



*City of Taunton  
Municipal Council Meeting Minutes*

~

*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, March 22, 2016 at 8:17 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoyer, Jr. presiding*

*Prayer was offered by the Mayor*

*A moment of silence was held for those who lost their lives in the senseless tragedy today in Brussels.*

*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.

**Communications from the Mayor:**

Mayor Hoyer wished all of the people that celebrate the Easter holiday a Happy Easter.

**Motion was made to go out of the regular order of business to Communications from Citizens. So Voted.**

**Communications from Citizens:**

Com. from Dennis Proulx, Vice President, Taunton Area Vietnam Veterans Association, P.O. Box 436 Raynham Center notifying that they will be holding their annual POW/MIA Day on March 27<sup>th</sup> on Church Green at 12 noon. They would like to invite all to their ceremony. They realize it is Easter Sunday, but they hope that people can take an hour of their time to remember those that haven't come back home. **Motion was made to invite the parties into the enclosure. So Voted.** Dennis Proulx and Hank Snow were present to speak. Mr. Proulx stated that he has been doing this for 32 years. Back in 1983, Mayor Johnson proclaimed the last Sunday in March POW/MIA Day and every so often it lands on Easter. They realize that Easter is very important for families but what about the people who have missing people from overseas that they haven't seen and don't know what happened to. He stated that they will never forget the POW/MIA's, not only from the Vietnam War but they focus on them because they are Vietnam Vets. He stated that there are 1622 now; there is still a long way to go. They have a lot of patience and will continue to do it. They have a special guest, Cappy Capozzoli who is a US Marine Corp. veteran. He is a real estate broker, developer and a member of Rolling Thunder Boston Chapter I which is a motorcycle club. Every memorial day the members ride into Washington, D.C. along with 700,000 to 800,000 people from across the country. It will be a nice day and they hope people will show up and spend a little time there. He then introduced Hank Snow, who has been a member of the group since almost the beginning.

He stated that Vietnam Vets never forget their friends who died, got wounded and those who are suffering right now. He stated that Mr. Snow has Agent Blue and has arsenic in his system which is why he is in a wheelchair. He stated that he helps out every year. He thanked everyone for having them here and hopes some people can make it. He then wished everyone a Happy Easter. Councilor Cleary stated that their commitment to the cause is amazing. It is a very challenging goal to try to recover remains of POW's who are missing in action. He stated that it has been a 34 year old tradition and is a true attempt for a moment of remembrance so that the individuals that are still missing or have lost their lives in service are not forgotten. Mayor Hoye thanked them for their services as well. Councilor McCaul stated that it is very important that the community comes out for one hour to be with the veterans that day. It is a special day that we should show remembrance for. He thanked Dennis and Hank for their service for our country.

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

**Communications from City Officers:**

Com. from Superintendent of Buildings requesting funding for LSP Services at 5-7 Nickerson Avenue. A release of petroleum was identified in an excavation to cap a sewer line subsequent to the demolition of a partially collapsed commercial building. The BETA Group was contacted by his office. After arriving on site, MassDEP was notified and at their request, an Immediate Response Action was initiated. In January 2016 BETA submitted an Immediate Response Action Status Report to MassDEP, documenting the initial response actions and a plan for additional response actions. The attached BETA Group Amendment in the amount of \$115,200 covers the implementation of additional Immediate Response Actions at the site. Since the site contamination includes petroleum based products, he has been informed by the Office of Economic Development that grant funding is not available for cleanup of the site. After having consulted with the BETA Group, City Solicitor, Mayor and DPW Commissioners, it is his recommendation to the Municipal Council and the Mayor that they proceed with the scope of work, as defined in BETA Group Amendment 1, contingent upon your approval to do so by funding BETA Group Amendment 1 in the amount of \$115,200. Councilor Borges asked if they are looking to approve this tonight. She stated that she read through the form and is ready to authorize the Mayor, City Solicitor, Auditor and the Building Superintendent to sign the authorization form. Mayor Hoye stated that it has to be done pretty quickly. He spoke about maybe accessing Brownfield monies from MOCD and it is not going to work. It is a property that they thought was going to reap a benefit as it was a tax title taking. The property was being prepared for resale and he believes that it was going to be for more than one lot. He stated that they were looking at a positive cash flow from this property. Upon the demolition, it didn't turn out to be a windfall at all. This will have to get done there is no choice in this matter. **Councilor Borges made a motion to refer to the Committee on Finance and Salaries. So Voted.** Councilor Cleary asked if the company that did the demolition was responsible for the spill. Mayor Hoye stated that it was buried and was from former uses of the property. The City Solicitor stated that there was an underground oil tank that didn't appear on any of the maps and when they were digging to disconnect the sewer, they struck oil. The belief is that there is an underground tank in the immediate vicinity of where the oil was found. Mayor Hoye spoke about how you don't know what you are getting into with older properties and we may be able to go after previous owners. He stated that it may not be

likely but they will look at that. Councilor Carr stated that she has no problem with approving this tonight but wanted to know if this would be coming from the reserve account and not from a budget item. Mayor Hoye confirmed. Mayor Hoye stated that in Mr. Walkden's defense, he did try to put that into the supplemental budget. He was holding out hope that we would be able to find another means to pay for it and it didn't happen. Mayor Hoye stated that it would be from the reserve account or the stabilization account.

Com. from Chairman, Taunton Planning Board stating that they have received a Form J Plan – Waiver of Frontage – to create 10 lots – for property located on Woodbine Street known as Assessor's Reference Map 64 Lots 142 – 146, 148-150, 152-155, Map 65 Lots 480-488 on Woodbine Street, Taunton, MA – submitted by Cathy Rose-Nixon. The Planning Board will hold a public hearing on this proposal on Thursday, April 7, 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 stating that the Taunton Planning Board has received a Roadway Improvement Plan for property located on Woodbine Street known as Assessor's Reference Map 64 Lots 142-146, 148-150, 152-155, Map 65 Lots 480-488 on Woodbine Street, Taunton, MA – submitted by Cathy Rose-Nixon. The improvements are for a 24 foot wide road for a distance 530 feet with an emergency vehicle turnaround to create 10 residential lots. The Planning Board will hold a public hearing on this proposal on Thursday, April 7, 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.**

**Communications from Citizens:**

Com. from Colleen Simmons, Director, Downtown Taunton Foundation, 8 Trescott St., Suite 1, Taunton requesting use of the portable stage for their spring and summer events. The first is the 6<sup>th</sup> Annual Taunton Creates, a participatory public arts festival, scheduled for Saturday, May 14<sup>th</sup> from 12-4pm. The other events are a series of three summer concerts. The first, a Beatles Night, schedules from 6pm-8pm on Thursday, June 23<sup>rd</sup>. The second is a Downtown Country Night, scheduled for Thursday, July 7<sup>th</sup>, and lastly, an Oldies Night with Car Show, scheduled on Thursday, July 28, from 6-8PM. **Councilor McCaul made a motion to approve and waive the fee for the stage. So Voted.** Councilor Dermody stated that Colleen has some great ideas to bring back Thursday nights in downtown Taunton.

Com. from Maria Faria, Annunciation of the Lord Holy Ghost Society requesting parade route approval and police escort for their procession to be held Sunday, May 15, 2016 from 10:30am to 12:30pm. **Motion was made to move approval and notify Police, Fire and EMS. So Voted.**

Com. from Mary Lou Almeida, 215 School Street, Taunton submitting a dispute of water/sewer bill. She is requesting that the DPW Committee hold a meeting with Mr. Chase and herself to discuss the issue of reduction metering. She is further requesting the City Council as authority for the DPW to place a hold on her requirement to pay the 2<sup>nd</sup> quarter bill of \$1155.33 which is due 3/15/16 until the formal investigation for the process of reduction metering has been completed and written finding filed. She has

taken the time to request this review in writing. She is asking the Chair of the DPW Committee and Mr. Chase respond to this letter with findings of the investigation in writing. **Motion was made to refer to the Committee on the DPW and the Law Department. So Voted.** Mayor Hoye stated that the Ordinance for the reduction meeting was put into place in 2007 so it has been out there for a while. He stated that the argument might be that we have to advertise a little bit better. It has been talked about on the Council floor numerous times. Councilor Borges stated that when this came up in October, Jon Chase did put a policy in place and it is on the City's website. There was also a mailing that went out with the water bills. She had this discussion with Councilor Marshall who is the Chair of the Committee on the DPW during that time. He has had this in his committee many times to discuss reduction meters. She stated that she has checked with other cities and towns and most have the same procedure. Councilor McCaul stated that plumbing companies in town can install the reduction meters. Councilor Croteau stated that the City Solicitor needs to give a legal opinion on this matter. Mayor Hoye stated that Alyssa has been working on updating the policy on the City's behalf as well. If it has to be improved upon it will.

**Petitions:**

Petition submitted by Robert Rose, 222 New St., Rehoboth requesting a renewal of his Old Gold License for Hometown Collectibles, Inc. located at 2 Galleria Mall Dr., Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Fadi Fadlallah, 91-93 Green Street, Rockland requesting a new Class II License for Rt. 138 Auto Center, Inc. to be located at 182 Broadway, Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. 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.

**ORDERS, ORDINANCES AND RESOLUTIONS**

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

**AN ORDINANCE  
Chapter 13  
Motor Vehicles and Traffic**

**Article III STOPPING, STANDING AND PARKING**

**Section 13-89.1 Handicapped parking generally**

***Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:***

**SECTION 1. Chapter 13 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended as follows:**

Delete paragraph (c) of Section 13-89.1 and replace with: “(c) Any and all fines collected from handicap parking violations in the City of Taunton shall be disposed of pursuant to Section 2-279 of these ordinances.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately. Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

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

**AN ORDINANCE  
Chapter 2  
Administration**

**Article IX COMMISSION ON THE AFFAIRS OF THE HANDICAPPED**

*Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:*

**SECTION 1. Chapter 2 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended as follows:**

- a) Strike the title of Article IX of Chapter 2 “COMMISSION ON THE AFFAIRS OF THE HANDICAPPED” and replace with “COMMISSION FOR INDIVIDUALS WITH DISABILITIES”.
- b) Delete Section 2-276 and replace with:  
**2-276 Function and Purpose**

The Taunton Commission for Individuals with Disabilities, hereinafter called the commission, shall, in accordance with General Laws chapter 40 section 8J, (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of the City of Taunton as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and, (6) coordinate activities of other local groups organized for similar purposes. (Reference: G.L. c. 40 §8J)

- c) Delete Section 2-277 and replace with:  
**2-277 Obligations and Structure**

The commission shall keep records of its meetings and actions and shall file an annual report with the Municipal Council. In any year in which the City prints an annual report, the annual report of the commission shall be contained therein. The commission shall have at least ten meetings annually. The commission shall consist of not less than five nor more than nine members. The members shall be appointed by the mayor, subject to the provisions of the city charter. A majority of commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of the City of Taunton. The terms of the first members of the commission shall be for one, two or three years, and so arranged so that the term of one-third of the members expires each year, and their successors shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the City of Taunton, subject to approval by the Municipal Council, such gifts to be managed and controlled by said commission for the purposes of Section 2-276 in accordance with G.L. c. 40 §8J. (Reference: G.L. c. 40 §8J)

- d) Delete Section 2-278 and replace with:  
**2-278 Administration**

The Committee on Disabilities of the Municipal Council shall oversee the commission and serve as the point of contact between the commission and the Municipal Council. Commission members shall serve without compensation. The commission may from time to time as it deems prudent or necessary in the discharge of its duties request that it, or one or more designated representatives, meet with the Committee on Disabilities, which request may be accommodated in the reasonable discretion of the chairperson of said committee. A meeting with the commission may also be initiated by the chairperson of said committee. Any recommendations by the commission for the expenditure of funds derived from collected handicapped parking fines shall be made in writing to the chairperson of the Committee on Disabilities.

- e) Delete Section 2-279 and replace with:  
**2-279 Handicap Parking Fines**

In accordance with General Laws chapter 40 section 22G, all funds received from fines assessed for violations of handicap parking in the City of Taunton shall be deposited by the Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities in accordance with this section. Said account

shall be kept separate and apart from all other monies. Said account was established prior to the enactment of this ordinance (see Sec. 13-89.1) and all funds presently in said account may be expended as provided herein. Expenditures from said account, including accrued interest, if any, shall be made upon recommendation of the commission on disabilities in accordance with the accepted procedures of the City of Taunton for the disbursement of funds, including approval of the mayor and municipal council. The City Auditor is designated as the City Accountant for the purposes of this section and shall submit annually a report of said account to the mayor and municipal council for review and a copy of said report shall be forwarded to the bureau of accounts. (Reference c. 40 §22G)

All funds from said account may be expended solely for the benefit of persons with disabilities to the extent permitted by Massachusetts General Laws c. 40 §22G, as same may be amended from time to time. The commission shall make recommendations for expenditure in writing to the chairperson of the Committee on Disabilities. The Committee on Disabilities shall consider all said recommendations and report any approved recommendation to the municipal council for approval.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately. Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

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

**AN ORDINANCE  
CHAPTER 9  
HEALTH AND SANITATION**

**ARTICLE VI. TAUNTON NURSING HOME  
Sec. 9-100 AND Sec. 9-100.1**

***Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:***

**SECTION 1. Article VI of Chapter 9 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended as follows:**

- a.) In Section 9-100, Appointment and qualifications of directors, strike “a member of the clergy” and replace with “an attorney, preferably with experience in elder law, or, in the alternative, a professional with elder law experience”;
- b.) In Section 9-100, Appointment and qualifications of directors, after the word “nurse”, insert “with nursing home experience”;

- c.) In Section 9-100.1, Directors, terms of office, appointment of administrator, strike "clergyman" and replace with "attorney or professional with elder law experience".

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

**New Business:**

**Councilor Marshall made a motion for the Budget Director to submit a report within the next two weeks on the amount of funds expended during this year's snow and ice. He would like to see an update on where we are, what was budgeted and what was actually spent. Councilor Pottier motioned that last year's results be included in order to compare them. So Voted.**

**Councilor Croteau made a motion to refer the parking on both sides of the street at the corner of Fremont Street and Route 140 up to Pinckney Street to the Safety Officer. So Voted.**

Meeting adjourned at 9:20 P.M.

A true copy:

Attest:



City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 22, 2016

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND  
CLEARY

MEETING CALLED TO ORDER AT 5:51 P.M.

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

**MOTION:** MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF  
\$3,070,661.27. SO VOTED.

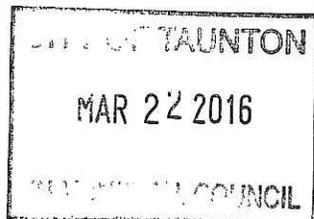
**MOTION:** MOVE APPROVAL OF THE VOUCHER WARRANT IN THE AMOUNT OF  
\$5,405,773.81. SO VOTED.

2. MEET TO REVIEW REQUESTS FOR FUNDING

**MOTION:** MOVE APPROVAL OF REQUEST OF DEPARTMENT OF HUMAN SERVICES FOR  
ADDITIONAL FUNDING TO COVER THE SICK, VACATION AND PERSONAL TIME  
BUYBACK DUE TO THE RETIREMENT OF MARY ANN RIVA. THE AMOUNT OF  
\$25,631.44 IS TO BE TRANSFERRED FROM RESERVE ACCOUNT NO. 01-132-  
5200-5784 AS FOLLOWS:  
\$13,000.00 TO ACCOUNT NO. 01-500-5100-5191 – SICK TIME  
\$11,342.36 TO ACCOUNT NO. 01-500-5100-5197 – VACATION/FURLOUGH  
TIME  
\$1,289.08 TO ACCOUNT NO. 01-500-5100-5193 – PERSONAL TIME.  
SO VOTED.

THE BUDGET DIRECTOR REPORTED THAT THE BALANCE IN THE RESERVE ACCOUNT AFTER THIS  
TRANSFER IS \$493,786.15.

MEETING ADJOURNED AT 5:53 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 22, 2016

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS DERMODY, MARSHALL, CLEARY AND CROTEAU. ALSO PRESENT WERE DPW COMMISSIONER FRED CORNAGLIA, ASSISTANT DPW COMMISSIONER TONY ABREAU, AND JOSEPH FEDERICO FROM BETA

**MEETING CALLED TO ORDER AT 6:10 P.M.**

**1. MEET WITH THE DPW COMMISSIONER TO DISCUSS COMPLETE STREETS PROGRAM**

The Chairman noted that 2 weeks ago a long discussion took place on this matter. Everyone had an opportunity to ask questions at that point. There have been some slight revisions to the Policy and everyone has had this policy for about a week and a half.

**MOTION: MOVE APPROVAL. SO VOTED.**

Councilor Cleary asked if they had to submit projects to be considered to which the DPW Commissioner answered yes. Councilor Cleary then suggested when the list is put together, to look at the Leddy School safety issues, redoing the sidewalks, etc.

Councilor Marshall also suggested the reconfiguration of the traffic island/downtown sign and the traffic flow around that. Perhaps come up with a design and traffic flow as this is also a safety issue.

Councilor Carr said that they could have the DPW come up with 3, 4 or 5 options that they might be able to use the money for and bring it back to the Committee.

Councilor Quinn noted that it had been said that before implementation of this program, the City had to sign a compact, is this true.

Councilor Carr said a compact has been signed.

Councilor Pottier said that he thinks we have applied, it's been approved, but we have not signed off yet. He further said he thinks we have been approved; we are just waiting for the official signing.

Councilor Croteau, regarding the Leddy School project, said that Charles Street needs water and sewer work before the Leddy project can be done.

**2. MEET WITH THE DPW COMMISSIONER TO DISCUSS HIS LETTER REGARDING HIGHLAND STREET ROAD OPENING.**

A letter dated 3/8/2016 from the DPW Commissioner was read. The letter stated that the DPW infrastructure team has determined that it is beneficial to the City to authorize Matt St. Germaine to install an eight inch diameter water main service stub off of the water main in Highland Street to serve a proposed future subdivision that is in the early planning stages. They make this recommendation because they are in the process of paving Highland Street. The pavement binder course has already been placed. The pavement top course will be placed later this year. It is preferable to install this service line stub now so they will not have to cut the road when the street opening moratorium ends in 5 years. A second critical benefit is that this future service line will enable an important service loop to be made between Highland Street and Briggs Street. The trench will be backfilled with flowable fill to prevent subsidence. If approved,

PAGE TWO

MARCH 22, 2016

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

the work is anticipated to start on April 4<sup>th</sup>, following the winter street opening moratorium period.

**MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.**

The DPW Commissioner said there is binder on Highland Street from last year's paving. They want to put the top on this year. It is better for them to do this sooner rather than later, meaning to give the trench time to settle and probably do the paving late August, early September. The crucial piece is tying in a water main for a loop from Highland Street to Briggs Street. It will be an additional 32 water and sewer customers when it is completed.

Councilor Marshall asked the DPW Commissioner if this was just not a stub, they are going to loop all across the property to Briggs Street.

The DPW Commissioner said yes.

Councilor Marshall said that all he is talking about doing now is the stub tie in.

The DPW Commissioner said yes.

**MOTION: MOVE APPROVAL. SO VOTED.**

**3. MEET FOR AN UPDATE ON THE EPA HEARING IN WASHINGTON**

Mr. Federico of Beta said that the City's wastewater treatment plant is permitted by the EPA. The last issued permit was in 2001. A draft permit was issued in February 2007. After that was issued people made a number of comments on it such as the Taunton River Watershed Association, Mass Audubon, Nature Conservancy, Save The Bay and others. In that permit, initially, there were no new concentration limits for the plant, but, based on those comments, EPA reissued a draft permit on March 20, 2013. The City took exception to some of the permit parameters, most notably the amount of total Nitrogen to be discharged on a daily basis. The final permit was issued on April 10, 2015. The problem is that the City is limited to 210 pounds of nitrogen to be discharged per day. This also limits the capacity of the wastewater treatment plant to the current design value of 8.4 million gallons per day.

The City currently has wastewater flow obligations of 8.2 million gallons per day. That leaves only about 200,000 gallons per day of flow capacity available for the wastewater treatment plant. This is one of the reasons why the City took exception to this. They do not think it should be based on 210 pounds per day, they think that this should be higher. The other problem is it will cost the City another \$25 million to build a wastewater treatment plant to the limit of technology. They estimate the cost at this time to be \$50 million dollars. So \$50 million to upgrade the wastewater treatment plant both because it is old and because of new requirements and if they go to the EPA's limit it would be another \$25 million.

Mr. Federico said that two of the reasons why they disagree with the EPA's analysis is that the EPA used old data for their analysis and the method they used for their analysis was incorrectly used. They used data from 2004 and 2005. Since that data set was collected there have been a number of improvements in the Taunton Watershed – Taunton has spent \$60 million in wastewater infrastructure improvements; Fall River has spent \$160 million in wastewater infrastructure improvements, Brockton has spent \$100 million in wastewater infrastructure improvements, Brayton Point generating station has spent over \$1 billion in environmental

PAGE THREE

MARCH 22, 2016

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

improvements and is operating at a fraction of its capacity and Montaup Generating Plant is closed. The point is that there has been a lot of improvements for water in the Taunton River Watershed.

Mr. Federico also said that the method that the EPA used to correlate the pollution problem back to the Taunton wastewater treatment plan is problematic. The Head of the Massachusetts Estuaries Program Dr. Brian Howes states "Regarding the selection of MHB16 as the "sentinel location" for the Taunton River Estuarine reaches, the existing data and studies for the system would not support its use as a valid sentinel site".

The City also had Dr. Steven Chapra an expert on water quality modeling render his expert opinion which was entered into record in reference to EPA's approach "The methodology has many critical flaws which renders its results thoroughly unreliable".

The City also had Dr. Craig Swanson render his opinion on the Brayton Point Facility and he said it did have a negative impact on oxygen in Mount Hope Bay in the years that the data set of 2004 and 2005 was used for Taunton's permit analysis.

The City therefore believes it has a sound basis for appealing the permit. The City appealed the wastewater discharge permit to the EPA's Environmental Appeals Board and the oral argument was heard on March 1, 2016 in Washington, D.C.

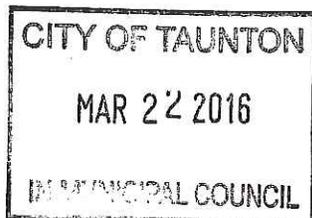
They should have a decision in 3-4 months. If EPA wins, the City is looking at \$80-\$100 million. Councilor Croteau said that his concern is, this is the sewer plant, so the problem will be what happens when water returns to the plant. Economic Development will be restricted. He also said that the City needs to involve the Legislative delegation in this matter.

Councilor Marshall noted that the permit allows 210 pounds of nitrogen per day. Mr. Federico feels this should be about 400. The City needs another 1 million gallons per day. Councilor Marshall then said, if the City wins, upgrades would have to be done too.

It was also said that when the decision comes down, if it is a negative outcome, then the City can go to the First Circuit Court.

Basically, if the City wins, it will need a \$50 million upgrade. If the City loses, it will require \$75 million plus in upgrades.

**MEETING ADJOURNED AT 6:45 P.M.**



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

**REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.**

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 22, 2016

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES,  
QUINN, POTTIER AND CARR

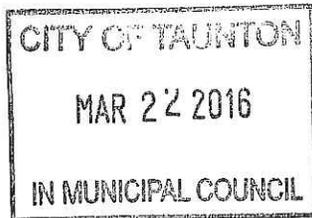
MEETING CALLED TO ORDER AT 6:46 P.M.

1. MEET WITH THE CITY SOLICITOR TO DISCUSS REQUEST OF RICHARD CONTE, 49 LAKEVIEW PLACE TO PURCHASE PARCEL #25-52 ON LAKEVIEW AVE.

The chairman stated that the City Solicitor needs more time to research this matter.

**MOTION: TO CONTINUE THIS MATTER TO A LATER DATE. SO VOTED.**

MEETING ADJOURNED AT 6:47 P.M.



RESPECTFULLY SUBMITTED,

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

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "RM Blain".

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 22, 2016

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

PRESENT WERE: COUNCIL PRESIDENT JEANNE QUINN AND COUNCILORS MARSHALL, CLEARY, BORGES, DERMODY, MCCAUL, POTTIER, CARR AND CROTEAU. ALSO PRESENT WERE TREASURER/COLLECTOR BARBARA AUGER, ASSISTANT TREASURER/COLLECTOR JULIE BERTRAM, IT DIRECTOR PAUL ARIKIAN, AND CINDY LIVINGSTON OF CITY HALL SYSTEMS

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

**1. MEET FOR A PRESENTATION ON THE NEW ONLINE PAYMENT SYSTEM**

The Treasurer/Collector said that this change came about because several departments have approached the Treasurer/Collector's office looking for ways in which they can collect payments via credit card and ACH. It was to offer a service to our residents. Mrs. Auger happened to be at a training session where this particular program was demonstrated, City Hall Systems. She said it is very user friendly, it looked like it had more options available to it than what the current provider had. She scheduled a demonstration and it looked as if it would be a big improvement and have the ability to be distributed to other departments, such as the City Clerk, School Department, possibly the Building Department and Park and Recreation.

The Assistant Treasurer/Collector said that on December 31st they installed the software and went live. The very next day they sent out their real estate bills and water bills and everyone got an insert letting all the residents know that they had changed the system. They always had online payments but there were a lot of weaknesses with that software that City Hall Systems has remedied.

She continued stating that her office was often asked about e-billing, paying future bills, certain things that the other software was not able to do. The City Hall Systems has an ability where you can set up an account, it is a one-time set up, and you can pay all of your bills through it, your water, real estate, excise, and put it in a cart just as if you were shopping on line at Amazon. You set up an account once and you have a login. It allows anybody even if they don't have an account, to go on line and see your bill. There is an actual PDF copy that you can see, print, or save for your income tax purposes, which was never available. For example, if you are not going to be around on tax day, if you set up an account you can set up for a future payment on that due date. There is also e-mail, so you can have you bills e-mailed to you. A lot of people want to go paperless and they have never had the ability to do this and they have been asked for years for this. Now that is an option.

One of the other advantages is a live chat in any language you could possibly need it to be in. If you were a taxpayer and wanted to talk to somebody on line you go to the site. You can also call City Hall Systems. For example, if you are going to pay your excise bill you need to have your bill number and you plate for privacy. If you did not have it and you were not at home and wanted to pay your bill, you can call City Hall Systems. They have the City's entire data base. They can answer those questions. It is alleviating a lot of calls to the Tax Office.

Ms. Bertram also said that you can set up auto pay, which means you know every month an electric bill comes in, you can set that up to automatically come out of your checking account. They do this 5 days prior to the due date. This way you do not have to worry about missing a

PAGE TWO

MARCH 22, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

payment. The last software did not allow you to pay your electric bill on line. After the due date it was no longer available for you to pay. This software pushes our software every single day and has a current file on line. You can see it every day with the accurate information. So if you are one day late, you are paying that one day's worth of interest. This was never available for the utilities, water, sewer, so that is a great option.

Ms. Bertram said there is no fee if you are paying with your ACH, your bank account. If you put in your bank account and routing number you will get an e-mail that you paid it and there is no fee.

If you use a credit card their old software had a sliding scale. If you paid a bill that was \$0 - \$100 it was one amount, this is a flat 3.2% or minimum of \$3.00 if you use your credit card.

The Assistant Treasurer/ Collector said that one advantage for the City side is that City Hall Systems is fielding a lot of phone calls. Also, the time that the Tax Office spent every morning making sure the file was correct has been removed from the Tax Office because it is being pushed to City Hall Systems. In the last 2 months that this system has been up, 531 accounts have been set up in just January and February. 51 people have set up auto-pay, 63 for e-notices and e-billing. This has saved a great deal of time for the Tax Office so they can be more efficient. They are also about to set up the City Clerk to pay dog licenses on line at the end of this week. Certain things that were never available to other offices will soon be rolled out. They have not received any complaints.

The Treasurer/Collector noted that there are 50 cities and towns in Massachusetts that are using this system so the City is not paving the way here. It is a well-tested system and it has been working very well for them. Ms. Auger said that in addition to the improvements mentioned, it is also improving accuracy because it eliminates the human intervention of the office having to put a file out and take a file down. So, it is not only improving accuracy, it is providing more timely information for the residents.

Mr. Arikian walked the Committee through an example of what it looks like when you log into City Hall Systems and you go to pay a tax bill. He also provided a preview of what the dog licenses are going to look like.

The Treasurer/Collector again stated that for anything that is paid through the Tax Office and if you use Ach there is no charge. There is a charge if someone pays a bill with a credit card. There is no payment for the software. She further said, for example, if someone is ordering a dog license there is a \$.50 convenience fee that is assessed. If someone has 3 dogs and they create one cart and are buying 3 dog licenses, they get assessed one \$.50 charge. If someone is ordering from the City Clerk's office 2 dog licenses, 2 birth certificates, a marriage certificate, and it is all in one cart, they pay one \$.50 charge. The City does not pay for the software, and they get 100% of what they are supposed to collect anyway. City Hall Systems gets the transaction fee directly from the consumer. The Treasurer/Collector said for the miscellaneous departments, there will be a charge, but anything coming through the tax office there is no fee being charged. To add the other departments there will be a fee per cart. City Hall Systems makes their money because they receive the 3.2% or \$3.00 minimum for people using a credit card. It was also noted that live chat is only available during business hours, but you can pay a bill 24/7.

---

PAGE THREE

MARCH 22, 2016

**THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED**

Councilor Marshall then said, for example, if you had a \$100 tax bill and used a credit card to pay it the total due would be \$103.20. City Hall Systems gets the \$3.20. This will show up on the credit card statement. If you use a debit card, the fee is the same. If you set up an ACH there is no fee.

An example was used for a dog license. A dog license costs \$10.00 so there would be a minimum charge of \$3.00 if you use a credit card. If you use an ACH, the cost would be a total of \$10.50.

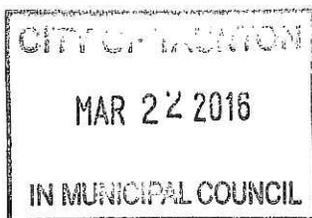
**MOTION: TO EXCUSE THE PARTIES. SO VOTED.**

MEETING ADJOURNED AT 7:25 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 22, 2016

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MCCAUL AND BORGES. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON AND POLICE CHIEF EDWARD WALSH

**MEETING CALLED TO ORDER AT 7:27 P.M.**

**1. MEET WITH THE POLICE CHIEF AND CITY SOLICITOR TO DISCUSS HOME RULE PETITION FOR SPECIAL OFFICERS**

The Chief stated that we are here to have a discussion about doing a Home Rule Petition which would authorize retired Officers to work as Special Police Officers up to the age of 68. As he indicated the last time the Committee met on this they have nothing formally in place that authorizes or legalizes the practice that they do. Retired Officers do work under the Collective Bargaining Agreements usually as Constables but there is really no formal appointment authority for that, so technically if something were to happen they would have some issues. Most communities in the region seem to have created a Home Rule Petition to allow for Specials to be appointed by the Police Department. They have never done that for whatever reason so they have taken the Boston model and modified it to reflect Taunton and presented it to the Council. This is only for details.

The City Solicitor said that he did review the document that the Chief put together, and finds that it is legally sufficient. If the Council as a policy matter wants to move ahead with that it is certainly their prerogative.

Councilor Borges said that there had been some discussions regarding disabilities and things like that, and asked if there were any answers to those questions.

The Chief said he would defer to the City Solicitor but they did have some conversations about that. They are under the belief that an Officer who is injured and who is retired would be entitled to either be paid or the City would pay the medical depending on the situation.

Councilor Borges said that she had been reviewing Home Rule Petitions from other cities and towns and it looked like they had put some provision in it which looked like they would not be subject to any benefits.

The City Solicitor said the types of benefits being talked about here is Chapter 41, Section 111F and the Bill that the Chief found modeled after Boston has the language that specifically states right in it that an officer if he is injured in the course of his duty due to performing one of these details, that the City is going to pay the medical bills and those types of benefits.

The City Solicitor stated that for any Police Officer or Firefighter, there are 2 laws that trigger the City's obligation to make payments when an officer is injured in the performance of his duties without fault of his own. One is Chapter 41, section 100 which pertains to medical bills and one is Chapter 41 Section 111F which pertains to pay while the person is incapacitated for duty.

Councilor McCaul asked if Special Officers would be required to take physicals before being placed in that position.

The Chief said yes, one of the requirements they placed in the Home Rule Petition based upon Boston's model is that they have a physical which they have to pay for at their own expense. That way there is a baseline. Also there will be requirements for training which they

PAGE TWO

MARCH 22, 2016

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

don't really require now. They must maintain training so they are actually current with their first aid, CPR and legal updates. This is only for extra paid details for Officers that have retired in good standing with the Police Department. This will codify what they are actually doing now. Councilor Marshall noted that right now we have retired Officers and he asked if they had to put their name on a list or do they have to go through the Chief to do private details?

The Chief said it has very little to do with him right now. What happens is an Officer retires, they let the Detail Officer know that they are willing to work details. They generally require them to be Constables to give them some legal status. Usually they get hired after all the regular jobs are filled. If they cannot fill a regular job with a regular Officer they offer it to a retiree. Then they would go to another community.

Councilor Marshall asked, with what is done right now, what language, statute or ordinance allows the City to do this current practice.

The Chief said the Collective Bargaining Agreement is the only place it exists.

Councilor Marshall asked if this had to be collectively bargained with the Patrolmen and the Supervisors because the language is in there and you are actually taking language away.

The Chief said it is not taking language away, what they are doing is providing a framework for implementing the language because there is no other legal ability to do it. A Collective Bargaining Agreement cannot apply to a retired Officer, they have no standing and they have no rights under the Collective Bargaining Agreement. So, this is something that the City has agreed to allow happen, they are just trying to create a framework where there is a legal authorization to actually hire them.

Councilor Marshall said right now as long as they are a retired Officer they are on. With this the Chief's office will have a say in what training is required and if a retiree does not pass those they are not eligible to work.

The Chief said he would believe this to be a correct assumption. What they are trying to do is create a baseline saying that you need first responder, basically the same requirements for a Police Officer which they basically have but they may be out of date because the CPR will lapse because they are not in service anymore, the firearms update because they are not working for the Police Department; so basically you are letting them out there with a gun, a badge and uniform but they have no standards for them to be out there. They are just trying to ensure, that the Officer out there, if something does happen, and if there is a lawsuit for the City that they have some degree of liability protection, saying these are the standards that were set for these people.

Councilor Marshall said as long as you meet the minimum requirements, they are in.

The Chief said yes, they are just trying to create a baseline showing the minimum requirements they need to have to work an extra paid detail. Right now there is nothing.

Councilor Cleary asked if there were any budget implications.

The Chief said there should be no budget impacts at all.

Councilor Cleary asked if there was an age requirement, to which the Chief said they used Boston's model which called for a cut off at 68 years old.

PAGE THREE

MARCH 22, 2016

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

Councilor Cleary then asked if a retired officer is injured on a work site obviously the City has to cover the medical benefits, and he does not have a problem with that. But, as far as pay goes, he just gets his retirement.

The City Solicitor said he believes the way the Chief had this drafted is that it looks at the retired Officers average weekly pay for what he had done, they look at the average weekly pay for the prior 52 weeks as a Special Police Officer working details or averaged over such lesser period of time if someone has been working less then 52 weeks. You figure out the average and they would get that.

Councilor Quinn asked what percentage of Detail Officers would he say are current Police Officers employed by the City of Taunton vs. retirees.

The Chief said there are about 6 retirees generally who work details right now, the majority are current Officers.

Councilor Carr asked why they chose to use Boston's Home Rule Petition.

The Chief said Boston was the most recent community to do this.

Councilor Carr said that she does not agree with paying Specials if they are out injured.

It was stated that if the Officer is injured, the City will pay the medical bills. If the Officer only worked 5 weeks, you would calculate the average and pay that average as Workers Compensation.

It was further clarified for example, if a retired Officer has a history of working details, such as working 2 details a week for 52 weeks, which is about \$500.00 per week. So if the Officer got hurt, he would be paid the \$500 per week. It was also said that these Special Officers are appointed for 1 year, so if at the end of that one year they cannot work, the City Solicitor said you would not continue paying them. The City Solicitor referred to Section 4 where it states that *all benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of the employment term. A special police officer's appointment shall automatically terminate upon the officer's 68<sup>th</sup> birthday.*

Councilor Carr asked if you have to be a retiree to be a Special Police Officer, to which the Chief said you must be retired from the Taunton Police Department. The Home Rule Petition does not apply to other Officers from other cities and towns.

Councilor Borges said that she would like to see this terminate at age 65.

The City Solicitor said that this will clear up ambiguities in this process.

It was asked if the City could make them 1099 employees, to which the City Solicitor said this is not an option.

Councilor Marshall noted that if there are no Police Officers or Specials available to work a detail, then the City goes to mutual aid communities. So, if they end up getting to a mutual aid community that does not have this or has a retirement age, you could get a Detail Officer that is 67 and we have set our own at 65 years old.

The Chief said that is correct and it does happen.

Councilor Marshall said you could have a Detail Officer from another community that is above 65 and we won't allow our own retired officers to work under the proposal at the age 65 years old.

PAGE FOUR

MARCH 22, 2016

**THE COMMITTEE ON POLICE AND LICENSE – CONTINUED**

The Chief said also, they have Officers that are retired that are working for the City that cannot work in other communities.

Councilor Cleary clarified that regarding the age, if we go with 65, no Detail Officer will be over 65, if we go with 68, anybody over 68 will not be able to do details.

This is correct if this matter is approved.

The Chief said that if a prohibition is wanted regarding age, then it should be made as a rule that this is the maximum age for Taunton.

Councilor Quinn said that she has no problem with the age of 68 with the restriction that the officers have to meet the physical requirements and pass a satisfactory physical.

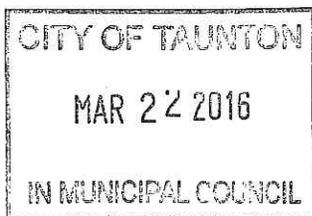
The Chief said that he has met with both unions and they agree that the City has to do something. The Chief will appoint the Specials and they will have full police powers.

Councilor Croteau said he has no problem with the Chief appointing the Specials.

The Chairman would like all Councilors to be provided with a draft of this Home Rule Petition and also since this is a Home Rule Petition he would not mind having this authority transferred to the Committee of the Council as a Whole..

**MOTION: TO RECONVENE IN TWO WEEKS IN EITHER THE COMMITTEE ON POLICE AND LICENSE OR THE COMMITTEE OF THE COUNCIL AS A WHOLE. SO VOTED.**

MEETING ADJOURNED AT 8:15 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK