



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

~
MARCH 18, 2014 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING:

Continued Hearing: on the Special Permit modification submitted by Jose J. Lopez, 44-47 Taunton Green, Taunton to allow entertainment use in conjunction with a restaurant (El Mariachi), 44-47 Taunton Green located in the Central Business District.

- Com. from Chairman, Taunton Planning Board – Submitting a positive recommendation (with department comments)
- Com. from City Clerk – Requesting petitioner's appearance

HEARING:

On the proposed zoning changes to the City of Taunton Ordinance dated November 12, 2013:

Section 5.3.5 – Re-construction

- Com. from Chairman, Taunton Planning Board – Submitting a recommendation (with department comments)

HEARING:

On the petition of Attorney David T. Gay, Gay & Gay PC, 73 Washington St., P.O. Box 988, Taunton on behalf of his client, John Greene, 62 Cliff St., Plymouth, MA for the issuance of a Special Permit to allow:

A 46,000 sq. ft. registered Medical Marijuana Dispensary at 30 Mozzone Blvd located in an Industrial District.

- Com. from Chairman, Taunton Planning Board – Submitting a recommendation (with department comments)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

RECEIVED
CITY CLERK'S OFFICE
2014 MAR 14 A 11:2
TAUNTON, MA
CITY CLERK

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-7 Com. from Superintendent of Buildings – Responding on DCAMM regulation
- Pg. 8-9 Com. from City Solicitor – Fire Watch for 437 Whittenton St.
- Pg. 10 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 11 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 12 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 13 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 14 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 15 Com. from Sheri Cohen, Chairperson, Norton Founders Day Picnic and Fireworks Committee, 70 East Main St., Norton – Requesting use of the portable stage
- Pg. 16 Com. from Paul Curley, Sporting Events Manager, American Lung Association, 96 Partridge Circle, Taunton – Requesting approval for a bicycle event

PETITIONS

Hours of Operation License

1. Hess Express located at 943 County St., Taunton

Claims

Claim submitted by Joseph Inacio, 10 Birch Circle, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Plain Street toward Water St.

Claim submitted by Kathleen Rusek, 10 Woodview Dr., Lakeville seeking reimbursement for damages to her automobile from hitting a pothole on Danforth St. near Maxwell St.

Claim submitted by Joanne Waddell, 10 Thayer Dr., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Whittenton St. near the old Whittenton Mills.

Claim submitted by Russell Bruce, 9 Johnson Dr., Lakeville seeking reimbursement for damages to his automobile from hitting a pothole on Rhode Island Road near Matthew Street.

Claim submitted by Aaron Hohos, 3 Lang St., Lakeville seeking reimbursement for damages to his automobile from hitting a pothole in front of 159 North Precinct Street.

Claim submitted by Susan Cowing Paulson, 9 Jeffrey Lane, Assonet seeking reimbursement for damages to her automobile from hitting a pothole on Berkley Street near Mechanic Street.

Com. from Gary Babcock, 19 Josephine Ct., Fall River seeking reimbursement for damages to his automobile from hitting a pothole on Berkley Street near Mechanic Street.

Com. from Melissa Teixeira, 115 Davenport St., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Ingells Street at the intersection of High Street.

Com. from Yvette Beland, 41 Ilana Circle, Taunton seeking reimbursement for damages to her automobile from hitting a pothole in front of 11 Hart Street near the train tracks.

Claim submitted by Ryan Fitzgerald, 575 Middleboro Ave., East Taunton seeking reimbursement for damages to his automobile from hitting a pothole on High Street near the intersection of Cushman St.

Claim submitted by David Marcelino, 685 Glebe St., Taunton on behalf of his mother, Celeste Marcelino who is seeking reimbursement for damages to her automobile from hitting a pothole on Tremont Street at the intersection of Clifford St.

Claim submitted by Nancy Daley, 25 Stephanie Circle, East Taunton seeking reimbursement for damages to her vehicle from hitting a pothole in front of Precinct Street.

Claim submitted by Alissa Greene, 217 Washington St. 2R, Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Whittenton Street between Cottage St. and Second Ave.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

- Ordered That,
At a regular meeting of the Municipal Council, held on February 25, 2014, the Municipal Council voted to adopt M.G.L. Chapter 40, Section 8J and Allocate and Segregate the Handicapped Parking Violation Funds to a separate account.

NEW BUSINESS

Respectfully submitted,

A handwritten signature in cursive script that reads "RM Blackwell".

**Rose Marie Blackwell
City Clerk**

HEARING



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

January 17, 2014

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

C/O Rosemarie Blackwell, City Clerk

RE: Special Permit – 44-47 Taunton Green – Entertainment use in conjunction with Restaurant

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on January 16, 2014 the Taunton Planning Board reviewed the proposal for entertainment use in conjunction with a restaurant at 44-47 Taunton Green, located in the Central Business District. .

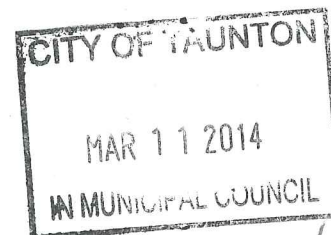
The Taunton Planning voted unanimously to forward a **positive** recommendation to the Municipal Council on this proposal for Entertainment as described at meeting.

Very truly yours,

Daniel P. Dermody (CJP)

Daniel P. Dermody, Chairperson
TAUNTON PLANNING BOARD

DPD/djp



*Hearing Court for
1 week.*

*See communication
sent to Mr.
Lopez.*

Dec. 27. 2013 4:54PM

HEARING



FIRE DEPARTMENT

TAUNTON, MASS. 02780

rec'd.
12-27-13

Chief of Dept.
Timothy J. Bradshaw

FIRE PREVENTION BUREAU
2 KILMER AVENUE

Fire Inspector
Capt. Robert J. Bastis Jr.

TEL. (508) 821-1453 – FAX # (508) 821-1491

December 27, 2013

Department of Planning and Conservation
Mr. Kevin Scanlon
City Planner
15 Summer Street

Re: Special Permit- 44-47 Taunton Green, entertainment

Applicant, please review the requirements in the Massachusetts Board of Fire Prevention Regulations for crowd manager requirements 527 CMR 10.13 and overcrowding 527 CMR 10.17.

A handwritten signature in black ink, appearing to read "Capt. Robert J. Bastis Jr.".

Capt. Robert J. Bastis Jr.
Fire Inspector

Cc: Chief Bradshaw



City of Taunton
Board of Health
45 School Street
Massachusetts 02780-3212

HEARING
BOARD MEMBERS
DR. BRUCE E. BODNER
DR. C. NASON BURDEN
DR. JOSEPH F. NATES

1-814

HEATHER L. GALLANT, MPH, RS, CHO
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

January 6, 2014

TO: Planning Board

FROM: Adam S. Vickstrom
Assistant Executive Director
Board of Health

RE: Special Permit – 44 – 47 Taunton Green, Entertainment

The Board of Health has reviewed the following

Special Permit – 44 – 47 Taunton Green, Entertainment

The Board of Health has no comments.

HEARING

12-30-13



City of Taunton, Massachusetts

**CONSERVATION
COMMISSION**

*15 Summer Street
Annex Building
Taunton, Massachusetts 02780*

Phone 508-821-1095 Fax 508-821-1665

Conservation Commissioners

*Steven Turner, Chair
Debbie Botellio, Vice Chair
Renwick Chapman, PE
Ernest Enos
Luis Freitas
Marla Isaac
Neil Kelly*

December 30, 2013

Daniel Dermody, Chair
Members of Taunton Planning Board
15 Summer Street
Taunton, MA 02780

RE: Special Permit – 44-47 Taunton Green, Entertainment

Dear Mr. Dermody and Members of the Taunton Planning Board,

There are no conservation issues regarding the proposed zoning change.

Sincerely,


Michele Restino
Conservation Agent

HEARING



City Clerk's Office
City of Taunton

Temporary City Hall
141 Oak Street
Massachusetts 02780, U.S.A.
Telephone 508-821-1024
Fax 508-821-1098
Cityclerk@tmlq.net

Rose Marie Blackwell
City Clerk

Jennifer L. Leger
Assistant City Clerk

March 13, 2014

Mr. Jose Lopez
El-Mariachi
44-47 Taunton Green
Taunton, MA 02780

VIA FAX: 508-821-2503

Dear Mr. Lopez:

At a regular meeting of the Municipal Council held on Tuesday, March 11, 2014 the Municipal Council motioned that you attend the continued hearing on your request for a special permit modification to allow entertainment at your restaurant located at 44-47 Taunton Green. This meeting is scheduled for Tuesday, March 18, 2014 at 7:00 PM in the Chester R. Martin Municipal Council Chambers, 141 Oak St., Taunton.

Additionally, the Council requested that you submit a written proposal with your signature, which defines the parameters of the entertainment you have planned.

Thank you for your attention to this matter.

Sincerely,

Rose Marie Blackwell
City Clerk
On Behalf of the Municipal Council



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1665

January 17, 2014

Honorable Mayor Thomas Hoye and
Members of the Municipal Council
City Hall, 15 Summer Street
Taunton, MA 02780

C/O Rosemarie Blackwell, City Clerk

RE: PROPOSED ZONING CHANGE – SECTION 5.3.5 – RE-CONSTRUCTION

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on January 16, 2014 the Taunton Planning Board held their public hearing on the proposed zoning changes dated November 12, 2013 – Section 5.3 5 – Re-Construction (copy attached)

The Taunton Planning voted unanimously to send a **positive** recommendation to the Municipal Council on this change.

Very truly yours,

Daniel P. Dermody, Chairperson
TAUNTON PLANNING BOARD

DPD/djp

PROPOSED ZONING CHANGE

HEARING

rec'd.
12-27-13



City of Taunton, Massachusetts

**CONSERVATION
COMMISSION**

15 Summer Street

Annex Building

Taunton, Massachusetts 02780

Phone 508-821-1095 Fax 508-821-1665

Conservation Commissioners

*Steven Turner, Chair
Debbie Botellio, Vice Chair
Renwick Chapman, PE
Ernest Enos
Luis Freitas
Marla Isaac
Neil Kelly*

December 27, 2013

Daniel Dermody, Chair
Members of Taunton Planning Board
15 Summer Street
Taunton, MA 02780

RE: Proposed Zoning Change – Section 5.3.5 – Re-Construction

Dear Mr. Dermody and Members of the Taunton Planning Board,

There are no conservation issues regarding the proposed zoning change.

Sincerely,

Michele Restino
Conservation Agent



PROPOSED ZONING CHANGE

City of Taunton

Board of Health

45 School Street
Massachusetts 02780-5212

HEARING

BOARD MEMBERS
DR. BRUCE E. BODNER
DR. C. NASON BURDEN
DR. JOSEPH F. NATES

HEATHER L. GALLANT, MPH, RS, CHO
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

December 11, 2013

TO: Planning Board

FROM: Adam S. Vickstrom
Assistant Executive Director
Board of Health

RE: Proposed Zoning Change – Section 5.3.5 – Re-Construction

rec'd.
12-11-13

The Board of Health has reviewed the following

Proposed Zoning Change – Section 5.3.5 – Re-Construction

The Board of Health has no comments.

Proposed Change to the City of Taunton Zoning Ordinance
Dated November 12, 2013

Currently Reads:

5.3.5 Reconstruction

Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner shall not be rebuilt, repaired, reconstructed nor altered unless for a purpose permitted in the zoning district in which such building is located.

Any non-conforming building or structure destroyed voluntarily to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner shall not be rebuilt, repaired, reconstructed nor altered. Any new construction on-site shall comply with zoning requirements and shall be utilized for a purpose permitted in the zoning district in which such new building is located.

Proposed to Read as follows:

5.3.5 Reconstruction

Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner which is utilized as a non-residential or multi family (4 or more units) use shall not be rebuilt, repaired, reconstructed nor altered unless for a purpose permitted in the zoning district in which such building is located.

Any single, two family or three family use in a building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner may be rebuilt, repaired, reconstructed or altered for a period of 12 months from the date of damage. After twelve months, the building or structure shall not be rebuilt, repaired, reconstructed nor altered unless for a purpose permitted in the zoning district in which such building is located.

Any non-conforming building or structure destroyed voluntarily to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner shall not be rebuilt, repaired, reconstructed nor altered. Any new construction on-site shall comply with zoning requirements and shall be utilized for a purpose permitted in the zoning district in which such new building is located.



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

February 7, 2014

Honorable Thomas Hoye and
Members of the Municipal Council
141 Oak St., Temp. City Hall
Taunton, MA 02780

C/O Rosemarie Blackwell, City Clerk

RE: Special Permit – 30 Mozzone Blvd., - Medical Marijuana Dispensary

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on February 6, 2014 the Taunton Planning Board reviewed the Special Permit for a Medical Marijuana Dispensary at 30 Mozzone Boulevard, submitted by John Greene, The Greenway Wellness Community & Dispensary.

The Planning Board voted to forward a **positive** recommendation for 30 Mozzone Boulevard for **CULTIVATION ONLY** . (attached are the department comments)

Very truly yours,

Daniel P. Dermody, Chairperson
TAUNTON PLANNING BOARD

DPD/djp



MEDICAL MARIJUANA HEARING
City of Taunton, Massachusetts
DEVELOPMENT IMPACT REVIEW BOARD

15 Summer Street
Taunton, Massachusetts 02780

Phone 508-821-1051, Fax 508-821-1043
www.ci.taunton.ma.us

January 28, 2014

Daniel Dermody, Chair
Taunton Planning Board
15 Summer Street
Taunton, Ma 02780

RE: 30 Mozzone Blvd- Site Plan review

Dear Chairman Dermody and Board Members,

On January 28, 2014, the Development Impact Review Board met to review the application of John Greene, 62 Cliff Street, Plymouth, Ma 02360 for a 46,000 sq ft marijuana dispensary at 30 Mozzone Blvd which requires a Site Plan Review from the Planning Board. In considering the petition, the DIRB familiarized itself with the premises and examined the location, layout and other characteristics. After reviewing the petition, plans and testimony, the DIRB finds that the petition was formally sufficient and submitted and reviewed in accordance with the procedures set forth in the Zoning Ordinance and that proper notice was given. **The DIRB hereby recommends that any approval of this petition by the Planning Board contain the following conditions;**

Condition #1) That the plans dated January 13, 2014 and revised through January 27, 2014 shall govern with the following additional conditions;

Condition #2) A set of updated plans shall be submitted that conforms to all of the requirements of this decision before a building permit is issued. Two sets are required.

Condition #3) Lighting shall not illuminate any portion of abutting properties

Condition #4) The site shall be kept clean and clear of debris

Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include certification notes and stamps by a Design Engineer (PE) and Land Surveyor (PLS) stating that the development has been built according to the approved plans. Plans shall show at least all of the information shown on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) An oil water separator for the floor drains is required

Condition #7) An external grease trap is required

Condition #8) a food plan review from the Board of Health is required

Condition #9) The landscape plan shall be approved prior building permit

Condition #10) A dumpster permit is required from the fire department

Condition #11) A Hazardous materials plan is required from the Board of Health

Condition #12) The cultivation area shall have a closed watering system. The system will be flushed periodically to the sewer system

MEDICAL MARIJUANA

HEARING

Condition #13) Hours of operation for the dispensary shall be restricted to Monday to Saturday 9:00 am to 7:00 pm and Sundays 10:00 am to 6:00 pm

Condition #14) No outdoor cultivation is permitted

Condition #15) the missing dimensions from the rear property line shall be added

Condition #16) the free standing sign shall be shown on the plan. Only one is allowed per zoning for both businesses

Condition #17) The project shall comply with all Department of Public Health requirements regarding medical marijuana cultivation and dispensaries

Condition #18) This decision does not in any way supersede the site plan review dated November 8, 2013 that was issued for the other half of this site for the recycling operation. The restrictions of both decisions shall remain in full force and effect.

Sincerely,



Kevin R Scanlon,
DIRB Chair AICP



MEDICAL MARIJUANA
CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

15 Summer Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336

Mark B. Slusarz, P.E.
City Engineer

HEARING



M E M O R A N D U M

updated

TO: Mr. Dan Dermody, Chair; Members of the Planning Board
FROM: Mark Slusarz, P.E., City Engineer
CC: Kevin Scanlon, City Planner
DATE: January 27, 2014
RE: 30 Mozzone Blvd, Medical Marijuana Dispensary (2)

The Engineering Division has reviewed the Site Plan for the above referenced project, and has the following comments:

1. The building is to be used for cultivation as well as a dispensary. What are the water requirements for irrigation? Is the current service sufficient?
2. Will there be any floor drains in the cultivation area? If so, what is the outflow of water? Will these be tied into the sewer system?
3. Will there be any use of fertilizers and/or pesticides? Will these be discharged into the sewer system?
4. Drainage calculations must be provided.
5. All drain lines within the Mozzone Boulevard R.O.W. must be RCP.
6. Label drain lines to be abandoned/removed. (incl. the culvert under the driveway)
7. The Red Maple (ACER RUBRUM) trees are known for causing damage to adjacent pavements due to their shallow roots. Another tree species might be a better option near the parking/sidewalk areas.

ADDITIONAL COMMENT:

The drainage report accurately quantifies the amount of runoff exiting the site, and shows that the total runoff is the same or less in the post development analysis vs. pre development. What is not shown is the distribution of the runoff.

With the site being at the high point of Mozzone Blvd., runoff can flow either east (towards County Street) or west (towards the RR and associated wetlands). Currently the majority of the site runoff flows east. The proposed design diverts much of this runoff to the west. The result of this is that the runoff enters the Mozzone Blvd. drainage system where there is a 24" pipe with extra capacity. This therefore relieves much of the pressure put on the existing 12" pipe flowing to the east.

The result of this design is a better system on the street. Therefore I approve this design and the drainage report.



City of Taunton, Massachusetts
**DEPARTMENT OF
PLANNING AND CONSERVATION**

*15 Summer Street
Taunton, Massachusetts 02780*

*Kevin R Scanlon, Director/ Planner AICP
Michele Restino, Conservation Agent*

*Phone 508-821-1051
Phone 508-821-1095
Fax 508-821-1665
www.ci.taunton.ma.us*

January 27, 2014

Kevin Scanlon, Director
Planning and Conservation
15 Summer Street
Taunton, MA 02780

RE: 30 Mozzone Boulevard

Dear Kevin,

The Applicant will be required to file a Notice of Intent, including approval of the wetland delineation, prior to any exterior work on this project. A list of our requirements is attached to this letter. The Applicant can call me with any questions regarding this filing.

Respectfully,


Michele Restino
Conservation Agent



rec'd
1-27-14

January 21, 2014

Ms. Denise J. Paiva, Clerk
Taunton Planning Board
City Hall
15 Summer Street
Taunton, MA 02780

Dear Ms. Paiva:

We have received your Referral Form regarding:

“30 Mozzone Blvd.” (Registered Medical Marijuana Dispensary)

TMLP has no comments on this proposed work, as it does not appear to impact the electrical facilities.

Very truly yours,

MUNICIPAL LIGHT COMMISSION
OF THE CITY OF TAUNTON

A handwritten signature in black ink, appearing to read 'Craig Foley', is written over the typed name.

CRAIG FOLEY
Distribution Manager

CF:mif

MEDICAL MARIJUANA**HEARING****Denise Paiva, Taunton Planning**

From: "Water Dept" <watersup@mail.tmlp.net>
To: <kscanlon@tmlp.net>
Cc: <dpaiva@tmlp.net>
Sent: Tuesday, January 28, 2014 3:14 PM
Subject: 30 Mozzone Blvd and 305 Myles Standish Blvd

Hi Kevin,

I know these are late, but as they are both meeting again in February - here are some DPW Water comments:

30 Mozzone Blvd = the water main in Mozzone Blvd needs to be replaced (it is 1,000 LF of 8" main), they need a dedicated water service for the added use, and they will need proper backflow protection installed per MA Plumbing Code.

305 Myles Standish Blvd = they will need TFD and DPW review and approval of the proposed fire line and hydrant modifications, and proper backflow protection installed per MA Plumbing Code.

Thanks,
Cathal.



MEDICAL MARIJUANA
City of Taunton

Board of Health

45 School Street
Massachusetts 02780-5212

6cc d
HEARING 5-14
BOARD MEMBERS
DR. BRUCE E. BODNER
DR. C. NASON BURDEN
DR. JOSEPH F. NATES

HEATHER L. GALLANT, MPH, RS, CHO
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

January 15, 2014

TO: Planning Board

FROM: Adam S. Vickstrom
Assistant Executive Director
Board of Health

RE: Special Permit – 30 Mozzone Blvd, Medical Marijuana Dispensary

The Board of Health has reviewed the following

Special Permit – 30 Mozzone Blvd, Medical Marijuana Dispensary

If approved the establishment will required to apply and obtain all applicable Board of Health permits.

1

CITY OF TAUNTON

MASSACHUSETTS

WAYNE E. WALKDEN,
MCPPO, CBO
SUPERINTENDENT OF
BUILDINGS

DEPARTMENT OF PUBLIC BUILDINGS



TEMPORARY
GOVERNMENT OFFICES
141 Oak Street
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019
Email: wwalkden@taunton-ma.gov

March 14, 2014

Honorable Mayor Thomas C. Hoye Jr.
Council President Andrew J. Marshall
And Members of the Municipal Council

Dear Mayor and Councilors:

At a regular meeting of the Municipal Council held on Tuesday, March 4, 2014, Councilor Croteau motioned that I provide a report of the DCAMM regulation relative to the award of a no bid emergency to the Municipal Council.

Please review the attachments which represent Division of Capital Asset Management (DCAMM) guidance to Public Awarding Authorities as printed from the Official Website of the Executive Office for Administration and Finance and the Massachusetts General Law chapter and sections which pertain to bidding and advertising requirements.

Should the Council have further questions with reference to the DCAMM emergency waiver process, please feel free to contact my office or City Solicitor, Jason Buffington. Thank you.

Regards,

Wayne E. Walkden

Wayne E. Walkden
Superintendent of Buildings

2.



The Official Website of the Executive Office for Administration and Finance

Administration and Finance

Home > Property Management & Construction > Information & Guidance for Municipalities > Emergency Waiver Requests by Public Awarding...

Division of Capital Asset Management and Maintenance (DCAMM) Emergency Waiver Requests by Public Awarding Authorities

IN QUALIFYING EMERGENCY SITUATIONS CERTAIN PUBLIC CONSTRUCTION PROCUREMENT LAWS MAY BE WAIVED UNDER G.L. c. 149, §44(A)(4) OR THE ADVERTISING REQUIREMENTS MAY BE WAIVED UNDER G.L. c. 149, §44(J)(6). UNDER THESE LAWS PUBLIC AWARDED AUTHORITIES SEEKING AN EMERGENCY WAIVER MUST RECEIVE WRITTEN APPROVAL FROM THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE (DCAMM).

PUBLIC AWARDED AUTHORITIES REQUESTING AN EMERGENCY WAIVER SHOULD:

Send an e-mail with Emergency Waiver letter request attached to: emergencywaivers.dcammm@state.ma.us

Address letter to:

Carole Cornelison, Commissioner
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn: Office of the General Counsel

If you have no access to a computer or e-mail, you may fax the letter to: Fax No. (617) 727-5363

The letter should be on official agency or municipality letterhead and explain each of the following in detail:

1. Whether the awarding authority is seeking a waiver of the bidding requirements of G.L. c. 149, §44A(4), and/or the advertising requirements of G.L. c. 149, §44J(6);
2. The nature of the extreme emergency and how it creates an immediate threat to the health or safety of people or property;
3. How and when the awarding authority became aware of the emergency situation;
4. The proposed scope of work necessary to preserve the health or safety of persons or property for which the awarding authority is seeking an emergency waiver – include a statement that the scope of work described is the minimum work necessary to alleviate the emergency.
5. Why the time requirements involved in the standard bidding process will not suffice;
6. To the extent a bid solicitation process is possible, explain that process to be used (maximizing competition - minimum 3 competitive prices); if a bid solicitation process is not possible or cannot meet the minimum standard, then explain why.
7. The approximate dollar value of the emergency scope of work; and
8. A statement that the awarding authority acknowledges that the prevailing wage law (all projects), bonding requirements (all projects) and the DCAMM contractor certification requirements (projects over c. 149 building project threshold) apply to emergency projects.

Please attach relevant information such as letters, reports, orders, etc. from expert consultants and local or state officials, if any and other supportive documentation.

You will be notified before the end of the next business day whether the request is approved, denied or requires additional information. Please note that when Emergency Waivers are granted, awarding authorities must nevertheless comply with prevailing wage, bonding and DCAMM contractor certification requirements.

If you have any questions, please contact:

George M. Matthews, Deputy General Counsel, (617) 727-4050 Ext. 385
Susan M. Goldfischer, Deputy General Counsel, (617) 727-4050 Ext. 389
John J. Keleher, Deputy General Counsel, (617) 727-4050 Ext. 395
Rita C. Mercado, Deputy General Counsel, (617) 727-4050 Ext. 303
Taran T. Grigsby, General Counsel (617) 727-4050 Ext. 263

News & Updates

The IFM Open Door Newsletter

McCormack Building Main Entry Improvements

LEED Platinum celebrated at Wall Experiment Station

Energy Efficiency Improvements at Danvers and Wrentham

Bid Room Relocation, July 2013

[See All](#)

Related Links

[Div. of Capital Asset Management & Maintenance \(DCAMM\)](#)

[Designer Selection Board](#)


to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in section 44A to 44H, inclusive.

(E) When the general court has approved the use of an alternative mode of procurement of construction for a project pursuant to section 7E of chapter 29, the awarding authority responsible for procuring construction services for the project shall follow the policies and procedures of this section and of section 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

(F) Notwithstanding paragraph (E), a public agency may undertake the procurement of modular buildings, in accordance with section 44E. A public agency may procure site work for modular buildings, including but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to section 44E or on the basis of competitive bids pursuant to the paragraph (E). Notwithstanding the paragraph (E), a public agency may procure energy management services in accordance with section 11C of chapter 25A and regulations promulgated thereunder.

(G) Every contract by a state agency or state assisted contract for design, construction, reconstruction, installation, demolition, maintenance or repair shall set forth the participation goals of minority and women workers to be employed on each such contract and the processes and procedures to ensure compliance with those workforce participation goals, including reporting and enforcement provisions.

(3) The award of every such contract in connection with which approval by an officer, board or agency of the federal government is required shall be made within thirty days, Saturdays, Sundays and legal holidays excluded, after such approval; and the award of every contract subject to this section in connection with which approval by an officer, board or agency of the federal government is not required shall be made within thirty days, Saturdays, Sundays and legal holidays excluded, after the opening of the bids therefor. If the bidder selected as the general contractor fails to perform his agreement to execute a contract in accordance with the terms of his bid and furnish a performance bond and also a labor and materials or payment bond as stated in his bid in accordance with section forty-four E, an award shall be made to the next lowest responsible and eligible bidder, subject to the provisions of sections forty-four A to forty-four H, inclusive, of this chapter. The thirty-day time limit shall not be applicable to a second or subsequent award made after expiration of the time limit with the consent of said next lowest responsible and eligible bidder, and made because the original award made within the time limit was invalid, or because the bidder failed to execute the contract or to provide a performance bond and labor and materials or payment bond.

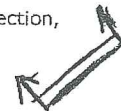


(4) In cases of extreme emergency, the awarding authority may, with the prior approval of the commissioner, award a contract for that portion of the work necessary to preserve the health or safety of persons or property or to alleviate an imminent security threat on the basis of such competitive bids or proposals as it can obtain in time to care for the extreme emergency and without public opening of the bids or proposals.

Where the nature of the emergency prevents the awarding authority from obtaining the prior approval of the commissioner, the awarding authority may contract for the necessary work without said prior approval; provided, however, that the approval of the commissioner shall still be sought at the earliest possible time; and provided, further, that if the commissioner at

that time fails to approve the emergency determination the awarding authority shall promptly cease all work for which the emergency determination was denied. In such cases, the contractor shall be entitled to payment for the fair value of the labor and materials furnished prior to cessation of the work.

The commissioner shall maintain a record of all contracts awarded pursuant to this subsection, containing a description of the circumstances and the reasons for the commissioner's determination.



(5) (a) Notwithstanding the provisions of this section or any other general or special law to the contrary, a municipality may enter into a contract for proprietary environmental technology systems as defined in subsection (1) of this section without said contract being subject to the competitive bid process as set forth in sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven; this section and sections forty-four B to forty-four H, inclusive, of this chapter, and section thirty-nine M of chapter thirty; provided that the awarding authority meets the conditions set forth and receives the approvals required in paragraph (b) of this subsection.

(b) Prior to the issuance of any request for proposal with respect to the awarding of any contract pursuant to the provisions of paragraph (a) of this subsection, the awarding authority shall meet or obtain each of the following conditions or required approvals: (1) the municipality shall appoint qualified persons to conduct a thorough review of all available environmental technology, including both proprietary and non-proprietary environmental technology, and if the conclusion of this review is that a contract for proprietary environmental technology systems is in the public interest, such conclusion shall be supported by sound documented reasons in writing available for public inspection; (2) the city council, the board of selectmen, or the town meeting shall take a majority vote finding that it is in the public interest to enter into a contract for proprietary environmental technology systems, as defined in subsection (1) of this section, providing such vote is supported by the conclusion of the review conducted pursuant to condition (1); (3) both the attorney general and the commissioner of the department of environmental protection shall grant written approval; (4) said contract shall be subject to any limitation in the waiver of sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven, sections forty-four A to forty-four H of chapter one hundred and forty-nine, and section thirty-nine M of chapter thirty imposed by either the attorney general or the commissioner of the department of environmental protection as a condition for a grant of approval by said officers; and (5) every proprietary environmental technology systems contract shall be as compatible with sections thirty-eight A to thirty-eight O, inclusive, of chapter seven, sections forty-four A to forty-four H of chapter one hundred and forty-nine, and section thirty-nine M of chapter thirty as is feasible for the procurement of the proprietary environmental technology systems chosen.

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5.

(4) In cases of extreme emergency, the awarding authority may, with the prior approval of the commissioner, award a contract for that portion of the work necessary to preserve the health or safety of persons or property or to alleviate an imminent security threat on the basis of such competitive bids or proposals as it can obtain in time to care for the extreme emergency and without public opening of the bids or proposals.



Where the nature of the emergency prevents the awarding authority from obtaining the prior approval of the commissioner, the awarding authority may contract for the necessary work without said prior approval; provided, however, that the approval of the commissioner shall still be sought at the earliest possible time; and provided, further, that if the commissioner at that time fails to approve the emergency determination the awarding authority shall promptly cease all work for which the emergency determination was denied. In such cases, the contractor shall be entitled to payment for the fair value of the labor and materials furnished prior to cessation of the work.

The commissioner shall maintain a record of all contracts awarded pursuant to this subsection, containing a description of the circumstances and the reasons for the commissioner's determination.

6.

(4) General bids and filed sub-bids for any contract subject to this section shall be in writing and shall be opened in public at the time and place specified in the posted or published notice, and after being so opened shall be open to public inspection.

(5) The provisions of this section shall not apply to any transaction between the commonwealth and any public service corporation.

 (6) The provisions of this section may be waived in cases of extreme emergency involving the health and safety of the people and their property, upon the written approval of said commissioner. The written approval shall contain a description of the circumstances and the reasons for the commissioner's determination. 

(7) Whoever violates any provision of this section shall be punished by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one-half years, or by both said fine and imprisonment; and in the event of final conviction, said person shall be incapable of holding any office of honor, trust or profit under the commonwealth or under any county, district of municipal agency.

Each and every person who shall cause or conspire to cause any contract or preliminary plans and specifications to be split or divided for the purpose of evading the provisions of this section shall forfeit and pay to the commonwealth, a political subdivision thereof or other awarding authority subject to this section, the sum of not more than five thousand dollars and, in addition, such person or persons shall pay, apportioned among them, double the amount of damages which the commonwealth or political subdivision thereof or other awarding authority may have sustained by reason of the doing of such act, together with the costs of the action.

(8) If an awarding authority rejects all general bids or does not receive any general bids, and advertises for a second opening of general bids with the original filed sub-bids as set forth in subsection (1) of section forty-four E the notice for receipt of such general bids may be published in the central register and elsewhere as required not less than one week prior to the time specified for such second opening of general bids.

(9) No request for proposals or invitation for bids issued under sections 38A1/2 to 38O, inclusive, of chapter 7, section 11C of chapter 25A, section 39M of chapter 30, this section and sections 44A to 44H, inclusive, shall be advertised if the awarding authority's cost estimate is greater than 1 year old.

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(6) The provisions of this section may be waived in cases of extreme emergency involving the health and safety of the people and their property, upon the written approval of said commissioner. The written approval shall contain a description of the circumstances and the reasons for the commissioner's determination.



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1397



8

Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

March 14, 2014

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

RE: Fire Watch – 437 Whittenton Street

Dear Mayor Hoye and Members of the Municipal Council:

Enclosed please find a copy of a check payable to the City of Taunton in the amount of \$14,297.87 towards the fire watch at this property. As we continue to closely monitor this situation, we believe progress is being made. Please contact me with any questions that you may have. Thank you for allowing the Law Department to be of service to you and the citizens of Taunton.

Very truly yours,


Jason D. Buffington, Esq.
City Solicitor

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK

HOLD AT ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

NAME Jefferson Development

ACCT. NO. David Murphy

1341936

DATE March 7, 11

53-7054/213

BAY TO THE ORDER OF

City of Taunton

fourteen thousand two hundred ninety seven ¹⁰⁰/₁₀₀

\$ 14,297.87

DOLLARS

Security features included. Details on back.



FOR Fire Watch Feb 16 mar 1

David Murphy

⑆ 2113 705451 ⑆ 8 249 23064 ⑆

0001

10.



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1665

March 10, 2014

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

RECEIVED
CITY CLERK'S OFFICE
2014 MAR 11 A 8:30
TAUNTON, MA
CITY CLERK

C/O Rose Marie Blackwell, City Clerk

RE: Modification of Form J- Waiver of frontage Requirement and Special Permit for Common driveway – 815 Middleboro Ave - Frenette

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Modification of the driveway width from 18 feet to 24 feet for a previously approved Form J Plan To divide one lot into 4 lots – Waiver of Frontage Requirements – for land located at 815 Middleboro Ave, Taunton, Ma. and a Special Permit from the Taunton Planning Board for a common driveway to service 4 lots

The Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, April 3, 2014 at 5:30 PM.** in the Chester R. Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



TAUNTON PLANNING BOARD

City Hall

15 Summer Street

Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 7, 2014

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

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review – 427 Winthrop Street & Property I.D. 89-195)

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board received a Site Plan Review for property at 427 Winthrop Street (and Property I.D. 89-195) for a mixed use building consisting of 14 residential apartments with 2,095 sq. ft. of business/retail use in a Highway Business District, submitted by Fenway Realty Trust, Richard Feodoroff, Trustee.

The Development Impact Review Board will meet on a Tuesday, March 25, 2014 at 9:30 AM in the Taunton Planning Board Office, 15 Summer St., Annex Bldg., Taunton, Ma.

The Planning Board will hold their public meeting on Thursday, April 3, 2014 at 5:30 pm. at Maxham School, 141 Oak St., Taunton, Ma.

Respectfully yours,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



TAUNTON PLANNING BOARD

City Hall

15 Summer Street

Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 10, 2014

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

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review – 17 Oxford Street

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Site Plan Review for property located at 17 Oxford Street for an office use submitted by Aspen Properties.

The next scheduled meeting for this petition will be **on Tuesday, March 25, 2014 at 9:45 AM** in the Taunton Planning Board Office, 15 Summer St, Annex Bldg., Taunton, Ma. at which time the application shall be reviewed by the DIRB and The Taunton Planning Board has scheduled a public meeting on this proposal **for Thursday, April 3, 2014 at 5:30 PM.** at 141 Oak St., Taunton, Ma. in the Chester R. Martin Municipal Council Chambers.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

RECEIVED
CITY CLERK'S OFFICE
2014 MAR 11 A 8:31
TAUNTON, MA
CITY CLERK



TAUNTON PLANNING BOARD

City Hall

15 Summer Street

Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 10, 2014

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

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review – lot 19-47 Colton Road

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Site Plan Review for property located on lot 19-47 Colton Road for a 198,720 sq ft industrial bldg in an Industrial District, submitted by Maggiore Companies.

The next scheduled meeting for this petition will be **on Tuesday, March 25, 2014 at 9:00 AM** in the Taunton Planning Board Office, 15 Summer St, Annex Bldg., Taunton, Ma. at which time the application shall be reviewed by the DIRB and The Taunton Planning Board has scheduled a public meeting on this proposal **for Thursday, April 3, 2014 at 5:30 PM.** at 141 Oak St., Taunton, Ma. in the Chester R. Martin Municipal Council Chambers.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

14



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 10, 2014

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

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review – 670, 680, 702 County Street and 137 Hart Street

Dear Mayor Hoyer and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Site Plan Review for property located at 670, 680, 702 County Street and 137 Hart Street for a 35,818 sq ft commercial plaza consisting of 2 drive thru windows, 3 buildings with retail, service, office uses and restaurants and a gasoline filling station in a Highway Business District, submitted by Bruce Thomas.

The next scheduled meeting for this petition will be **on Tuesday, March 25, 2014 at 10:00 AM** in the Taunton Planning Board Office, 15 Summer St, Annex Bldg., Taunton, Ma. at which time the application shall be reviewed by the DIRB and The Taunton Planning Board has scheduled a public meeting on this proposal **for Thursday, April 3, 2014 at 5:30 PM.** at 141 Oak St., Taunton, Ma. in the Chester R. Martin Municipal Council Chambers.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

CITY CLERK

TAUNTON, MA

2014 MAR 11 11:09

RECEIVED
CITY CLERK'S OFFICE

The Town of Norton
Norton Founder's Day Picnic and Fireworks Committee
Attn: Parks and Recreation/ Norton Founder's Day Picnic
70 East Main Street
Norton, MA 02766

March 4, 2014

Mayor of Taunton
Taunton City Council

The Norton Founder's Day Picnic and Fireworks is requesting to rent the portable stage for June 21, 2014 from 3:00p-9:30p at the Henry Yelle School field at 64 W Main St, Norton MA. The stage will be used to support our music performances during Norton Founder's Day activities. *Rain date is 6/28/14.*

If approved we will supply a certificate of insurance. Set up is available Friday June 20 and pick up any time after 6/21/2013 at 10P.

Thank you for your consideration, the stage was very useful for our event last year.

Sincerely,



Sheri Cohen,
Chairperson, Norton Founder's Day Picnic and Fireworks Committee
C617-688-4454

email: *sljm.cohen@comcast.net*

16

March 10, 2014

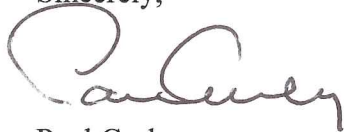
Honorable Mayor Tom Hoye and Council Members
Taunton City Hall
15 Summer Street
Taunton, MA 02780

Dear Mayor Hoye and Council Members,

On behalf of the American Lung Association, I would like to request your approval and acknowledgement that I will be reviving the Rocky Woods Mountain Bicycle Event at the Bennett School on N. Walker Street in Taunton as a benefit for the ALA. A permit with the United States Cycling Federation has been granted and a certificate of insurance naming the City of Taunton has been issued. I have applied for and received a building use permit from the School Committee for use of the school on that day. Biking will take place on the trails behind the school. With your approval the event will take place on Saturday, April 19th starting at 9:30 am and lasting until 3:30 pm. I plan to hire a detail officer and will have volunteer staff on site to limit parking to one side (North) of the street. We will be sure to keep parked cars away from the fire station. I anticipate around 250 riders over the course of the day.

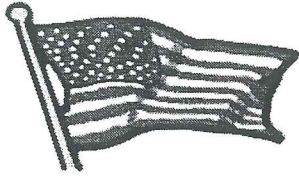
I can be available to answer any further questions.

Sincerely,



Paul Curley
Sporting Events Manager
American Lung Association

96 Partridge Circle
Taunton, MA 02780



RECEIVED
CITY CLERK'S OFFICE

2014 MAR 14 A 10:03

TAUNTON, MA

CITY CLERK

MARCH 18, 2014

HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT ANDREW J. MARSHALL
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, MARCH 18, 2014 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 & 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 ON PUBLIC PROPERTY

1. MEET TO DISCUSS LETTER OF ATTORNEY DAVID GAY REGARDING NOTICE OF INTENT TO SELL LAND ON BURT STREET - ASSESSORS MAP 61, LOTS 10 AND 11
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