



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, July 19, 2016 at 7:05 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Croteau, Carr, Pottier, Quinn, McCaul
Dermody, Borges, Cleary, and Marshall*

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

Hearing came up by assignment on the petition submitted by Aggregate Industries Northeast Region, Inc., 1715 Broadway, Saugus for the renewal of their Earth Removal Permit for Pit No. 35 located at 203 Fremont St., Taunton for the removal of stone and they are also requesting extended hours of operation. **Motion was made to excuse Councilor Marshall. So Voted.** Councilor Dermody made a disclosure but he said he is able to vote. **Motion was made to open the hearing and invite the parties into the enclosure. So Voted.** The City Clerk read a Com. from City Engineer dated April 26, 2016 stating that the Earth Removal Board received a renewal application for earth removal from Aggregate Industries on February 3, 2016. The purpose for earth removal is to continue quarry operations at the Aggregate site on 203 Fremont Street. The applicant is requesting a new five-year permit with the only modification being extended hours of operation. The Board voted to recommend approval of the permit with all of the current conditions with revisions and additions. **Motion was made to make part of the record. So Voted.** Earth Removal Permit dated August 7, 2007. **Motion was made to make part of the record. So Voted.** The City Clerk read a Com. from City Engineer stating that the Earth Removal Board received on Tuesday, July 12, 2016 to forward a recommendation to the Municipal Council. The board took into consideration a number of factors which included provisions of the previous permit, Aggregate's request, and the Planning Board's recommendation. The board voted unanimously to approve renewal of Aggregate's permit as requested with three amendments. **Motion was made to make part of the record. So Voted.** Council President Quinn spoke about how the road being maintained is an important part of this so trucks do not get damaged. She stated that there is nothing in there that talks about it being a public way. She believes that it is part of their responsibility to maintain this road. She stated that she would not support pulling that condition out. Councilor Croteau asked if the term stakeholder only came into play with the road and has nothing to do with the operation of the quarry. Mayor Hoye stated that it is just the road. Councilor Croteau stated that they could approve the operation of the quarry and set aside the road until it becomes clear as to who the stakeholders are. Councilor Carr stated that the haul road is in no way poor condition. It is a private piece of road built for two particular enterprises. She wished that someone from Gordon's was here because their trucks use that road. She thinks that it is obvious that if you want to

bring the road up to standard as a public way, that is where they want to go with it. **Councilor Carr made a motion to remove condition #20. Councilors Croteau, Carr, Pottier, McCaul, and Cleary voting in favor. Councilors Dermody, Quinn and Borge s voting in opposition. MOTION CARRIES.** Councilor Croteau spoke about the crushing that is proposed from 7am-7pm on the renewal. He stated that when he looked at the permit and the letter from Robert Campbell, there is a recommendation for modification of crushing from 9am-2pm on Saturday. He asked which one he will be voting on. Mayor Hoye stated that it is up to the Council. Councilor Croteau made a motion to allow crushing to take place on Saturdays from 9am-2pm as opposed to 7am-7pm. Council President Quinn asked if the Council should hear the public input before voting on that motion. Councilor Cleary stated that currently they haul from 6:30am-5pm on Saturdays. He asked if Councilor Croteau's motion would affect the hauling. Mayor Hoye confirmed that it would not. Councilor Cleary asked if they were looking to blast on Saturdays. She confirmed that they are not. Councilor Cleary stated that in their application it said that the projected life of the quarry is several decades. They confirmed. He asked them about the water pumping that goes out towards the Mill River which was a big issue several years ago. She stated that there was some concern several years ago and they currently submit monthly reports to the Conservation Commission with their pumping data and any sampling that they do. Councilor Cleary spoke about the restoration and reuse plan. She spoke about what it could end up being used for. She stated that it is too far from completion and it would be too difficult to say for certain what would be done with it. Mayor Hoye asked if there was anyone present to speak in favor of the petition. Brian Reid, Taunton resident who has been with the quarry for 20 years spoke in favor. He spoke about how 8 years ago when we had the flood; his bosses are the ones who donated the equipment, employees and rocks to make the dam. They also contributed to Whittenton Day and he has seen nothing but good there. Rick Angler who has worked at the quarry for 30 years spoke in favor. He spoke about how people come from all over because of the quality of the stone. He stated that he is here to support everybody in Taunton and he lives in Taunton. Deb Botellio, 49 Fremont Street thanked the Council for taking off the public way. Her main concern was making it a public way. She stated that it is not their fault, the situation is the cars and trucks coming from the other side. She asked if that road is supposed to be used just for hauling or is it a public way now. Mayor Hoye stated that it is just supposed to be used for hauling. Ms. Botellio stated that it is not, there are trucks parked out there waiting for the gates to be opened. She stated that she lives on Fremont Street and does hear the crushing sometimes. Her concerns are the hours and making that road a public way. She asked who she would call if other trucks were using that road. Mayor Hoye stated that she should call the police and Dever Drive will be open within a couple of weeks which will be a back way into the Industrial Park for passenger cars only. Ms. Botellio confirmed that the Conservation Commission does receive monthly reports. Tom Workman, Berkley Street stated that the number of hours is not the issue; it's the number of hours of actually operating the crushing operation. He spoke about how the Council could consider saying that they can operate from 7am-7pm 5 days a week and 9am-2pm on Saturdays and the number of hours shouldn't exceed 45 or 50 hours. He appreciates what the company is trying to do to provide flexibility. He stated that total number of hours is something that needs to be considered. Every hour that the crushing operation runs it generates powder which makes a cloud of dust. He spoke about how the EPA has regulations regarding keeping things clean. He suggests that the Council considers the

Massachusetts EPA's regulations are adhered to and if they are cited for any violations, that they be corrected within 30 days. He spoke about truck speeds and how they are critical to the amount of damage that they are suffering. He asked the Council to consider if there is a re-permitting through the Commonwealth that expands the number of aggregate that is removed, that it would be a condition to bring it back to the Council. Loretta, 750 Whittenton Street stated that she is speaking not necessarily in opposition. She stated that regarding the hours that are being looked at, she understands having flexibility. She does hear the crushing, and respects the extension of the hours if it can be limited and not do 12 hours. She stated that she and her neighbors would appreciate it. She spoke about how it is not dirtier in her community based on what is happening behind where she lives. She stated that they appreciate that they are quieter than the refrigeration/freezer company who are loud. Brian Carr, 175 Partridge Circle stated that there is currently one blast each day. It was brought up that they may look for additional ones for safety reasons. He asked if the Council could at least restrict those types to a specific number. He stated that he has not heard too many explosions in the last year or so. His concerns are that if this language is added, it now lets them blast whenever they want to. He spoke about how he doesn't hear the crushing as much as he used to from his home. Henry Baptista, 164 Partridge Circle spoke about how he hears the blast. He stated that it is fine the way it is and the Council should find out who owns the road. He stated that his road looks worse than the road they are talking about. He thinks that if they have more blasting and more hours of hauling, there is a chance that there will be more accidents. He spoke about how with all of the additions that may be made it will make traffic more unsafe. He thinks that it should probably stay the way it is. Fran, 67 Partridge Circle spoke about how he can hear the quarry from his house. He does not think that they need to work Saturdays or have the haul road open to the public. Ward Kirkwood, 243 Fremont Street stated that he has lived there for 29 years and his main concern is the haul road. If it remains classified as that and Aggregate wants to write a check to repave it that is fine but to have it as an exit or entrance for the employees that work there would fundamentally change the neighborhood in which he lives in. He spoke about the neighborhood and how 18 wheelers attempt to get in down there late at night. They try to turn around in Fremont Circle. **Motion was made to close public input. So Voted.** Mayor Hoye stated that Taunton Development Corporation owns the haul road. **Councilor Croteau made a motion that the crushing operations go from 9am-2pm on Saturdays. So Voted.** Councilor Borges stated that there was not crushing hours on Saturdays as previously stated. Mayor Hoye agreed and stated that there was only hauling hours on Saturdays. **Councilor Cleary made a motion to approve the renewal of the permit to Aggregate Industries with the limitations that the hauling time stay as it is now, from 6:30am-5pm Monday through Saturday. So Voted.** Council President asked if they had requested any changes to the blasting. Mayor Hoye confirmed that they did not. Council President Quinn stated that if they had to do an emergency blast they would have to contact the Fire Department. **Motion was made to add to condition #9 which would read that unless prior approval from the Taunton Fire Department is granted, no more than 2 emergency blasts per year. So Voted.** Councilor McCaul asked what constitutes an emergency blast. He spoke about how he works near another quarry and he heard three or four last week. They discussed how there is a competitor of theirs within a mile of that one along with construction going on. He spoke about the dust that is generated from the operation and would like to speak to them at some point about that. Councilor Carr stated that the trucks never come through

the neighborhood. They go out of the quarry and across the street into the Industrial Park. She wants people to know that they are not ignoring the speeds of trucks, if they were coming through the neighborhood, they absolutely would talk about that. She stated that as far as the dust, if they were going by the houses, they would talk about that too. They just go out of the quarry, straight across the street and into the Industrial Park. She stated that they do water the road where it crosses over consistently during the day. **Councilor Dermody pressed the motion. Motion was made to close the hearing. So Voted.**

Motion was made to take a two minute recess. So Voted.

Communications from City Officers:

Com. from Executive Director of Retirement advising of the retirement for Superannuation of John A. Brennan, an employee of the Taunton Nursing Home on July 31, 2016 under the provisions set forth in Section #5 of Chapter 32 of the General Laws of Massachusetts. Please pay regular compensation and accumulated benefits up to and including the date of retirement. **Motion was made to move approval. So Voted.**

Com. from Executive Director of Retirement advising of the retirement for Accidental Disability of Susan Dykas, an employee of the Taunton Police Department, effective July 8, 2016 under the provisions of Section #7 of Chapter 32 of the General Laws of Massachusetts. Please pay accumulated benefits up to and including the date of retirement. **Motion was made to move approval and send the appropriate scroll. So Voted.**

Com. from Budget Director requesting votes to begin process with Department of Revenue. **Motion was made to move approval. So Voted.** Councilor Croteau recommended that a vote be taken at the Budget Director's request instead of sending it to the Committee on Finance and Salaries. Mr. Enos is looking to begin the process of discussing Free Cash and end of the year closing with the DOR tomorrow and this will expedite the process. Mayor Hoye stated that a supplemental budget can be done at any time of the year and this will not impact the ability to do so.

Com. from Director, Taunton Public Library stating that they are in receipt of a donation from the estate of patron Jeffrey Baker in the amount of \$8,698.28. The donation represents IRA holdings from the late Mr. Baker. In compliance with the Mass. General Law Chapter 44, Section 53A and as directed by City Auditor Ann Hebert, the Library represents documentation (attached) from Mr. Baker's legal financial team on the conditions of this gift and seeks the City Council's permission to expend these funds for the purpose of improving library services. **Motion was made to move approval, and a thank you letter sent to Atty. Fraga along with a request to forward the Council's appreciation to the Estate. So Voted.**

Com. from City Solicitor – Project First Light Resort Casino – Federal Litigation vs. U.S. Secretary of the Interior et al. United States District Court, Dist. Of Massachusetts, Civil Action No. 1:16-cv-10184. On June 9, 2012, a referendum was held to determine whether the City of Taunton should approve the Mashpee Wampanoag's proposed tribal gaming establishment. 12,271 Tauntonians cast a ballot. 63% of them voted "yes".

Subsequently, twenty five individuals filed the above referenced lawsuit against the federal government with the intent to stop the project. The City is not a party to that litigation. On July 7, 2016, the City filed a motion with the Court for permission to file its amicus curiae brief. Lawyers for the 25 plaintiffs filed a 9-page written opposition in which they told the Court that “the City of Taunton has nothing to offer.....” On July 12, 2016, the U.S. Federal District Court allowed the City’s motion over the objections of the Plaintiffs. On July 14, 2016, the Law Department filed its amicus curiae brief with the Court so that the decision of the electorate could be heard by the Court when it decides this important matter. **Councilor Carr made a motion to receive and place on file and be put on the City’s website. Councilor Cleary added to the motion to approve the brief and go on record saying that the Council supports the brief presented by the City Solicitor. So Voted.**

Communications from Citizens:

Com. from The Kelly Family expressing gratitude to Councilor McCaul for stepping up and following through on a problem we brought to his attention. **Motion was made to receive and place on file. So Voted. Councilor Croteau voting in opposition.**

Com. from Paul Boudreau, St. Thomas Episcopal Church, 111 High St., Taunton requesting to host their annual “Haunted Hayride” in the downtown area of Taunton as part of their annual Church fair on Saturday, October 22, 2016. **Motion was made to move approval. So Voted.**

The City Clerk brought up a letter that was in the July 5, 2016 packet regarding the Keith DeCosta Motorcycle Ride which is being held at the Berkley American Legion. She stated that the waiver of the stage fee of \$500 was referred to the Mayor’s Office. She stated that John DeOliveira came in today and asked if the fee could be waived. She looked at the motion and it did say that it was referred to the Mayor’s Office. She stated that it is in Berkley and the reason why it is there is because they could not find a large enough venue in Taunton to have it. They would have liked to have it in Taunton. It is a non-profit for veterans and rather than spending the \$500, they are just trying to raise money for them. They are wondering if the Council could please waive the fee. Mayor Hoyer stated that he was disappointed that the Council did not make a decision on it because it has always come through the Council. He stated that he wasn’t going to go against their wishes and has heard that there is mostly opposition to it. He stated that it is an out of town venue and he has not spoken to the gentlemen directly. The recommendation has always been not to honor the waiver of fees because it is out of town and we have to pay for our staff to bring it. He stated that it is up to the Council but they need to keep in mind that if it is done once, you will have to do it again. The City Clerk stated that he said if he had to pay for the staff he would but he hoped it would not be \$500. Councilor Carr stated that she would love to support our veterans and would be the first to make a donation but she thinks that it would be unwise to start allowing our stage to go out of town and waiving the fee for it. She will be voting in opposition of it. Council President Quinn stated that it is a good charity and thinks that if it is extended to out of town people, we run the risk of being overwhelmed with people requesting the waiver. She stated that she would love to approve it she doesn’t think that it is in the City’s best interest. She spoke about how it would be close to \$500 to pay the employees based on what the Chief said with regard to the use of the SAFE trailer. **Councilor**

Cleary made a motion was made to deny the request of the waiver of the fee. So Voted.

Councilor Borges read a com. from the Safety Officer regarding the parking and the noise on Lakeview Avenue. He stated that per the request of the Council, Lakeview Avenue was monitored for parking overflow on Sunday, July 10, 2016 from 3pm-7pm. There was no parking or other issues to report on that date. He suggested that residents use the Police Department's business line if they should have access issues on Lakeview Avenue.

Petitions:

Petition submitted by Peter Hebert, 30 Avalon Dr., Taunton requesting a renewal of his Billiard Table License for Baha Bros. Pub & Restaurant, Inc. -dba- Sandbar Grill located at 64 Weir Street, Taunton. (2 Tables). **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Joshua Pimental, 12 Cooper Street, Taunton requesting a new Personal Kennel License, Grade 1-4-6 Dogs. **Motion was made to refer to the City Clerk to schedule a Public Hearing. So Voted.**

Claim submitted by Antonio Moniz, 30 Lilac Way, Taunton seeking reimbursement for damages to his automobile from hitting raised manhole cover while driving on Plain Street, Taunton. **Motion was made to refer to the Law Department and the DPW. So Voted.**

Claim submitted by Howard and Denise Beard, 11 Windsor Court, East Taunton seeking reimbursement for damages to their leaching field from a fire truck driving over it while extinguishing a truck fire in June. **Motion was made to refer to the Law Department. So Voted.**

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved. So Voted. Councilor Cleary stated that last week there was an unfinished draft for the SAFE House trailer. The Assistant City Solicitor has completed the revised SOP, which is just an administrative procedure. They did not choose to make it an Ordinance but it is basically put into the hands of the Fire Department to oversee according to the guidelines. He requested that a vote be taken by the City Council tonight to approve this administrative procedure. Recommendations adopted to reflect the votes as recorded in Committee Reports today and last week as there was a hold over. So Voted. Councilor Marshall voting in opposition. Councilor Borges stated that she is not voting on the second part of that motion as she was not here last week.

Unfinished Business:

Councilor Pottier made a motion for the flail mower to be sent by the DPW as soon as possible to Stevens Street across from the cemetery. So Voted. He spoke about the brush in that area that is sticking out about a foot into the roadway.

Councilor Borges made a motion to waive the fee for the use of the stage for the Memorial United Methodist Church. So Voted. She stated that this event was last week; however the motion was not made to waive the fee.

Councilor Cleary stated that he had the opportunity to attend the Board of Health meeting on July 13, 2016. It was their consideration of the renewal of the contract with Waste Management and the operation of the dump. He spoke about how there was quite a bit of discussion about the odor and the disposal of the sewer sludge from our own waste treatment plant. They did approve the extension of the contract and the extension of the height of the dump. They did put a 6 month window on the DPW to come up with a more efficient way to move the sludge. He stated that they will look into the options out there and to develop a protocol when the sludge arrives at the dump. He stated that it looks like the dump will be in operation for a number of years now with this approval. **Councilor Cleary made a motion to refer to the Committee on the DPW and invite Fred Cornaglia or Tony Abreau to give an update on what the impact of the approval is. Councilor Pottier made a motion for them to look at other technology to mitigate the problem. So Voted.** Councilor Marshall spoke about gasification of the sludge and the waste water that needs to be treated and how we have to make sure we have enough capacity with the City's current Wastewater Treatment Plant permit to handle that. He stated that he met with WeCare this week and asked for some plans on that as well and should be getting that in the next couple of weeks. Mayor Hoyer spoke about how we have to deal with some issues with the Wastewater Treatment Plant that also tie into our EPA issues. He stated that he met with the Lieutenant Governor and the DEP Commissioner last week and will continue to have discussions with them as well as looking at the legal process of our appeal. He stated that WeCare is pretty much fully operational at their recycling center and he urges the Council to take a look at it. Councilor Marshall stated that as soon as he gets the date for their open house he will forward it to all of the Councilors. He stated that they asked WeCare for a profit and loss sheet and gave them one month to submit that as the City is entitled to some royalties.

Councilor Borges made a motion to refer to the DPW for consideration of placing a crosswalk at the boat ramp on Bay Street. So Voted. She spoke about how there is a lot of new development around there.

Councilor Borges stated that a couple of weeks ago Councilor Cleary made a motion to refer to the Committee on Police and License a discussion about Community Policing and Crime Watch meetings. **Motion was made for the Chair of the Committee on Police and License to invite Sgt. Correiro, Supervisor of Community Policing, to their meeting. So Voted.**

Councilor Croteau stated that as far as the landfill is concerned there are two shipments of sludge. One comes from the facility on Mozzone Blvd. that processes waste from septic systems the sludge does not go into our landfill. He stated that it goes to another landfill operated by Waste Management in another community. He spoke about two situations; 1. The sludge which has no odor is leaving the City that could go to the landfill and we are losing the income; 2. The sludge that does go to our landfill does have an odor. He stated that hopefully we will have a status report on gasification which has been discussed for quite a few years. He stated that he is concerned that the approval of the 40 foot extension does not include a reduction in the amount of outside trash that is coming into the City. He spoke about the height of the landfill. He stated that he would like to have a review before the Council as to all of what is going on with the landfill. He stated that at one time there was concern about WeCare and Atty. deAbreu was assigned the task of looking at the contract with WeCare. He would like to know where that is

going. He is in favor of the royalties. **Councilor Croteau stated that he would like to have a Committee on Solid Waste meeting in the not too distant future to try and dispel some of things that are being said.**

New Business:

Councilor Pottier stated that he had previously brought up and referred the issue of additional liquor licenses to the Committee of the Whole and after speaking to the Council President, he would like to take that out of the Committee of the Whole. **Motion was made to refer the issue of additional liquor licenses to the Committee on Police and License. So Voted.** Councilor Croteau voting in opposition.

Councilor Borges motioned to invite the Airport Manager along with the Chairman of the Airport Commission to the Committee on the Needs of the Airport meeting to give an update on the terminal building. So Voted.

Councilor Borges stated that in this week's agenda packet there was a letter praising a Councilor but trashing one of the City's employees. She stated that this is a legal matter and is not sure what goes into the agenda and what doesn't. She asked the City Clerk to answer that. Councilor Croteau stated that looking at the breakdown of the agenda, Communications from Citizens. We are required to bring those communications to the attention of the Council. If there is a question about legal liability, we can invoke a common practice called disclaimer. He stated that people have the right to send their comments to this Council and we have the responsibility to read them. He stated that the minute that letter or any communication is put on the table it becomes public information. Councilor Borges asked if the City Clerk agrees with Councilor Croteau. The City Clerk stated that she did not know that this was a legal matter; she has never seen a claim regarding that come through. She stated that they were making a comment, which wasn't trashing an employee. She thought the letter was fine and usually goes to the Mayor or the City Solicitor to ask them, but she did not think there was anything wrong with that letter. Mayor Hoyer stated that if there is a questionable letter the City Clerk will come to the City Solicitor. If she did not have the knowledge that this was a police investigation, he can see why she would have put it on. If she had known that, it would not have gone on. He stated that it is under investigation so he doesn't think that it should be talked about much more.

Councilor Dermody stated that he had a conversation with Kevin Shea regarding the Urban Land Institute's study report. Mr. Shea stated that he expects it any day and as soon as he gets it he will forward it to the Mayor and the Municipal Council by e-mail. He just wanted to let them know that it has not been forgotten.

Council President Quinn stated that Michelle Mercado, the former fiscal agent for the Taunton Nursing Home has been offered the position of Administrator of the Taunton Nursing Home. She has accepted it effective as of August 1, 2016.

Councilor Croteau made a motion to refer to the DPW to put a barrier at the end of the High Street Extension for safety purposes as the Taunton River is right there. Also, to look at the traffic that feeds into the area of Staples Street in East Taunton. So Voted.

Meeting adjourned at 9:00 P.M.

A true copy:

Attest:

A handwritten signature in cursive script that reads "Rm Beachwell".

City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 19, 2016

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND CLEARY. ALSO PRESENT WAS BUDGET DIRECTOR GILL ENOS

MEETING CALLED TO ORDER AT 6:50 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS

MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$1,146,341.62. SO VOTED.

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT (FISCAL YEAR 2016) IN THE AMOUNT OF \$523,819.48. SO VOTED.

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT (FISCAL YEAR 2017) IN THE AMOUNT OF \$1,848,600.29. SO VOTED.

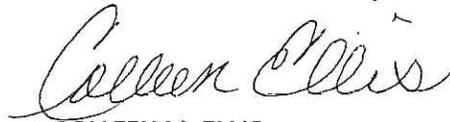
2. MEET TO REVIEW MATTERS IN FILE

The Chairman noted that in the Council Agenda there is a request from the Budget Director for several transfers. The Chairman said that rather than send this to the Committee on Finance and Salaries to be discussed next week, he would like to have this voted on tonight. The Budget Director stated that the Department of Revenue has implemented a system so that they can begin the recap now. Also, that the Department of Revenue will be here tomorrow. He cautioned that these numbers, as stated in that letter, could change during the Supplemental Budget process. If so, he will present the modification to the City Council at that time.

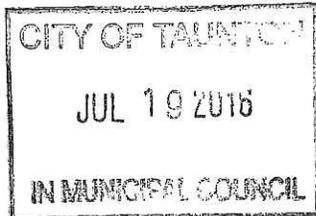
MOTION: TO AUTHORIZE THE CHAIRMAN TO ASK FOR A VOTE TONIGHT TO APPROVE THE TRANSFERS RATHER THAN SEND IT TO THE COMMITTEE ON FINANCE & SALARIES. SO VOTED.

MEETING ADJOURNED AT 6:59 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



CITY CLERK
JUL 19 2016

REPORTS ACCEPTED,
RECOMMENDATIONS ADOPTED.



CITY CLERK

2016 JUL 20 10:26
RECEIVED