



AGENDA – SEPTEMBER 28, 2010

INVOCATION ROLL CALL RECORDS

HEARING: *Continued hearing* on the petition submitted by the City of Taunton, 15 Summer St., Taunton for the acceptance of Mary Drive as a public way in the City of Taunton.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Executive Director of Retirement – Notifying of a change of retirement date
- Pg. 2-3 Com. from Fire Chief – Requesting a transfer of funds
- Pg. 4-5 Com. from Fire Chief – Requesting a transfer of funds
- Pg. 6 Com. from City Clerk – Appointment of Two (2) Permanent Full Time Deputy Fire Chiefs
- Pg. 7-8 Com. from City Clerk – Appointment of Two (2) Permanent Full Time Fire Captains
- Pg. 9 Com. from City Clerk – Appointment of One (1) Permanent Full Time Fire Lieutenant
- Pg. 10 Com. from City Clerk – Appointment of One (1) Temporary Full Time Fire Lieutenant
- Pg. 11-13 Com. from Executive Director of Retirement – Local option regarding benefits

PETITIONS

Second Hand Article License

Petition submitted by Beth Janoske for a NEW Second Hand Article License –DBA- Best Buy Stores, LP located at the Silver City Galleria Mall, 2 Galleria Mall Dr.

Transfer of Flammable Storage License

Petition submitted by Energy Retailers, 165 High Street requesting a transfer of owner on a flammable storage license to Jamal Soufan and Alie LLC, 165 High St., Taunton.
(Deed on file)

Claim

Claim submitted by William Snow, 557 Berkley St., Berkley seeking reimbursement for damages to his automobile from hitting a pothole on First Street.

COMMITTEE REPORTS

UNFINISHED BUSINESS

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

ORDERS, ORDINANCES AND ENROLLED BILLS

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

Chapter 19

SEWERS AND DRAINS

**Sec 19-3.1. Procedure for the Assessment of Betterments
For Laying of Common Sewers**

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 19-3.1 of the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding the following:

Sec. 19-3.1 Procedure for the assessment of betterments for the laying of common sewers.

- a. All betterments shall be assessed against owners of property abutting a common sanitary sewer line pursuant to Chapter 80 of the General Laws of the Commonwealth of Massachusetts.
- b. All such betterment assessments shall be based upon a proportionate share of One Hundred (100%) percent of the costs permitted to be included in a betterment assessment pursuant to said Chapter 80 of the General Laws of the Commonwealth of Massachusetts, unless such formula shall violate the provisions of any state or federal law or regulation or the terms of any state or

federal grant or the terms of any loan agreement reached between the City of Taunton and the Water Pollution Abatement Trust of the Commonwealth of Massachusetts pursuant to Chapter 29C of the General Laws of the Commonwealth of Massachusetts.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

NEW BUSINESS

Respectfully submitted,

A handwritten signature in black ink that reads "Rm Blackwell". The signature is written in a cursive, flowing style.

**Rose Marie Blackwell
City Clerk**



CITY OF TAUNTON
Contributory Retirement System

Address: 40 Dean St., Unit 3
Taunton, Massachusetts 02780
Tel (508) 821-1052 Fax (508) 821-1063
www.tauntonretirement.com

**BOARD OF
RETIREMENT**

Chairperson:

Ann Marie Hebert, City Auditor

Elected member: Richard T. Avila

Elected member: Peter H. Corr

Mayoral appointee: Gill E. Enos

Board appointee: A. Joan Ventura

STAFF

Executive

Director:

Paul J. Slivinski

Assistant

Director:

Kathy A. Maki

September 17, 2010

Hon. Charles E. Crowley, Mayor
Taunton Municipal Council
15 Summer St., City Hall
Taunton, MA. 02780

Dear Mayor Crowley and Councilors:

Please be advised of a CHANGE of the retirement date for Carol Souza, an employee of the Risk Management Dept., from October 2, 2010 to a new date of November 5, 2010.

If you have any questions, please feel free to contact our office.

Respectfully yours,

Paul J. Slivinski, CPP
Executive Director



FIRE DEPARTMENT

TAUNTON, MASS. 02780

Office of Chief
RONALD A. NASTRI
50 SCHOOL STREET

Tel. 508-821-1452 -- Fax 508-821-1495

KATE GOVER
Administrative Assistant

September 13, 2010

Rose Marie Blackwell
City Clerk
Taunton City Hall
15 Summer St.
Taunton, Ma. 02780

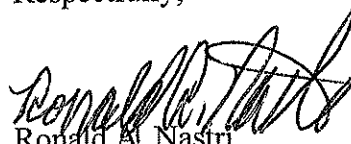
Dear Ms. Blackwell,

I am formally requesting the City Council transfer the sum of **Five Thousand Eight Hundred Fifty Three Dollars and Fifty Cents (\$5,583.50)** be transferred from my Utilities Account (1-220-202-5213) to my Supplies & Materials Account (1-220-202-5790) for the purchase of SAFE Program supplies.

Attached please find the back up documentation regarding this request.

Thank you for your assistance in this matter.

Respectfully,


Ronald A. Nastri
Chief of Department

cc: Mayor Charles Crowley
Clerk of Council Committee
City Auditor

COUNCIL ORDER TRANSFER REQUEST

DATE: 9/13/2010

DEPARTMENT REQUESTING: FIRE

AMOUNT REQUESTING: \$5,853.50

REASON FOR REQUEST: TRANSFER MONIES FROM UTILITIES ACCOUNT
TO SUPPLIES & MATERIALS ACCOUNT

Please list below the account number/name for the requested transfer.

If requesting monies from AVAILABLE FUNDS check here: X

TRANSFER FROM: 1-220-202-5213

TRANSFER TO: 1-220-201-5790

Name: UTILITIES FUEL-OIL HEAT

Name: SAFE PROGRAM SUPPLIES

Amount \$: \$5,853.50

Amount \$: \$ 5,853.50

TRANSFER FROM: _____

TRANSFER TO: _____


Name: _____

Name: _____

Amount \$: _____

Amount \$: _____

DEPARTMENT HEAD SIGNATURE: _____


RONALD A. NASTRI
CHIEF OF DEPARTMENT

TITLE: _____

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

DATE REFERRED TO COMMITTEE ON FINANCE AND SALARY: _____

The above request is hereby: _____ Approved _____ DENIED

DATE APPROVED: _____

AVAILABLE FUNDS TO BE USED (IF REQUESTED): _____

IF DENIED, REASON FOR DENIAL: _____

COUNCIL ORDER NUMBER ASSIGNED: _____

FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM, WITH A FORMAL COVER LETTER REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE FOLLOWING:

- City Clerk-Original
- Mayor's Office
- Clerk of Council Committee
- City Auditor



FIRE DEPARTMENT

TAUNTON, MASS. 02780

Office of Chief
RONALD A. NASTRI
50 SCHOOL STREET

Tel. 508-821-1452 -- Fax 508-821-1495

KATE GOVER
Administrative Assistant

September 13, 2010

Rose Marie Blackwell
City Clerk
Taunton City Hall
15 Summer St.
Taunton, Ma. 02780


Dear Ms. Blackwell,

I am formally requesting the City Council transfer money from my ARRA Fire Service Staffing Grant (Account #20-220-6020-5130-10-000) the sum of **Fifty Thousand Four Hundred Seven Dollars (\$50,407.00)** from available funds in my current budget be moved into the Salaries & Wages.

Attached please find the back up documentation regarding this request.

Thank you for your assistance in this matter.

Respectfully,


Ronald A. NASTRI
Chief of Department

cc: Mayor Charles Crowley
Clerk of Council Committee
City Auditor

5.

COUNCIL ORDER TRANSFER REQUEST

DATE: 9/13/2010

DEPARTMENT REQUESTING: FIRE

AMOUNT REQUESTING: \$50,407.00

REASON FOR REQUEST: TRANSFER MONIES FROM ARRA FIRE SERVICE GRANT MONEY
IN GENRAL FUND TO SALARIES & WAGES ACCOUNT

Please list bellow the account number/name for the requested transfer.
If requesting monies from AVAILABLE FUNDS check here: X

TRANSFER FROM: 20-220-6020-5130-10-000 TRANSFER TO: 1-220-201-5119

Name: ARRA FIRE SERVICE GRANT Name: SALARIES & WAGES

Amount \$: \$50,407.00 Amount \$: \$ 50,407.00

TRANSFER FROM: _____ TRANSFER TO: _____

Name: _____ Name: _____

Amount \$: _____ Amount \$: _____

DEPARTMENT HEAD SIGNATURE: *Ronald A. NASTRI*
RONALD A. NASTRI

TITLE: CHIEF OF DEPARTMENT

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

DATE REFERRED TO COMMITTEE ON FINANCE AND SALARY: _____

The above request is hereby: _____ Approved _____ DENIED

DATE APPROVED: _____

AVAILABLE FUNDS TO BE USED (IF REQUESTED): _____

IF DENIED, REASON FOR DENIAL: _____

COUNCIL ORDER NUMBER ASSIGNED: _____

FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM, WITH A FORMAL COVER LETTER
REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE
FOLLOWING:

- City Clerk-Original*
- Mayor's Office*
- Clerk of Council Committee*
- City Auditor*

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TAUNTON FIRE DEPARTMENT

DATE: September 23, 2010

LOCATION: Taunton

Rose Marie Blackwell, City Clerk
City of Taunton
15 Summer St.
Taunton, MA 02780

Two Permanent Full Time Deputy Fire Chiefs

Applicant Status

Name and Address of Applicant Notified to Report for Interview

Willing to Accept	Declined Appointment	Applicant Signature
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Edward A. Boiros	✓		<i>Edward A. Boiros</i>
<input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment			

Eric P. Dumont	✓		<i>E. Dumont</i>
<input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment			

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TAUNTON FIRE DEPARTMENT

DATE: September 24, 2010

LOCATION: Taunton

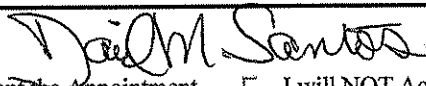
Rose Marie Blackwell, City Clerk
City of Taunton
15 Summer St.
Taunton, MA 02780

Two Permanent Full Time Fire Captains

Applicant Status

Name and Address of Applicant Notified to Report for Interview

Willing to Accept	Declined Appointment	Applicant Signature
----------------------	-------------------------	---------------------

David M. Santos		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment				

*****SEE ATTACHED LETTER FROM CHIEF BRADSHAW FOR THE 2ND APPOINTMENT OF FIRE CAPTAIN---PROVISIONAL APPOINTMENT.

RMB



FIRE DEPARTMENT

TAUNTON, MASS. 02780

Office of Chief
RONALD A. NASTRI
50 SCHOOL STREET

Tel. 508-821-1452 -- Fax 508-821-1495



KATE GOVER
Administrative Assistant

September 23, 2010

Mayor Charles Crowley and
Taunton City Council Members
15 Summer Street
Taunton, MA 02780

RE: Promotion of a Provisional Captain

Dear Honorable Mayor and Council Members;

Please be advised due to several recent staff changes within the Fire Department and the fact that the current Civil Service Captain's list has been exhausted, per Civil Service rules and regulations, I have promoted the senior Lieutenant Mark Riendeau to Provision Captain. He will hold this position until a new Civil Service Captain's list can be established.

Sincerely,

Timothy J. Bradshaw
Chief of Department

TAUNTON FIRE DEPARTMENT

DATE: September 24, 2010

LOCATION: Taunton

Rose Marie Blackwell, City Clerk
City of Taunton
15 Summer St.
Taunton, MA 02780


One Permanent Full Time Fire Lieutenant


Applicant Status


Name and Address of Applicant Notified to Report for Interview

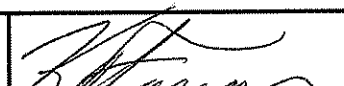
Willing to Accept	Declined Appointment	Applicant Signature
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Michael J. Dunham <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓	
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Glenn J. Crowninshield <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓	
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Mark Dupras <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓	
---	---	---

Kirk Wrigley <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓	
--	---	---

Kevin C. Farrar <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓	
---	---	---

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TAUNTON FIRE DEPARTMENT

DATE: September 24, 2010

LOCATION: Taunton


Rose Marie Blackwell, City Clerk
City of Taunton
15 Summer St.
Taunton, MA 02780


One Temporary Full Time Fire Lieutenant

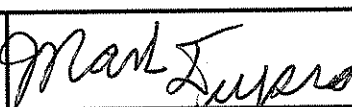
Applicant Status

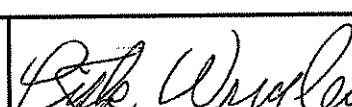
Name and Address of Applicant Notified to Report for Interview


Willing to Accept	Declined Appointment	Applicant Signature
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Michael J. Dunham <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
---	---	--	---

Glenn J. Crowninshield <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
--	---	--	--

Mark Dupras <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
---	---	--	---

Kirk Wrigley <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
--	---	--	---

Kevin C. Farrar <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
---	---	--	---


COPY


CITY OF TAUNTON
Contributory Retirement System
 Address: 40 Dean St., Unit 3
 Taunton, Massachusetts 02780
 Tel (508) 821-1052 Fax (508) 821-1063
www.tauntonretirement.com

**BOARD OF
 RETIREMENT**

Chairperson:
 Ann Marie Hebert, City Auditor

Elected member: Richard T. Avila

Elected member: Peter H. Corr

Mayoral appointee: Gill E. Enos

Board appointee: A. Joan Ventura

STAFF

Executive

Director:

Paul J. Slivinski

Assistant

Director:

Kathy A. Maki

September 1, 2010

Hon. Charles E. Crowley, Mayor
 Taunton Municipal Council
 15 Summer St., City Hall
 Taunton, MA. 02780

Dear Mayor Crowley and Councilors:

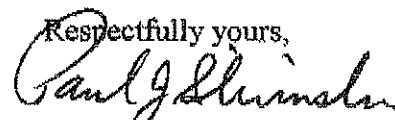
Sections 27 and 28 of the FY2011 State budget established a local option to increase the benefit paid under G.L. c. 32, § 101 to surviving spouses of disability retirees who retired on or before November 7, 1996. Upon acceptance, the allowances of all individuals receiving an allowance pursuant to G.L. c. 32, § 101 will be increased to \$9,000/year. The cost to adopt this provision amounts to \$25,146.84 annually and is .19% of the FY11 pension appropriation. This amount would not increase the FY11 appropriation and is small enough to have a negligible effect on pension costs going forward. Also, any surviving spouses of disability retirees retiring since 11/7/1996 are no longer eligible for this benefit. Therefore, the number of surviving spouses that will be receiving this increase will eventually shrink in number thereby rendering the cost even more negligible.

If a retirement board accepts this local option and the legislative body (city council) approves that action, the increased allowance will go into effect on the date of approval, but not earlier than January 1, 2011. The acceptances are effective upon filing of certifications of the votes with the Public Employee Retirement Administration Commission.

At it's meeting on August 27, 2010, the retirement board voted to approve the increase and respectfully requests concurrent action by the city council.

Thank you in advance for your consideration.

Respectfully yours,



Paul J. Slivinski, CPP
 Executive Director

Encl.

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Amendment to Procedural Provisions of Appeals to CRAB

Section 26 amended G.L. c. 32, § 16(4) changing the procedural requirements for appeals to the Contributory Retirement Appeal Board. The Governor returned this section to the Legislature with amendments. G.L. c. 32, § 16(4) has not been amended as of the date of this writing.

Supplemental Pension Allowance to Surviving Spouses of Disabled Employees

SECTION 27 Section 101 of said chapter 32, as so appearing, is hereby amended by striking out, in line 8, the words "six thousand dollars" and inserting in place thereof the following words:- either \$6,000 or, in a retirement system accepting the supplemental annual allowance as provided in this section, \$9,000.

SECTION 28. Said section 101 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the previous paragraph, a retirement system may accept a supplemental annual allowance fixed at the rate of \$9,000, by a majority vote of the board of each such system, subject to the approval of the legislative body thereof. For the purposes of this section, "legislative body" shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members and, in the case of an authority, the governing body of such authority. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes of this section, the state teachers' and state employees' retirement systems shall be deemed to have accepted the supplemental annual allowance provided for by this section.

SECTION 201. Notwithstanding any general or special law to the contrary, no increases in allowances provided pursuant to sections 27 and 28 shall take effect before January 1, 2011.

Proration of Health Insurance Premiums Between Employers

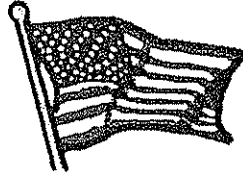
SECTION 29. Said chapter 32B is hereby further amended by inserting after section 9A the following section:-

Section 9A1/2. Whenever a retired employee or beneficiary receives a healthcare premium contribution from a governmental unit in a case where a portion of the retiree's creditable service is attributable to service in 1 or more other governmental units, the first governmental unit shall be reimbursed in full, in accordance with this paragraph, by the other governmental units for the portion of the premium contributions that corresponds to the percentage of the retiree's creditable service that is attributable to each governmental unit. The other governmental units shall be charged based on their own contribution rate or the contribution rate of the first employer, whichever is lower.

The treasurer of the first governmental unit shall annually, on or before January 15, upon the certification of the board of the system from which the disbursements have been made, notify the

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	Currently Monthly	New Monthly	
Survivor #1	727.87	750.00	
Survivor #2	749.71	750.00	
Survivor #3	515.00	750.00	
Survivor #4	749.71	750.00	
Survivor #5	579.63	750.00	
Survivor #6	671.95	750.00	
Survivor #7	727.87	750.00	
Survivor #8	515.00	750.00	
Survivor #9	749.71	750.00	
Survivor #10	749.71	750.00	
Survivor #11	749.71	750.00	
Survivor #12	692.11	750.00	
Survivor #13	652.38	750.00	
Survivor #14	727.87	750.00	
Survivor #15	749.71	750.00	
Survivor #16	727.87	750.00	
Survivor #17	530.45	750.00	
Survivor #18	692.11	750.00	
Survivor #19	579.63	750.00	
Survivor #20	546.36	750.00	
Survivor #21	562.75	750.00	
Survivor #22	579.63	750.00	
Survivor #23	727.87	750.00	
Survivor #24	727.87	750.00	
Survivor #25	671.95	750.00	
	Current Monthly	New Monthly	Monthly Difference
	\$ 16,654.43	\$ 18,750.00	\$ 2,095.57
	Current Annual	New Annual	Annual Difference
	\$ 199,853.16	\$ 225,000.00	\$ 25,146.84



SEPTEMBER 28, 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, SEPTEMBER 28, 2010 AT 5:30 P.M. IN THE FRIEDMAN MIDDLE SCHOOL, 500 NORTON AVENUE, 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 TO REVIEW MATTERS IN FILE

THE COMMITTEE ON PUBLIC HEALTH & ENVIRONMENTAL AFFAIRS

1. MEET WITH ADAM VICKSTROM AND DOCTORS FROM BOARD OF HEALTH, FRED CORNAGLIA, ENVIRONMENTAL COORDINATOR, MS. COLLEEN FERGUSON OF D.E.P. , AND BRUCE CORREIA OF T.M.L.P. TO DISCUSS OAK STREET CONTAMINATION AND WINTHROP STREET CONTAMINATION
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

1. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS PLAIN STREET DRAINAGE PROBLEM
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON POLICE AND LICENSE

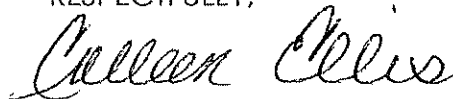
1. MEET WITH THE POLICE CHIEF & DETECTIVE SMITH ON THE FOLLOWING PETITIONS PER CITY ORDINANCE SEC. 12-2 TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M.

- A. BOBBY'S PLACE, 60 WEIR STREET
 - B. FRANK'S GOOD TIME LOUNGE, 381 WINTHROP STREET
 - C. GRAMPY'S, 165 HIGH STREET
 - D. JOE'S DINER, 51 BROADWAY
 - E. MCGRATH'S CAFÉ, 123 WEST WATER STREET
 - F. TAUNTON SUNOCO RAPID REFILL, 231 BROADWAY
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON SOLID WASTE

- 1. MEET IN EXECUTIVE SESSION WITH THE CITY SOLICITOR TO DISCUSS THE LEGAL OPINIONS AND RECOMMENDATIONS FROM OUTSIDE LEGAL COUNCIL IN REGARD TO THE TAUNTON SOLID WASTE PROJECT
- 2. MEET FOR AN UPDATE FROM THE MAYOR ON THE COUNCIL'S REQUEST TO HAVE MEMBERS OF THE BOSTON D.E.P. ATTEND A SOLID WASTE COMMITTEE MEETING FOR FURTHER DISCUSSION ON THE TAUNTON SOLID WASTE PROJECT
- 3. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES