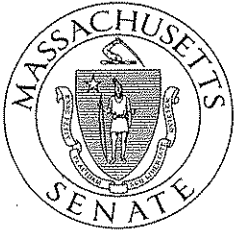
\$250,000 is appropriated for the purpose of financing the repair, replacement and/or upgrade of subsurface disposal systems, or for loans to property owners for such purposes, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor, City Council, and Treasurer, is authorized to borrow \$250,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the city unless the Treasurer with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by the local system for revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

## NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell**  
City Clerk



COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON, MA 02133-1053

ROOM 312B  
TEL. (617) 722-1551

MARC.PACHECO@MASENATE.GOV  
WWW.MASENATE.GOV

SENATOR  
MARC R. PACHECO  
FIRST PLYMOUTH AND BRISTOL DISTRICT

October 24, 2011

SENATE COMMITTEES  
GLOBAL WARMING AND  
CLIMATE CHANGE,  
CHAIR  
WAYS AND MEANS

JOINT COMMITTEES  
ENVIRONMENT, NATURAL RESOURCES  
AND AGRICULTURE,  
SENATE CHAIR

TELECOMMUNICATION, UTILITIES  
AND ENERGY,  
SENATE VICE CHAIR  
TRANSPORTATION

Mayor Charles Crowley  
Taunton City Hall  
141 Oak Street  
Taunton, MA 02780

Dear Mayor Crowley and Members of the Council:

I am writing in response to the recent correspondence I received from the City Council regarding laws pertaining to constable fees in Massachusetts.

After consulting with Senate Legal Counsel I have been advised that the M.G. L. c. 41 Section 95A is in fact a compulsory state statute which requires constables to pay twenty-five percent of all fees the constable collects for the service of civil process to the Treasurer in the city or town in which they are appointed or elected. Furthermore the law does not provide a local option or local acceptance provision. The current percentage is half of which was required before the state legislature proactively decreased the fee in 2003 as part of the FY2004 budget. Based on the correspondence I received from the Council, it is my understanding that you would like to know if relief can be provided to the constables regarding this fee.

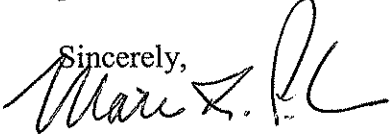
If it is the City's intention to provide relief to the constables, a viable option would be to pass a home rule petition locally asking the state legislative body to amend the current statute to provide a local option as to whether or not Taunton will be required to collect the fees. I understand the city's desire to help local constables with their fees and I would be pleased to assist in this process but please know that these constable fees are widely supported by cities and towns throughout the state. As the law dictates, one hundred percent of the funds derived from the constable fees are inserted directly into the individual municipalities' general fund to be used at the individual communities' digression. Given the current fiscal challenges all levels of government face, any loss of revenue will certainly make it more difficult for communities to meet the service challenges that they face. Again, 100 percent of the revenue from these fees are deposited directly into the City's general fund but should you decide to move forward with the home rule petition I will do my best to obtain support for the petition in the Senate.

In addition it has come to my attention through testimony provided from the City Council meeting that some believe the sheriff's offices throughout the state are not required to pay fees associated with serving civil process; according to Senate Legal Counsel, this is not the case. The

2.

FY2004 Budget, Chapter 25 of the Acts of 2003, Section 639 mandates that Sheriffs and Deputy Sheriffs in the Commonwealth must pay fifty percent of all fees collected for serving civil process to the State Treasurer of the Commonwealth of Massachusetts. According to the Senate Legal Counsel there is no statute that voids the previously mentioned statute.

Thank you for contacting my office, I hope the information I have provided proves helpful. Should you wish to discuss this matter further or move forward with the home rule petition to provide relief to constables please feel free to contact my office.

Sincerely,  


Marc R. Pacheco  
State Senator

CC: Taunton Municipal Council



**TAUNTON EDUCATIONAL SECRETARIES  
AND  
ASSISTANTS ASSOCIATION**



3.

**To: The Honorable Mayor Crowley  
Taunton City Council Members  
Dr. Julie Hackett, Superintendent of School  
Taunton School Committee Members  
Treasurer's Office, Taunton City Hall  
Karen Lasser, President, T.E.S.A.A.**

**From: Joan Lima, Treasurer, T.E.S.A.A.**

**Date: October 28, 2011**

**Re: December dues deductions**

**Please refer to October, 2010 and October, 2009 (copies of approved memos attached).**

**Once again I am asking that dues deductions for my union be deferred until December 8, 2011 payroll date and for the same reasons as stated in the two previous year's memos.**

**Please let me know that you will do this for us again this year.**

**Thank you for your anticipated cooperation.**

*Joan*



**TAUNTON EDUCATIONAL SECRETARIES  
AND  
ASSISTANTS ASSOCIATION**



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**To: The Honorable Mayor Crowley  
Taunton City Council Members  
Dr. Julie Hackett, Superintendent of School  
Taunton School Committee Members  
Treasurer's Office, Taunton City Hall  
Maureen Buffington, President, T.E.S.A.A.**

**From: Joan Lima, Treasurer, T.E.S.A.A.**

**Date: October 8, 2010**

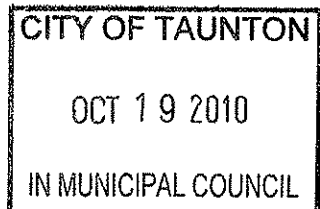
**Re: December dues deductions**

**Please refer to my last year's request (copy of approval memo attached).**

**Once again I am asking that dues deductions for my union be deferred until  
December 9, 2010 payroll date and for the same reasons as stated in my last year's  
memo.**

**Please let me know that you will do this for us again this year.**

**Thank you for your anticipated cooperation.**



Move approval and notify the Treasurer.

*Jennifer Rege*  
Assistant City Clerk



**TAUNTON EDUCATIONAL SECRETARIES  
AND  
ASSISTANTS ASSOCIATION**



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**To: City Hall, Treasurer's Office**

**From: Joan Lima, Treasurer, T.E.S.A.A.**

**Date: October 2, 2009**

**Re: December dues deductions**

**Thanksgiving week is a very short week for our union members – a 2 day pay work week (Monday and Tuesday) and then we are off for the rest of the week (unpaid).**

**Most of our 355 union members will receive a small paycheck the following pay day, Thursday, Dec. 3<sup>rd</sup> because they are getting a 2 day paycheck, minus deductions of health insurance, credit union saving or loan deductions, taxes, pension, etc.**

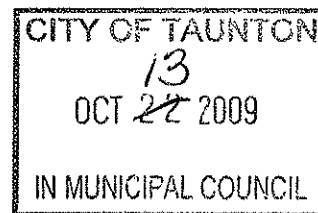
**Most likely there will not be enough of their pay left over for their union deduction to be made though payroll because of the above situation.**

**I am respectfully requesting that in light of the above dilemma, that the treasurer deduct union dues the following Thursday, Dec. 10 when our union members will have worked a full week the week before and there will be enough money in their check to deduct their union dues.**

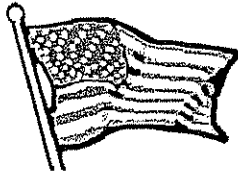
**This is a small, reasonable, and “do-able” request that will make a huge difference in our union treasurer’s bookkeeping. Please let me know that you will do this for us.**

**Thank you for your anticipated cooperation.**

- cc: Mayor Crowley  
Dr. Hackett, Superintendent of Schools  
✓ City Council Members  
School Committee Members  
Maureen Buffington, President, T.E.S.A.A.**



*More approval.  
Notify the Treasurer  
Cov. Buffington  
Voting present  
Rm Blawie, City*



NOVEMBER 1, 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, NOVEMBER 1, 2011 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS**

**5:30 P.M.**

**THE COMMITTEE ON FINANCE & 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 FIRES AND WIRES**

1. MEET WITH THE FIRE CHIEF AND CITY CLERK TO DISCUSS BURNING PERMITS
2. MEET TO REVIEW MATTERS IN FILE

**THE COMMITTEE ON PUBLIC PROPERTY**

1. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES