



**MUNICIPAL COUNCIL AGENDA
TEMPORARY CITY HALL
141 OAK STREET, TAUNTON, MA 02780**

RECEIVED
CITY CLERK'S OFFICE

2016 AUG 12 | A 10:39

TAUNTON, MA

CITY CLERK

~
AUGUST 16, 2016 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: *Continued Hearing:* Petition submitted by Helder Brandao, 65 Plain Street, Taunton for a NEW Class II License for Brandao Auto to be located at 65 Plain Street, Taunton

- Zoning Compliance Form from City Planner
- Com. from Detective Dennis Smith – Submitting recommendation

HEARING: Petition submitted by Attorney Matthew J. Costa, Gay & Gay PC on behalf of his clients Haojie Dai President, Treasurer, Secretary, Sole Director and Xin Duan, Vice President, Carloha, Inc. 1035 Old County Rd., Westbury, NY 11590 for NEW Class II License to be located at 30 Sherwood Dr., Taunton.

- Com. from Detective Dennis Smith – Submitting recommendation

HEARING: Petition submitted by Scott Wessel, 16 Brook St., Taunton for a NEW Class II License for Fault Line Kustoms, LLC to be located at 32 Robert W. Boyden Road, Taunton.

- Com. from Detective Dennis Smith – Submitting recommendation

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

- Appointment of Natalie Fontes, 31 Clinton Street, Taunton to the Taunton Cultural Council for a term of three (3) years expiring in August 2019.

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from City Clerk – One Permanent Full Time Police Lieutenant
- Pg. 2 Com. from City Clerk – One Permanent Full Time Police Sergeant
- Pg. 3 Com. from Gwendolyn Borden, Engineering – Requesting to pay a prior year bill
- Pg. 4 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 5 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 6 Com. from Police Chief – Requesting to call for a list
- Pg. 7-11 Com. from Police Chief – Submitting radar report
- Pg. 12 Com. from Assistant City Auditor – Submitting encumbrances and transfers for Fiscal Year ended June 30, 2016
(SEE SEPARATE PACKET)

COMMUNICATIONS FROM CITIZENS

- Pg. 13-14 Com. from Attorney David Gay, Gay & Gay PC 73 Washington St., Taunton on behalf of the Project Building Committee – Concerning the Mulcahey/Hopewell School Project
- Pg. 15-48 Com. from Thomas Workman, Jr., 180 Berkley St., Taunton, Claire Travers, 158 Berkley St., Taunton, Cathy Rodriquez, 152 Berkley St., Taunton and others (117 Signatures) – Requesting a meeting

PETITIONS

COMMITTEE REPORTS

UNFINISHED BUSINESS

TABLED FROM AUGUST 9, 2016

Com. from Building Commissioner – 50 Williams Street, Taunton High School Stadium

ORDERS, ORDINANCES AND RESOLUTIONS

Order for a first reading to be passed to a second reading

Ordered That,

\$6,500,000 is appropriated for the purpose of financing the construction of various improvements to the City's water system, including without limitation the (i) the removal and replacement of the sludge collectors at the water filtration plant, (ii) improvements to the ventilation system in the main electrical and generator room, (iii) the rehabilitation of the water distribution system and (iv) remove and replace the underground fuel oil tank to be compliant with applicable regulations, including but not limited to the installation of water mains and or the cleaning and cement lining of water mains and water meter improvements; including the payment of engineering and legal services for planning, design, permitting, testing, bidding, construction administration, material testing and resident inspection services and all costs incidental or related thereto; including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$6,500,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the projects; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

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

AN ORDINANCE

Chapter 12 Licenses and Miscellaneous Business Regulations Sec. 12-4

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

SECTION 1. That section 12-4 of Revised Ordinances of the City of Taunton be amended by inserting, after paragraph (h), a new paragraph (i) as follows:

- (i) *Authority.* This ordinance is promulgated in accordance with Massachusetts General Law, c. 6, §172B½ and Public Law 92-544.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

NEW BUSINESS

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rm Blackwell", written in a cursive style.

**Rose Marie Blackwell
City Clerk**

*City of Taunton
Office of the Mayor*

*Thomas C. Hoye, Jr
Mayor*

*Alyssa Haggerty
Chief of Staff*

*Gill E Enos
Budget Director*



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

August 10, 2016

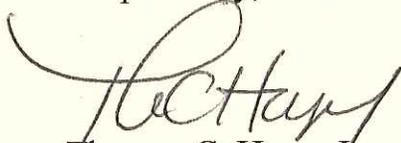
Council President Jeanne M. Quinn
Members of the Taunton Municipal Council
141 Oak Street
Taunton, MA 02780

Dear Council President Quinn:

Please be advised that I am appointing Natalie Fontes of 31 Clinton Street, Taunton, MA to ***Taunton Cultural Council*** for a term of (3) years. Her term will expire August 2019.

If you have any questions or concerns, please feel free to contact me.

Respectfully,


Thomas C. Hoye, Jr.
Mayor

Brandao Class II Hearing

2395



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, 508-821-1043
Phone 508-821-1095 Fax 508-821-1665
www.ci.taunton.ma.us

Establishing an Accessory Business Use in a Residence

Business uses (such as commercial, industrial etc) are not permitted in many areas of the City. These areas include the Rural Residential, Urban Residential, and Suburban Residential Districts. Also, residentially used properties in business districts may not desire or be able to reclassify their properties as commercially used properties. In order to accommodate certain business uses on these lots and within these areas section 5.2.1 of the Taunton Zoning Ordinance was established to allow the establishment of accessory business uses in residential structures in all districts. The types of accessory businesses allowed shall be limited to professional offices and storage of materials only for other types of businesses. This means that the primary use of the structure must be residential in nature and that the accessory business use shall comply with the following restrictions and requirements at all times;

- 1. That no signs are erected or displayed at the location at any time
- 2. That no vehicles in excess of 7500 pounds shall be parked at the location
- 3. That no more than one vehicle shall be used in conjunction with the business use
- 4. That the general public (customers and clients) shall not be invited to, come to or frequent the location to benefit from or use the business use
- 5. That the business use shall not be advertised using the location's street address. All advertisements shall have either a Post Office Box or no address listed.
- 6. That no additions or new buildings shall be constructed to conduct the activity
- 7. That the business use shall not exceed more than 20% of the residential structure or unit or require the use of more than 75% of the gross floor area of an existing accessory building (ie garage, shed etc)
- 8. That the business shall not employ any individual that does not reside at the location of the proposed activity.
- 9. All storage of materials and all business activities shall occur within the confines of existing structures and no outdoor activities shall occur at any time on-site.

If you do not comply with all of the restriction set forth above in items 1 through 9, the proposed activity constitutes the establishment of a business use as a primary use at the location and it cannot be considered accessory and the activity cannot be established under this procedure.

Address of Activity: 65 PLAIN STREET Zoning District: _____
Description of Business and Activity to be conducted at the above address: CAR SALES
NO STORAGE; JUNK OFFICE

I acknowledge that conducting the above proposed accessory business activity will not establish a business use at the above stated location pursuant to the Taunton Zoning Ordinance and Massachusetts General Laws Chapter 40A and consequently will not entitle the location of the accessory business use to any of the benefits and protections to be had by establishing a business use under such local zoning ordinance and state statute. I understand that a business certificate from the City Clerk is necessary to conduct the proposed business activity. The issuance of a business certificate for a location does not constitute the establishment of a business use for zoning purposes.

Michele Restino
Property owner/ Condo Association Representative

[Signature]
Signature of Tenant or Condo Owner

CITY OF TAUNTON
JUL 12 2016
MUNICIPAL COUNCIL

City Planner/Building Commissioner _____
Fee \$25.00, Check made out to City of Taunton

Date: 2/26/16 Cont. to 8-16-16
So det. Smith can
do a full vetting of
the applicant.
Jennifer Lopez
Asst City Clerk

Helder Brandao



The City of Taunton
Police Department
23 Summer Street
Taunton, Massachusetts 02780

Telephone: (508)821-1471
Facsimile: (508) 828-9315
www.tauntonpd.com

CHIEF
EDWARD J. WALSH

Brandao Auto

August 1, 2016

Taunton Municipal Council
Temporary City Hall
141 Oak Street
Taunton, Ma 02780

The Taunton Police Department License Division was asked to review the application for a new Class 2 Auto Sales License of Helder Brandao of 65 Plain Street Taunton.

On Thursday July 28, 2016 I met with Mr. Brandao and after reviewing his application and interviewing him I found the following:

Mr. Brandao wishes to be issued a Wholesale License and run his business in his residence at 65 Plain Street on a part time basis. A Wholesale license limits him to buying vehicles at auctions and selling them to a licensed dealer and he would not be allowed to sell to the public. I have spoken with the Registry of Motor Vehicles compliance division and informed that these licenses are not issued dealer plates as it is a requirement that the business must have a business address not at their home.. If the city was to issue this license it would be in complete disregard of the requirements set forth in the updated city ordinance. Below are the many deficiencies I have found with the application as submitted.

No approved site plan as required as part of the application was submitted.

The new city ordinance relative to the licensing of second hand motor vehicles establishments which were updated and set forth January 1, 2016 Chapter 12 Article XI Section 215 – 219 outline all of the requirements and Mr. Brandao does not meet the following:

Section 217 (b) said business is or will be the applicant's principal business, and the applicant has an available place of business suitable for the purpose.

Section 217 (e) no license shall issue unless the applicant demonstrates that the applicant

will be actively involved in the sale of second hand motor vehicles in the City of Taunton.

Section 217 (f) The applicant shall submit to the Municipal Council a plot plan of the proposed licensed premises whether or not a plot plan is required by any other provision of law.

Section 217 (g) The applicant shall specify all portions of the premises to be occupied and used by the licensee for the purpose of carrying on the licensed business.

Section 217 (i) No such license shall issue unless the licensee demonstrates that it will have and maintain access at all times to repair facilities on-site or nearby that are sufficient to enable the licensee to satisfy the warranty repair obligations imposed upon licensees pursuant to G.L. c. 90, § 7 1/4.

Section 217 (j) The Municipal Council shall deny an application for a Class 2 license unless an applicant demonstrates compliance with all requirements of the City of Taunton zoning ordinances.

Section 12-218. New License Application Criteria.

Any application for a Class 2 license which proposes to conduct operations on any premises which has not been the site upon which a Class 2 licensee has been in actual operation at any time in the past twelve months shall be considered a New License Application. A person who submits a New License Application shall, in addition to the provisions of Sections 12-215 through 12-217, inclusive, be subject to the following requirements:

Section 218(c) No New License Application shall be granted unless the applicant demonstrates to the Municipal Council at the public hearing each of the following:

1. The proposed licensed site is an appropriate location for such use.
2. The use of the property for the sale of secondhand motor vehicles will not be detrimental to the established or future character of the surrounding neighborhood.
3. The proposed licensed activity on the premises will not create a nuisance or hazard to pedestrians or motorists traveling on public ways.

4. The public convenience and welfare will be substantially served by the granting of the application.

It is my determination that this will not be the applicants principal bussines, he does not have a suitable place available for the purpose, he will not be actively involved in the sale of second hand motor vehicles in the City of Taunton, is prohibited to conduct this type of business in his residence based on zoning ordinances and finally in no way will public convenience and welfare will be substantially served by the granting of the application..

Based on the totality of the aforementioned facts, I can not give a positive recommendation regarding this application. I have informed the applicant of my position and informed him I would recommend that he be allowed to withdraw his application and the license fee of \$200.00 be returned to him.

Respectfully Submitted

Dennis M. Smith, Detective
Taunton Police Department
Licensing Division

Carloha Inc Hearing



The City of Taunton
Police Department
23 Summer Street
Taunton, Massachusetts 02780

Telephone: (508)821-1471
Facsimile: (508) 828-9315
www.tauntonpd.com

CHIEF
EDWARD J. WALSH

August 1, 2016

Taunton Municipal Council
Temporary City Hall
141 Oak Street
Taunton, Ma 02780

The Taunton Police Department License Division was asked to review the application for a new Class 2 Auto Sales License of Carloha Inc. to be located at 30 Sherwood Drive, Taunton.

I have reviewed the application with Attorney Matt Costa of Gay & Gay who represents the applicant and it has been determined that the applicant has met all the criteria required to be located at this site. All vehicles will be high end vehicles and will be limited to display within the building, with no outside displaying of vehicles.

The Taunton Police Department License Division finds nothing that would prohibit the granting of this license, with the exception of Hours of operation requested on the application are outside of restricted hours as stated in the city ordinance, thus I recommend the hours be set at 8:00 A.M to 7:00 P.M. Monday through Saturday and closed on Sundays.

Respectfully Submitted

Dennis M. Smith, Detective
Taunton Police Department
Licensing Division



The City of Taunton
Police Department
23 Summer Street
Taunton, Massachusetts 02780

Telephone: (508)821-1471
Facsimile: (508) 828-9315
www.tauntonpd.com

*Fault Line Kustom
LLC*

CHIEF
EDWARD J. WALSH

August 8, 2016

Taunton Municipal Council
Temporary City Hall
141 Oak Street
Taunton, Ma 02780

The Taunton Police Department License Division was asked to review the application for a new Class 2 Auto Sales License of Scott Wessels, for Fault Line Kustoms LLC. to be located at 32 Robert W Boyden Road, Taunton.

I have reviewed the application, visited the site and it has been determined that the applicant has met all the criteria required to be located at this site. All vehicles which he describes as Motor Cycles and repairs to such will be done within the building, with no outside displaying of vehicles.

The Taunton Police Department License Division finds nothing that would prohibit the granting of this license. Hours of operation requested on the application are 9:00 A.M. to 5:00 P.M. Monday through Friday and closed on Saturday and Sundays.

Respectfully Submitted

Dennis M. Smith, Detective
Taunton Police Department
Licensing Division

TAUNTON POLICE DEPARTMENT

LOCATION: Taunton

REQUISITION # 02262

One (1) Permanent Full Time Police Lieutenant

DATE: August 10, 2016

Rose Marie Blackwell, City Clerk
City of Taunton
141 Oak Street
Taunton, MA 02780

Applicant Status

Willing to Accept	Declined Appointment	Applicant Signature
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Name and Address of Applicant Notified to Report for Interview

REFERRED RANK 1

Grundy, Michael W.

*Dec. 23, 2014 Apt. Police
Lieutenant*

I WILL Accept the Appointment I will NOT Accept the Appointment

REFERRED RANK 2

Borges, Darrell J.

Yes

Darrell Borges

I WILL Accept the Appointment I will NOT Accept the Appointment

TAUNTON POLICE DEPARTMENT

LOCATION: Taunton

REQUISITION # 03143

DATE: August 10, 2016

Rose Marie Blackwell, City Clerk
City of Taunton
141 Oak Street
Taunton, MA 02780

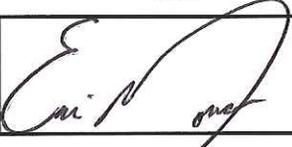
One (1) Permanent Full Time Police Sergeant

Applicant Status

Willing to Accept	Declined Appointment	Applicant Signature
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Name and Address of Applicant Notified to Report for Interview

REFERRED RANK 1 Brady, Christopher W. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
---	---	--	---

REFERRED RANK 2 Moura, Eric J. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
--	---	--	--

REFERRED RANK 2 Travers, Robert R. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
--	---	--	---

REFERRED RANK 3 Balmain, Joseph <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
---	---	--	---

REFERRED RANK 4 Neves, Lori A. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
--	---	--	---



CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
90 Ingell Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336



3.

Mark B. Slusarz, P.E.
City Engineer

Gwendolyn Borden
Info. Systems Specialist

August 9, 2016

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

RE: Paying 2016 Bill from 2017 Funds

Dear Mayor Hoye and Councillors:

I am requesting permission to pay a FY 2016 W. B. Mason invoice in the amount of \$61.10 from FY 2017 funds.

This invoice was misplaced and just discovered when a past due statement came to our office.

Thank you for your consideration on this matter.

Respectfully,

Gwendolyn Borden
Information Systems Specialist



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

August 10, 2016

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: Form J – 851 Cohannet St.

Dear Mayor Hoye and Members of the Municipal Council:

The Taunton Planning Board has received a Form J Plan – Waiver of Frontage Requirement - for the division of one lot into two lots – for land located at 851 Cohannet Street, submitted by Antonio DeSousa, 851 Cohannet St., Taunton, Ma.

The Taunton Planning Board Office will hold a public hearing on this proposal on **Thursday, September 1, 2016 at 5:30 PM** in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell (RPC)

Robert P. Campbell, Chairman
Taunton Planning Board

RPC/ djp



TAUNTON PLANNING BOARD

City Hall

15 Summer Street

Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

August 5, 2016

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: Definitive Subdivision – Highland Heights Subdivision

Dear Mayor Hoye and Members of the Municipal Council:

The Taunton Planning Board has received a Definitive Subdivision entitled “Highland Heights” to be located southerly of Briggs Street and northerly of Highland Street, on Assessor’s Reference Property I.D. 91-61 and 91-62, proposing 33 residential lots submitted by Mathew St. Germain, 164 Somerset Ave., Taunton, Ma.

The Taunton Planning Board Office will hold a public hearing on proposal on **Thursday, September 1, 2016 at 5:30 PM** in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell (Copp)

Robert P. Campbell, Chairman
Taunton Planning Board

RPC/ djp

6



CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
EDWARD JAMES WALSH

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471
August 10, 2016

The Honorable Thomas Hoye, Mayor,
And Members of the Municipal Council
City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye:

As we approach the final quarter of calendar year 2016, I am writing to request that the Municipal Council request from the Human Resources Division, a police officer list. I have been told by five separate individuals that they anticipate retiring in the month of December 2016. While none have officially filed for retirement, (nor can they for December at this point), I would prefer not to wait until this happens to initiate background checks on potential new hires as this process can sometimes drag out. By requesting a list now, we can start the process so if these retirement do occur, we will be positioned to immediately fill them. If these retirements do not come to fruition in December, we would be under no obligation to hire any of the individuals at this point.

If I can be of any further assistance, feel free to contact me at 508-821-1471x120 or via email at chief@tauntonpd.com.

Respectfully,

Edward James Walsh, Esq.
Chief of Police

7



CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
EDWARD JAMES WALSH

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471
August 11, 2016

The Honorable Thomas Hoyer, Mayor,
And Members of the Municipal Council
City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoyer:

The Municipal Council recently requested radar on West Britannia Street. Please find the enclosed report from the safety officer, Patrolman Christopher Williams.

If I can be of any further assistance, feel free to contact me at 508-821-1471x120 or via email at chief@tauntonpd.com.

Respectfully,

Edward James Walsh, Esq.
Chief of Police

Taunton Police Department

23 Summer Street
Taunton, Massachusetts 02780
508-821-1471, Extension 121

Speed Enforcement Evaluator

Location:
West Britania

Total Percentage of Enforceable Violations

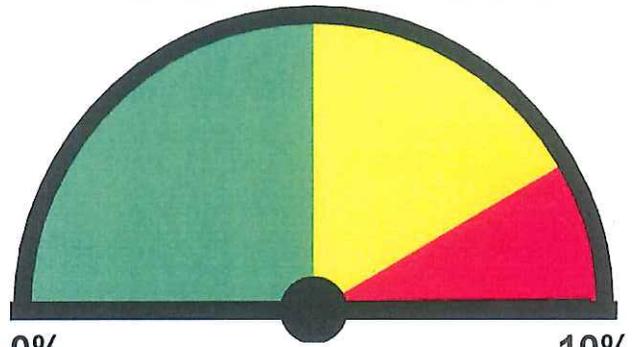
Closest Cross Street:

Analysis Dates:
Thursday, July 07, 2016
Tuesday, July 12, 2016

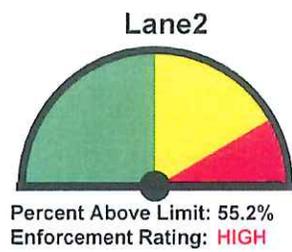
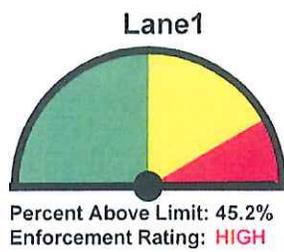
Equipment Used:

Installed By:
Safety Office Williams

Requested By:

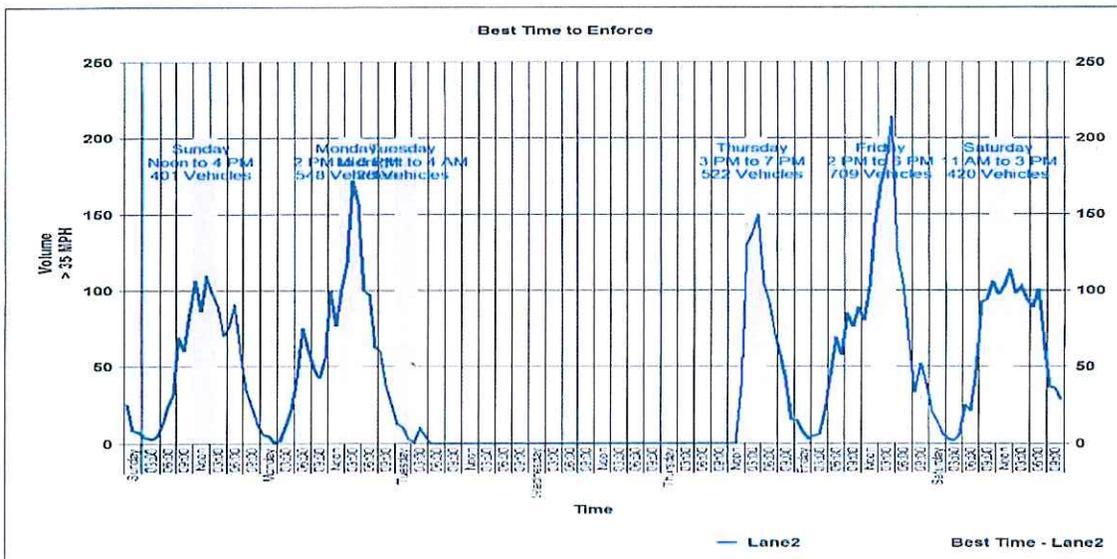
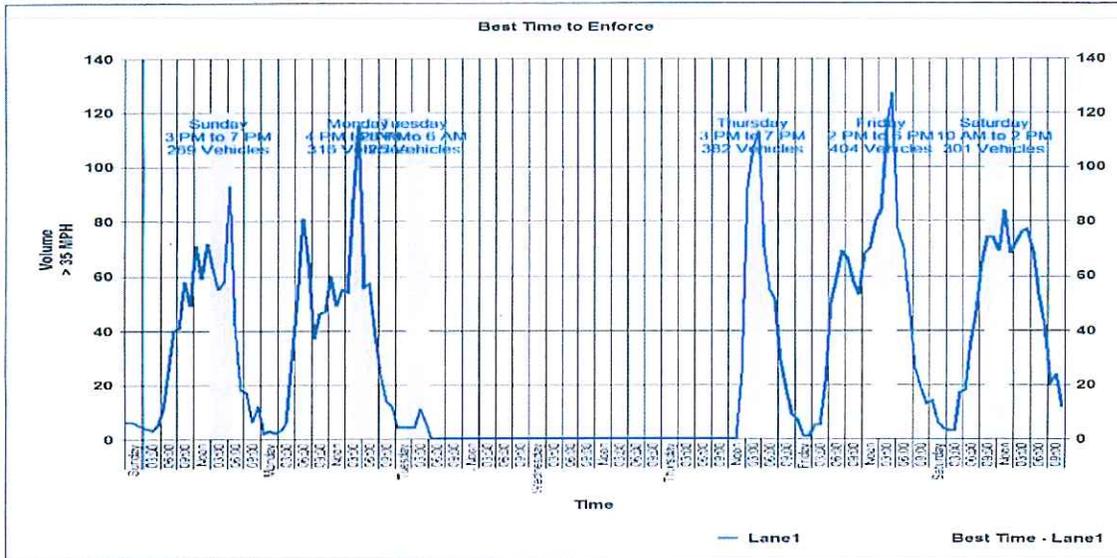


0% 10%
Posted Speed Limit: 35 MPH
Enforcement Tolerance: 0 MPH
Enforcement Limit: 36 MPH & Up
Percentage Above Limit: 50.6%
Enforcement Rating: **HIGH**



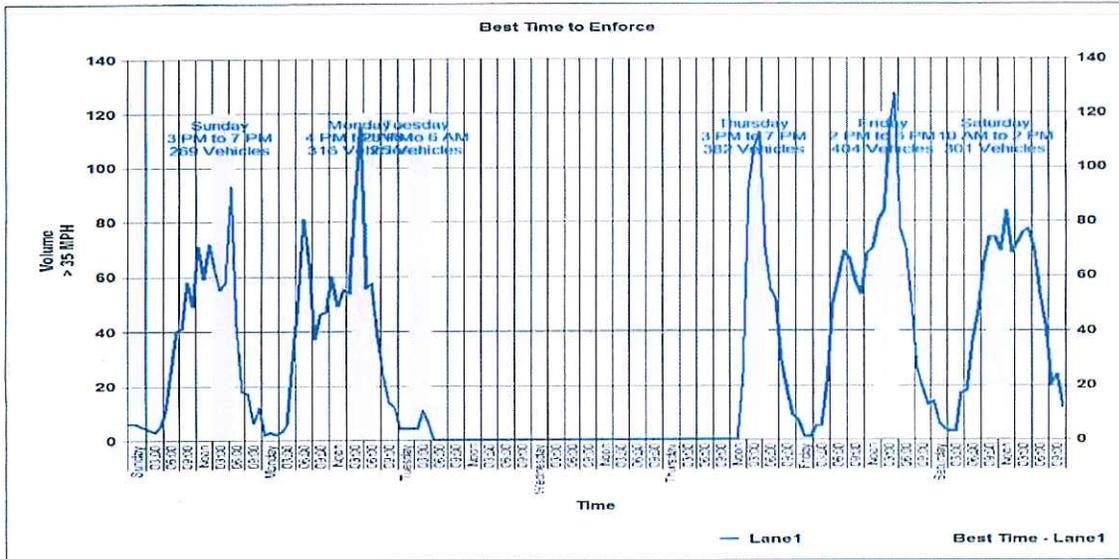
Taunton Police Department

23 Summer Street
Taunton, Massachusetts 02780
508-821-1471, Extension 121



Taunton Police Department

23 Summer Street
Taunton, Massachusetts 02780
508-821-1471, Extension 121



11.

Taunton Police Department

23 Summer Street
Taunton, Massachusetts 02780
508-821-1471, Extension 121

Best Times for Enforcement

Location:
West Britania
Closest Cross Street:

Analysis Dates:
Thursday, July 07, 2016
Tuesday, July 12, 2016
Equipment Used:

Installed By:
Safety Office Williams
Requested By:

Sun	Combined: Noon to 4 PM Lane1: 3 PM to 7 PM Lane2: Noon to 4 PM
Mon	Combined: 2 PM to 6 PM Lane1: 4 PM to 8 PM Lane2: 2 PM to 6 PM
Tue	Combined: 1 AM to 5 AM Lane1: 2 AM to 6 AM Lane2: Midnight to 4 AM
Wed	
Thu	Combined: 3 PM to 7 PM Lane1: 3 PM to 7 PM Lane2: 3 PM to 7 PM
Fri	Combined: 2 PM to 6 PM Lane1: 2 PM to 6 PM Lane2: 2 PM to 6 PM
Sat	Combined: 1 PM to 5 PM Lane1: 10 AM to 2 PM Lane2: 11 AM to 3 PM





CITY OF TAUNTON
AUDITOR'S OFFICE

141 Oak Street
Taunton, Massachusetts 02780
Phone: (508) 821-1012 Fax: (508) 821-1088

12

Ann Marie Hebert, CGA
City Auditor

Ian D. Fortes
Assistant City Auditor

TO: City Council Committee on Finance and Salaries

FROM: Ian D. Fortes
Assistant City Auditor

DATE: August 12, 2016

Please find the attached reports regarding the approval of Encumbrances and Transfers for Fiscal Year ended June 30, 2016, at the August 16, 2016 meeting of the City Council Committee on Finance and Salaries.

The reports include:

FY2016 Encumbrance List – This report shows the expenses from Fiscal Year 2016 that are carried forward and paid in Fiscal year 2017. The funding source for these payments is the Fiscal Year 2016 remaining balances.

FY2016 Transfer Report – This report contains the accounts which are in deficit at year end, and the accounts whose remaining balances are being requested to fund the deficit.

FY2016 Budget to Actual – This report is a snapshot of how the General Fund, Water, Sewer, Golf, and Nursing Home Enterprises used their budgeted Fiscal Year 2016 appropriations as of June 30, 2016.

13.

GAY & GAY, P.C.
73 Washington Street
P.O. Box 988
Taunton, Massachusetts 02780
www.gayandgaypc.com

David T. Gay
Thomas P. Gay
John L. Holgerson
Matthew J. Costa
Leo M. Spano
Thomas P. Gay, Jr.

Peter B. Gay
1915-2010
Tel. (508) 822-2071
Fax (508) 880-2602

July 27, 2016

Hand Delivered

Dr. Gerald A. Croteau, Member
Taunton Municipal Council &
School Building Committee
City Hall
Taunton, MA 02780

RE: Mulcahey School - Westside Playground - Motion on Title/Control

Dear Dr. Croteau:

With respect to the above matter I have enclosed with this letter a draft of a Motion that I believe you could make at the City Council meeting to clarify the fact that the property at the Westside playground area has been designated by the Municipal Council to be under the control of the City of Taunton School Department for purposes of constructing a new Mulcahey School and related facilities.

If you have any questions, please do not hesitate to call me.

Respectfully,

Gay & Gay, P.C.


David T. Gay

DTG/jga

MOTION:

I move that the Municipal Council vote to transfer control of the Mulcahey School westside playground land area owned by the City of Taunton to the Taunton School Department for the purposes of allowing the School Department to proceed with the construction of a new Mulcahey School and all related facilities and take all steps necessary to complete that project.

REASONS:

I am making this motion just to clarify the records as I am advised from a review of the title report that in 1937 the Municipal Council did vote to enter into a certain lease of a portion of the property for purposes of a playground; however, the title report concludes that all of the land taken by eminent domain and the land purchased by the City in the 1930's; 40's and 50's was taken or purchased without any restriction on the use of the property. Further on April 28, 1953 the vote by the Municipal Council to take a portion of the land by eminent domain specified as follows:

"For purposes of the erection and construction of a school building or buildings; the expansion of the public school program of the City of Taunton and the reasonable and proper enjoyment and use of said land to be taken in connection with said purposes.

Therefore, the purpose of my motion is simply to clarify for the record that this property is now going to be under the control of the City of Taunton School Department for the purposes stated in my motion.

August 11, 2016
Citizens of the Weir and
Thomas E. Workman Jr
180 Berkley Street
Taunton, MA 02780

The Taunton Massachusetts Municipal Council
The City Clerk
City Hall
Taunton, MA 02780

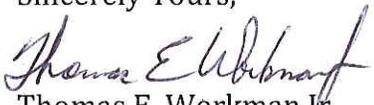
Subject: Management Summary,
Please Read Into the Record

Dear Councilors,

Pursuant to the vote of the City Council on May 24th, we respectfully request that the City Council President schedule time so that our issues may be heard by the Committee of the Council of the Whole, or at the City Council Meeting of either August 23rd or August 30th, at either 7:00 PM or just prior to the City Council meeting.

Please include the materials attached to this letter as part of the record of the City Council Meeting, copies of which have been provided to each City Councilor prior to this meeting. The original signatures on the referenced Petition have been filed with the City Clerk's office.

Sincerely Yours,



Thomas E. Workman Jr.
180 Berkley Street



Claire Travers
158 Berkley Street



Cathy Rodriguez
152 Berkley Street

August 11, 2016
Citizens of the Weir and
Thomas E. Workman Jr
180 Berkley Street
Taunton, MA 02780

The Taunton Massachusetts Municipal Council
The City Clerk
City Hall
Taunton, MA 02780

Subject: Requesting an Opportunity to Present to the Counsel

Dear Councilors,

The May 24th City Council meeting voted to permit Weir residents to present our problems and issues to the Taunton City Counsel, as their issues relate to hazards and disturbances coming from the G Lopes Sand and Gravel operation located at 120 Berkley Street. We understood that citizens would have the opportunity to present our concerns on July 19, 2016. The Council also voted to invite the City Solicitor to attend the presentation by citizens in order to provide the Council options to manage the operational hours of G Lopes. The portion of the Minutes from the May 24th Council Meeting are attached for your reference.

A petition signed by 117 citizens is attached to this letter. The signed documents are on file with the City Clerk's office, and the summary of the petition pages is provided with the text of the petition.

A memorandum of the issues will be submitted prior to the hearing, and will set forth the problems and issues that we seek to communicate to our City Council.

We have reviewed the January 5th, 2010 version of the Taunton City Ordinances 14-34 to 14-38 (attached as a copy to this correspondence), as well as the Commonwealth statute that permits the passing of these Taunton Ordinances; the current version of Massachusetts General Law Chapter 14 Section 21(17), (19), and (22) (a copy of these provisions is attached).

City Ordinances 14-34 to 38, explicitly exclude any "grandfathering" provisions. Ordinance 14-34(2) states:

"Regulating and/or prohibiting the removal of earth materials from all **existing** earth removal sites."

The "Applicability" ordinance, 14-35, states that the ordinance is applicable to:

"removal or **relocation** of all earth materials within the city is hereafter regulated"

It is not necessary for the earth materials to be "mined" from the site, relocation (including both importing and exporting from the site) is included in the ordinance.

The "Permitting Procedures" (14-37) provide that existing sites (thereby excluding any "grandfather" argument) may not operate without a valid permit. 14-37(a)(6) [sic] provides:

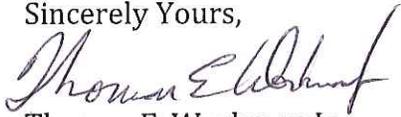
"If a site is found to be without a valid permit, the board shall instruct the owner of record to cease all operations."

In addition to operating without a permit, the operation has been in violation of the regulations of the Commonwealth, to the detriment of the neighborhood, and has failed to remedy the problems observed and identified on November 24, 2015. A copy of the Notice of Non-Compliance, obtained from the City Solicitor, is attached.

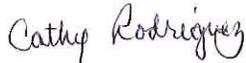
We respectfully request that the City Council President schedule time so that our issues may be heard by the Committee of the Council of the Whole, or at the City Council Meeting of either August 23rd or August 30th.

We respectfully suggest that no citizens of Taunton are above the law, and that the ordinances of the City of Taunton should be enforced. The G Lopes operation should be required to immediately "cease all operations". The City Solicitor should be instructed to take all steps necessary to enforce this Taunton order, should an action with the Superior Court be necessary.

Sincerely Yours,



Thomas E. Workman Jr.
180 Berkley Street



Cathy Rodriguez
152 Berkley Street



Claire Travers
158 Berkley Street

cc: Jason Buffington, City Solicitor
Lisa Connell, The Taunton Gazette (with full Petition and Signatures)

Attachments:

- City Council Minutes from May 24, 2016
- Massachusetts General Law Chapter 40 Section 21 (17), (19), (22)
- Taunton Ordinance 14-34 to 37
- List of Petition Pages on File
- Petition as filed
- Taunton Gazette May 30, 2016 "Taunton concrete company draws ire of neighbors"
- Notice of Noncompliance, dated February 12, 2016

City Council Meeting Minutes May 24, 2016, pages 3-4

Unfinished Business

Councilor Croteau has received a number of phone calls from the Berkley Street area regarding McCabe Sand & Gravel. There are concerns being raised regarding possibly two accidents on Jerome Street early in the morning with large vehicles coming from McCabe Sand & Gravel. **Motion was made that the concerns from the people on Berkley Street be referred to the Council of the Whole and the Mayor's Office. So Voted.** Mayor Hoyer stated that they have already initiated talks with the Zoning Enforcement Officer because they have gotten the same complaints. Councilor Carr stated that she also received phone calls about the situation there. **Motion was made that the Council President invite the City Solicitor to attend the meeting of the Council of the Whole and have some sort of plan that can be instituted that would give the Council some rights to set business hours. So Voted.** Councilor Croteau stated that the issue that came up today was that the letter from the City Planner was being interpreted erroneously as something where he sent an email to the agency but the present ordinance states that there should be no disturbing work between 1am-4am. He stated that he believes that the Council can change the ordinance to 9pm-6am. He spoke about his understanding of the grandfather issue. He stated that there are some things that can be discussed to come up with a reasonable solution.

General Laws

PART I

ADMINISTRATION OF THE GOVERNMENT

TITLE VII

CITIES, TOWNS AND DISTRICTS

CHAPTER 40

POWERS AND DUTIES OF CITIES AND TOWNS

Section 21

By-laws of towns; purpose

Section 21. **Towns may**, for the purposes hereinafter named, **make such ordinances and by-laws**, not repugnant to law, **as they may judge most conducive to their welfare, which shall be binding upon all inhabitants** thereof and all persons within their limits. They may, except as herein provided, affix penalties for breaches thereof not exceeding three hundred dollars for each offense, which shall enure to the town or to such uses as it may direct. Notwithstanding the provisions of any special law to the contrary, fines shall be recovered by indictment or on complaint before a district court, or by noncriminal disposition in accordance with section twenty-one D.

(17) **For prohibiting or regulating the removal of soil, loam, sand or gravel from land not in public use** in the whole or in specified districts of the town, and for requiring the erection of a fence or barrier around such area and the finished grading of the same. The superior court shall have jurisdiction in equity to compel compliance with any ordinance or by-law made hereunder. The penalty for violation of any ordinance or by-law made hereunder shall be as follows: for the first offence, fifty dollars; for the second offence, one hundred dollars; and for each subsequent offence, two hundred dollars. Any order or by-law prohibiting such removal hereunder shall not apply to any soil, loam, sand or gravel which is the subject of a permit or license issued under the authority of the town or by the appropriate licensing board of such town or by the board of appeal, or which is to be removed in compliance with the requirements of a

subdivision plan approved by the town planning board.

(19) For requiring any person excavating land or any person in charge of such excavation and for requiring any owner of land which has been excavated to erect barriers or take other suitable measures within two days after such person has been notified in writing by the mayor or city manager and the city council, the selectmen or the building inspector, of the city or town in which the land is located that in their opinion such excavation constitutes a hazard to public safety. The penalty for violation of any ordinance or by-law made hereunder shall not exceed two hundred dollars per day for every day such person is in violation of such notice commencing with the fourth day thereof. The superior court shall have jurisdiction in equity to compel compliance with any ordinance or by-law made under the provisions of this clause. Notwithstanding the foregoing, no person shall be found guilty of a violation of such an ordinance or by-law, nor shall a person be compelled in equity to comply therewith unless, in the opinion of the court, such excavation constitutes a hazard.

(22) For controlling and abating noise from whatever source, including, without limiting the generality of the foregoing, the right to restrict or limit the use of automobile horns and the operation of motor vehicles in such a manner as to cause excessive noise.

(c) *Authority to arrest.* A police officer shall have the authority to arrest without a warrant any person the officer has probable cause to believe has violated any provision of this section. (Ord. of 1-12-93)

Secs. 14-24-14-33. Reserved.

ARTICLE II. EARTH MATERIALS REMOVAL*

Sec. 14-34. Intent.

It is the intent of this article to protect the best interests of the residents, taxpayers, and the environment of the city by:

- (1) Allowing the removal of such sod, loam, soil, clay, sand, gravel or stone as may be required to be excavated for the purpose of constructing foundations for buildings or other allowable structures for which building permits have been issued, or for the purpose of constructing ways in accordance with lines and grades approved by the municipal council, planning board, or board of appeals, or for the purpose of constructing utilities or other engineering works for public service and the transferal of sod, loam, soil, clay, sand, gravel, or stone from one part of a lot, tract, or parcel of land to another part of the same lot, tract, or parcel of land in the same ownership.
- (2) Regulating and/or prohibiting the removal of earth materials from all existing earth removal sites.
- (3) Regulating and/or prohibiting the removal of earth materials from the boundaries of any proposed new site or the expansion of an existing site.
- (4) Prohibiting the use of land for a sanitary landfill operation unless a special permit has been granted by the municipal council in accordance with the provisions of this article.
- (5) Prohibiting the removal and/or relocation of earth materials within two hundred (200) feet of any open body of water or wetlands as defined by Chapter 131, Section 40.
- (6) Requiring all other permits or licenses applicable to the project which is the subject of the application be first obtained prior to the public hearing before the municipal council.

(Rev. Ords. 1964, sec12-28; Ord. of 8-6-74; Ord. of 4-22-75; Ord. Of 11-9-82)

+State law reference--Authority to regulate the removal of sod, loam, soil, sand or gravel from lands, M.G.L.A., c. 40, sec 21(17).

Sec. 14-35. Applicability.

Pursuant to the provisions of General Laws, Chapter 40, Section 21(17), the removal or relocation of all earth materials within the city is hereafter regulated or prohibited as herein provided. (Rev. Ords. 1964, sec12-28; Ord. of 8-6-74; Ord. of 11-9-82)

Sec. 14-36. Earth removal board.

(a) There is hereby created an earth removal board to administer and enforce this article. The board shall be comprised of the following department heads: city engineer, building inspector, supervisor of streets, health inspector, city planner, and director of conservation services. The city engineer shall serve as chairman of the board. The coordinator of planning and zoning shall serve as clerk and provide clerical support to the board.

(b) The board shall have the authority to see that this article is properly enforced. It shall adopt rules and regulations that are not inconsistent with the intent of this article and shall file such rules and regulations with the office of the city clerk. Copies of the rules and regulations along with the application form are available from the chairman of the earth removal board and the city clerk's office. (Rev. Ords. 1964, sec 12-28; Ord. of 8-6-74; Ord. Of 11-9-82, Ord of 7-11-2000)

Sec. 14-37. Permitting procedures.

(a) Existing sites. The following provisions shall apply to existing sites:

(6) If a site is found to be without a valid permit, the board shall instruct the owner of record to cease all operations.

(b) *New sites or expansion of existing sites.* As to new sites or as to expansion of existing sites:

(1) The board shall prepare an application form which shall require sufficient information to enable the council to make a rational determination of the impact of the new site.

(2) All applications shall be submitted to the board together with a one hundred dollar (\$100.00) filing fee. Applicant shall also pay for cost of publishing and mailing of notices.

(3) Upon receipt of a properly executed application, the board shall forward copies to the following municipal agencies for review and comment within twenty-one (21) days after the date of filing the applications:

- (a) Planning board;
- (b) Police department; and,
- (c) Conservation commission.

(4) After reviewing the comments of the above agencies, or if twenty-one (21) days elapse without such reviews or comments having been received, and meeting with the applicant or his/her agent at the proposed site, the board shall forward the application to the municipal council along with its recommendations and the reasons for said recommendations within thirty-six (36) days after the date of filing the application; provided, however, that the application shall not be forwarded to the council until the board has received from the applicant proof that he/she has obtained all other permits and licenses necessary for the proposed operation from all other municipal boards and agencies having jurisdiction over the site. Said proof shall be forwarded to the council along with the application. Any application submitted to the council without such proof shall be considered incomplete, and the council need not take any action concerning the same.

(5) Upon receipt of a complete application from the board, the municipal council shall within sixty-five (65) days hold a public hearing on same and cause notice of same to be mailed by certified mail to all abutting property owners (including those across the street) of record in the assessor's office. Notice shall also be posted in the local newspaper at least fifteen (15) days prior to the date of the hearing.

(6) Based on the testimony at the hearing and the board's recommendation; the council shall within ninety (90) days from the date of the hearing make a determination whether such operation is in the best interests of the city. If the determination is positive, the council may condition the permit so as to minimize the adverse impact of the operation, and the board shall be responsible for enforcing those conditions. If the determination is negative, the application shall be denied.

(7) The council shall include the following factors in its consideration to the extent that they are applicable:

- a. Groundwater table protection;
- b. Local aquifers protection;
- c. Aquifer recharge areas and wetlands protection;
- d. Floodplains and lake shore protection;
- e. One-hundred-year storm water runoff;
- f. Eutrophication of lakes and rivers;
- g. Erosion, sedimentation and siltation;
- h. Soil characteristics (soil logs);
- i. Ambient air quality;
- J. Ambient noise levels;
- k. Esthetic affects to the neighborhood;
- l. Public street conditions and design, including bridges;
- m. Population and housing densities;
- n. Proximity to public and private educational and recreational activities;
- o. Traffic conditions;
- p. Off-site disposal of stump and boulders;
- q. Accessory uses and activities;
- r. Highest and best use of property;
- s. Reclamation plan and property reuse;
- t. Project schedule and operation hours;
- u. Security;
- v. Agricultural, historical, and archeological significance;
- w. Significant forest and field wildlife habitats for endangered species (flora and fauna);
- x. Scope and elevation (contour) impacts to the surrounding area;
- y. Earth removal benefits to the city; and,
- z. Operational impacts to the neighborhood and environment during site development, operation, closure and post closure.

Permitted sites; amendments – That any existing permit requesting a modification of earth removal permit shall submit a plan showing sections completed, sections to be completed and reasons for the request. The Municipal Council shall then make a determination as to whether the amendment is a minor or major change in the approved plan. Minor changes shall be heard and decided by the Earth Removal Board without a public hearing and major changes shall require a public hearing in front of the Municipal Council

(d) Violations of sections 14-34 through 14-38 shall be punishable by a fine not exceeding three hundred dollars (\$300.00) for each offense. Each day a violation continues shall constitute a separate offense.

(e) Changes and/or amendments to the approved earth removal permit including but not limited to the conditions in the permit, limits of work, the reclamation plan, the time limits for completion etc. shall require an amendment to the permit and shall follow the requirements of (c) above.

(f) Expiration of the earth removal permit shall not influence the reclamation plan which shall not expiration.

(Rev. Ords. 1964, sec 12-28; Ord. of 8-6:74; Ord. of 11-9-82; Ord of 8-8-2000)

Sec. 14-38. Other provisions.

(a) This article shall not be deemed to prohibit the removal of such sod, loam, soil, clay, sand, gravel, or stone as is required to be excavated for the purpose of constructing foundations for buildings or other allowable structures, for which building permits have been issued, or for the purpose of constructing ways in accordance with lines and grades approved by the city engineer and the planning board, or for the purpose of constructing utilities or other engineering works for public service or for the construction of septic plans approved by the Board of Health” after “public service. Nor shall this article be deemed to prohibit the transferal, of sod, loam, soil, clay, sand, gravel, or stone from one part of a lot, tract, or parcel of land to another part of the same lot, tract, or parcel of land in the same ownership.

(b) The removal and/or relocation of earth materials within two hundred (200) feet of any significant open body of water or wetlands, as defined by Chapter 131, Section 40, is prohibited. Earth removal permits presently in existence and subject to future renewal applications after the adoption of these amendments shall not be subject to this paragraph. (Rev. Ords. 1964, sec 12-30; Ord. of 11-9-82)

List of Signed Petitions on File with the Taunton City Clerk

- 1. 12 Signatures
 - 2. 12 Signatures
 - 3. 12 Signatures
 - 4. 16 Signatures
 - 5. 12 Signatures
 - 6. 12 Signatures
 - 7. 6 Signatures
 - 8. 3 Signatures
 - 9. 2 Signatures
 - 10. 7 Signatures
 - 11. 9 Signatures
 - 12. 12 Signatures
- 117 Total Signatures

PETITION to the Taunton, Massachusetts City Council

Date Submitted August 11, 2016 By: _____

PETITION: We the undersigned are petitioning the Taunton City Council to enforce: the Taunton Zoning Ordinance Sec. 8 - Section 8.2 "Detrimental Effects Prohibited"; to enforce the remediation requirements set forth by the DEP; and to enforce the laws of the Commonwealth regarding disturbing the peace. The companies of RMS/G Lopes Construction are currently (and in the past) in violation of the following Taunton Ordinance provisions: "regular noise, sporadic vibration and noxious odor (i.e., dust and caustic particulates) perceptible at any point beyond the boundary lines caused by machinery, trucks and equipment owned/operated by the companies of 120 Berkley St., Taunton, MA.

These companies have further been altering the equipment used at these work premises without concern of the detrimental effects to abutters and neighbors. Noise from the work premises has been reported by residents of Berkley, MA from a distance of a mile away.

Our petition is further to regulate operating hours on the above premises to the following: Monday through Friday from 7:00 a.m. to 5:00 p.m. and once a month on a Saturday from 7:00 a.m. to noon. We further request that the work premises be required to comply with the Commonwealth's Environmental regulations, and that trucks from the work premises operate at a safe speed.

We are requesting relief from the aforementioned detrimental effects of 120 Berkley St. on our homes, premises and families. At the present time, the noise is omnipresent, and in addition, the truck traffic has recently increased to an all time high.

Our serious concerns have forced us to petition our City Council for relief a second time.

We have presented a petition to the Police and License Commission in the past; these same issues were in the original petition of Sept. 23, 2014. The problems have been ongoing since April, 2013 and there is no end in sight. The companies at 120 Berkley St. have not properly addressed the problems, even after being ordered to comply by a Commonwealth agency (the DEP).

We thank you for your assistance with these concerns of Taunton taxpayers and voters.

Signature	Printed Name	Address
1. <u>Debbie McAulay</u>	Debbie McAulay	5 Arthur St Taunton, MA
2. <u>Jill Zucumal</u>	Jill McCormuck	5 Arthur St Taunton, MA
3. <u>Anna Camara</u>	Anna Camara	135 Copley Dr. Taunton MA
4. <u>Beruby Amorim</u>	Beruby Amorim	60 Berkley St. Taunton
5. <u>Jhva Amorim</u>	Jhva Amorim	60 Berkley St Taunton
6. <u>Belder Amorim</u>	Belder Amorim	60 Berkley St. Taunton, MA.
7. <u>Kolay Jereese</u>	Kolay Jereese	67 PLAIN ST. Taunton, MA
8. <u>Marnel Marie</u>	Marnel Marie	14 Pratt St Taunton MA
9. <u>Natalie D. Marie</u>	Natalie Marie	14 Pratt St
10. <u>Debra Dorato</u>	Deborah Dorato	9 West Wier St 1A Taunton MA
11. <u>Chris Kent</u>	Chris Kent	7 Cooper St Taunton MA
12. <u>Virginia C. Frohman</u>	Virginia C. Frohman	180 Berkley St. Taunton

PETITION to the Taunton, Massachusetts City Council

Date Submitted August 11, 2016 By: _____

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These companies have further been altering the equipment used at these work premises without concern of the detrimental effects to abutters and neighbors. Noise from the work premises has been reported by residents of Berkley, MA from a distance of a mile away.

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	Signature	Printed Name	Address
1.		Michael Beche	109 Berkley St.
2.		Matt Gomes	107 Berkley #2
3.		Francisco Gomes	" " "
4.		Maria Gomes	" " "
5.		Cynthia Morin	6 Beacon St
6.		Amran M Khan	76A Hart St
7.		Claire Travers	158 Berkley St
8.		Catherine Rodriguez	152 Berkley St.
9.		THOMAS E WORKMAN JR	180 BERKLEY ST
10.		THOMAS E WORKMAN JR	180 BERKLEY ST
11.		Karen Cuzzo	255 Pratt St
12.		William Cuzzo	255 PRATT ST

PETITION to the Taunton, Massachusetts City Council

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We thank you for your assistance with these concerns of Taunton taxpayers and voters.

	Signature	Printed Name	Address
1.		Nicole Hayward	204 B Pratt St Taunton, MA
2.		Elizabeth De Oliveira	214 Pratt St. Taunton, MA
3.		Edward Lopes	43B Pratt St. Taunton, MA
4.		Earl Montiro	43A Pratt St Taunton MA
5.		Shannon Coughlin	221 Berkley St. Taunton
6.		Johann Borges	4 O'Keefe St Taunton
7.		JAMES O'BRIEN	Jerome St
8.		DAVID DRISCOLL	1 JEROME ST,
9.		Ryan Hennessy	221 Berkley St.
10.		Diana M. Rocha	109 Berkley St. Taunton
11.		Brian Castle	70 Berkley St
12.		Diane Castle	170 Berkley St.

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	Signature	Printed Name	Address
1.	<i>Robert Viera</i>	Robert Viera	35 LONG MEADOW RD.
2.	<i>Khara Rouleau</i>	Khara Rouleau	852 Somerset Ave.
3.	<i>Mary Conway</i>	MARY Conway	7 Glebe Street
4.	<i>Kristen Viera</i>	Kristen Viera	35 Longmeadow Rd
5.	<i>Alexis Viera</i>	ALEXIS Viera	35 Longmeadow rd
6.	<i>Jennifer Freeman</i>	Jennifer Freeman	15 River view St.
7.	<i>Rebecca Freeman</i>	Rebecca Freeman	152 River view St
8.	<i>WJ Freeman</i>	WJ Freeman	15 River view St
9.	<i>Stephan A. Gomes</i>	STEPHAN A. GOMES	3 AGULHAS ST.
10.	<i>Eveline M. Cabral</i>	Eveline M. Cabral	32 Hewitt Ave
11.	<i>Ralph W. Cabral</i>	Ralph W. Cabral	32 Hewitt Ave
12.	<i>Connor McManis</i>	Connor McManis	132 Berkley St.
13.	<i>Manisha W. Jura</i>	Manisha W. Jura	152 Berkeley St.
14.	<i>Brian Estrella</i>	Brian Estrella	201 Berkley St.
15.	<i>Alexandra Bennis</i>	Alexandra Bennis	201 Berkley St.
16.	<i>Ronald J. Berger</i>	Ronald J. Berger	4 Keete St Taunton MA

PETITION to the Taunton, Massachusetts City Council

Date Submitted August 11, 2016 By: _____

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Signature	Printed Name	Address
<u>Janice C. Reilly</u>	Janice C. Reilly	198 Caswell St E. Taunton
<u>Annette Lemieux</u>	ANNETTE LEMIEUX	191 Winthrop St
<u>Cynthia Tokarz</u>	Cynthia Tokarz	50 Highland St. #246
<u>Elizabeth Bailey</u>	ELIZABETH BAILEY	148 MYRICKS ST E. TAUNTON
<u>Diane Oliveira</u>	Diane Oliveira	486 Crane Ave Taunton
<u>Brenda Bianchi</u>	Brenda Bianchi	64 White Pine Dr.
<u>Scott Farrell</u>	SCOTT FARRELL	46 PRATT ST. TAUNTON 02780
<u>Jessie Farrell</u>	Jessie Farrell	46 Pratt St Taunton, MA 02780
<u>Sandra Farrell</u>	SANDRA FARRELL	44 PRATT ST TAUNTON MA 02780
<u>Charles Farrell</u>	CHARLES FARRELL	44 PRATT ST TAUNTON MA 02780
<u>Derek Simmons</u>	Derek Simmons	214A Pratt St Taunton MA
<u>Pam Burns</u>	Pam Burns	204A Pratt St. Taunton, MA 02780

Agel

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PETITION to the Taunton, Massachusetts City Council

Date Submitted August 11, 2016 By: _____

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	Signature	Printed Name	Address
1.	<i>John Aitchison</i>	John Aitchison	27 Richard St.
2.	<i>Venus Wheeler</i>	Venus Wheeler	85 Baylies Rd
3.	<i>Robert Wheeler</i>	Robert Wheeler	85 Baylies Rd
4.	<i>Placida M Simpson</i>	Placida M Simpson	87 Baylies Rd
5.	<i>Robert Simpson</i>	Robert Simpson	87 Baylies Rd
6.	<i>Harold Fossatti</i>	HAROLD FOSSATTI	158 LAKEVIEW AV.
7.	<i>Grace Bennington</i>	Grace Bennington	701 Winthrop St.
8.	<i>Carolynne Fossatti</i>	Carolynne Fossatti	158 Lakeview Ave
9.	<i>Heather Rodriguez</i>	Heather Rodriguez	158 Berkley St
10.	<i>John Baptiste</i>	John Baptiste	25 Smith Ave.
11.	<i>Britney Davidson</i>	Britney Davidson	152 Bencuy St.
12.	<i>Nancy Davidson</i>	Nancy Davidson	152 Bencuy St.

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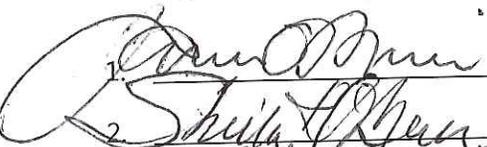
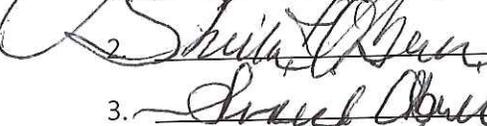
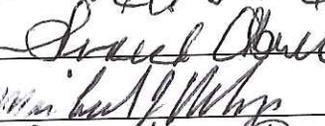
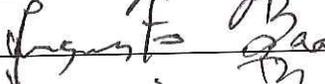
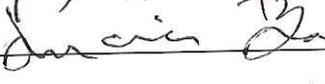
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	Signature	Printed Name	Address
		J. O'Brien	Ø Jerome St.
		S. O'Brien	Ø Jerome St.
3.		J. O'Brien	Ø Jerome St.
4.		Michael Velozo	Ø 410 Berkley St.
5.		AUGUSTO BARBOSA	410 BERKLEY
6.		LUCIA BARBOSA	410 BERKLEY
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____

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	Signature	Printed Name	Address
1.	<i>Rose F. DeSilva</i>	Rose F. DeSilva	188 Berkley St.
2.	<i>Lisa DeSilva</i>	Lisa DeSilva	188 Berkley St. Taunton
3.	<i>Joyce R. Rose</i>	Joyce R. Rose	240 Paul Revere Terr. Taunton
4.			
5.			
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	Signature	Printed Name	Address
1.	<u>[Signature]</u>	BREAN D. DE SILVA	188 BERKLEY ST. TAUNTON, MA. 02780
2.	<u>Barry E. Tan</u>	BARRY E. TAPP	612 Somerset Ave Taunton
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____

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	Signature	Printed Name	Address
1.	<i>Betsy Spearstone</i>		<i>Berkley St.</i>
2.	<i>John Nills</i>		<i>Berkley St.</i>
3.	<i>Janeth Peters</i>		<i>Berkley St.</i>
4.	<i>David Bettencourt</i>	David Bettencourt	Berkley St
5.	<i>Annella Hem</i>		<i>Berkley St</i>
6.	<i>Walter</i>		<i>" " "</i>
7.	<i>Selvana Bettencourt</i>		
8.			
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PETITION to the Taunton, Massachusetts City Council

Date Submitted August 10, 2016 By: _____

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Signature	Printed Name	Address
1.	Walter P Caballero	44 Berkley St
2.	Jared Lima	68 North M St.
3.	Nicole Amaral	840 County St.
4.	Chris Latimore	35 East Walnut St.
5.	Luke Weh	252 Berkley
6.	Debra S. Penha	203 WINTHROP ST #B12
7.	Luis Romo	209 Church St.
8.	Matt Rodriguez	152 Berkley St.
9.	Bianca Claudio	240 High St
10. _____		
11. _____		
12. _____		

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Date Submitted August 11, 2016 By: _____

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	Signature	Printed Name	Address
1.		Jonathan Silva	22 Harrison St. apt 2
2.		Connor McMann	152 Berkley St.
3.		Arthur Travers	701 Winthrop St
4.		Claire C. Travers	701 Winthrop St.
5.		JOSEPH AMARAL	8/10/16 AVE
6.		Thomas Betz	489 Somerset Ave
7.		David DeWarraco	79 Bayview Ave Berkley ma
8.		Jason Dumont	130A Indian Meadow Dr.
9.		Jeff McCormack	P.O. Box 723 Taunton
10.		Debbie McAuley	5 Arthur St Taunton
11.		Justin Lima	68 N. Main St. Berkely.
12.		Paul	183 Bay St

Date Submitted _____ By: _____

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Signature

Printed Name

Address

By Charles Winokoor

Print Page

May 30, 2016 2:27AM

Taunton concrete company draws ire of neighbors

Too much noise and too many cement trucks. That's been the complaint of a group of residents living near Redi-Mix Services.

TAUNTON — Too much noise and too many cement trucks. That's been the complaint of a group of residents living near Redi-Mix Services.

It's a dispute that for the past year and a half has been pitting some Weir Village neighbors against the operators of the 90-plus-year-old concrete manufacturing facility at 120 Berkley St.

And it's been picking up steam on and off the block.

"It's called disturbing the peace," Taunton city councilman Gerald Croteau said.

"People should not have to worry about being run off the road by trucks, and they're entitled to a good night's sleep in their own home," he added.

Croteau says he made a motion at last week's City Council meeting referring the matter to the council of a whole for good reason: He said he didn't want it to get "buried in committee."

"This has been going on for too long," he said.

Council president Jeanne Quinn concurred.

"It's been a continuous problem," she said. "Something's got to be done. It's not fair for the neighbors to be woken up at 4 a.m."

Complaints of late-night and early morning noise began in 2013, a year after Gill Lopes, owner of G. Lopes Construction, inked a partnership deal with the owner of a Marshfield concrete manufacturer called Southern Redi-Mix.

Lopes and Southern Redi-Mix owner Gregory Keelan said buying the McCabe Sand and Gravel Company would lead to job creation and revitalize what had become a stagnant business model.

It also, they said, would prove mutually fortuitous.

G. Lopes previously had supplied the Marshfield company with sand-and-gravel aggregate needed to make concrete. Keelan, in turn, sold concrete to Lopes.

Lopes already owned a rock crushing plant and was leasing the 20-acre Taunton site from former owner Bob Murphy, who finally sold Lopes the real estate with its concrete batching plant, truck garage and office building.

Keelan, meanwhile, bought the McCabe company's assets and liabilities. The arrangement was for him and Lopes to evenly split combined profits between the Taunton and Marshfield operations.

Business picked up, which meant longer hours during which aggregate was being crushed and mixed and — depending on the number and size of work contracts — more concrete trucks driving in and out to deliver product.

As early as the summer of 2013 Keelan said he'd expanded the Taunton truck fleet from seven to 32 vehicles to keep up with contracts in southeastern Massachusetts and Rhode Island.

By next summer the City Council was reviewing a letter submitted by Berkley Street resident Claire Travers, whose house abuts the property line of the concrete-and-gravel yard.

Travers complained that Southern Redi-Mix, now Redi-Mix Services, had been operating machinery into the evening "and overnight sometimes."

She also said she was concerned that Keelan supposedly was seeking a special permit to eliminate a long-standing agreement with the city that the concrete business not operate from 1 to 4 a.m.

In her letter, Travers called the late-night noise of machinery and trucks "horrendous" and said it was depriving children and adults of a decent night's sleep.

Travers this past week said she and other residents on Berkley Street are still subjected to early morning and sometimes late-night noise from trucks and machinery.

"The dust is horrendous (and) the trucks literally fly (down the street)," she said.



PHOTO/ TAUNTON GAZETTE PHOTO CHARLES WINOKOOR

Homeowner Jim O'Brien says concrete truck drivers from Redi-Mix Services on Berkley Street should not be allowed to drive up and down Jerome Street where he lives.

Travers said she's spoken to Croteau about the possibility of presenting a petition to the council to enforce shorter, designated hours of operation, perhaps 6 or 7 a.m. to 6 p.m.

"We want the hours regulated," she said.

Travers and other neighbors said they have yet to see proof of a so-called grandfather clause allowing Redi-Mix to operate and run trucks 21 hours a day.

City Clerk Rose Marie Blackwell referred questions as to the existence of the clause to City Planner Kevin Scanlon, who in turn said he previously informed the City Council that there is no zoning restriction preventing Redi-Mix from operating for long stretches.

Scanlon did say the company is required by city ordinance to get an annual permit for extended hours. Longtime councilman A.J. Marshall, however, said he has no recollection of the City Council ever issuing such a permit.

A quarter-mile south of the entrance to Redi-Mix Services, at the corner of Berkley and Jerome streets, James T. O'Brien sits near his front door watching concrete trucks roll up to the stop sign.

Most come to a full stop, but some don't as they turn right to head back to 120 Berkley St.

Six Redi-Mix trucks from 1 p.m. to 1:30 p.m. that afternoon rumble past his front lawn where O'Brien has placed two signs, one with a line drawn across the image of a concrete truck and a similar one with the message "Stop the noise."

It's Wednesday. The good news, O'Brien says, is that the general manager of Redi-Mix has informed him that the last load of concrete has been delivered to the construction site of the massive Amazon facility being built in Freetown off of Route 24.

But that doesn't erase the fact, O'Brien said, that for the past eight months he and his wife, who has been dealing with serious medical problems, have been awoken each weekday morning at 4 a.m. by the sound of concrete mixing trucks using the rural street as a shortcut to Exit 11 of Route 24.

"It's the lowest quality route," O'Brien, 68, said.

The former administrative executive of Bacon Felt, the wool-felt manufacturer that 10 years ago downsized and closed its Taunton facility in the Weir, said he intends to collect signatures for a petition of his own.

If approved by the City Council the measure would impose a travel restriction for large industrial vehicles, including concrete mixers, on Jerome Street, of which only a small stretch falls within Taunton city limits.

O'Brien says he has the support of a number of neighbors, many of whom, like himself, he says are trying to enjoy their retirement years.

He claims the argument by Redi-Mix that Jerome Street provides its drivers a more direct route to Route 24 is disingenuous and inaccurate.

He says it's half a mile longer to get to the highway by way of Jerome Street — which circuitously runs two and a half miles to Padelford Street in Berkley before reaching Exit 11 — than it is to continue straight down Berkley Street and take a left onto Berkley's North Main Street, which turns into South Main Street and leads to Exit 10.

That road, O'Brien said, is wider and safer than Jerome Street and far better equipped to handle industrial and commercial trucks. Jerome Street, he notes, is winding and lacks sidewalks.

"No one can jog or ride bikes anymore," said O'Brien, who notes that the main attraction on Jerome Street are two farms.

The percussive rumbling created by a concrete truck's dual motors, he said, is not just loud and unpleasant: O'Brien says there are potential medical risks for some people who are repeatedly subjected to its "underground shock waves."

O'Brien said the volume of trucks by Wednesday had dropped off by at least half compared to when they were headed to the Amazon construction site. But he said he'll still collect petition signatures for a restriction.

During a subsequent phone interview, Gill Lopes said his drivers use Jerome Street instead of North and South Main Streets in nearby Berkley to avoid school bus traffic from the town's two schools.

Lopes also claims the recent, temporary closure of the west end of Hart Street left him no alternative other than to utilize Jerome Street.

But a veteran Taunton police officer, who asked that his name not be used, said Redi-Mix and G. Lopes trucks sometimes use the unwieldy Pratt Street as a cut-through to Hart, when they just as easily could drive to West Water Street and then Ingell Street, the latter of which runs past the city's DPW facility before intersecting County Street.

Lopes and Keelan eventually parted ways and no longer are business partners. Lopes, as a result, is now sole owner of Redi-Mix Services.

Lopes says he currently owns just 18 cement mixers as result of the split, but that he "rents" independent drivers with their own cement trucks as needed.

He says if the city were to approve a travel ban of his trucks on Jerome Street it would be "a hindrance."

As for O'Brien and other neighbors who support a truck restriction, he said: "That's their prerogative. But we have rights too."

O'Brien, an Irish immigrant who says he's lived at 0 Jerome St. (his actual address) since 1979, said Redi-Mix Services in less than a year "has managed to (expletive) away three generations of good will."

Both O'Brien and his neighbor Mary Driscoll, who lives next door, said they're still outraged about an accident the morning of April 25 that involved a Redi-Mix driver and a mother and her young daughter.

The Taunton police crash report states that the 39-year-old Berkley woman, along with her child, were in her Toyota sedan stopped at the stop sign at the

corner of Jerome and Berkley streets, when the cement truck driver made a left turn to head up Jerome Street.

The 46-year-old driver, police said, "admitted he made to (sic) much of a sharp left turn on the narrow Jerome St. while operating a cement mixer."

The truck swerved into the opposite lane and sideswiped the stationary car containing the woman and her daughter, police said.

Police said the truck driver was at fault for causing the crash but was not issued a citation. And although no one appeared to be injured, police said the girl was taken to Morton Hospital "for precautionary reasons due to her age."

Driscoll and O'Brien said they heard the crash and came outside. They said the woman and her daughter remained trapped in the car until Redi-Mix supervisors showed up and managed to separate it from where it had driven into the driver's side.

Driscoll said she was struck by what she said was the cavalier attitude of some officers on scene.

"I said, 'This isn't funny,' but they just told me off and said nobody got hurt and that they (Redi-Mix) have a right to do business," she said.

Driscoll said the little girl, who appeared to be about four or five, "looked like death, she was so terrified." As for her mom, she said the woman appeared "frozen" with fright.

Driscoll said she later delivered a tote bag with small gifts to the girl at Morton Hospital.

She estimates cement-truck traffic has quadrupled since G. Lopes Construction took over the business: "They've literally ruined it for everyone."

Claire Travers' brother in law, Peter Rodrigues, lives at 152 Berkley St., which also abuts the Redi-Mix site. Sometimes, he says, "I can hear them starting at 3 a.m."

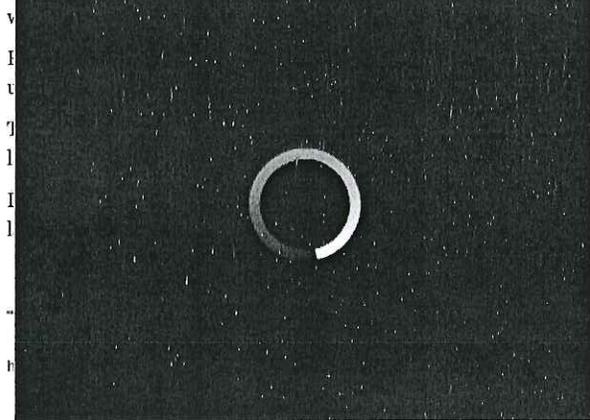
He said years ago when Bob Murphy ran the show he personally would stop by people's houses to let them know what to expect when a big job was about to start.

"We didn't mind, because he told us," Rodrigues, 63, said. "He treated everybody good and even had someone wash the dust off the houses. He treated us like neighbors, and if there was a problem he'd fix it."

As for Redi-Mix Services, Rodrigues says "they don't tell us nothing. It would be nice if they came by and talked to us."

Redi-Mix in February was slapped with a "notice of noncompliance" by the state's Department of Environmental Protection after an inspection turned up four violations, according to a copy of the of the original notice addressed to the company's general manager.

The DEP said the company could not provide documentation of emissions from two processing/production plants, one which dates back to 1968 and the other



whether a diesel engine-generator power unit was in compliance, and for failing to equip the

generator of hazardous waste" that had accumulated in a storage tank, for which signs and

to 30 days to rectify the problems, either by submitting certification or records or by correct

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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

February 12, 2016

Mark J. Hampston
Redi-Mix Services
120 Berkley Street
Taunton, Massachusetts 02780

Re: **NOTICE OF NONCOMPLIANCE: NON-SE-16-9003-27**
And INFORMATION REQUEST

Noncompliance with:
M.G.L. Chapters 21C and 111,
310 CMR 7.00,
310 CMR 30.000

MassDEP Facility Id. No. 133425

Dear Mr. Hampston:

Department of Environmental Protection (“MassDEP”) personnel have observed or determined that on November 24, 2015, activity occurred at 120 Berkley Street, Taunton (“the Facility”) in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP. Enclosed please find a Notice of Noncompliance, an important legal document describing the activities that are in noncompliance.

Additionally, pursuant to 310 CMR 7.02(7) of the Air Pollution Control Regulations and M.G.L. Chapter 111 Sections 142A through 142J, MassDEP has the authority to request information regarding all emission units and any appurtenant equipment at the Facility. Redi-Mix Services’ aggregate processing plant was observed to be generating particulate matter (PM) emissions from various process points upstream of the aggregate washing process (the wet deck) and back to and including raw material input. Further inspection revealed deficiencies in the water spray system used for control of PM emissions from the process equipment. Specifically, a water spray nozzle located at the primary crusher was observed to be nonfunctioning and all nozzles observed were hanging loosely from their flexible supply hoses and not in fixed effective

positions. Redi-Mix Services could not provide and had no knowledge of the emission level generated from the aggregate processing plant. Redi-Mix Services could not provide any documentation of the installation of new crusher units in the process line or operating parameters or maintenance and malfunctions for the emission control system for the aggregate processing plant. MassDEP has determined the Facility has the likelihood of causing or contributing to a condition of air pollution in accordance with 310 CMR 7.02(7).

Therefore, this letter requests that Redi-Mix Services submit the following information to MassDEP within thirty (30) days from date of receipt of this letter:

- records that document all emissions from the Facility on a monthly and twelve month rolling basis. The records shall document all emission units and emission controls installed and operational including date of installation, manufacturer model numbers, serial numbers, ratings, control efficiencies, maintenance and malfunctions.

Redi-Mix Services is required to make an accurate submittal, in accordance with 310 CMR 7.01(2), and the submittal shall include certification in accordance with 310 CMR 7.01(2)(c).

Please send all submittals to:

Daniel Gavin
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

This letter also contains general information on possible options to reduce the quantity, toxicity and/or global warming potential of the materials used by your facility, which if implemented, may assist in correcting the violations described in the enclosed document(s).

OPPORTUNITIES FOR REDUCING THE FACILITY'S ENVIRONMENTAL IMPACT

By modifying the facility's processes and/or waste generation practices, you may be able to reduce or eliminate the environmental regulatory requirements and fees that apply to this facility, including requirements to:

- notify MassDEP;
- obtain MassDEP permits or other approvals;
- manage wastes in specific ways; and
- file reports on your operations with the agency.

Potential modifications may include:

- reducing the quantity and/or toxicity and/or global warming potential of waste that requires disposal;

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- eliminating or reducing the use of toxic or greenhouse gas emitting chemicals by the facility; and
- increasing energy efficiency.

In addition, these modifications may improve your product quality and/or process efficiency, and save money.

Tracking the facility's hazardous substances use and greenhouse gas emissions and reviewing that data periodically may lead to the identification of additional opportunities to reduce the quantity and toxicity of materials used, of greenhouse gases emitted, and of hazardous wastes generated.

For information on reducing hazardous chemical use, greenhouse gas emissions, and/or waste generated, you may contact:

- The Office of Technical Assistance (617-626-1060) for free, CONFIDENTIAL technical assistance including on-site assessments, financial evaluations, the handbook "The Practical Guide to Toxics Use Reduction", and other resources.
- The Toxics Use Reduction Institute (978-934-3275) for courses for certified "Toxics Use Reduction Planners".
- MassDEP's Toxics Use Reduction Program (617-292-5982) for guidance material on the Toxics Use Reduction Act requirements.
- The MA Department of Energy Resources, (617-626-7300) for further information on energy efficiency programs.

If you have any questions regarding this matter, please contact Daniel Gavin of this office at (508) 946-2776.

Sincerely,



Daniel DiSalvio
Compliance and Enforcement Chief
Bureau of Air & Waste

DD/DG/

PAFY2016C&E\Redi-Mix Services G-Lopes\Redi-Mix Services G-Lopes NON.doc

CERTIFIED MAIL # 7014 2120 0003 6904 3006

ecc: MassDEP -- SERO
Attn: Lisa Ramos

Attn: Daniel DiSalvio

Office of Technical Assistance
Attn: Rich Bizzozero

Taunton Board of Health
hgallant@taunton-ma.gov

cc: Glenn Reagan
G-Lopes Construction
490 Winthrop Street
Taunton, MA 02780

46.

NOTICE OF NONCOMPLIANCE

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Department of Environmental Protection's ("MassDEP") investigation on November 24, 2015, noncompliance occurred or was observed at Redi-Mix Services at 120 Berkley Street, Taunton in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place on which MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

NAME OF ENTITY(S) IN NONCOMPLIANCE:

Redi-Mix Services, Inc.
MassDEP Facility Id. No. 133425
(hereinafter referred to as "Respondent")

LOCATION(S) WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

120 Berkley Street
Taunton, MA 02780

DATE(S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

November 24, 2015

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DESCRIPTION OF NONCOMPLIANCE:

The Department's investigation shows that Respondent had the following violations:

1. Respondent was operating an onsite stationary aggregate processing plant to produce crushed, sized and washed aggregate products for use in the onsite concrete production plant or for offsite use. The aggregate processing plant was observed to be powered by a Caterpillar brand diesel engine-generator power unit located adjacent to the processing plant. Respondent representatives reported this engine-generator was installed in order to power the aggregate processing plant in 2013. The engine-generator label plate information was recorded as model no. 3412, engine family 5CPXL27.0MRH BPG02540, dated 2005. Respondent failed to submit documentation to certify the engine-generator power unit was in compliance with 310 CMR 7.26(43), as required by 310 CMR 7.26(43)(e), and in accordance with 310 CMR 70.00.
2. Respondent failed to operate the Caterpillar diesel engine-generator described above in compliance with the operational requirements for stack height found at 310 CMR 7.26(43)(d)3., so as to not cause a condition of air pollution. The generator was in operation without an exhaust stack of the minimum required ten foot height as required by 310 CMR 7.26(43)(d)3.c.
3. Respondent was operating a dry batch ready mix concrete production plant. The operation consists of two semi automated production plants, plant no.1-the original plant built approximately 1968 and a newer plant, plant no.2, reportedly added on in approximately 1999. Emission control at key points in the two plants is typical and by enclosure, baghouse and cyclone. Admix chemical addition from onsite chemical storage in above ground storage tanks is automated. Respondent could not provide documentation of emissions generated from the concrete processing plant and could not provide any documentation of operating parameters or maintenance and malfunctions for the emission control units. This constitutes a condition of noncompliance with 310 CMR 7.02(2)(d).
4. Respondent was operating as a very small quantity generator of hazardous waste at the time of the inspection. The waste accumulation area consisted of a double walled above ground storage tank located in the mobile equipment repair garage. The waste accumulation area was not posted with a sign in accordance with 310 CMR 30.341(4), as referred to by 310 CMR 30.353(6)(h). In addition, the tank was not labeled in accordance with 310 CMR 30.695(3), as referred to by 310 CMR 30.353(6)(g).

ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):

The following action(s) to be taken have individual deadlines associated with them. Respondent shall take the necessary steps to correct the violations within the specified deadlines as noted and shall return to compliance with the requirements described below. MassDEP's regulations at 310 CMR 5.09 presume that you receive this Notice of Noncompliance, if delivered by regular mail, three business days after it was issued (i.e., the date of the cover letter).

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Furthermore, Respondent shall submit a written response within **fifteen (15) days** of date of receipt of this Notice, acknowledging receipt of this Notice, describing the actions already taken, and describing actions intended to be taken in order to achieve and maintain compliance with the Regulations.

1. **Within fifteen (15) days** from the date of receipt of this Notice, Respondent shall submit to the MassDEP Southeast Regional Office, Compliance and Enforcement Section, certification of the engine-generator power unit used to power the aggregate processing plant as required by 310 CMR 7.26(43)(e). If the engine-generator power unit is unable to be certified, Respondent shall submit a written plan, with timelines, describing how Respondent intends to comply with the applicable sections of 310 CMR 7.00, as they relate to the engine-generator power unit.
2. **Within thirty (30) days** from the date of receipt of this Notice, Respondent shall provide records for the dry batch concrete processing operation in accordance with 310 CMR 7.02(2)d.
3. **Within thirty (30) days** from the date of receipt of this Notice, Respondent, now registered and operating as a very small quantity generator of hazardous waste and a small quantity generator of waste oil, shall provide signage for the waste oil accumulation tank in accordance with 310 CMR 30.253(6)(b)1. and labeling for the waste oil accumulation tank in accordance with 310 CMR 30.695(3), as referred to by 310 CMR 30.343(1)(e), as referred to by 310 CMR 30.253(6)(b)2.b.

Please address your reply to this Notice of Noncompliance to Daniel Gavin at this office.

Date: 2-12-16



Daniel DiSalvio
Compliance and Enforcement Chief
Bureau of Air & Waste

DD/DG/

CITY OF TAUNTON

MASSACHUSETTS

DEPARTMENT OF PUBLIC BUILDINGS



ROBERT P. PIROZZI
BUILDING COMMISSIONER
CHIEF OF INSPECTIONS

MARY JANE BENKER
BUILDING INSPECTOR
ZONING ENFORCEMENT OFFICER

PAUL WHITE
BUILDING INSPECTOR
ZONING ENFORCEMENT OFFICER

UNFINISHED BUSINESS

CITY HALL
141 OAK STREET
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019

August 12, 2016

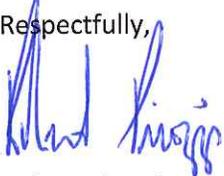
Re: 50 Williams Street, Taunton High School Stadium

To whom it may concern:

Building Permits for the demolition and reconstruction of the Taunton High School Stadium were issued in phases. In total \$5431.00 in permit fees were collected.

Feel free to contact the Building Department if you have any further questions.

Respectfully,



Robert Pirozzi
Building Commissioner



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www.bpotech.org

STEPHEN POELAERT
Supervisor of Buildings and Grounds

Telephone 508-823-5151 EXT. 336

Fax 508-823-4935

E-mail: spoeaert@bpotech.org

August 1, 2016

Mayor Thomas Hoye and Members of the Municipal Council
City of Taunton
15 Summer Street #3
Taunton, MA 02780

RE: Filing Fee Waiver

Dear Mayor Hoye and Council Members:

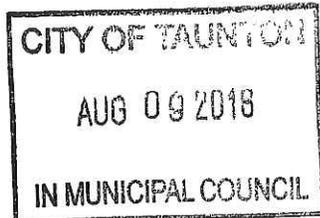
I am writing to request a waiver for the Site Plan Review fee of \$500.00 charged by the City of Taunton's Planning Board. This fee is for the Site Plan Review of a new parking lot expansion located on the School's property at 207 Hart Street, Taunton, MA.

As you know, Bristol-Plymouth Regional Technical School is one of Taunton's public schools providing the children of Taunton the opportunity for a technical education. Your consideration of this request would be greatly appreciated.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Stephen B. Poelaert
Supervisor of Buildings and Grounds

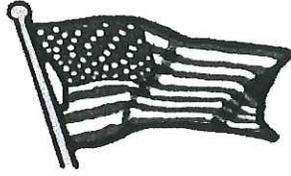


SBP/tac

*Motion was made to table for 1 week.
That Bob Pirozzi provide the Council
with the charge of the permit fees
for the Stadium Project - Ron Blawie
of Clear*



Accredited by the New England Association of Schools & Colleges



AUGUST 16, 2016

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

RECEIVED
CITY CLERK'S OFFICE
2016 AUG 12 11 A 9:57
TAUNTON, MA
CITY CLERK

PLEASE NOTE: **THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, AUGUST 16, 2016 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 WITH THE CITY AUDITOR TO REVIEW THE FISCAL YEAR 2016 YEAR END ENCUMBRANCES AND TRANSFERS
4. 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 THE DEPARTMENT OF PUBLIC WORKS

1. MEET TO DISCUSS \$6.5 MILLION BOND REQUEST
2. MEET FOR DPW UPDATES
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**

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES