City of Taunton
Municipal Council Meeting Minutes
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Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, August 16, 2016 at 7:30 O'clock P.M.

Regular Meeting
Mayor Thomas C. Hoye, Jr. presiding

A moment of silence was held for Steve Nunes, the brother of former Mayor Bob Nunes, Steve Doherty, brother of former City Councilor Jane Doherty and Elaine Olson, the wife of Clive Olsen who has served the City in various capacities throughout the years who all have passed away this past week.

Prayer was offered by the Mayor
Present at roll call were: *Councilor's Croteau, Carr, Pottier, McCaul Dermody, Borges, and Cleary*
Councilors Quinn and Marshall are absent.

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

Councilor Pottier made a motion to go out of the regular order of business to Appointments. So Voted.

Com. from City Clerk submitting a requisition for One Permanent Full Time Police Lieutenant. **Councilor Pottier made a motion to offer the promotion to Daryl Borges. On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor. Motion was made to invite Mr. Borges into the enclosure to be sworn in. So Voted.** Mr. Borges was then sworn in by the City Clerk.

Com. from City Clerk submitting a requisition for One Permanent Full Time Police Sergeant. Councilor Pottier stated that there were a number of applicants, however per Civil Service guidelines they go by the top on the list. **Motion was made to appoint Christopher Brady to Police Sergeant. On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor. Motion was made to invite Mr. Brady into the enclosure to be sworn in. So Voted.** Mr. Brady was then sworn in by the City Clerk.

Appointment of Natalie Fontes, 31 Clinton Street, Taunton to the Taunton Cultural Council for a term of three (3) years expiring in August 2019. **Motion was made to move approval. So Voted.**

Motion was made to go back to the regular order of business. So Voted.

Continued Hearing brought up by assignment on the 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. . **Motion was made to open the hearing and invite Detective Smith and Helder Brandao into the enclosure. So Voted.** Zoning Compliance Form from City Planner. **Motion was made to make part of the record. So Voted.** The City Clerk read a Com. from Detective Dennis Smith submitting his recommendation. It stated that based on the totality of the aforementioned facts, he cannot give a positive recommendation regarding this application. He has informed the applicant of his position and informed him that he would recommend that he be allowed to withdraw his application and the license fee of $200.00 be returned to him. **Motion was made to make part of the record. So Voted.** Councilor Cleary asked Mr. Brandao if he has seen the letter from Detective Smith and if he understands that he can withdraw his application and get his money back. Mr. Brandao stated that he does understand and he spoke to Det. Smith who told him that he was not allowed to do it on his property. He stated that it would only be used as an office. His cars would go right from the auction to the dealers who hire him to buy them. They would never go to his property. Councilor Cleary wanted to make sure that he understood the recommendations. Councilor Borges stated that was also her question, she wanted to make sure that he understood what Det. Smith had written. Councilor Borges asked if Mr. Brandao had seen this yet. Det. Smith stated that he had not given him a copy because he was on vacation but he did meet with him to explain the many deficiencies and how he will not be giving a positive recommendation. He stated that he does not think that anyone would want a car lot next to their house. It is a residential area. He stated that Mr. Brandao said that he would not have any cars there, but without cars, what benefit would it be to the City. He stated that it is spelled out in the City Ordinance which was put into place in January. Councilor Borges stated that she agrees with Det. Smith but wanted to make sure Mr. Brandao understood. Mr. Brandao spoke about how if he knew that it couldn't be done he wouldn't have done it. It is not just about the money, it is his time that he put into it. He would have liked someone along the line to tell him not to waste his time or his money because he is not allowed to do that. He stated that he buys the cars and then sells them to a dealership. At the end of the year, he has to pay taxes to the City of Taunton for each car that he sells. Councilor Borges stated that his point is very well taken, but unfortunately it violates everything in the City's Zoning Ordinance. It has not met any of the requirements. She stated that because of not meeting the restrictions, she would not be in favor of this. Councilor Dermody stated that he would also not be in favor. He stated that it is clearly spelled out. He asked Mr. Brandao if he would be willing to comply with any of the conditions on the document. Mr. Brandao spoke about how the City Planner signed off on it after he explained what he was doing. Councilor Dermody stated that the Council cannot set this precedent. Mr. Brandao spoke about the research he has done and what he was told. Mayor Hoye asked if anyone was present to speak in favor of the petition. Tom Workman, 20 Berkley Street stated that he reviewed this while he was at City Hall; the Zoning Commission approved his application. He spoke about how Det. Smith is not qualified to make the legal findings in this document. He spoke about how the applicant understood that he was to be vetted and his application would be approved pending his vetting. He believes that the Council should disregard the information provided by Det. Smith. It was not was he was asked to do. He asks that the Council grant the permit to the applicant. There was nobody present to speak in opposition of the petition. Councilor Carr made a motion to offer Mr. Brandao the option of withdrawing and receiving a refund of the $200 application fee. Also that he be

provided with a copy of the decision to have a chance to read it and if he feels that he wants to comply with the letter he can at a later date. Mr. Brandao withdrew his petition. Mayor Hoye stated that it is withdrawn without prejudice and if he would like to make adjustments to the application and resubmit it, the Council would be more than happy to entertain it. **Motion was made to close the hearing and accept the withdrawal. So Voted.**

Hearing brought up by assignment on the 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. **Motion was made to open the hearing and invite the parties into the enclosure. So Voted.** The City Clerk read a Com. from Detective Dennis Smith submitting recommendation. It stated that 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 he recommends the hours be set at 8:00AM to 7:00PM, Monday through Saturday and closed on Sundays. **Motion was made to make part of the record. So Voted.** Atty. Matthew Costa and Xin Duan were present to speak. Atty. Costa spoke about the site plan that he had displayed. He explained where the vehicles will be stored. He stated that the business model states that there is no outdoor lot or repairs. There is a strong emphasis on online sales. He spoke about the high standards of the cars and how there is a showroom. He stated that there are no problems with the suggested hours of operation provided by Det. Smith. Councilor Borges asked if they were occupying 3,090 sq.ft of a 30,000 sq.ft building along with three other businesses. Atty. Costa stated that he wasn't sure how many other businesses are in that location. Councilor Borges stated that there is no parking there and asked if there is a showroom, where will the people park? Det. Smith stated that there is parking and they will be the only business in there that people would be coming and going. Councilor Borges asked about the business. Atty. Gay stated that it is not like buying and selling cars on Craigslist, they have a very nice website with a system that allows people to buy and sell cars online. He spoke about the online order process and how the car is delivered to the purchaser's house. Councilor Cleary asked about the repair facility. Atty. Costa stated that they will utilize an offsite repair facility in Malden, MA. Atty. Costa stated that the Zoning Board granted them a special permit for used car sales at the site. Councilor Cleary stated that he has not seen a list of requirements. Det. Smith stated that there was a public hearing held on December 15, 2015 with the Zoning Board of Appeals when they granted the Special Permit. Councilor Cleary asked if there were any stipulations, Det. Smith stated that it was just that they cannot have an outside display. Councilor Croteau stated that he has a concern about the maintenance. He stated that the place in Malden is on the other side of Boston. He doesn't think that it is a positive situation for the residents. He asked if they had a contractual agreement with them and for how long of a period of time. He stated that if he was to vote for this, it would have to be backed up with a signed contractual agreement with a local auto repair shop for an extended period of time. Councilor Carr asked what benefit it would be to the City in regards to online sales. Atty. Costa stated that he doesn't know the full scope on how used car dealers are taxed on vehicle purchases. He stated that they would pay all of the customary taxes that a dealer leasing property in Taunton would. She thinks that online businesses do not pay the same taxes. Councilor Croteau stated that there is a very good

possibility that there would not be an exchange of funds relative to the State of Mass for sales tax. It has been an ongoing debate. Atty. Costa stated that the business is located in Massachusetts and the sales would be reported in Massachusetts. Councilor Croteau stated that the corporation online is registered in New York. When the sale is reported, is it a sale in NY or MA? Atty. Costa stated that as part of the application, this business is registered to do business in Massachusetts. Councilor Croteau stated that the business is registered to 1035 Old County Rd., Westbury, NY 11590. Atty. Costa stated that it is an out of state corporation registered to do business in Massachusetts. Atty. Costa stated that this isn't the only dealer who would have an arrangement with a repair facility that is not onsite. He then explained the process and who would be doing the repairs. The company has to meet the requirements of the lemon law and repair cars in a timely manner. He spoke about the lemon laws and their requirements. Councilor Pottier stated that this would basically be a used car dealership where there would be no outside viewing of the cars and the primary marketing will be on the internet. He stated that the benefit to the City is that we would have one less vacant business in Taunton. Councilor Pottier asked about employees. Atty. Costa spoke about their employees and why they chose this community. It is a very low impact business. Councilor Croteau stated that he raised the issue of the corporation being located out of state because of all the problems with the collection of sales tax for sales being made online. He spoke about used car dealers in the City who do not have an onsite repair shop. He stated that it would be safe to say that they have arrangements with shops in the area, not in Malden. There should be a local repair shop in the area with a long standing contract. Councilor Pottier spoke about how people will pay sales tax when registering their cars. Councilor Carr told Det. Smith that he just turned someone down because they did not meet the requirements of the ordinance. She asked if he thinks that a repair shop in Malden meets the requirements of the facility needing to be onsite or nearby. Det. Smith stated that it can't be compared; the other applicant did not even list where it would be. He stated that Atty. Costa assured him that it is a high end business with high end cars. If there are any complaints, that is when it will come back before the Council to take the license away for non-compliance. She asked if the purchaser will be protected regarding the time it takes for repairs. Det. Smith stated that it would go through the lemon law. Councilor Carr asked if they there was any issues with their other locations. Det. Smith stated that he has not seen any. Councilor Croteau spoke about problems that have occurred with other people who have been issued licenses. He does not like the situation. There was nobody present to speak in favor or opposition of the petition. **Councilor Borges made a motion to grant the petitioner the license to operate. So Voted.** Councilor Croteau voting in opposition. **Motion was made to close the hearing and excuse the parties. So Voted.**

Hearing brought up by assignment on the 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. **Motion was made to open the hearing and invite the petitioner into the enclosure. So Voted.** The City Clerk read a Com. from Detective Dennis Smith submitting his recommendation. It stated that the Taunton Police Department License Division finds nothing that would prohibit the granting of this license. Hours of operation requested on the application are 9:00AM to 5:00PM Monday through Friday and closed on Saturday and Sundays. **Motion was made to make part of the hearing. So Voted.** Councilor Pottier asked what he would be doing on the site. Mr. Wessel stated that it will focus on restorations and possibly the selling of them. Councilor Borges stated that she could not find number 32, and asked if it is number 30.

He stated that it is behind Pring Plumbing and has its own access road. She wanted to confirm that his hours of operation will be 9:00AM to 5:00PM, Monday through Friday and not on the weekends. Mr. Wessel confirmed. There was nobody present to speak in favor or opposition of the petition. **Motion was made to close public input. So Voted. Motion was made to approve the petition. So Voted. Motion was made to close the hearing and excuse the parties. So Voted.**

Communications from the Mayor:

Mayor Hoye announced that Taunton has been awarded a second SAFER Grant to cover the salaries of seven full time firefighters for two years which has a price tag of over $1.3M. The performance period would run from February 2017 to February 2019. The last SAFER grant lasted four months beyond this one. He thanked Chief Bradshaw and his team for putting together such a positive, well written proposal and Congressman Kennedy for his work. Councilor Pottier also thanked the Congressman for his support. He asked Mayor Hoye if this was full funding for two years. Mayor Hoye stated that it is and the only thing that we are responsible for buying the gear which is $2,500 per person. Councilor Pottier asked if after the two years we have to keep them hired or does it run out. Mayor Hoye stated that it runs out and at that point the decision is made. He spoke about the significant improvements that need to be made to our 911 system. He stated that he; the City Solicitor, the Police Chief and the Fire Chief have been meeting over the past several weeks about this. These positions could help bridge that gap as we move towards a new system. Councilor Pottier asked if the Mayor was relatively confident that we will be able to keep these seven after the two year term runs out. Mayor Hoye confirmed. Councilor Croteau stated that he recalls a discussion about the cost to retain the seven firefighters. He stated that there is an added situation here that would reduce the concern that was mentioned. He spoke about the 911 situation and how some additional positions when they are continued would be required anyway. Councilor Carr stated that she isn't sure that it is the correct road to go down. She stated that it has been 6 years with no City Hall and there has been talk about building another school. She thinks that actual commitments have to be made to City Hall. She stated that a study should be done on the Fire Department, its structure and who provides what services. Mayor Hoye stated that he is committed to move forward with City Hall. He spoke about being proud of the work that has been collectively done over the past five years with the City's public safety. He is hopeful that the Council will support this additional opportunity. Councilor Cleary stated that one of the reasons why we got the second grant is because the Mayor and the Council managed it so well. He spoke about how the commitment was maintained to fire safety. Councilor Croteau spoke about how additional personnel will be needed and how going with the grant will reduce overtime. He thinks that we should take the grant and he will certainly vote for it. **Motion was made to support the SAFER Grant. So Voted. Councilor Carr voting in opposition.** Mayor Hoye announced that the DPW has let the Council know that Taunton is one of two communities that has moved to the third tier of the Complete Streets, a program from the Baker/Polito administration which is administered through the DOT. He stated that we are on the verge of making that a reality. It started in his office with Alyssa and the DPW working in tandem. He stated that the DPW has taken it over and brought it to the next level. He thanked them for their hard work which will result in more monies in our public roads.

Communications from City Officers:

Com. from Gwendolyn Borden, Engineering requesting permission to pay a FY 2016 W.B. Mason invoice in the amount of $61.10 from FY2017 funds. This invoice was misplaced and just discovered when a past due statement came into the office. **Motion was made to move approval. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they have 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 Street, Taunton, MA. The Taunton Planning Board Office will hold a public hearing on this proposal on Thursday, September 1, 2016 at 5:30PM in the Chester R. Martin Municipal Council Chambers, 141 Oak St., Taunton, MA. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they have 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 5:30PM in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, MA. **Motion was made to receive and place on file. So Voted.**

Com. from Police Chief requesting that the Municipal Council request from the Human Resources Division, a police officer list. He has 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), he would prefer not to wait until this happens to initiate background checks on potential new hires. 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. **Motion was made to refer to the City Clerk to ask for a list for five police officers as requested by the Police Chief. So Voted.** Councilor Cleary asked when the current list expires. The City Clerk stated that she is pretty sure that it goes until 2017 and the Fire list goes until November, 2016.

Com. from Police Chief submitting radar report on West Britannia Street from the safety officer, Patrolman Christopher Williams. **Motion was made to refer to the Committee on Police and License and invite the Chief to attend. So Voted.**

Com. from Assistant City Auditor submitting encumbrances and transfers for Fiscal Year ending June 30, 2016. The reports include, FY2016 Encumbrance List, FY2016 Transfer Report and the FY2016 Budget to Actual. Councilor Croteau stated that the Committee on Finance and Salaries met this evening and reviewed the situation with the City Auditor and the Assistant City Auditor and recommended to approve as presented. Mayor Hoye stated that it will be taken care of in Committee Reports. **Motion was made to refer to Committee Reports. So Voted.**

Communications from Citizens:

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. He

enclosed a draft of a Motion that he believes could be made 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. Councilor Croteau stated that at a recent meeting of the Building Committee it was discussed that there were people who had an opinion that the ball fields in the back of the school were under the jurisdiction of the Park & Rec Commission. It was stated that this would have to be referred to the State Legislature for a Home Rule Petition to make the transfer. Superintendent Hackett, who was at the meeting, suggested that this issue be referred to the school attorney, Gay & Gay. They looked into the situation and also had an opinion from another attorney and sent it to Superintendent Hackett and Councilor Croteau. He spoke about how he would ask Atty. Gay to draft a motion so that it would not have to go to Beacon Hill for a Home Rule Petition. Councilor Borges asked if time was of the essence here or can it be referred to the Committee on Public Property or the City Solicitor for further discussion. Mayor Hoye stated that this has been ongoing and believes that the City Solicitor has reviewed it; this would be part of the project. He stated that time is of the essence but this doesn't have to be voted on tonight. Councilor Cleary asked if the City Solicitor has reviewed it or if he has any problems with it. The City Solicitor stated that he was aware that the issue was out there but was not asked to look into this. He can't say if he definitively agrees with this position. Obviously, he has a great deal of respect for Atty. Gay but at the same time this is not the opinion of the Law Department. He stated that unless this needs to be voted on tonight, he recommends that it be delayed for a week so he has a chance to look at it. **Motion was made to table for one week to get an opinion from the City Solicitor. So Voted.** Councilor Croteau stated that the Committee should understand that we are not dealing with the State Department of Education. He stated that building schools today is a much more costly operation and much more complex. He stated that hopefully in the next week or two a decision can be made and move forward. He stated that an architect has been hired and there is a timeline.

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 that the City Council President schedule time so that their 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 7:00PM or just prior to the City Council meeting. Councilor Borges stated that she has had a chance to look into this and it appears that there are concerns with the Earth Removal Ordinance. **Councilor Borges made a motion to refer to the Committee on Ordinances and Enrolled Bills to look into the Earth Removal Ordinance. So Voted.** Councilor Cleary stated that it is in the hands of the Council President for the Committee of the Whole. He has been told that she is working on setting up a meeting to meet with the residents of that area. Councilor Dermody stated that he wanted to go on record as having a conflict with this so he will not be voting. Councilor McCaul stated that the residents have spoken and requested multiple times to have a meeting and nothing has been done. He stated that a date certain of either August 23rd or 30th would be more of an order to put something like that together. He stated that with the petition, the City has the power to cease and desist the operation or place a fine on that if they are against the timeframe that they are looking at. Councilor Borges stated that the Council President has met with the owners of the company and is working on this. Councilor McCaul stated that he has met with the

business owners and the residents and would like a time to be scheduled that works for everyone. Councilor Pottier stated that it is the Council President who sets up the Committee of the Whole meetings. He does know that she has been trying to pull this together but it has been difficult. He is very confident that Council President Quinn will set up a meeting as soon as possible. He stated that there are many stipulations about what the City can and cannot do based upon our ordinances. He hopes that at that meeting that either the City Solicitor or someone in his office can attend and let the Council know what our limitations are and what can and cannot be done. Mayor Hoye stated that he has met several times with the business owners and they have opened their doors to any Councilors that would like to meet with them. He stated that he hears their concerns and spoke with Mr. Workman last week for quite a while. He stated that hopefully we can get both parties together for the betterment of the neighborhood. Councilor Carr stated that if it is going to be referred to the Council President for one of those two dates certain then she would be in favor of that otherwise she would have to vote no and stated that any three Councilors can schedule a meeting. She spoke about how the Council once voted to have one on July 19th but that didn't happen. Councilor Pottier stated that the majority of the Committee of the Whole would be five. Councilor Croteau thinks that the City Clerk and the Clerk of Committees should check the by-laws of the City Council to see how many Councilors it does take to schedule a meeting. He stated that the situation has not changed in the opinion of the people who live there. He went to the first meeting at the request of people who live on Berkley Street two years ago. He asks that the Council let the spokesperson personally present the petition this evening. Mayor Hoye spoke about setting the meeting up and making this happen, with all of the talk he thinks that the Council is capable of doing that and moving forward. **Councilor Cleary made a motion to refer to the Council President to schedule a Committee of the Whole meeting to be held on either August 23rd or August 30th and that the City Solicitor is present at said meeting. So Voted.**

Committee Reports:

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

Unfinished Business:

TABLED FROM AUGUST 9, 2016

Com. from Building Commissioner regarding 50 Williams Street, Taunton High School Stadium. Building permits for the demolition and reconstruction of the Taunton High School Stadium were issued in phases. In total, $5,431.00 in permit fees was collected. Com. from Supervisor of Buildings and Grounds, Bristol-Plymouth Regional Technical School, 207 Hart St., Taunton requesting 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. **Councilor Carr made a motion to deny the request. So Voted. Councilor Cleary voting in opposition.**

Councilor Croteau stated that he has received a call regarding the overgrowth of the shrubbery on Gordon Owen Riverway and the potential danger. He stated that he had referred that last week under New Business to the DPW and he also called the DPW. He received a call today from the same person who told him that there was a near accident at

one of the corners because a woman was walking in the road because she couldn't walk on the sidewalk and had to leap into the brush to avoid being hit by the car. **Motion was made to refer the overgrowth to the DPW and to the Police Department to set up radar on Gordon Owen Riverway. Councilor Pottier added to the motion to refer the overgrowth at 49 Oak Street to the DPW. So Voted.** He stated that he had referred that a week or two ago.

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. **Motion was made to approve the first reading and move to a second reading. So Voted.**

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. Motion was made to ordain. On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor.

New Business:

Councilor Pottier made a motion to refer to the Safety Officer to look at placing signage in the area coming from Lakeville by Myricks Field because of the curve and people pulling out. So Voted.

Councilor Pottier made a motion to refer to the Safety Officer the area of Stevens Street by the school to look into the speeding and placing signage especially because of the kids walking to school. So Voted.

Councilor Pottier spoke about how there was a fire at the corner of Shores and Maple Street and a fire on Longmeadow Road. He stated that the houses cannot stay in the condition that they are currently in. **Motion was made to refer both to the Board of Health and the Building Department. So Voted.**

Councilor Borges made a motion to refer to the Police Chief to place the speed trailer in the area of Dever Drive and Watson's Pond. So Voted.

Councilor Borges made a motion to refer to the DPW to send the flail mower to the area of Dever Drive and Watson's Pond. Motion was made to contact Sherriff Hodgson or the DOC. So Voted. She stated that there is a lot of brush over the sidewalks and you can't walk through. Mayor Hoye stated that the last time that it was done well was when the crews from the Department of Corrections came down.

Councilor Borges made a motion to refer to the Police Chief the issue of ATV's going all through the night in the areas of Scadding Street, Prospect Hill Street, Cal's Court and Lydia Lane. Councilor McCaul added Anawan Street, Somerset Avenue and Lawton Avenue to the motion. Councilor Croteau motioned that the issue of holding parents accountable for underage riders be looked into. So Voted. They are riding them through the night, every night and she thinks that it needs to be addressed. Councilor McCaul spoke about how a lot of the kids that are using the ATV's and the motorcycles do not wear helmets or protective gear. He knows that the police were heavily enforcing it and asked if there was an ordinance in place for ATV's not being used on the streets. Mayor Hoye stated that it is illegal because they are unregistered. It is not an ordinance; it is illegal to operate unregistered vehicles on public streets. He stated that it is state law and it supersedes any ordinance. He stated that it has

become a nuisance and it comes in waves. It has been cut down significantly on North Walker and Glebe Streets but they pop up somewhere else. A lot of people come from out of town with trailers of them. He stated that Lt. Nichols did a great job on this before and maybe he can go out and do it again. Councilor Borges stated that the Taunton Police Department has done a fabulous job. On Scadding Street, there were trailers from out of state and they have gotten rid of those. She stated that it is ongoing and at least they are not from out of state now. It still needs to be enforced; it is going on through the night in every neighborhood. She thinks that it is the new way of partying and they are using ATV's to get to their sites.

Councilor Carr made a motion to refer a Com. from Chris Toler, 54 Anawan Street regarding ATV and dirt bike use to the Committee on Police and License. So Voted.

Councilor Carr made a motion to refer a Com. from Jennifer O'Neill regarding the recent increase in sewer rates to the Committee on the DPW for clarification. So Voted.

Meeting adjourned at 9:25 P.M.

A true copy:

Attest: Rm Blackwell

City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPL COUNCIL
AUGUST 16, 2016

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND CLEARY. ALSO PRESENT WERE CITY AUDITOR ANN HEBERT AND ASSISTANT CITY AUDITOR IAN FORTES

MEETING CALLED TO ORDER AT 5:55 P.M.

1. **MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**
   MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF $1,134,747.79. SO VOTED.
   MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF $577,512.48. SO VOTED.

2. **MEET WITH THE CITY AUDITOR TO REVIEW THE FISCAL YEAR 2016 YEAR END ENCUMBRANCES AND TRANSFERS**
   Councilor Cleary asked about the encumbrances for the School Department and why they still owe the TMLP money.
   The City Auditor noted it was about $47,000.00 but did not know exactly what it was, and also said that they had just gotten the encumbrance list from the School Department today.
   Councilor Croteau asked for information as to where is the location for the $47,000.00.
   Councilor Cleary also said there are the water bills for the School Department, and he does not know why they were not paid.
   Councilor Croteau said he would be curious in knowing why they are not paid. He also asked the Auditor, since the school encumbrances were just received today, if she would review them and bring back any concerns she may have and get back to the Committee sometime between now and mid September.
   The Auditor said that with the City's encumbrances there was nothing unusual, some are projects that are still ongoing, and there is a large amount for medical for Police and Fire which is done every year to cover old bills.
   The Auditor said that the transfers went well and they covered the snow and ice deficit which was $948,997.36. They are taking the money from Health Insurance, and whatever is not being used will go into free cash.
   Councilor Cleary also noted that budgeted in the Reserve Account was $710,000.00 and spent $537,000.00, so left was $172,000.00. This was not moved to balance any other accounts.
   Councilor Croteau asked what the amount left is after all transfers.
   The Auditor said about $5,424,802.09. It was also noted that revenues collected in excess of budget is currently at $2.3 Million. So, between the 2 there is $7.7 Million going back into free cash.
   It was also said that the Police Department went over budget but the Fire Department had a surplus of $651,717.50.
   It was said that it looks like the Police Department bought a couple of cruisers and encumbered about $112,000.00. A request was made to ask the Police Department for a breakdown of what

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THE COMMITTEE ON FINANCE & SALARIES – CONTINUED

was bought for the $112,000.00 in the encumbrance list – there were two amounts $57,985.00 and $55,759.23.
Request was also made to get a breakdown of what is encumbered for the various consulting firms for the Department of Public Works.
Regarding the Taunton Nursing Home, the budget was $8.4 Million and they spent $7.94 and they are encumbering $151,000.00 so their unexpended appropriation is $375, 344.46. They ended the year with a surplus in expenses but they had a revenue shortfall, right now, at $1.6 Million, however the Auditor said they have close out items to do that can change that amount. Councilor Borges asked to have the Taunton Nursing Home come in and talk about what they are doing regarding billing.

MOTION: **TO HAVE THE TAUNTON NURSING HOME ADMINISTRATOR, SOMEONE FROM THE NURSING HOME BOARD AND THE FISCAL AGENT PROVIDE A SUMMARY OF FISCAL YEAR 2016, AND THE PAST FIVE YEARS, OF EXPENSES, REVENUE, ANY SHORTFALLS AND ANY CONCERNS THEY MAY HAVE. THEY ARE TO BE HERE PERSONALLY TO PRESENT THIS INFORMATION. THE MEETING IS TO TAKE PLACE ON OCTOBER 4, 2016. SO VOTED.**

MOTION: **TO APPROVE THE TRANSFERS AND ENCUMBRANCES AS PRESENTED. SO VOTED.**

MEETING ADJOURNED AT 6:46 P.M.

RESPECTFULLY SUBMITTED,

Colleen Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

CITY OF TAUNTON
AUG 16 2016
IN MUNICIPAL COUNCIL

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

RM Blackwell

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 16, 2016

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS DERMODY, CLEARY AND CROTEAU. ALSO PRESENT WERE DPW COMMISSIONER FRED CORNAGLIA, ASSISTANT DPW TONY ABREAU AND WATER DIVISION SUPERVISOR JON CHASE

MEETING CALLED TO ORDER AT 6:55 P.M.

1. **MEET TO DISCUSS $6.5 MILLION BOND REQUEST**

It was stated that this bond is in the full Council packet for its first reading tonight.
The Chairman read a letter dated 8/11/2016 to the Mayor and Council from the Water Division Supervisor which provided an approximate breakdown of the planned use for the $6.5 Million bond issue that they have requested.
The letter said that approximately $1.5 Million will be used at the Water Treatment Plant to replace or rehabilitate the following:

1. The replacement of the failing sludge collector system
2. Improvements to the HVAC system within the Generator/Electrical room
3. Replace the 10,000 gallon fuel oil tank to bring it up to current codes as required by law.

The remainder of the funding will be used to replace approximately 21,000 feet of water main which have an average age of 110 years. A list of the proposed streets to be done under this funding was attached to the letter.
The Chairman stated that the plant needs these upgrades and that many pipes are in excess of 100 years old. Also the money the required to pay that bond exists now within the current rates.
Mr. Chase said that the $1.5 Million for the Water Treatment Plant will be used for upgrading equipment, the fuel tank will be replaced with a double wall tank which is required by the state. With the rest of the bond money water main replacements will be done on Broadway, Galligan Court, Oxford Street, Avon Street, James Street, 3rd Street, Jenny Lind Street, General Sherman Street, Matteson Lane, Dale Street, Porter Street, Couch Street, General Cobb Street, Chase Street, Friend Street and Hilllside Drive. The Broadway project which will be paid for by the state is to be done in 2020 so the work on Broadway, Oxford, Avon and James Streets need to be done before that project begins. The cost of the Broadway project is $11.4 Million and will be paid for by State and Federal money. The only thing the City paid for was the design. They would like to do the water main replacement on Broadway, Oxford,, Avon and James in late September/early October. The rest of the streets on the list will be started in the Spring.
It was noted that sewer on Broadway has already been done.
It was also noted that this $6.5 Million will add about $400,000.00 a year to the debt. So, with all the bonds, they will pay about $4.2 Million a year. This is covered by the current rates. However, we are in the last year of our current rate structure so there will be a new rate in Fiscal Year 2018.

MOTION: **TO APPROVE THE $6.5 MILLION BOND FOR THE WATER ENTERPRISE SYSTEM TO COMPLETE THE PROPOSED STREETS AS PROVIDED THIS EVENING. SO VOTED.**

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AUGUST 16, 2016

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

2. **MEET FOR DPW UPDATES**

First discussed was a crosswalk at the boat ramp. Mr. Cornaglia said this is a mid block crosswalk and that is not in conjunction with the MUPC . What they could do is look into it with the Safety Officer and City Engineer and find out if there is a possibility in the future of it coming out at Dever Drive, putting a crosswalk at that intersection, but then there would be a sidewalk needed on the boat ramp side, which could be complicated. Having a crosswalk at the boat ramp entrance would be a safety issue as there is a curve there.

Also discussed was a crosswalk at the elderly complex near Blooms Bus. The DPW Commissioner said that are working with MassDOT regarding the railroad crossing and are determining who owns the crossings, etc.

The DPW Commissioner said right now they are doing crosswalks at the schools and a contract to have striping done on some streets in being signed now. It was noted that they do the crosswalks near the schools and churches every year.

Harts Four Corners intersection was discussed. This project will be advertised September 17th and bids will be opened in November. Construction will begin in March or April. The water work will be done this fall, and those bids are due the end of August.

The traffic light at Gordon Owen Riverway has gone out to bid and construction will be either late fall or early spring.

Regarding Stevens Street, the water main work should be completed tomorrow. They hope to have this street done before school starts.

The DPW Commissioner said that regarding the Complete Streets Program, Taunton and one other community have reached tier 3. This will be a 5 year program at $400,000 a year.

MEETING ADJOURNED AT 7:21 P.M.

CITY OF TAUNTON
AUG 16 2016
IN MUNICIPAL COUNCIL

RESPECTFULLY SUBMITTED,

Colleen Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

DM Blackwell

CITY CLERK

CITY OF TAUNTON

In Municipal Council ..... **ORDER #37**
FY 2016
AUGUST 16, 2016 ..... *20*.....
AS OF JUNE 30, 2016

Ordered, That

THE ATTACHED FISCAL YEAR 2016 ENCUMBRANCES TOTALING THREE MILLION TWO HUNDRED SEVENTY EIGHT THOUSAND FIVE HUNDRED NINETY DOLLARS AND NINE CENTS ($3,278,590.09) ARE HEREBY APPROVED.

..... *Clerk.*

CITY OF TAUNTON

In Municipal Council ..... AUGUST 16, 2016 ..... 20.....

ORDER #38
FY 2016
AS OF JUNE 30, 2016

Ordered, That

THE ATTACHED FISCAL YEAR 2016 TRANSFERS

TOTALING ONE MILLION FOUR HUNDRED EIGHTY THOUSAND THREE HUNDRED FIFTEEN DOLLARS AND FORTY NINE CENTS ($1,480,315.49) ARE HEREBY APPROVED.

..... *Clerk.*

CITY OF TAUNTON

In Municipal Council ..... **ORDER #1 FY 2017 AUGUST 16, 2016** ..... *20*.....

Ordered, That

THE SUM OF SIXTY ONE DOLLARS AND TEN CENTS

($61.10) BE AND HEREBY IS TRANSFERRED FROM ENGINEERING DEPARTMENT

ACCOUNT NO. 01-410-5200-5420

TO: ENGINEERING DEPARTMENT ACCOUNT NO. 01-410-5520-5999 – PRIOR YEAR EXPENDITURE

..... *Clerk.*