

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

~
SEPTEMBER 11, 2012 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-4 Com. from City Solicitor – Submitting a copy of the B-P Public Records Appeal to the Secretary of State
- Pg. 5 Com. from Fire Chief – Requesting to schedule Civil Service Promotional Exams
- Pg. 6 Com. from Police Chief – Requesting to deposit a gift check
- Pg. 7 Com. from Alyssa Gracia, Mayor's Worth Cause Committee – Requesting use of the Court Street parking lot, temporary stage and road closures
- Pg. 8 Com. from General Manager, TMLP – Requesting approval of installation of street lights
- Pg. 9 Com. from Elisa Scully, Liberty and Union Weekend Committee – Extending an invitation
- Pg. 10-11 Com. from Kathryn Cunningham, 135 Shores St., Taunton – Requesting information

PETITIONS

Billiard Table License

Petition submitted by Jeffrey Smith, 82 Johnson St., Taunton requesting a **NEW** Billiard Table License for Smitty's Sports Pub, Inc. located at 445 Bay Street, Taunton. (1 Table)

RECEIVED
CITY CLERK'S OFFICE
2012 SEP -6 P 1:59
TAUNTON, MA
CITY CLERK

Junk Collector's License

Petition submitted by Sean Moore, 114 Vernon Street, Middleboro requesting a **RENEWAL** of his Junk Collector's License for Old Colony Scrap, Inc. located at 655 W. Water St., Taunton.

Class II License – Change of Restriction

Petition submitted by Michael Barrows –DBA- Northeast Auto Exchange located at 577 Winthrop Street requesting to sell all used vehicles.

Petition to Re-Zone

Petition submitted by David Gay, Gay & Gay, PC, 73 Washington St., Taunton on behalf of his clients Peter Thomas, 116 Winter St., and Luis Freitas, 122 Winter St., Taunton, requesting to rezone property on Winter Street from urban residential zone to highway business zone. **(Public Hearing Required)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**



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

September 5, 2012

Honorable Ryan C. Colton, President
Members of the Taunton Municipal Council
141 Oak Street
Taunton MA 02780

RE: B-P Public Records Appeal to the Secretary of State

Dear President Colton and Members of the Municipal Council:

Per your request, enclosed please find a copy of my letter of appeal to the Secretary of State's Office. I will be sure to let you know once a response has been received.

Very truly yours,

Jason D. Buffington, Esq.

City Solicitor

Enclosure



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

September 5, 2012

VIA ELECTRONIC MAIL ONLY TO: mike.pagones@sec.state.ma.us

Michael W. Pagones, Esq.
Secretary of the Commonwealth of Massachusetts
Public Records Division
One Ashburton Place, Room 1717
Boston MA 02108

RE: Denial of Access to Public Records by Bristol-Plymouth Regional Technical High School

Dear Attorney Pagones:

This letter will serve to follow up on our telephone conference held yesterday afternoon. This office is legal counsel to the Taunton Municipal Council, who wishes to appeal to the Supervisor of Records what it considers to be a violation of the Public Records Law. Below is a summary of pertinent facts.

By letter dated July 19, 2012, this office requested four categories of public records from Mr. Richard Gross, Superintendent of the Bristol-Plymouth Regional Technical High School, a public school and naturally subject to G.L. c. 66. A copy of this request is enclosed herewith.

On August 15, 2012, this office received in the mail a letter dated July 24, 2012 from Nadine Rose, School Business Administrator of the school. Enclosed with this letter were a series of documents: a document entitled "Chart of Accounts – Criteria for Financial Reporting," and five sets of documents, one for each fiscal year from 2009-2013, purporting to be a "Line Item Budget Detail." A copy of this response is also enclosed herewith.

Michael W. Pagones, Esq.

September 5, 2012

Page 2 of 3

The last item I have enclosed herewith is a copy of an article that appeared in the August 30, 2012 local newspaper, the *Taunton Daily Gazette*, which pertains directly to this issue. Assuming Mr. Gross was accurately quoted, this article reports that Mr. Gross used a number of derogatory terms to describe members of the Taunton Municipal Council and its public records request. For example, Gross stated "She's no good," with respect to one councilor. He called another councilor "a liar." He appears to have called all nine members of the Municipal Council "corrupt." Furthermore, Gross referred to the council's Public Records request as "all BS," and that he didn't "even know what the hell they want."

Reviewing the documents produced by the school, and particularly in light of Mr. Gross' publicly reported comments, there is reason to believe that not only did the school fail to produce the records as required by law, but the school's failure to do so was knowing, intentional, and in bad faith. The documents that were produced were extremely vague and barely decipherable.

The Municipal Council finds it extraordinarily hard to believe that a public high school of this size did not, at the time the request was received, have in its possession one or more documents listing the names of its employees and those employees' salaries. Based on the totality of the circumstances, it is reasonable to conclude that the school intentionally withheld records in its possession that were responsive to the request but instead chose to produce documents that were merely marginally responsive to the request.

It is the Municipal Council's position that Bristol-Plymouth Regional Technical High School has not complied with any of the four numbered requests listed in the Municipal Council's July 19, 2012 written request.

With respect to items 1 and 2 of the request, it is acknowledged that some documentation has been supplied. However, the documents produced are extraordinarily vague and difficult to read. To the extent any of it is decipherable, this appears to be only a listing of expenditures or proposed expenditures and there appears to be no itemization of revenues or sources of revenues.

With respect to item 3 of the request, the Municipal Council requested "financial year-end statements sent to the Massachusetts Department of Education for Fiscal Years 2009 through 2012 that are required by Massachusetts Department of Education to be sent." Under G.L. c.66, §1 *et seq.*, the school is legally required to produce these documents

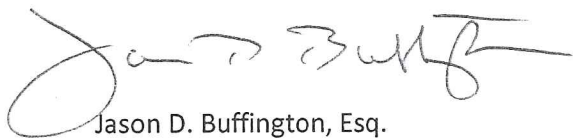
Michael W. Pagones, Esq.
September 5, 2012
Page 3 of 3

presumably in its possession. The school failed to produce a single sheet of paper in response to this request, instead providing a link to an internet site. This appears to be an obvious violation of the law.

Finally, item 4 of the July 19, 2012 request, seeking compensation of all persons employed by the school in Fiscal Years 2012 and 2013, has been completely ignored by the school. This is another obvious violation of the law, unless the school somehow had no documents whatsoever that fall into this category at the time the public records request was received.

On behalf of the members of the Taunton Municipal Council, I wish to thank you for any assistance you and your office can provide to rectify this situation.

Very truly yours,



Jason D. Buffington, Esq.
City Solicitor

Enclosures

cc: Members of the Taunton Municipal Council

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CITY OF TAUNTON FIRE DEPARTMENT

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

TIMOTHY J. BRADSHAW
Chief of Department

KATE GOVER
Administrative Assistant

September 5, 2012

Honorable Thomas Hoye and
Taunton City Council Members
Taunton City Hall
141 Oak Street
Taunton, MA 02780

**RE: Request to Schedule Civil Service Promotional Exams
Fire Lieutenant & Fire Captain**

Dear Honorable Mayor and Council Members;

In accordance with all Civil Service rules and regulation guidelines; I am formally requesting Taunton be included as a participating community in the upcoming 2012 Civil Service Fire Promotional Exams for both the Fire Lieutenant and Fire Captain sections.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "TJB", is written over the word "Sincerely,".

Timothy J. Bradshaw
Chief of Department

cc: Rose Marie Blackwell, City Clerk



CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
EDWARD JAMES WALSH

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471
September 4, 2012

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

Dear Mayor Hoye and Members of Council:

Please be advised that this department is in receipt of a gift check in the amount of \$1000 from Target to support our expenses for National Night Out. I would like to deposit this check in our gift account to cover expenses from this year's event as well as any residual to be set aside for next year's event.

If I can be of any further assistance in this matter, please feel free to contact me.

Respectfully,

Edward James Walsh
Chief of Police



Mayor's Worthy Cause Committee

Working together,
Striving to enhance the community,
Involving Businesses and Individuals,
Planning and Promoting Positive Social Events,
Benefiting the quality of life and bringing joy to each and every citizen.

August 29, 2012

Mayor Thomas C. Hoye, Jr. & Council President Ryan Colton
City of Taunton
141 Oak Street
Taunton, MA 02780

Dear Mayor & Municipal Council,

On behalf of the Mayor's Worthy Cause I am writing to request use of the Court Street Parking Lot for the 1st Annual *Miles with the Mayor* 5K road race/1 mile fun walk/health and fitness expo to be held on Saturday, September 22nd from 9AM-12PM. We are requesting the use of the city's temporary stage in the Court Street Lot for entertainment at the event.

The start and finish line for the race and walk will be held at the entrance of the Court Street Lot. We would request blocking off Court Street during the race, but with the help of the Police Department we have configured a course that allows for all other roads to remain open. Following the race local businesses and vendors will promote health and fitness through different means and demonstrations at the expo. We are expecting up to 150 runners and walkers at the event. We will work with the Police Department, Fire Department and AMR to ensure safety at the event.

All proceeds raised from the *Miles with the Mayor* road race will go to the Mayor's Worthy Cause account, through which the Mayor supports a wide array of worthwhile events and activities to benefit Taunton citizens of all ages.

As always, thank you for your support and we hope to see you at the event. Please contact me at 508-821-1000 or astmayor@tmlp.net if you have any questions or would like additional information.

Respectfully,

Alyssa Gracia
Mayors Worthy Cause Committee
Assistant to the Mayor

CC: Chief Walsh,
Chief Bradshaw,
Fred Cornaglia,
Marilyn Greene



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Serving a Public Power Community

September 4, 2012

Rose Marie Blackwell
City Clerk
City Hall
Taunton, Mass 02780

By vote of the Municipal Light Commission on, August 28, 2012, the following is a report of action taken on street- lights.

Frazier Pasture Road
(Off Tremont St)

Recommend to install 4-70watt high-pressure sodium street lights on Poles 1, 3, 5, & 7 Frazier Pasture Rd. Per Customer request.

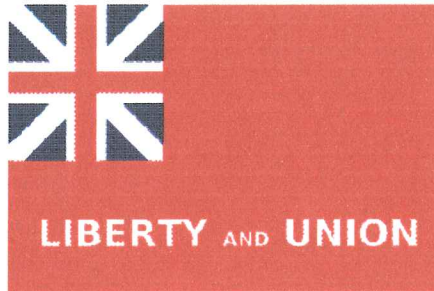
- Estimate cost is \$ 21.16 per month
- Does not include fuel adjustment credit

It is requested that this street lighting report be presented to the Municipal Council, for approval of the energy services.

Very truly yours,
MUNICIPAL LIGHT COMMISSION

A handwritten signature in black ink that reads "Michael J. Horrigan". The signature is written in a cursive, flowing style.

MICHAEL J. HORRIGAN
General Manager



9.

Liberty and Union Weekend Committee

c/o Downtown Taunton Foundation

4 Court Street, Suite 210

Taunton MA 02780

508.824.0484

tauntonbid@verizon.net

www.libertyandunion.org

August 27, 2012

Ryan C. Colton, President
Members of the Taunton Municipal Council
141 Oak Street
Taunton, MA 02780

Dear President Colton and Council Members:

On behalf of the 2012 Liberty and Union Weekend Committee, I cordially invite you to join us for this year's Liberty and Union Flag Raising Ceremony, to be held on **Saturday, October 20** on Taunton Green.

We will be gathering for the flag raising at 11:45 am at the new Trescott Street Gallery, located at 8 Trescott Street in downtown Taunton. From there, you and other local dignitaries will be invited to carry the flag down Main Street to Taunton Green, accompanied by a youth fife and drum corps in historic costume.

The flag will then be ceremoniously raised over Taunton Green at **12:00 noon**.

We hope you will be able to join us in celebrating Taunton's proud history at this free community event. Please contact the Downtown Taunton Foundation at 508.824.0484 if you have questions or would like additional information.

Thank you, and we hope to see you on October 20.

Sincerely,

Elisa Scully

Liberty and Union Weekend Committee

City Clerk's Office

From: Kathryn Cunningham <mskncunningham@yahoo.com>
Sent: Thursday, August 30, 2012 3:44 PM
To: Daniel Barbour; RoseMarie Blackwell; Deborah Carr; Donald Cleary; Ryan Colton; Sherry Costa- Hanlon; Thomas Hoye; AJ Marshall; John McCaul; Alan Medeiros; David Pottier
Subject: Freedom of Information Act...document(s) requested...

August 30, 2012

Mayor Thomas C. Hoye Jr.
City Hall
15 Summer Street
Taunton, MA 02780

RE: Freedom of Information Act and request for pertinent documents pertaining to the Fairfax Gardens redevelopment project, THA Director, Colleen Doherty, Taunton Housing Authority and Hank Keating, Vice President, Design & Construction, Trinity Financial and the Trinity Taunton Limited Partnership.

Dear Honorable Mayor Hoye and Members of the City Council:

I am requesting important information regarding the above-referenced housing project. My first question is 1.) When did the Mayor/City Council vote to approve the Fairfax Gardens redevelopment housing project? 2) Why weren't the (4) Shores Street abutters (Connie Berdos, 112 Shores Street, Laura Wakefield, 123 Shores Street, Manuel & Maria Bonilla, 129 Shores Street, Kathryn Cunningham, 135 Shores Street, Taunton, MA 02780) ever notified of this meeting the night the City Council voted on approving this housing project? 3) I need specific document(s) from the Taunton Conservation Commission and Division of Fisheries & Wildlife specifically stating that the access road from the Fairfax Gardens housing development cannot be erected because of wetland areas/endangered species. I have the 2/21/12 correspondence from the Division of Fisheries & Wildlife that does not address the access roadway.

Please bear in mind that during President George W. Bush's Administration, my neighbors and I petitioned the former Secretary of HUD when HUD officials ordered THA Director Colleen Doherty to erect the fence on Shores Street that is connected to the Shores Street Soccer field and to add additional lighting in the area where the (4) Shores Street abutters currently reside. This action was taken to protect the abutters from the violent criminal element that was allowed to thrive and flourish on DeWert Avenue for 20-years under Colleen Doherty's management of this federally funded housing project.

Also bear in mind that when the Mayor/City Council knowingly went along with THA Director Colleen Doherty, THA Mike Mathos, and representatives of Trinity Taunton Nine Limited Partnership to vote their approval of the Fairfax Garden redevelopment housing project without notifying the (4) Shores Street abutters of their actions and omitting our presence during this meeting because then they knowingly participated in violating the Massachusetts Open Meeting Laws. My neighbors and I have long suspected that Ms. Doherty and representatives from "Trinity" had their project approved before they unveiled their project to us because they knew without a shadow of doubt that the Shores Street abutters would object to their plans of having the main entrance of Fairfax Gardens erected in front of our homes. The actions of the Mayor/City Council clearly show that all parties concerned that they lack integrity and honesty in dealing with this important issue that will affect the abutters and neighbors of Shores Street.

I have reviewed every map(s) including: Conservation Restriction Plan, Kelly Engineering Group, Inc, 8 Campanelli Drive, Braintree, MA 02184 #1, the ALTA/ACSM Land Title Survey Plan, Kelly Engineering Group Inc, #1, the initial TAT-Map-the

architectural team, Fairfax Gardens Hope VI shown to the Shores Street abutters on Wednesday, November 11, 2011 with the access road that read "Future Potential Road Connection to Shores Street, the map where Trinity Financial received millions in HUD funding of tax-payers dollars for their project and the smaller version of the same map where the access road/writing have been removed. Not one of these map(s) in your possession are marked "wetland area/endangered wildlife" in regards to this access roadway that is clearly shown on all these maps that lead to Shores/Fisher Street(s).

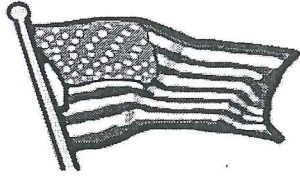
In closing, I will see you on Tuesday, September 4, 2012, 7:30 AM so that I can address the City Council once again and pick up those document(s) that I have requested based on the Freedom of Information Act.

Sincerely,

Kathryn N. Cunningham
135 Shores Street
Taunton, MA 02780
(508) 823-4761

Cc: Marilyn B. O'Sullivan, Director, Boston office, Housing, Urban & Development

File/KNC



RECEIVED
CITY CLERK'S OFFICE

2012 SEP -6 P 1:58

TAUNTON, MA

CITY CLERK

SEPTEMBER 11, 2012

HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT RYAN C. COLTON
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE: THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR **TUESDAY, SEPTEMBER 11, 2012 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 SOLID WASTE

1. MEET WITH ATTORNEY ROD HOFFMAN AND REPRESENTATIVES OF I.W.T. AND WE CARE FOR A PROGRESS REPORT ON THEIR HYBRID BLEND OF TECHNOLOGIES AND FOR AN UPDATE ON THE FINANCING AND PERMITTING OF THIS PROJECT.
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 SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES