



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

~
AUGUST 30, 2016 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Assistant City Solicitor – Procurement of public safety devices
- Pg. 2 Com. from Chad Morin, Taunton Fire Department – Taunton Fire Department/MDA Fill the Boot Drive
- Pg. 3 Com. from Assistant City Solicitor – Resolution of a lawsuit
- Pg. 4 Com. from City Solicitor – Eminent Domain land acquisitions for roadway improvement purposes

COMMUNICATIONS FROM CITIZENS

PETITIONS

Livery License

Petition submitted by Patricia and Daniel Macean, 333 County St., Taunton requesting a **NEW Livery License** for D&P Community Transportation, LLC located at 333 County St., Taunton. **(1 Vehicle)**

Claim

Claim submitted by Kathleen Baran, 49 Mayflower Ave., Taunton seeking reimbursement for damages to her automobile from hitting a sewer cover in front of Cronin's Spa at 38 Adams Street.

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CITY CLERK'S OFFICE
2016 AUG 26 1 A 9:59
TAUNTON, MA
CITY CLERK

Miscellaneous

Petition submitted by Taunton Municipal Lighting Plant proposing to place four (4) new sole electric manholes and conduits on Constitution Drive. **(Public Hearing Required)**

Petition submitted by Taunton Municipal Lighting Plant proposing to place five (5) new sole electric manholes and conduits on Route 140 North Bound interchange with Stevens Street in Taunton. **(Public Hearing Required)**

Petition submitted by Attorney William Rounds, 115 Broadway, Taunton on behalf of his client Louis Borges, Jr. for a special permit to allow a multi-family development containing eight (8) units to be located at 123 Hart Street, Taunton. **(Public Hearing Required)**

Kennel License

Petition submitted by Janice Alston, 13 Johnson St., Taunton requesting a NEW Grade 1 (4-6 dogs) Kennel License for personal uses dogs, **NOT Business use** to be located at 13 Johnson St., Taunton. **(Public Hearing Required)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

Pg. 5-6 **Tabled for one week** -Mulcahey School Westside Playground – Motion on Title/Control

ORDERS, ORDINANCES AND RESOLUTIONS

Order for a second reading to be ordained on a roll call vote

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.

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

Ordered That,

\$26,000,000 is appropriated for the purpose of financing the construction of various improvements to the City's wastewater system, including without limitation (i) the development of a sewer capacity model and infiltration inflow (I&I) and a sewer system evaluation survey (SSES) update; (ii) the final environmental impact report (EIR) and comprehensive wastewater management plan (CWMP); (iii) a wastewater treatment plant capacity analysis (anti- degradation); (iv) for municipal separate storm sewer system (MS4) permitting and compliance activities; (v) for sludge transfer containers; (vi) sewer and drain improvements design; (vii) Sewer and drain improvement construction; (viii) main lift pump station design; (ix) for the main lift pump station design; and (x) WWTF Preliminary Design Report, including but not limited to the construction of the projects, the payment of engineering and legal services for planning, surveying, design, permitting, testing, bidding, construction administration, material testing, resident inspection services, and all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow **\$26,000,000** 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 Clean Water 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.

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

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

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



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

August 24, 2016

Jeanne M. Quinn, Esq.
Council President
141 Oak Street
Municipal Council
Taunton, MA 02780

RE: Procurement of Public Safety Devices

Dear Council President Quinn and Councilors:

The Law Department recently assisted the Police Department with issuing an RFP for the procurement of Tasers. Captain Daniel McCabe previously determined that it would be most advantageous to the City to spread the cost of this procurement over five years, with the requirement that the devices come with a warranty of at least five years. In general, most municipal procurements are for a term of three years or less. Pursuant to Massachusetts General Laws c. 30B §12(b), however, a term of five years would require a majority vote approval by the Municipal Council.

Will you please consider making and approving the following motion: Motion to authorize the Mayor, as Chief Procurement Officer, to award and enter into a five year procurement term with the low bidder, TASER International, Inc.

Thank you for your attention to this matter and please contact me with any questions or concerns.

Respectfully,


Daniel F. de Abreu
Assistant City Solicitor

cc: Captain McCabe

8/19/16

2.

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

Re: Taunton Fire Dept/MDA Fill The Boot Drive

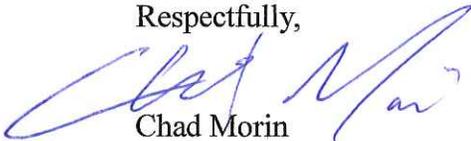
Dear Mayor Hoye and Municipal Councilors;

I am writing to request permission/inform the Council of the intention of the Taunton Firefighters to conduct our annual Fill The Boot Drive for the Muscular Dystrophy Association. We will be at our usual locations around the city on Sunday morning (9/4) from 8am-4pm, and again on Monday 9/5 (Labor Day) from 8am-12 noon as weather permits.

I truly appreciate your help and support in this annual fund raising drive. Every year the City of Taunton is among the highest money raising communities in the Northeast Region for MDA mainly because of the kindness and generosity of our great citizens.

Thank you again.

Respectfully,



Chad Morin
Taunton Fire Dept.
Local 1391



City of Taunton
LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1397



3.

Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

August 25, 2016

Jeanne M. Quinn, Esq.
Council President
141 Oak Street
Municipal Council
Taunton, MA 02780

Dear Council President Quinn and Councilors:

As you may recall, a lawsuit was filed against the City by the contractor who constructed the sidewalk downtown, alleging that the City owed money under the contract. The City, through the Law Department counterclaimed that the contractor owed the City money for failing to complete the project in a timely manner. I am pleased to inform you that the matter has been resolved, with the City retaining \$10,833.33 that otherwise would have been payable under the contract.

Respectfully,

Daniel F. de Abreu
Assistant City Solicitor



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

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



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Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

August 25, 2016

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

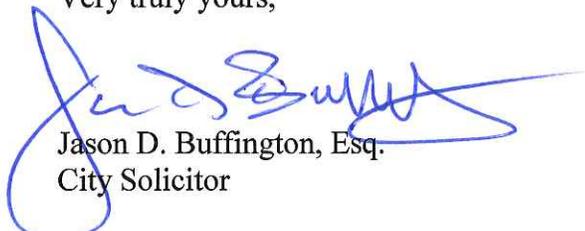
RE: Eminent Domain Land Acquisitions for Roadway Improvement Purposes

Dear Council President Quinn and Members of the Municipal Council:

By correspondence dated July 29, 2016, I informed the Municipal Council that a number of land acquisitions were necessary in order to successfully move forward with the Hart's Four Corners intersection improvement project. On August 2, 2016, the Municipal Council referred this matter to the Committee on Public Property. On August 9, 2016, the City Engineer and I met with said committee to discuss these acquisitions along with two parcels on Stevens Street. Also on August 9, 2016, the Committee on Public Property unanimously forwarded a positive recommendation to the Municipal Council to adopt the necessary Orders of Taking at the August 30, 2016 meeting with respect to all parcels.

The Treasurer/Collector has reported that she received via wire transfer from the Mashpee Wampanoag Tribal Gaming Authority the total sum of \$776,460.00, which is the precise sum necessary to pay for all of these land acquisitions in accordance with the professional appraisals conducted. Accordingly, I respectfully request that you vote to approve the enclosed Orders of Taking (see separate packet). Thank you for your consideration of the same.

Very truly yours,


Jason D. Buffington, Esq.
City Solicitor

cc: Mark Slusarz, P.E., City Engineer

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

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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

W:\Jennifer\School Dept\#546 - Land Title Issues - Mulcahey School\ltr to Dr Croteau & Motion 7-27-16.wpd

CITY OF TAUNTON
AUG 23 2016
IN MUNICIPAL CLERK'S OFFICE

CITY OF TAUNTON
AUG 16 2016
IN MUNICIPAL CLERK'S OFFICE

Motion was made to table for 1 more week. Member of Council

Motion to table for 1 week to receive an opinion of the City Solicitor. Tom Blawie, Esq.

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MOTION:

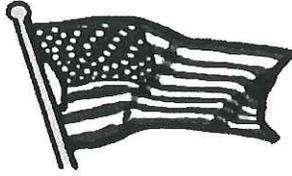
I move that the Municipal Council vote to transfer control of the Mulcahey School westside playground land area owned by the City of Taunton to the Taunton School Department for the purposes of allowing the School Department to proceed with the construction of a new Mulcahey School and all related facilities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



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CITY CLERK'S OFFICE

2016 AUG 25 | A 8:15

TAUNTON, MA

CITY CLERK

AUGUST 30, 2016

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

PLEASE NOTE: THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, AUGUST 30, 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

THE COMMITTEE ON FINANCE AND SALARIES

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET TO REVIEW MATTERS IN FILE

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

THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET TO HEAR CONCERNS OF NEIGHBORS REGARDING COMMERCIAL OPERATIONS AT 120 BERKLEY STREET
2. MEET TO REVIEW MATTERS IN FILE

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

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES