



**MUNICIPAL COUNCIL AGENDA
CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS
141 OAK STREET, TAUNTON, MA 02780**

~
JANUARY 15, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

- State of the City Address

APPOINTMENTS

- 2013 Election of City Official

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Budget Director – Requesting a transfer of funds
- Pg. 2-6 Com. from City Solicitor – Submitting the Attorney General’s decision on an Open Meeting Law complaint
- Pg. 7-13 Com. from City Solicitor – Submitting a decision from the Massachusetts Commission Against Discrimination
- Pg. 14-17 Com. from Executive Director of Retirement – Notifying of certification of funds for FY2014 Pension Fund Appropriation
- Pg. 18-19 Com. from Interim Treasurer/Collector – Submitting a loan order for approval

PETITIONS

Constable License

Application submitted by Albert DeSousa requesting a **RENEWAL** of his Constable License desiring to serve civil process.

RECEIVED
CITY CLERK'S OFFICE
2013 JAN 11 A 10:43
TAUNTON, MA
CITY CLERK

Second Hand Article License

Petition submitted by Josh Muir, General Manager, requesting a **RENEWAL** of the Second Hand Article License for Best Buy Stores, LP located at 2 Galleria Mall Drive, Taunton to buy used electronics.

Hours of Operation License

1. Taunton Mart (Rick's Mobile) for 2011 and 2012 located at 1095 County St., Taunton

Class II Licenses

1. Breno's Collision & Sales Inc. located at 408 Winthrop St., Taunton
2. Thomas Auto Sales located at 445 Winthrop St., Taunton
3. East Taunton Auto Sales located at 9 Old Colony Ave., East Taunton (NEW)
4. A&B Realty Trust located at 288 Broadway, Taunton

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

Order to be ordained on a roll call vote

Ordered That,

That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**

2013 Election of City Officials
for a Three-Year Term Expiring January 2016

City Assessor

Kathy Grein

1.

City of Taunton

Office of the Mayor

Thomas C. Hoye, Jr.
Mayor

Alyssa Gracia
Assistant to the Mayor

Gill E. Enos
Budget Director



141 Oak Street
Temporary City Hall
Taunton, MA 02780
Tel. (508) 821-1000
Fax (508) 821-1005

January 9, 2013

Council President John McCaul and Council Members
141 Oak Street
Temporary City Hall
Taunton, Ma 02780

Dear Council President McCaul and Council Members,

I hereby request a sum of \$26,593.65 from the Reserve Account to be transferred into the Treasurer/Collector's budget for the buyout of Wendy Graves.

01-145-0201-5100	Salary	\$16,562.22
01-145-0201-5191	Unused Sick	\$ 7,833.20
01-145-0201-5193	Unused Personal	\$ 1,196.98
01-145-0201-5197	Unused Vacation	<u>\$ 1,001.25</u>
		\$26,593.65

Thank you for your consideration with this matter.

Regards,

Gill E. Enos
Budget Director

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



City of Taunton
LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

January 7, 2013

Honorable Mayor Thomas C. Hoye, Jr.
Members of the Taunton Municipal Council
141 Oak Street
Taunton MA 02780

RE: AG's Decision on Open Meeting Law Complaint

Dear Mayor Hoye and Members of the Municipal Council:

As you are aware, Ms. Barbara Burgo filed a complaint against the Municipal Council alleging that it violated the Open Meeting Law. Attached hereto please find a copy of the decision from the Attorney General's Office that I received today.

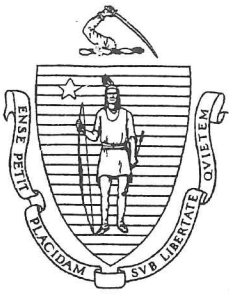
As you can see, the AG's office found that the Council violated the Open Meeting Law by communicating over email. However, the AG's office specifically found that "we do not believe that the Council members acted to intentionally violate the Open Meeting Law," and that they "acknowledge that it can be difficult to determine when a communication serves an administrative function and when it contains substantive discussion in violation of the law." Neither the City nor the Council has in any way been sanctioned as a result of this finding. The AG's office has merely ordered "the Council's immediate and future compliance with the Open Meeting Law."

Thank you, as always, for allowing my office to be of assistance to you and the people of Taunton. Please contact me with any questions that you may have.

Very truly yours,

Jason D. Buffington, Esq.
City Solicitor

Enclosure



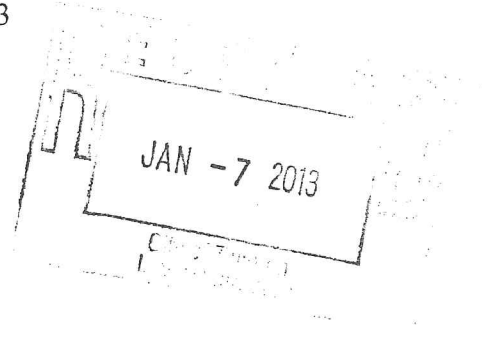
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

January 3, 2013

OML 2013- 01



Jason Buffington
City Solicitor
City of Taunton
141 Oak Street
Taunton, MA 02780

RE: Open Meeting Law Complaint

Dear Attorney Buffington:

This office received an Open Meeting Law complaint from Ms. Barbara Burgo, dated January 10, 2012, alleging that the Taunton City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Specifically, the complaint alleges that an October 21, 2011 letter that Ms. Burgo submitted to the Council was "discussed via e-mails to several city council members without my knowledge and I was denied a public forum." The complaint was first filed with the Council on November 17, 2011. The Council responded by letter on December 6, 2011.

Following our review, we find that the Council violated the Open Meeting Law by communicating over email with respect to a letter submitted by the complainant to the Council. In reaching this determination, we reviewed the November 17, 2011 complaint filed with the Council; the Council's December 6, 2011 response; and the January 10, 2012 complaint. Additionally, we reviewed a letter from the City Solicitor dated February 13, 2012. Finally, we reviewed a series of emails sent and received by members of the Council between October 21, 2011 and October 25, 2011.

FACTS

The Taunton City Council consists of nine voting members. The Mayor presides over the Council, but does not vote and his presence is not measured toward a quorum. As the Chair of the meetings, the Mayor works with the City Clerk to set the agenda ahead of each Council meeting.

4

On October 21, 2011, Ms. Burgo hand-delivered a letter to the Taunton City Clerk's office, and requested that it be placed on the agenda for the Council's meeting scheduled for October 25, 2011. The City Clerk distributed the letter to all the members of the Council.

Following distribution of the letter, a number of emails were exchanged between Council members. Mayor Charles Crowley sent an email to eight of the nine Council members on October 21, 2011, attaching Ms. Burgo's letter and informing them that Ms. Burgo had sent a letter "making wild claims that are untruthful." Following that email, Council members discussed how to consider the letter, whether its content was appropriate, and the source of the content of the letter. While all Councilors were copied on most of the emails, only three actively participated in the discussion. Councilor Sherry Costa Hanlon responded, copying the seven other Council members, stating in part that "I am asking the law department to determine whether this letter needs to be presented in executive session. If not, I believe the letter must be presented in this week's agenda as it was presented in the proper time frame and manner." Assistant City Solicitor Jordan Fiore, who was not a member of the Council, replied-to-all suggesting that the Council consider responding directly to Ms. Burgo. Councilor David Pottier replied-to-all agreeing with Attorney Fiore, and discussed the merits Ms. Burgo's letter. Councilor Pottier stated that "I think some of [Ms. Burgo's] points in the latest letter are simply wrong and it wouldn't make her look good to read it into the record, while it would certainly detract from her opinion that certain groups aren't sufficiently represented in the city."

Councilor Costa Hanlon replied again to the group, including seven other Councilors, stating that the "Point appears moot as the agenda has been released with the letter however, I do want to ensure we have a legal opinion regarding whether all or portions of this letter should be placed on the agenda. I am not dismissing your suggestions but there is a big difference between how we respond as individual councilors and how we respond as The Council..." (emphasis in original). The discussion continued between Councilors Costa Hanlon and Pottier between October 21, 2011 and October 23, 2011, with six other councilors copied on the emails. The discussion centered around how to treat Ms. Burgo's letter, where Ms. Burgo was getting her information, whether to include the letter in the agenda at the next meeting, and whether to open up the floor to allow her and others to address the Council on this matter. Of the Council members, only Councilors Costa Hanlon, Pottier, and Daniel Barbour contributed to the email discussion. The five other Council members included in the email discussion did not participate.

DISCUSSION

The Open Meeting Law requires that "all meetings of a public body shall be open to the public," subject to a narrow list of exceptions that can be conducted in executive session. G.L. c. 30A, § 20(a). The law's purpose is "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978).

A meeting occurs whenever there is "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, §18. The law defines deliberation as "an oral or written communication through any medium, *including electronic mail*, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of a meeting agenda, scheduling

5
information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, *provided that no opinion of a member is expressed*" (emphasis added). Id.

The email exchanges between members of the Council violated the Open Meeting Law. The Open Meeting Law requires all deliberations to occur during a meeting. G.L. c. 30A, § 18. A quorum of the members of a public body may communicate over email in very limited circumstances, specifically to discuss scheduling a meeting, distribution of a meeting agenda, or distribution of other documents to be discussed at a meeting, provided that no opinion of a member is expressed. Id. Here, the initial email from the Mayor that informed eight of the nine Councilors of a letter addressed to the Council was appropriate. The discussion that followed included the opinion of Council members on matters within the Council's jurisdiction. Council members discussed how to consider the letter, whether its content was appropriate, and the source of the content of the letter. Although only three members participated in this discussion, and the majority of the emails were sent by Councilors Costa Hanlon and Pottier, a quorum of the Councilors were included in the email discussion.

The Council argues that the emails sent by the Councilors who participated in the exchange did not run afoul of the law because the discussion was about a decision whether or not Ms. Brugo's letter would be placed on the Council's agenda, which is in the sole discretion of the Mayor and the City Clerk. The Council argues that the decision was not public business within the Council's jurisdiction, as defined in G.L. c. 30A, § 18. While the decision whether to place the letter on the agenda may be within the discretion of the Mayor and the City Clerk, the Council still has jurisdiction over addressing the content of the letter and ultimately deciding how to respond.

The Council additionally argues that "the distribution of the letter via email is a clearly permitted practice under the Open Meeting Law." We agree with the Council that it may distribute a letter over email. The law excludes from the definition of "deliberation" certain administrative tasks such as "the distribution of a meeting agenda" and "the distribution of reports or documents that may be discussed at a meeting." G.L. c. 30A, § 18. That exception includes a strong caveat, however: such administrative communications are permissible "provided that no opinion of a member is expressed." Id. Council members should not have an email discussion expressing opinions following the distribution of a letter or document. See OML 2012-8; OML 2011-37; OML 2011-35.¹ They should either communicate directly with the chair or the person setting the agenda, or discuss the matter during a meeting.

CONCLUSION

We find that the Council violated the Open Meeting Law by communicating over email with respect to a letter submitted by the complainant to the Council. We do not believe that the Council members acted to intentionally violate the Open Meeting Law, and acknowledge that it can be difficult to determine when a communication serves an administrative function and when it contains substantive discussion in violation of the law. Our best advice continues to be that public bodies not communicate over email at all except for distributing meeting agendas,

¹ Open Meeting Law determinations may be found at the Attorney General's Website, www.mass.gov/ago/openmeeting.

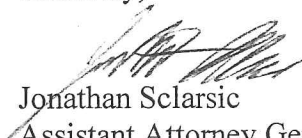
scheduling meetings, and distributing documents created by non-members to be discussed at meetings, which are administrative tasks specifically sanctioned under the Open Meeting Law.

6

As a result of this violation, we order the Council's immediate and future compliance with the Open Meeting Law.

We appreciate the patience and cooperation of the parties during this investigation, and now consider this matter closed. This letter does not resolve any other complaints which may have been filed with our office or the Council. Please contact me if you have any questions or believe any of the facts in this letter are inaccurate.

Sincerely,


Jonathan Sclarsic
Assistant Attorney General
Division of Open Government

cc: Barbara Burgo

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of this order.



City of Taunton
LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

January 7, 2013

Honorable Mayor Thomas C. Hoye, Jr.
Members of the Taunton Municipal Council
141 Oak Street
Taunton MA 02780

**RE: Barbara Burgo v. City of Taunton
Massachusetts Commission Against Discrimination, Docket No. 11NPA02813**

Dear Mayor Hoye and Members of the Municipal Council:

As you know, Ms. Burgo claimed that the City discriminated against her on the basis of race, color, and gender. By letter dated June 5, 2012, I provided you with a copy of the MCAD's decision which found that there was a "Lack of Probable Cause," and dismissed Ms. Burgo's complaint accordingly.

Ms. Burgo appealed that decision. The City was forced to defend against the appeal. Attached hereto please find the decision of the MCAD in which the City prevailed yet again. Accordingly, the case filed by Ms. Burgo remains dismissed.

Thank you, as always, for allowing my office to be of assistance to you and the people of Taunton. Please contact me with any questions that you may have.

Very truly yours,

Jason D. Buffington, Esq.
City Solicitor

Enclosure

The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024

8
JAN - 7 2013

- DISMISSAL and NOTIFICATION of RIGHTS - JAN 03 2013

To: Barbara D. Burgo 3 LedgeWood Blvd., Apt. B25 North Dartmouth, MA 02747	Case: Barbara Burgo v. City of Taunton MCAD Docket Number: 11NPA02813 EEOC Number: Investigator: Joshua Papapietro
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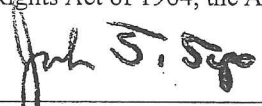
Your complaint has been dismissed for the following reasons:

- The facts alleged fail to state a claim under any of the statutes the Commission enforces.
- Respondent employs less than the required number of employees.
- Your complaint was not timely filed with the Commission, i.e. you waited too long after the date(s) of the alleged discrimination to file. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.
- You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conference, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint. You have had more than 30 days in which to respond to our written request.
- The Commission's efforts to locate you have been unsuccessful. You have had at least 30 days in which to respond to a notice sent to your last known address.
- The Respondent has made a reasonable settlement, offering full relief for the harm you alleged. 30 days have expired since you received actual notice of this settlement offer.
- The Commission issues the following determination. Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes a violation of the statutes. This does not certify that the Respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this complaint.
- Other (briefly state)

- NOTICE of APPEAL -

If you wish to appeal the dismissal of your complaint and believe that the above stated reason for dismissal is incorrect, you may appeal to this Commission within 10 days after receipt of this notice. You or your attorney must make your appeal of the dismissal in writing to the appeals clerk of this Commission. **Attention: Nancy To.**

All employment complaints, where applicable, were filed by the MCAD with the Equal Employment Opportunity Commission. Our finding, which will be forwarded to its area office, JFK Federal Building, Boston, MA will be given substantial weight provided that such findings are in accordance with the requirements of Title VII of the Civil Rights Act of 1964, the ADEA, and/or the ADA, as amended.



Julian T. Wynes
Investigating Commissioner

12/31/2012

Date

Cc:

City of Taunton
Attn: Human Resources
141 Oak Street
Taunton, MA 02780

Jason D. Buffington, City Solicitor
City of Taunton
Law Department
141 Oak Street
Taunton, MA 02780

Peter D. Berry, Esq.
Deutsch Williams Brooks DeRensis & Holland, P.C.
One Design Center Place, Suite 600
Boston, MA 02210

INVESTIGATIVE DISPOSITION

Case Name: Barbara Burgo v. City of Taunton
 MCAD Docket No.: 11NPA02813
 Investigator: Joshua Papapietro, Compliance Officer
 Recommendation: **Lack of Probable Cause**

Introduction

On October 26, 2011, Complainant filed the present charge alleging Respondent discriminated against her by denying her access to, or benefit from the services, privileges, and advantages of a place of public accommodation based on her race and color (Black) and sex (Female) in violation of M.G.L. c. 272 § 98.

A determination of Lack of Probable Cause in the present charge was found on May 20, 2012. An appeal was heard on August 28, 2012. On September 26, 2012, the matter was remanded for additional investigation for the purpose of investigating: 1) the number of speakers from the General Public that were allowed to address Respondent's Council the night of October 25, 2011; 2) when the other speakers signed up to be placed on the agenda; 3) When the order of said speakers was established and how it was established.

Complainant's Allegations¹

Complainant states the following allegations. In February 2011, Complainant emailed W.G., Treasurer for Respondent, requesting the "Top 100 Salary Earners" of Respondent City and was denied access to the public records. In April 2011, the "Top 100 Salary Earners" were sent to all council members, school committee members and the Respondent Municipal Light Plant. However, Complainant was excluded from the information that Complainant requested. In October 2011, Complainant requested the minority population who have been selected by Respondent and appointed to Respondent political office. On October 18, 2011, Complainant attended a Respondent Municipal Council meeting to obtain data that Complainant previously requested, and she was given a copy of an affirmative action plan from 2000 and a copy of a job position announcement for Respondent treasurer. However, Complainant was not given a copy of data regarding affirmative action hiring compliance and appointments. On October 25, 2011, Complainant was not allowed to speak at Respondent's City Council meeting.

Respondent's Position²

Respondent states the following allegations. Complainant is a former resident of Respondent City. On February 8, 2011, W.G., Treasurer for Respondent, received an

¹ These are Complainant's allegations from her Complaint that were reviewed in the previous disposition.

² These are Respondent's assertions from its Position Statement that were utilized in the previous disposition.

11

email from a person who indicated that her name was "Barbara (Monteiro) Burgo." Complainant did not call or stop into the Treasurer's Office. The email did not divulge Complainant's race or ethnicity and W.G. was completely unaware of Complainant's race. The email asked for the "Top 100 Salary Earners" of Respondent City. Complainant further stated in the email that she was "told that the City Treasurer can pull this information together in short order because it is readily available in your records." Complainant asked for a copy of the list and that it be printed in the local daily newspaper.

On February 17, 2011, W.G. responded to the email. W.G. indicated that she diligently researched Complainant's request and that there is not a report that can simply turn out the list that was requested. More specifically, W.G. informed Complainant that "it would be a very long and arduous task of pulling this information together" in order to generate such a report. Given the significant demands upon W.G.'s office and the limited resources granted to the office, W.G. did not go through the significant effort to generate such a list. On April 8, 2011, following a written request from the City Councilor, D.P., and Mayor T.C., W.G. was instructed to begin the process of compiling such a list. On April 21, 2011, W.G. completed the task of compiling the list and emailed it to Mayor T.C. and Councilor D.P. The list was ultimately published in the local newspaper as Complainant wanted. Respondent believes Complainant ultimately obtained the list.

Respondent is unaware of another request in October 2011 that Complainant describes in her MCAD complaint. On October 18, 2011, Complainant did attend the public meeting of the Municipal Council held that day. The meeting was televised and video recorded. Respondent did not deny Complainant admission to the Municipal Council chambers on the relevant day. Complainant was granted the opportunity to speak publicly at the meeting held on October 18, 2011. Meetings of Respondent Municipal Council are not in the format of the town meeting style where any person can simply stand up at a microphone and be granted, as a matter of right, the opportunity to speak. Based on the Rules and Orders of the Municipal Council, the right to speak at the meeting is based on a majority vote of the Municipal Council. On October 18, 2011, a motion was made, which passed unanimously, to allow Complainant to speak. Complainant did speak at length.

The speaker immediately following Complainant was the Respondent's Human Resources Director, M.G. M.G. spoke at the same podium and introduced herself to Complainant. Complainant apparently was irked that M.G. did not recognize Complainant and while M.G. was speaking at the podium, Complainant rudely interrupted M.G. and at one point stated "maybe you think we all look alike." It is easy to see how such inflammatory and inappropriate comments as these by Complainant did not engender a positive feeling in the Municipal Council chambers. On October 25, 2011, Complainant was present at the Municipal Council meeting. No member of the Municipal Council chose to make a motion pursuant to the Rules and Orders of the Municipal Council to allow Complainant to speak at the meeting. Given the manner in which Complainant conducted herself at the meeting just seven days prior, and particularly in the absence of a formal request from Complainant to speak, the Municipal Council actions on October 25, 2011, were reasonable.

Summary of Investigation and Analysis

Denial of Public Accommodation

M.G.L. Chapter 272, Section 98 prohibits a place of public accommodation from denying a person the opportunity to fully and equally participate in or benefit from the services, privileges, and advantages of a place of public accommodation on the basis of race and color and sex. Complainant alleges she was denied the opportunity to speak at Respondent's City Council meeting on October 25, 2011, due to her race and color (Black) and sex (Female).³

After further investigation based on video footage of the relevant Municipal Council meeting on October 25, 2011, there was only one member of the general public that was allowed to speak at the Municipal Council meeting. There were however other individuals as part of committees and organizations that were called to speak to Respondent's Municipal Council about different projects being performed in Respondent's City. The investigation reveals the individual from the general public was L.M. and during her speech she raised the same concerns that Complainant had raised when Complainant was allowed to speak at the previous Municipal Council meeting on October 18, 2011. The investigation reveals that L.M. submitted a letter that is attached as part of the Municipal Council meeting agenda, which states "I read with interest Taunton Daily Gazette's account of the October 18, 2011 City Council meeting and would like to take a few moments of the Council's time on October 25, 2011, to speak on behalf of [Complainant] and the issues she raised. As a lifelong resident of the City, I share her views and think that the discussion is long overdue." The investigation reveals that L.M. identifies herself as Black. Consequently, the only individual from the general public that was allowed to speak at the meeting on October 25, 2011, is within Complainant's protected classes.

Respondent provided further information regarding the process for determining whether and how members of the general public might speak at a Municipal Council meeting. Respondent asserts councilors are guided by two key legal provisions. The first is M.G.L. c. 30A, § 20(f), which states "No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent." The second is in Appendix A: Rules and Orders of the Municipal Council, § 8(b), which states "Any member of the public shall be allowed to speak upon a majority vote of the Municipal Council." The investigation reveals L.M. submitted a request to speak at the Municipal Council meeting on October 19, 2011, six days prior to the relevant Municipal Council meeting. The investigation reveals that L.M. was called up at the end of the Municipal Council meeting in the same way that Complainant was called up, when she was allowed to speak at the Municipal Council meeting on October 18, 2011. The

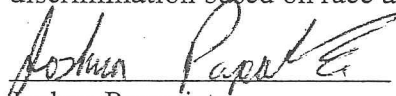
³ Complainant's ancillary claims were discussed in the previous determination of a Lack of Probable Cause. Moreover the questions to be reviewed as part of the remand deal only with Complainant's allegation that she was denied based on her race and color (Black) and sex (Female) the opportunity to speak at the Municipal Council meeting on October 25, 2012.


investigation reveals based on the Municipal Council meeting agenda and attachments for October 18, and 25, 2011 that Complainant did request to speak to Respondent's Municipal Council on October 18, 2011 by submitting a letter dated October 11, 2011, but there is no evidence that she submitted a letter requesting to speak to Respondent's Municipal Council before the meeting on October 25, 2011. In addition, L.M. indicated she was going to speak on Complainant's behalf at the meeting on October 25, 2011.

As asserted in Respondent's Position Statement and supported by further review of the video footage of the Municipal Council meeting on October 18, 2011, Complainant did interrupt M.G. and state at one point "maybe you think we all look alike" in reference to Complainant's race and color (Black). Respondent asserts in its Position Statement that no member of the Municipal Council chose to make a motion pursuant to the Rules and Orders of the Municipal Council to allow Complainant to speak at the meeting on October 25, 2011. Respondent asserts it was due to the manner in which Complainant conducted herself at the meeting just seven days prior, and particularly in the absence of a formal request from Complainant to speak on October 25, 2011. As stated earlier, Respondent's Municipal Council did allow L.M. to speak at the Municipal Council meeting on October 25, 2011. Therefore Complainant fails to establish that Respondent's reason for not allowing her to speak at the Municipal Council meeting on October 25, 2011, was based on her race and color (Black) or sex (Female).⁴

Conclusion

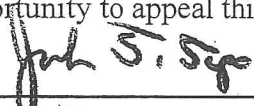
A finding of Lack of Probable Cause is recommended against City of Taunton for discrimination based on race and color (Black) and sex (Female).

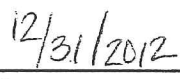

Joshua Papapietro
Compliance Officer


Lila L. Roberts
Enforcement Advisor

Disposition

Pursuant to section 5 of M.G.L. c. 151B of the Massachusetts General Laws, and in conformity with the foregoing findings, I have this day determined that a **Lack of Probable Cause** is being rendered on this case. Complainant will be afforded the opportunity to appeal this decision.


Julian F. Tynes
Investigating Commissioner


Date

⁴ The investigation further reveals that Respondent on October 18, and 25, 2011, allowed Complainant and then L.M., on Complainant's behalf, to speak about concerns of minorities in Respondent's City. Ultimately, the investigation reveals Respondent agreed on October 25, 2011, to further discuss these issues during a subsequent committee meeting of the Municipal Council.



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

14

**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

December 28, 2012

Hon. Thomas C. Hoye, Jr., Mayor
Taunton Municipal Council
141 Oak St., Temporary City Hall
Taunton, MA. 02780

Dear Mayor Hoye and Councilors:

Under the provisions of Massachusetts General Laws Chapter 32, Section 22(7)c(iii), the Taunton Retirement Board voted on 12/21/2012 to certify the amount of \$14,202,211.00 for the FY2014 Pension Fund Appropriation and to notify the Mayor and Municipal Council and member units of the same.

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

Respectfully yours,

Paul J. Slivinski, CPP
Executive Director

cc: Taunton Housing Authority
Greater Attleboro-Taunton Regional Transit Authority

Encl.

15

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | ALAN MACDONALD | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. McCARTHY | GREGORY R. MENNIS

RECEIVED
2012 DEC - 3 A 10:39
CITY OF TAUNTON
RETIREMENT BOARD

MEMORANDUM

TO: Taunton Retirement Board
Joseph E. Connarton
FROM: Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2014
DATE: November 29, 2012

Required Fiscal Year 2014 Appropriation: **\$14,202,211**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2014 which commences July 1, 2013.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2014 appropriation to be paid by each of the governmental units within your system. The allocation by governmental unit was determined by Buck as part of their January 1, 2012 actuarial valuation.

The current schedule is/was due to be updated by Fiscal Year 2016.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

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Taunton Retirement Board

Projected Appropriations

Fiscal Year 2014 - July 1, 2013 to June 30, 2014

Aggregate amount of appropriation: **\$14,202,211**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2014	\$16,655,979	\$13,885,990	\$316,221	\$14,202,211	\$14,202,211	\$0	\$2,453,768
FY 2015	\$17,364,989	\$14,422,705	\$330,451	\$14,753,156	\$14,753,156	\$0	\$2,611,833
FY 2016	\$18,103,613	\$14,868,524	\$345,321	\$15,213,845	\$15,213,845	\$0	\$2,889,768
FY 2017	\$18,873,090	\$15,447,735	\$360,861	\$15,808,596	\$15,808,596	\$0	\$3,064,494
FY 2018	\$19,674,706	\$16,049,822	\$377,100	\$16,426,922	\$16,426,922	\$0	\$3,247,784

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.



Breakouts

F:\ACT\13007.2012\Valuation Report\T1\amort2012_Val_V01 (Updated Option D - all and back 4%) - (09/20/20) for APR 1st Cost - REVISED PAGE.35.xls@Printout.com - Funding.xls

	Non-Light Subtotal	Total	City	GATRA	Landfill	Sewer	Water	Nursing Home	Light	Housing
(1) Participants										
(a) Actives	945	1,098	766	17	1	0	32	96	153	33
(b) Inactives	264	267	172	0	0	0	1	84	3	7
(c) Retirees and Beneficiaries	516	644	451	4	0	11	21	15	128	14
(e) Disabled Retirees	78	98	62	0	0	3	3	9	20	1
(f) Total	1,803	2,107	1,451	21	1	14	57	204	304	55
(2) Payroll of Active Participants	42,000,859	55,614,435	34,707,011	708,175	63,010	0	1,533,216	3,164,688	13,613,576	1,824,759
Percent of Total Payroll	75.52%	100.00%	62.41%	1.27%	0.11%	0.00%	2.76%	5.69%	24.48%	3.28%
(3) Normal Cost										
(a) Total Normal Cost	5,702,904	7,591,467	4,858,695	90,133	5,405	0	141,554	418,661	1,888,563	188,457
(b) Expected Employee Contributions	3,575,984	4,773,276	2,953,451	60,816	5,963	0	121,378	271,739	1,197,292	162,637
(c) Administrative Expenses	299,898	410,000	266,330	2,261	153	2,589	11,487	9,619	110,102	7,458
(d) Net Employer Normal Cost (a) - (b) + (c)	2,426,818	3,228,191	2,171,574	31,578	-405	2,589	31,663	156,541	801,373	33,278
(4) Actuarial Accrued Liability	247,969,736	339,006,864	220,214,294	1,869,504	126,569	2,140,695	9,498,247	7,953,788	91,037,128	6,166,638
(5) Assets*	153,466,064	209,808,060	136,288,491	1,157,018	78,332	1,324,855	5,878,373	4,922,522	56,341,996	3,816,472
(6) Unfunded Actuarial Accrued Liability (4) - (5)	94,503,672	129,198,804	83,925,803	712,486	48,237	815,840	3,619,874	3,031,266	34,695,132	2,350,166
(7) Amortizations										
(a) Unfunded Actuarial Accrued Liability	6,193,324	8,467,079	5,500,101	46,693	3,161	53,466	237,229	198,655	2,273,755	154,019
(b) Early Retirement Incentive	163,009	185,451	79,322	0	0	16,678	31,726	6,854	22,442	28,428
(c) Holiday	90,221	121,039	82,806	0	48	805	3,572	2,991	30,818	0
(8) Total Required Employer Contributions (3d) + (7)	8,873,372	12,001,760	7,833,803	78,271	2,804	73,538	304,190	365,041	3,128,388	215,725
(9) Fiscal 2013 Cost	9,608,298	12,834,834	8,521,834	52,271	1,651	102,545	331,088	363,443	3,226,535	235,468
Percentage of total	74.86%	100.00%	66.40%	0.41%	0.01%	0.80%	2.58%	2.83%	25.14%	1.83%
(10) Fiscal 2014 Cost	10,492,249	14,202,211	9,265,761	91,464	3,471	87,639	363,629	424,349	3,709,962	255,935
Percentage of total	73.88%	100.00%	65.24%	0.64%	0.02%	0.62%	2.56%	2.99%	26.12%	1.80%
(11) Fiscal 2015 Cost	10,896,962	14,753,156	9,626,236	94,741	3,640	91,540	379,251	439,270	3,856,195	262,283
(12) Fiscal 2016 Cost	11,232,961	15,213,845	10,000,927	98,135	3,817	75,263	356,832	454,712	3,980,884	243,274
(13) Fiscal 2017 Cost	11,670,784	15,808,596	10,390,401	101,652	4,002	78,604	372,097	470,695	4,137,812	253,333
(14) Fiscal 2018 Cost	12,125,907	16,426,922	10,795,250	105,294	4,197	82,094	388,020	487,237	4,301,015	263,814

* Allocation is based on the ratio of the Actuarial Accrued Liability



CITY OF TAUNTON
MASSACHUSETTS

TREASURY DEPARTMENT

18

JAYNE D. ROSS, CMMT, CMMC
TREASURER/COLLECTOR

15 Summer Street
Taunton, MA 02780

Telephone (508) 821-057
FAX (508) 821-1007

January 11, 2013

Mr. John McCaul, Council President
and Members of the Municipal Council
141 Oak St
Taunton, Ma 02780

Re: State Qualified Bond Authorization

Dear Council President McCaul and Councilors:

Attached is a loan order authorizing the City to request approval from the appropriate officials of the Commonwealth to allow the City to issue bonds under the State Qualified Bond Act (SQBA). The SQBA is a program under which debt service payments on bonds issued by the City are paid directly from the Commonwealth semi-annually and the amount of the payments are deducted from the City's quarterly state aid allotments. SQBA Bonds are rated Aa3 by Moody's Investors Service and AA- by Standard & Poor's, three rating notches higher than the City's current A3 Moody's bond rating and two notches higher than the City's current A Standard & Poor's rating. The higher bond ratings translated into lower interest rates on the City's SQBA bonds. SQBA bonds also provide additional structuring flexibility with the timing and amounts of principal payments. Due to the current economic turbulence and lack of Aaa rated bond insurance companies, the difference in interest rates for Aa (and Aaa) rated bonds and A (and lower) rated bonds has never been greater. Depending upon the size of the City's future bond issues, the SQBA credit enhancement will save the City tens of thousands or hundreds of thousands of dollars in additional interest expense over the life of the bonds.

This order requires a **majority vote** at a regular or duly called special meeting of the City Council.

If you have additional questions or concerns regarding these procedures, please do not hesitate to contact me.

Sincerely,

Jayne D. Ross
Treasurer/Collector

cc: Mayor Thomas C Hoye, Jr
Gill Enos, Budget Director



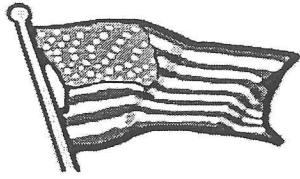
CITY OF TAUNTON

In Municipal Council JANUARY 11, 2013 20.....

Ordered, That

That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

..... *Clerk.*



JANUARY 15, 2013

HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT JOHN M. McCAUL
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE: THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, JANUARY 15, 2013 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 PM.

THE COMMITTEE ON FINANCE & 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

PLEASE NOTE: A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH DAVID ENOS, SEALER OF WEIGHTS AND MEASURES, TO DISCUSS PROPOSED FEE INCREASES.
2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE: A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

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 2013 JAN 11 A 9 33
 TAUNTON, MA
 CITY CLERK