



*City of Taunton  
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers  
Minutes, April 27, 2010 at 7:00 O'clock P.M.*

*Regular Meeting*

*Mayor Charles Crowley presiding*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilor's Colton, Croteau, Carr, Marshall, Hoye, Costa-Hanson, Pottier  
Councilors Barbour and Buffington were absent*

The Mayor asked that we offer our best wishes to Councilor Buffington's new son Quinn Clark Buffington and congratulate the parents

Record of preceding meeting was read by Title and Approved. So Voted.

Motion was made to revert out of the regular order of business. So Voted.

At this time, the Mayor read citations that will be presented to the individuals who worked together during the heavy flooding the City experienced recently. Citations were presented to: Members of the Taunton Fire Department, members of the Department of Public Works, Richard Ferreira, Director, Taunton Emergency Management, Rudy Bruer, Assistant Director, Taunton Emergency Management, and members of the Taunton Police Department and the following 12 volunteers: Jandlyn Bentley, Paula Farrales, Steven Foster, Norman Fournier, James McDermott, Scott McMillan, Shaunna Lee O'Connell, Eugene Quimby, Jeffrey Reid, Jr., Nancy Snell, David Souza, and Allen Tremblay. **Motion was made to move adoption. So Moved. Motion was made to invite the individuals into the enclosure to receive the citation. So Voted.**

**Hearings:**

On the petition submitted by Attorney Mark Antine, on behalf of his client, Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA requesting an extension of a Special Permit/Site Plan Review granted May 18, 2007 and extended for one year on May 19, 2009 to allow a gasoline filling station and convenience store at 310 Broadway, Taunton. **Motion was made to open the hearing. So Voted. Motion was made to invite Attorney Marc Antine and Russell Nichalar, representative of Cumberland Farms into the enclosure. So Voted.** Attorney Mark Antine, 63 Winthrop Street stated he and Russell Nichalar are here to request a one-year extension of the Special Permit-Site Plan Review. On or about May 2007, the Taunton Municipal Council voted to grant Cumberland Farms a Special Permit/Site Plan approval for a gasoline station/convenience store with conditions, in a highway business district. He stated in May of last year, they also came before the Council and asked for a one-year extension due to the economic

situation that they are in. Councilor Hoye asked if they would agree that this would be the last extension. Attorney Antine stated if that is what the City Council wants, as we have already requested one extension. Councilor Marshall asked if the storm water had an on-site retention and if there are any changes? Attorney Antine stated that he does not believe there have had any changes to the Conservation Commission. Councilor Marshall asked about the mitigation funds. He inquired if that amount of money is going to do today what it could do four year ago. Attorney Antine stated that the decision in condition #14 reads “that a sum of \$40,000.00 shall be paid to the City prior to a building permit being issued to mitigate traffic impacts in said area.” Attorney Antine stated there is nothing in the decision for inflation. He also asked if the Site-Plan and Plans are up to today’s standards. Attorney Antine stated that Conservation is a three-year permit and to the best of his knowledge, all permits are up to date. Councilor Costa-Hanlon stated that all state and local requirements and codes must be up to date. No one speaking in favor or in opposition. **Motion was made to grant the extension for one year with no further extensions or continuances. So Voted. Motion was made to close the hearing and excuse the gentlemen. So Voted.**

**Communications:**

Com. from Michele Girard, Acting Executive Director, Massachusetts Association of Conservation Commissions, 10 Juniper Road, Belmont notifying that Debra Botello completed MACC’s Fundamentals for Conservation Commissioners training course and received a Certificate of Achievement. **Motion was made to receive and place on file. So Voted.**

Com. from Janet Martinez, Walker School PTO requesting use of the electronic sign to advertise the Walker School 115<sup>th</sup> Anniversary and Open House on April 30, 2010 from 1:00 PM – 3:00 PM. **Motion was made to move approval. So Voted.**

Com. from Cheryl Johnson, V. President & GM, J.R. Tallman Insurance & Co., Inc., 12 Court St., P.O. Box 469, Taunton requesting use of the electronic sign to advertise a free distracted driving course for newly licensed drivers at Tallman Insurance parking lot. **Motion was made to move approval. So Voted.**

Com. from Board of Trustees, Winding Brook Village Condominiums, 110 Dean Street, Taunton expressing gratitude for the City’s assistance for residents in their complex, Dean Estates and Disamar Road by arranging for the Duck Tour Bus to transport residents during the recent flooding. **Motion was made to receive and place on file. So Voted.**

Councilor Carr read an extra communication submitted by the Fire Chief requesting a transfer of \$90,289.80 which represents the amount of awarded e-911 Grant Money to the Fire Department be transferred from the General Fund into the Fire Department’s FY10 202 account. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor’s Office. So Voted.**

Councilor Carr read an extra communication submitted by Pamela Crowell, 125 Highland Street, Friends of Boyden Refuge, Inc. requesting use of the electronic sign to advertise

their yard sale on Saturday, May 8, 2010 from 9:00 AM – 1:00 PM. **Motion was made to move approval. So Voted.**

Councilor Marshall read an extra communication submitted by Bob McGarva, Executive Director, Boys & Girls Club of Taunton requesting use of the electronic sign to advertise the Lewis Park open house Saturday, May 1, 2010 from 10:00 AM – 2:00 PM. **Motion was made to move approval. So Voted.**

The City Clerk read an extra communication submitted by the City Solicitor providing a report of expenses for trips made by Alternative Resources, Inc. and Pannone, Devereaux, Lopes and West, LLC for visits to view working solid waste facilities in Sanford, FL and two sites in Japan. She stated the total cost for the trips was \$21,214.58. **Numerous Council members spoke on this issue. Councilor Croteau motioned to transfer \$21,214.58 from the \$25,000.00 Submitters Account into the general fund, then the \$5,000.00 that was put up will pay for the trips not the tax payer. The Mayor stated this needs his approval and he stated he will approve the transfer. Voting in favor were Councilor Croteau and Councilor Pottier. Voting in opposition were Councilors Costa-Hanlon, Hoye, Marshall, Carr, and Colton. Councilors Barbour and Buffington were absent. Motion did not carry. Councilor Croteau motioned for a copy of the RFP language. Councilor Croteau motioned to provide him with the following information: Do any of the sites produce ethanol? The Mayor stated he will get him this information.**

**Petitions and Claims:**

Application submitted by Edward Smith, 193 Tremont St., Unit 149, Taunton requesting a new Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by George Kenaan requesting a renewal of his Livery License –DBA- High Class Limo located at 70 Solitude Drive, Taunton. (1 Vehicle) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by John Pacheco seeking a new Livery License –DBA- Airport Express Direct located at 66 Mary Drive, Taunton. (1 Vehicle) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Departmental Site Plan Review upon the petition submitted by Jeffrey Dale, 66 Cherry Hill Drive, Beverly, MA to allow a parking lot modification at 1 Washington Street located in the Business District. **Motion was made to receive and place on file. So Voted.**

**Committee Reports:**

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

**Unfinished Business:**

**Executive Session** – Motion was made from the Municipal Council to continue the investigation into a claim (Police). **Motion was made to continue to next week. So Voted.**

**Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Clean Sweep. **Motion was made to continue to next week. So Voted.**

**Orders, Ordinances, and Enrolled Bills****Order for a second reading to be ordained on a roll call vote**

Ordered That,

In order to provide sufficient funds to complete the Elizabeth Pole School project: (i) the Order of the Council approved on May 15, 2001 that had authorized the borrowing of \$10,750,000.00 to pay costs of the Walker Elementary School, is hereby amended to provide that the \$10,535,000 unissued balance of such Order shall be borrowed and expended only to pay additional costs of the Elizabeth Pole School project, and (ii) the sum of \$215,000 is hereby appropriated to pay additional costs of the Elizabeth Pole School project, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 and Chapter 70B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. **On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting to move approval. So Voted. Councilors Barbour and Buffington were absent.**

**New Business:**

Councilor Costa-Hanlon motioned that the City Solicitor provide a copy of the contract for the sewer betterment that was completed for Garden Street, Railroad Ave. (West), Railroad Ave. (East) and to also place on file in the City Clerk's Office. Additionally, she motioned to include the state statute pertaining to the assessment for the betterments for the above mentioned streets. So Voted.

Meeting adjourned at P.M.

Councilor Carr motioned that the Committee to the Council as a Whole discuss in executive session on May 18, 2010 with the Risk Manager an update on any potential litigation. So Voted.

Councilor Costa-Hanlon motioned that the City Solicitor evaluate those positions within COTMA relative to the legal opinion in your attached letter, specifically, if each position would fall under the inclusion to be part of a union under MGL Chapter 150E. This does not have to be her opinion. If there are any other opinions from other City Solicitors she can forward them to the Council and report back in three to four weeks. So Voted. **(Councilors Pottier and Carr voting in opposition.)**

Councilor Croteau motioned that the City Solicitor provide an opinion on whether or not language can be placed through the negotiation process in the union contracts taking away the authority of the Council to hold a hearing irrespective of previous advice. So Voted.

Meeting adjourned at 8:40 P.M.

A true copy:

Attest:

  
City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 27, 2010

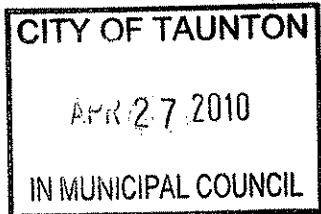
**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND  
COUNCILORS POTTIER AND COSTA-HANLON

**MEETING CALLED TO ORDER AT 5:50 P.M.**

- 1. **MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**  
**MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK**

**MEETING ADJOURNED AT 5:51 P.M.**



RESPECTFULLY SUBMITTED,

*Colleen Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blachwell*

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
APRIL 27, 2010

**THE COMMITTEE ON ZONING**

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND  
COUNCILOR COLTON. ALSO PRESENT WAS KEVIN SCANLON,  
CITY PLANNER

**MEETING CALLED TO ORDER AT 6:17 P.M.**

**1. MEET WITH THE CITY PLANNER TO FURTHER DISCUSS PROPOSED CHANGES TO THE ZONING ORDINANCE CONCERNING THE SITE PLAN REVIEW PROCESS**

THE CITY PLANNER STATED THAT AT A PREVIOUS MEETING THE COMMITTEE INDICATED THAT THEY WANTED TO KEEP CONTROL OVER ANYTHING THAT IN THE OVER 100,000 SQ. FT. CATEGORY, SO HE PUT THE APPROPRIATE LANGUAGE IN. ALSO, UNDER THE COMMERCIAL CATEGORY, PREVIOUSLY IT WAS 6000 SQ. FT., BUT THE CITY PLANNER SPLIT THAT UP AND REDUCED THE COMMERCIAL CONSTRUCTION CATEGORY DOWN TO 4500 SQ. FT. AND ADDED AN OFFICE CATEGORY WHICH WOULD BE 10,000 SQ. FT. THE REASON FOR THIS IS THAT WHEN HE STARTED TO PUT EXAMPLES TOGETHER THAT THE COUNCIL HAD REQUESTED, SOME OF THE SITES, FOR INSTANCE T.G.I. FRIDAYS, WAS IN THE 5000 RANGE AND HAD SIGNIFICANT MITIGATION, SO HE FEELS THAT PROJECTS LIKE THAT SHOULD BE WITH THE PLANNING BOARD NOT THE D.I.R.B.

THE CITY PLANNER STATED THAT HIS RECOMMENDATION IS THAT EVERYTHING GO TO PLANNING BOARD, BUT THAT IT IS ULTIMATELY THE COMMITTEE'S DECISION TO MAKE.

BASICALLY, THE PROPOSED CHANGES TO THE ORDINANCE DOES NOT CHANGE THE SITE PLAN REVIEW APPROVAL PROCESS. WHATEVER THE CITY IS OPERATING UNDER TODAY IS GOING TO REMAIN. THE ONLY FUNCTION, WITH THIS CHANGE IS THAT THE SITE PLAN REVIEW USED TO GO TO THE DEPARTMENTAL SITE PLAN REVIEW, NOW INSTEAD OF THAT, ANYTHING UNDER THE STATED THRESHOLDS WILL GO TO THE PLANNING BOARD, ANYTHING OVER THE 100,000 SQ. FT. FOR INDUSTRIAL CONSTRUCTION WILL COME TO THE COUNCIL. NO CHANGES HAVE BEEN MADE REGARDING WHERE YOU GO FOR A SPECIAL PERMIT, WHERE YOU DON'T GO, OR ANYTHING LIKE THAT. THE ONLY CHANGE IS THE SITE PLAN REVIEW. NOW IT GOES TO THE DEPARTMENTAL SITE PLAN REVIEW, BUT WITH THE CHANGE IT IS BEING BROKEN UP. ANYTHING 100,000 SQ. FT. NEW INDUSTRIAL CONSTRUCTION COMES TO THE COUNCIL. ANYTHING 30,000 TO 100,000 SQ. FT. GOES TO THE PLANNING BOARD, ANY COMMERCIAL LARGER THAN 4500 SQ. FT. GOES TO THE PLANNING BOARD, AND ANY OFFICE 10,000 SQ. FT. GOES TO THE PLANNING BOARD. THE APPROVAL PROCESS IS NOT CHANGING. THE POINT OF THIS IS TO OPEN IT UP MORE TO A PUBLIC HEARING OR PUBLIC BOARD. THE PUBLIC WILL BE MORE ABLE TO STATE THEIR CONCERNS.

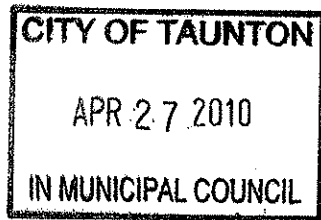
**MOTION: REFER TO THE PLANNING BOARD FOR THE PUBLIC HEARING PROCESS. ALSO, THE CITY PLANNER IS TO NOTIFY THE COUNCIL A WEEK OR TWO PRIOR TO THE PLANNING BOARD MEETING IN ORDER TO GIVE THE COUNCIL THE OPPORTUNITY TO ATTEND THE MEETING.**

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APRIL 27, 2010

THE COMMITTEE ON ZONING - CONTINUED

MEETING ADJOURNED AT 6:31 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Rm Blechnell".  
CITY CLERK