



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, September 27, 2016 at 7:10 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.

**Communications from the Mayor:**

Mayor Hoye stated that there is a problem with the video feed this evening. The good news is that the microphones have been fixed but are not being streamed. He stated that they are able to record it and hopefully they will be able to get the meeting broadcast later tonight. Mayor Hoye thanked Mary Jo Perry, DOT, District 5 for the job that was done cleaning up the sidewalks on Route 44W which have been a problem for quite some time. He stated that our crews started it and the DOT took it over and went to the Dighton line. He thanked our own crews for cleaning the sidewalk on North Walker Street, from Bennett School to Rocky Woods Street. They did a really good job on that. He stated that our sidewalks and street scapes are much cleaner and everything is coming together. He is proud of the job that our DPW crews and contractors have done to improve our City streets and sidewalks. There is a lot more to come before the end of our paving season. Mayor Hoye announced that on October 22, 2016 the Miles with the Mayor Road Race starts at 6pm. There will be activities for the kids beforehand including a scarecrow building contest.

**Appointments:**

Swearing in of Three (3) Permanent Full Time Police Officers: Mathieu Clifford, Ryan Fitzgerald and Corey Gomes. **Motion was made to invite the parties into the enclosure. So Voted.** Mathieu Clifford, Ryan Fitzgerald and Corey Gomes were then sworn in by the Assistant City Clerk.

Appointment of Three (3) Permanent Full Time Police Officers (*Start Date is October 31, 2016 to attend Plymouth Police Academy*): Leonardo Almeida, Nicholas Kerr and Matthew Teixeira. Councilor Pottier stated that per a listing from the City Clerk which is as stated in the agenda packet in order of seniority the appointment order will be Leonardo Almeida, Nicholas Kerr and Matthew Teixeira. **Councilor Pottier made a motion to appoint Leonardo Almeida. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. Councilor Pottier made a motion to appoint Nicholas Kerr. On a roll call vote, nine (9) Councilors present, nine (9)**

**Councilors voting in favor. Councilor Pottier made a motion to appoint Matthew Teixeira. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.** Mayor Hoyer stated that this has been a great collaborative effort hiring these additional officers which has been a goal for several years. He stated that he is proud of the efforts of the Council, Chief Walsh and everyone else involved. Councilor Pottier spoke about how in the past there were years that positions were not filled upon retirement. He gave credit to the administration and his fellow Councilors for not only keeping what they have but actually adding new officers over the past several years. He also gave credit to the Mayor and Gil Enos for finding the money in the budget to increase the staffing.

**Communications from City Officers:**

Com. from City Clerk submitting a list for Three (3) Permanent Full Time Firefighters. **Motion was made to refer to the Committee on Fires and Wires to set up interviews. So Voted.**

Com. from Robyn Bryant, Taunton Public Library notifying of the receipt of a donation from the estate of patron Jeffrey Baker in the amount of \$67,500. This 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 attached documentation 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. **Councilor Cleary made a motion to grant permission for the library to expend the funds. Councilor Pottier added to the motion that he is hoping that the library will do something to recognize the gentleman's gracious gift. So Voted.**

Com. from Chairman, Taunton Zoning Board of Appeals stating that at the regular scheduled meeting held on Thursday, September 15, 2016 they held a public hearing on the proposal for a mixed use development in the Central Business District on property at 66 Main Street, submitted by Combined Realty LLC. The proposal was for 8 residential units on the 2<sup>nd</sup> & 3<sup>rd</sup> floors with the existing commercial use on the first floor. The Zoning Board of Appeals voted to deny the request. During the hearing, the Board received a petition signed by abutters in the downtown area supporting the mixed use development proposal at 66 Main Street with the stipulation that the existing commercial use on the first floor, the Methadone Clinic, be closed and moved outside of the downtown area. The abutters requested that the Zoning Board of Appeals refer this to the Municipal Council and the Board of Health regarding their concerns with the existing commercial use at 66 Main Street. Councilor Pottier stated that this was an issue when this was first proposed a number of different Councils ago when the Mayor and the City Solicitor were part of the Council. He stated that he appreciates the concerns expressed by the business community. However, as stipulated at the time, their hands were kind of tied based upon the Zoning in that area. His understanding is that anything that is done to change the Zoning now, perhaps would be grandfathered against this applicant. He would appreciate the fact of listening to the business owners. Mayor Hoyer stated that you cannot spot zone. He stated that future uses can be looked at and a meeting is being scheduled between the Mayor's Office, the Methadone Clinic, members of the BID and Chief Walsh to discuss some of the issues. Councilor Croteau stated that he would

approach the Council and speak to them he thinks that it is their duty to listen to anyone who has a concern. Mayor Hoye stated that they also have an obligation to give people the right information. Councilor Pottier stated that he would have no problem having the residents or the interested parties come in to discuss the concerns that they have. He does not want to give them false hope that the Council will be able to do something that per statute or ordinance that they are not allowed to do. He stated that is why he referred it to the City Solicitor and the City Planner to get the information out there as quickly as possible as far as what the Council can do. Councilor Carr stated that she thinks that the reason that they got the letter is because they are looking for 6-8 units which would require a zoning change for that many units in that building. She doesn't believe that it is a permissible use. Mayor Hoye stated that it is not and that is why they were seeking a zoning change which was denied. He stated that he thinks that they are trying to rid the downtown of the Methadone Clinic. Councilor Carr stated that the neighbors are saying that if the Methadone Clinic would leave, they would support the housing units. She stated that they are forwarding it to the Council because they are the granting authority of zoning changes. Councilor Cleary stated that he will be voting against the motion that is on the table because he does not want to respond to a motion until he gets an update from the City Solicitor. He doesn't think that the Council has the authority to take an existing commercial business and tell them that they have to leave their location or tell a building owner that they can't rent to this group. If the City Solicitor says that the Council can do it, that's different. Council President Quinn stated that she has no opposition to hearing the concerns of the business owners and neighbors downtown. She thinks that it would be premature and she would like to get the opinion of the City Solicitor. She also thinks that Mayor Hoye is headed in that direction by scheduling the meeting. She stated that many of the people that are petition signers are also members of the BID and she thinks that having their representatives at that meeting would certainly relay any concerns going both ways. She thinks that it is a better starting point along with the opinion of the City Solicitor. Councilor Marshall stated that he echo's Council President Quinn's comments whole heartedly. He stated that he will listen to anyone but he does not want to give anyone a false sense of hope that this is the appropriate avenue to deal with those concerns. If there are concerns about parking and littering, there are City departments that can help that. He doesn't think that the Council has the authority to remove zoning for an existing business. He doesn't want to waste the people's time by having them come in front of the Council and present their concerns if at the end of the meeting, the Council has to tell them to start over and do the whole thing again. He will not support the motion tonight, but he will support getting the opinion of the City Solicitor on what the Council's jurisdiction is and also to wait to hear from the Mayor about the meeting and how it will move forward. Councilor Dermody stated that he understands and supports the relationship with the BID and what is being done downtown. He agrees with Council President Quinn and his colleagues that are in opposition to moving forward with this at this time until there is an opinion from the City Solicitor and there is feedback from the Mayor. He spoke about the great working relationship with the BID. Councilor Croteau asked if any of the people who signed the petition have a financial interest in reviving the downtown. It was confirmed. He stated that they are capable of understanding that this session with the Council, if it ever occurs, would be simply to listen to them. Councilor Cleary spoke about how he observed the operation from 6:45am-9am this morning. He didn't see any disruptive activity. He stated that they would have to declare some major public nuisance for the operation if they were going to

try to move it. Councilor Borges stated that she will not be supporting the motion and would be happy to meet with the BID after they meet with the Mayor and the Council receives the opinion from the City Solicitor. She did make a motion about a month ago to have the Safety Officer and the Chief look at that area and look at making no parking on both sides from a certain hour. She is hoping that it would make things better over there. She thinks that it would be premature to sit with them and give them false hope. Councilor McCaul stated that he doesn't feel like this is giving false hope to the business owner's downtown. He stated that if you look at our agenda, it says communications from citizens. If there are communications from citizens, we need to hear their concerns. He stated that they mentioned trash and illegal activity going on at the Methadone Clinic. He stated that the Council should hear what they have to say. They don't have to make a decision that night. He stated that the Council should hear their concerns, talk to the City Solicitor to see what the Council's rights are. They have the Zoning Board of Appeals saying that they denied what they were asking for at the Methadone Clinic. The business owners are asking the Council to hear their concerns. It is not giving false hope. He stated that it doesn't have to be acted on right away because there is a process that has to be gone through. Councilor Croteau stated that he is speaking for the rights of people to speak and be heard and the people who are most directly affected by this are the ones who signed the petition. He stated that he is willing to listen to anyone as long as the conversation is appropriate and professional. Councilor Borges stated that she doesn't think that anyone has said that the Council does not want to hear their concerns. She thinks that most of the Councilors have spoken to people from the BID directly. She stated that it is not about hearing their concerns, it is about the fact that the Council wants to hear from the City Solicitor and the Mayor already has a meeting scheduled. She would be fine with a motion to refer to the Committee of the Whole in the future but that meeting not gets scheduled until after the Council hears from the Mayor's meeting and the City Solicitor. She stated that she is not willing to support the motion on the table. Council President Quinn stated that Councilor Borges adequately wrapped it up. In context, this is before the Council in the form of a letter from the Chairman of the Zoning Board of Appeals just letting them know that this is a concern of the business owners and the residents of the downtown area. She welcomes hearing them but there has been a meeting set up. The owners have not requested a meeting with the City Council and believe that they have gone to the Mayor's Office. She wants to wait and see how that meeting goes and maybe get a report back from the Mayor and the City Solicitor and then take our next step. Mayor Hoyer stated that nobody wants to see downtown more successful than he does. It has been on the front burner for a long time. He stated that if someone thinks that the Mayor's office or anyone else wants one business to bring the quality of life downtown down, they are sadly mistaken. He knows that there have been some issues and is in contact with Mrs. Simmons all of the time. Chief Walsh is going to look into it and if there is a problem they will get to the bottom of it. They will let them know if more security is needed or if they should get a detail officer. He spoke about the rebate program and the serious momentum downtown. Councilor McCaul spoke about the positive things that have been happening downtown. He wants to see the downtown flourish and bring businesses there. He didn't put a date certain on when the Council needs to meet with them. He is asking the Council to open the doors to listen to their concerns. **Councilor McCaul made a motion to invite the downtown businesses to meet with the Council to hear their concerns. Councilor Pottier added to the motion to refer to the Law Department and the City Planner for recommendations on what**

the Council is allowed to do as a body. Councilors McCaul and Croteau voting in favor and Councilors Carr, Pottier, Quinn, Dermody, Borges, Cleary, and Marshall voting in opposition. **MOTION DOES NOT CARRY.** Councilor Pottier made a motion to refer this issue, specifically the zoning of the Methadone Clinic, to the City Solicitor's Office and to the City Planner. Also, to refer the letter and the petition to the Committee of the Whole. Council President Quinn added to the motion for the Mayor's Office to report back to the Council as to the results of their meeting. **So Voted.**

**Communications from Citizens:**

Com. from Michael Sweeney, Executive Director, Massachusetts State Lottery Commission, 60 Columbian St., Braintree notifying that Mutual Gas, 440 Winthrop Street, Taunton will be sent an application and agreement to sell the KENO to Go product. **Motion was made to receive and place on file. So Voted.**

**Petitions:**

Petition submitted by Nicholas Wolffe, 352 West Grove St., Middleboro requesting a renewal of his Temporary Fixed Vendor License for Wolffe's Trees located at 3 Cape Rd., Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Attorney Edmund Brennan, Jr., BRCSM Attorneys at Law, Once Church Green, Taunton on behalf of his client, James Tonry requesting to amend the City's Zoning Map by changing the zoning of the property located at 1925 Bay Street from Suburban Residential to Business District. **Motion was made to refer to the City Clerk to schedule a public hearing. 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.**

**New Business:**

Councilor Pottier asked Mayor Hoye if there is a date set for the Supplemental Budget. He stated that the reason why he is asking is that the revenue projection from the State doesn't look all that great and he doesn't know if there is any direct impact on cities. He spoke about the spending of Chapter 90 money. Mayor Hoye stated that as he mentioned during the budget presentation, pretty much all of the departments were fully funded. He is not anticipating a large supplemental budget. He stated that in the past, where we've had some leaner years, we have had to wait to see what our free cash was. We did spend money out of the Stabilization Account to balance the budget which was about \$4M. He is hoping to replace that and if there is anything left, if there are some small capital type projects or equipment type needs, we can look at that. He is not looking to increase general operating funds out of the Supplemental Budget.

Councilor Pottier spoke about the challenging cross walk situation throughout the City. **Motion was made for the Police Department to do some selective monitoring of crosswalks around the City, especially the one that was referred to him, located at**

**Anderson and Winthrop Streets. So Voted.** He spoke about how people just do not stop at crosswalks.

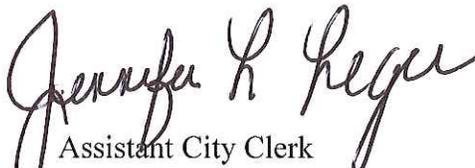
**Councilor Borges made a motion to refer two properties, 125 Broadway and 26 Hodges Avenue to the Trash Enforcement Officer and the Board of Health as there is trash all over the properties. So Voted.** She went out there today and this is a property that the Council has tried to address in the past and has become a problem again. 26 Hodges Avenue is directly across the street from the John Shea Apartments.

Council President Quinn stated that all of the Councilors received letters from Saint Anthony's Parish inviting the Council and the general public to the groundbreaking and blessing of the Saint Anthony's Parish Prayer Garden and Memorial Brick walkway. It will be held this Sunday, October 2, 2016. There is a mass at 9am in which the Bishop of Fall River will be celebrating and following that the dedication will be held.

Meeting adjourned at 7:43 P.M.

A true copy:

Attest:

  
Assistant City Clerk

JLL/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 27, 2016

**THE COMMITTEE ON FINANCE AND SALARIES**

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

MEETING CALLED TO ORDER AT 6:00 P.M.

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

**MOTION:** MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$6,818,011.04. SO VOTED.

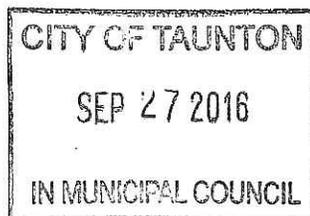
**MOTION:** MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$1,099,275.13. SO VOTED.

MEETING ADJOURNED AT 6:02 P.M.

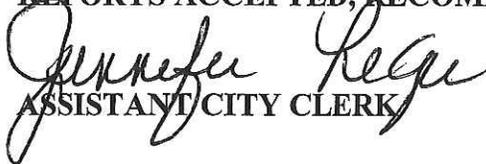
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



JENNIFER REGAN  
ASSISTANT CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
SEPTEMBER 27, 2016

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS  
MCCAUL AND BORGES. ALSO PRESENT WERE POLICE CHIEF  
EDWARD WALSH, DETECTIVE DENNIS SMITH AND MR. DENNIS  
BORGES

**MEETING CALLED TO ORDER AT 6:30 P.M.**

**1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR  
CLASS II LICENSE OF DENNIS BORGES D/B/A BORGES AUTO CENTER, INC., 157  
DEAN STREET**

Councilor Borges stated that even though she and Mr. Borges have the same last name, she is not related to Mr. Borges and will participate in this meeting.

The Chairman read a letter dated 9/27/2016 from Chief Walsh. The letter stated that the Taunton Police Department License Division finds nothing that would prevent the approval of an application for Class II License of Dennis Borges d/b/a Borges Auto Center, Inc., 157 Dean Street, (50) vehicle limit, and the attached list of conditions based on the Decision of the Developmental Impact Review Board dated February 13, 2001. The letter also stated that the Taunton Police Department License Division finds nothing that would prevent the approval of the Petition for New Livery License for Daniel Macean and Patricia Macean d/b/a D and P Community Transportation, LLC, 333 County Street - 1 Vehicle.

The attached decision of the Development Impact Review Board was read regarding Mr. Borges' petition. The petition is for a Departmental Site Plan Review to allow an expansion of an existing car lot at 157 Dean Street to a portion of 5 Cape Road, Taunton, MA located in a Highway Business District.

On or about 1/16/2001 the petitioner filed with the DIRB, a petition for a Departmental Site Plan Review. As required by the Zoning Ordinance, copies of the petition and plans submitted therewith were submitted to the applicable City Boards and Departments.

On 1/30/2001 and 2/13/2001 a hearing was held by the DIRB, after proper notice as required by the City's Zoning Ordinance.

In considering the petition, the DIRB familiarized itself with the premises and examined the location, layout and other characteristics.

After reviewing the petition, plans and testimony, the DIRB finds that the petition was formally sufficient and submitted and reviewed in accordance with the procedures set forth in the Zoning Ordinance and that proper notice was given.

The DIRB hereby grants approval of the petition of the Departmental Site Plan Review subject to the following conditions and the submitted plans and presentation.

Approval of the petition is subject to the substantial compliance of the following conditions:

1. That the seven customer parking spaces shall be striped and labeled as "customer parking". In addition, the required handicap space shall be properly signed and striped according to ADA and AAB regulations.
2. A white solid line shall be painted from the curb cut at the traffic light along the display area to the end of the striping of the aisle for the handicap parking space.

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

3. That all vehicles for sale shall be entirely confined within the defined display areas on the plans and there shall be no encroachment onto the public sidewalk
4. That no parking by customers, employees or vehicles for sale shall occur on the nearby bridge, sidewalk or street at any time.
5. That the curb cut at 157 Dean Street shall have a 2 foot by 3 foot sign placed on both sides at a height of 3 feet stating "customer parking" with an arrow pointing to the left. The curb cut shall also have a bollard on either side with a chain strung across the curb cut to prevent the entrance from being used by customers. The chain shall be clearly marked by attaching highly visible materials to the chain along its length and a small sign in the middle stating "not a customer entrance". The curb cut shall be used for moving vehicles for sale on and off the site.
6. At the entrance to 5 Cape Road where the traffic light is located, a 2 foot by 3 foot sign stating customer parking and arrows on both sides pointing on-site shall be placed.
7. That the petitioner shall utilize proper waste/trash disposal methods including that the area must be kept clean and free of debris.

**RECOMMENDATIONS**

1. That the DIRB recommends approval of the Class II license modification request with a limit of 50 vehicles.

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

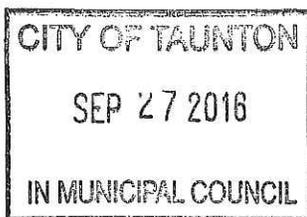
Detective Smith stated that the lease issues have been cleared up and that Mr. Borges has a lease for this property.

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

2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR NEW LIVERY LICENSE FOR DANIEL MACEAN AND PATRICIA MACEAN D/B/A D AND P COMMUNITY TRANSPORTATION, LLC, 333 COUNTY STREET**

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

MEETING ADJOURNED AT 6:35 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK