



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, October 11, 2016 at 7:20 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

A moment of silence was held for Red Reno, a longtime employee of the DPW who passed away yesterday.

Prayer was offered by the Mayor

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

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

Hearing came up by assignment on the petition of the City of Taunton, Temporary City Hall, 141 Oak St., Taunton and others for the acceptance of Grove Avenue as a public way in the City of Taunton. **Motion was made to open the hearing. So Voted.** The City Clerk read a Com. from City Engineer in which he recommended that Grove Avenue be accepted as a public way. The City currently plows and maintains sewer and water lines in this street, and gravel surface of the roadway is difficult to maintain. The DPW wishes to properly pave this roadway for public convenience and ease of maintenance. **Motion was made to make part of the record. So Voted.** The City Clerk read a Com. from Chairman, Taunton Planning Board submitting a positive recommendation to the Municipal Council to accept Grove Avenue as a public way in the City. **Motion was made to make part of the record. So Voted.** No one spoke in favor or opposition of the petition. Carl Capelo, 9 Grove Avenue stated that as far as the sewer goes, there a few houses that are not hooked up. He asked if there will be any stubbing of pipes into the properties so that if people decide to tie in in the future they can do so. Mayor Hoye stated that he doesn't know if that is part of the plan and asked if there is sewer there now. Mr. Capelo stated that there is. Mayor Hoye stated that they can talk to the DPW about that, it doesn't say anything about that in this particular communication. He stated that it depends on capacity and sometimes there is betterment involved but it doesn't sound like a bad idea before the road is paved. Mayor Hoye asked if anyone has had a discussion with the DPW about that. Council President Quinn stated that she hasn't but she thinks that it is a very good point and we should talk to the DPW about it. She doesn't think that it would in any way detract from approving it as a public way. She stated that it was a good point that we wouldn't want to pave it and then have people try to tie in to the sewer she would like to get so if we can get that answer sooner than later. Mayor Hoye asked if there has been interest in the neighborhood about tying in to the City sewer. Mr. Capelo stated that he and his neighbor have been thinking about it but he

has not spoken to the other two neighbors on the street. Mayor Hoye suggested that he and his neighbors get together and write a quick letter/petition to the Council to show their interest so the DPW can investigate the cost and what that would add to the project. Councilor Cleary made a motion that the decision be delayed for one week to be able to get an answer from the DPW. Councilor Marshall asked if there is already City sewer on Grove Avenue and if some of the residents are hooked up. Mr. Capelo stated that there are two houses that were built in the last ten years and he does not know if they are hooked up or not. Councilor Marshall stated that if there is already a sewer line down the betterments will be a lot less just to bring the stub from the main to the property line. If they need to run a whole sewer line then it will be awhile. Mayor Hoye stated that it is probably not an answer they could have in a week. Mr. Capelo stated that it does go down the street. Council President Quinn stated that whether the Council accepts it as a public way or not, it will not affect whether there are stubs there. Councilor Carr stated that the Council should just vote on the public way this evening and the general rule at the DPW is before they pave any street, they take care of water and sewer issues first. She stated that she will make sure that they do that. Mr. Capelo asked if there would be any sidewalks installed when they pave it. Mayor Hoye stated that it depends on the width of the layout. Mayor Hoye asked if there is any portion of it that has sidewalks. Mr. Capelo stated there is not, there is a grassy area where it looks like one could be placed. Mayor Hoye stated that it just being accepted for the reason that it can be improved on. We don't have the plan in front of us and the more streets that are accepted, the more money the City can get in the Chapter 90 state funded program for streets and roads and bridges. **Councilor Marshall made a motion to close the hearing, and grant the petition as requested with one condition that prior to final paving, all of the utilities be brought to the property lines so that the road does not have to be recut after final paving. They can put a binder coat down to get it out of dirt condition and then work on getting it over. So Voted.**

Hearing came up by assignment on the petition submitted by Janice Alston, 13 Johnson St., Taunton for the issuance of a Kennel License per City Ordinance Section 3-24 to allow: A Grade 1 (4-6 dogs) kennel license for personal use/dogs, NOT BUSINESS USE, at 13 Johnson St., Taunton. **Motion was made to open the hearing and invite the petitioners into the enclosure. So Voted.** The City Clerk read a Com. from Taunton Animal Control Officer stating that he has inspected the home of Janice Alston and has not found any issues regarding the petition to apply for a Grade 1 kennel license. **Motion was made to make part of the record. So Voted.** The City Clerk read a statement from Jerry Peterson, 18 Johnson Street stating that they have no concerns and the neighbors have been excellent. **Motion was made to make part of the record. So Voted.** 2 Property Maps. **Motion was made to make part of the record. So Voted.** Janice and Edward Alston, 13 Johnson St. were present to speak. Mrs. Alston stated that all of the dogs have been abused and they have adopted them from the shelters. She spoke about all of the dogs and their previous situations. Councilor Pottier asked the City Clerk if letters went out to all of the abutters. The City Clerk confirmed. Councilor Pottier stated that he appreciates them coming in front of the Council and going through the regular process that the City has instead of just setting it up and worrying about it on the back end. He spoke about how there are no abutters present to speak against the petition. He stated that he appreciates what they are trying to do with rescue dogs. Councilor Cleary

stated that it is a fairly small yard and is very close to the houses next to it. He asked if there are any complaints from either one. Mrs. Alston stated that there is not. She stated that each of the neighbors have dogs of their own. They try to be very careful when the dogs go out and there is a dog door in the storm door. They stated that they have a 5 foot fence around the yard. They confirmed that they will not be taking in any more dogs. No one spoke in favor or opposition of the petition. **Motion was made to close the hearing and grant the petition. So Voted.**

Communications from the Mayor:

Mayor Hoye announced that Liberty & Union weekend is starting Friday night, October 14, 2016 from 5:30PM-11PM with the Liberty Libations tour which will begin at the Trescott Street Gallery, 8 Trescott Street. On Saturday, October 15, 2016 from 12PM-4PM the Liberty & Union Festival will be held. He is asking everyone to get there by 11:30AM for the flag rising. He hopes to see everyone there. Mayor Hoye stated that the following weekend on October 22nd, the Miles with the Mayor will be held. The race will start at 6PM, the Fun Run start at 5:30PM, the children's activities will start at 5PM and a costume parade at 4:30PM. He also hopes to see everyone there. He stated that these are two great downtown events that will highlight our City.

Communications from City Officers:

Com. from Superintendent of Buildings requesting to pay two (2) prior year invoices for James Kennedy to be reimbursed for "mandatory continuing education" seminars, attended in June 2016. The total amount is \$305.00. The invoices were received September 30, 2016. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Com. from Chairman, Taunton Planning Board notifying that they have received a Site Plan Review for property at 30 Mozzone Boulevard for a Registered Medicinal Marijuana Dispensary and Cultivation Facility in an Industrial District, submitted by Commonwealth Alternative Care Inc., owned by Daniel DaRosa, Trustee of 30 Mozzone Boulevard Realty 2013 Realty Trust. The DIRB will meeting to review this petition on Tuesday, October 18, 2016 at 9:00AM in the Taunton Planning Board Office, 15 Summer St., Annex Bldg. and the Taunton Planning Board will meet to review petition on Thursday, November 3, 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.** Councilor Carr stated that the Council had already approved such a business for the Liberty & Union Industrial Park and asked if they are still in their window to build their facility. Mayor Hoye stated that they are but that window is narrowing. The Law Office reached out to them a couple of months ago and they said that they are still moving forward but we have had no further communication with them. He is not sure what they are doing but that window for them is closing. Councilor Carr stated that according to the law, you are not allowed to have more than one in the City. Mayor Hoye stated that he believes that you can. Councilor Carr asked if we want more than one in the City. Mayor Hoye stated that it is up to the Council. Councilor Carr stated that she doesn't want to approve one while someone else still has the opportunity to build one. Mayor Hoye stated that he has spoken to Mr. Greene, and said that he is not sure if the Council will support two facilities in close proximity to each other. He stated that it hinges on what the previous business owner is planning on doing. He stated that if the

Council wants, they can send a formal communication to them and see if they are going to respond. He has seen no activity since they have started doing some initial work at least six months ago. **Councilor Pottier made a motion for the City Solicitor's Office to get back to the Council on what their window of opportunity is. Also, for either the Mayor's Office or the Council President send a letter to the current license holder's to ask what their plans are. He stated that as the Council has discussed before, there is a referendum question that will be before the voters in November that may greatly change the landscape of marijuana, both medicinal and recreational as of January, 2017. It is good to have this discussion again since the applicant that was given the license has not done anything. He stated that seeing that we do have this petition and it is moving through the DIRB process, so as to not waste City government, DIRB or the applicant's time it would be helpful to get that information for the Council to consider. So Voted.** Council President Quinn stated that on Councilor Carr's point whether we can have two, both have to have been approved by the Commonwealth of Massachusetts. The first petitioner that was approved, not only have they not done it, she has been informed that the site is in dilapidated condition. It is not even that they haven't proceeded; it is that they have seemingly made the site worse than it was. She stated that they have tried to reach out to them before and they were not very responsive. She would like the letter to go out from the Mayor asking what the status is and seeing if they intend to restore the site or what their plan is.

Communications from Citizens:

Com. from Father Messias Albuquerque, Church of Our Lady of Holy Rosary Brazilian Community, 80 Bay St., Taunton requesting to conduct a procession on October 16, 2016 from 10AM to 11AM. **Motion was made to refer to Police, Fire and EMS. So Voted.**

Communications in the hands of Councilors:

Council President Quinn stated that she has a Com. from the Holy Ghost Society of East Taunton requesting the use of the bandstand trailer on Saturday, June 17, 2017. They ask that the \$500 fee be waived given that this will be a public event open to all. Motion was made to approve. Councilor Carr stated that a discussion was held not too long ago about who the Council should and shouldn't grant waiver of fees for. She is not sure if it was referred to the Committee on Ordinances and Enrolled Bills or not but she does not think that the Council has voted on it yet. She asked if they are a 501c. Council President Quinn stated that it doesn't say but it can be approved or delayed with the stipulation that they send in documentation that it is a 501c. Councilor Carr stated that she is pretty sure that it was a stipulation that it at least be a 501c. Councilor Carr made a motion to refer it for one week until the Council finds out the information that it needs. Councilor Borges spoke about how she doesn't think that there are many City events in the middle of June. Mayor Hoyer stated that the Relay for Life is around that time. Councilor Carr stated that the Day of Portugal is usually in June. Councilor Borges made a motion to check the calendar for City events before the Council approves the use of the stage and then not be able to use it for a City event. Mayor Hoyer stated that some point the City should start conserving the stage for City events. **Council President Quinn made a motion to continue this until next week to get the question of whether they are a 501c3 answered and to check the City calendar to see if there are any events that would trump this. So Voted.**

Petitions:**Hours of Operation**

1. Joe's Diner located at 51 Broadway, Taunton
2. Creative Fitness Solutions, Inc. located at 225 Cape Highway, East Taunton
3. Speedway LLC –dba- Speedway #2516 located at 23 Cape Road, Taunton
4. Speedway LLC –dba- Speedway #2432 located at 943 County St., Taunton
5. Bobby's Place, Inc. located at 60 Weir Street, 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 first reading to be passed to a second reading****AN ORDINANCE****Chapter 13****ARTICLE III. STOPPING, STANDING AND PARKING****Sec 13-82. Prohibited parking places.**

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

SECTION 1: That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby is further amended as follows:

Insert: "School Street, west side, from Leonard Street to Randall Street between 7:00 a.m. and 3:30 p.m., Monday through Friday."

SECTION 2: All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to approve the first reading and move to a second reading. So Voted.**

New Business:

Councilor Carr stated that the Council was forwarded an email of a letter and a resolution from Representative O'Connell dealing with the marijuana law that will be on the ballot. She thinks that it is very important that the Council takes a stand on that question. She stated that they have taken a stand on the Charter School question, and thinks that it is even more crucial that they take a stand on the marijuana question. **Motion was made to post it on the website to give the Council a chance to read it so that the Council can vote next week whether or not to support it. So Voted.** Councilor Pottier stated that

similarly to the discussion on charter schools, he respectfully asks to be voted present when that comes up next week.

Council President Quinn made a motion that due to the elections being held on Tuesday, November 8, 2016 that the Council meeting be moved to Monday, November 7, 2016 at 7:30AM. So Voted.

Meeting adjourned at 7:50 P.M.

A true copy:

Attest:

A handwritten signature in black ink, appearing to read 'Rm B O', with a long horizontal line extending to the right.

City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 11, 2016

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS
CARR AND CLEARY. ALSO PRESENT WAS TAUNTON NURSING
HOME ADMINISTRATOR MICHELLE MERCADO

MEETING CALLED TO ORDER AT 5:56 P.M.

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

**MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF
\$1,060,509.06. SO VOTED.**

**MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
\$1,102,067.39. SO VOTED.**

**2. MEET WITH THE NURSING HOME ADMINISTRATOR TO DISCUSS SUMMARY OF
FISCAL YEAR 2016, AND THE PAST 5 YEARS OF EXPENSES, REVENUE AND
SHORTFALLS, AND ANY CONCERNS SHE MAY HAVE**

Ms. Mercado provided the Committee and all Councilors with a summary of figures for the last 5 years for census, revenue billed, cash receipts, payroll and general expenses, indirect costs and the total cost showing a deficit or surplus each year. It was noted that there was a deficit for the last 5 years. In 2016 there was more cash receipts than revenue billed as they are being more aggressive regarding collecting money due to the Nursing Home. Ms. Mercado also said that she has focused on hiring an accounts receivable person who has already started working. The census at the home is currently at 90 with a capacity of 101.

Ms. Mercado also said that she has done some research regarding CNA's, and that the rates at the Taunton Nursing Home are comparable but an issue is that they do not offer a sign on bonus and do not cover the cost of drug screening and other expenses. They are looking to take on those costs.

Councilor Carr noted that the Council has been told that the Home is sometimes 2 years behind in getting the money from the Federal Government. Ms. Mercado said that they are sometime about 1 year behind.

Councilor Carr asked what that number is – the number owed, to which Ms. Mercado said it is about \$2.4 Million. She also said that the goal moving forward is to make the deficit zero. They have just increased the private patient cost and are doing it on a sliding scale over 3 years. She is also looking into different marketing strategies.

Councilor Dermody encouraged Ms. Mercado to tour Bristol Community College in Taunton in an effort to recruit CNA's.

Councilor Croteau said that when you look at the deficit it is a cash deficit. Part of the problem is money is coming from the Federal Government. They are on a different fiscal year than the City so any money that comes in after July 1st cannot be counted. He also said that there is a need to look at whether expenses can be cut. He has met with the Auditor's consultant and he proposes that he meet with him again and discuss the issues with the Nursing Home. If any other Councilors want to attend, a meeting could

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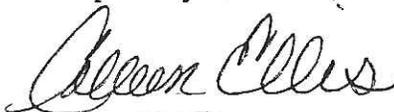
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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

be posted. He also noted that everything must be approved by the Taunton Nursing Home Board of Directors. He also said there are procedural issues with hiring CNA's. There are a number of things that need to be looked at.

MEETING ADJOURNED AT 6:40 P.M.

Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 11, 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 ATTORNEY WILLIAM ROUNDS AND PROJECT ENGINEER JOSHUA BORDEN

MEETING CALLED TO ORDER AT 6:54 P.M.

1. MEET FOR A PRE-REVIEW FOR A SPECIAL PERMIT FOR AN 8 UNIT MULTI FAMILY RESIDENTIAL DEVELOPMENT AT 123 HART STREET, PARCELS 93-126 AND 93-272.

Councilor Borges said that for the record, she is not related to the petitioner, Mr. Louis Borges, Jr.

Attorney Rounds said that the property is at 123 Hart Street although that address is actually the Borges home. Sometime ago, they had carved out a separate lot for the house and that what remained was 1.5 acres with 125 feet of frontage, which goes up and wraps around the house. They propose to construct a condominium project with a total of 4 buildings with 2 units in each building for a total of 8 units. That requires a Special Permit from the City Council. They have already met with the Planning Board at their last meeting and his understanding is that they forwarded a favorable recommendation with some other conditions. Should the Council see fit to grant them a Special Permit they would then have to go through the Site Plan Review process with the Planning Board. They have not yet filed that application but they plan to do that very soon to try to get on for their next meeting. Where they are in the process is they have a hearing with the Council next week on this request for a Special Permit, and if all goes well with that they will start with the Site Plan Review then after that they would go forward with construction.

Mr. Borden said that this has gone through a couple of different designs but this one, with the 4 buildings is the one they settled on. They have gotten positive recommendations from City Planner Kevin Scanlon and the Planning Board. It is a straight forward, small project and what they could have ultimately done there is upwards of 27 units under the by-law. Drainage will be underground, it will have water, sewer, gas, everything will be with City codes, there will be landscape buffers and they are not looking for any waivers or any variances.

Attorney Rounds said that if you look at 123 Hart Street, to the left is where the access drive is going to be. The house will be on the right, and there is a circular driveway there, so at the left end of that circular driveway is where the access drive to the proposed development will be.

Councilor Marshall said there is a detached garage so that garage will be razed to make room for that access driveway, correct.

Attorney Rounds said yes, that is correct.

It was also noted that the existing single family home will stay. Also, the project conforms to all zoning requirements and has been approved by the Planning Board. Councilor Marshall asked how many parking spaces there were, and it was said that there are 8 parking spaces, but really, there 16 spaces total. They get credit for 1 space

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

per unit with the garages, they all have attached garages, so in essence there is a garage and a space in front of it.

It was also said that this meets all zoning setbacks and landscape buffers.

Councilor Marshall asked if anyone had addressed traffic with Harts Four corners.

Mr. Borden said it would be minimal with 8 units there.

Councilor Carr asked how many bedrooms would be in each unit and if there was any green space.

It was said that these will be 3 bedroom units and there is green space.

Councilor Carr said she is concerned with the driveway into the 4 units - is it a driveway or a road. She also asked if the Fire Department had looked at this.

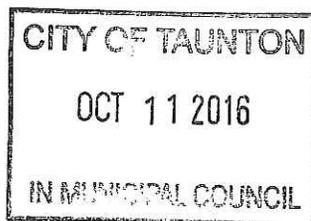
It was stated that they do look at this at the Site Plan Review. It was also said that there are no conservation issues.

These will be condominiums at a price of \$235-\$250,000. There will be private trash pickup.

Councilor Quinn asked what the conditions the Planning Board had noted, to which it was answered that they have not received it in writing yet, but there were a couple of minor more site plan issues that Veolia came up with, Ms. Restino from Conservation had a couple of comments about the landscaping which they will meet under the current by-law and it was mainly departmental comments, there was not any real opposition from the Planning Board at all. Also, the Planning Board did not ask for any traffic report.

Councilor Carr asked how big the units were going to be. The units are about 1500 square feet and they will have some architectural next week. They will be 2 stories. It was also noted that the neighbors were notified and there was no opposition.

MEETING ADJOURNED AT 7:11 P.M.



Respectfully submitted,

Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK