



*City of Taunton  
Municipal Council Meeting Minutes*

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*Elizabeth Pole School Library  
215 Harris Street, Taunton, MA 02780  
Minutes, July 23, 2013 at 7:18o'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were:*

*Councilor's Barbour, McCaul, Pottier, Costa-Hanson,  
Medeiros, Colton, Cleary and Marshall  
Councilor Carr was absent.*

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

*Communications from the Mayor:*

The Mayor informed that the track series will continue for the next two weeks on Thursdays, 6:00pm at the Taunton High School Aleixo Stadium, Robert Lane Track.

*Appointments*

At this time, the Mayor appointed Charles Thayer, 30 Dean Street Taunton to the Historic District Commission to a term of two years which will expire the last day in July 2015.

**Motion was made to move approval. So Voted.**

*Communications from City Officers:*

Com. from the DPW Commissioner – Notifying of appointment of Bruce A. Emond as temporary Supervisor of the DPW Division. **Motion was made to move approval.** Councilor Marshall disclosed that a family member applied for the position, interviewed, was a finalist, but not selected. Councilor Marshall stated that he is supporting Mr. Cornaglia's appointment whole-heartedly. **So Voted**

Extra Communication from Councilor Cleary regarding "Know Your Rights" especially with surrounding communities that may be impacted by a Casino or slot parlor. The information contains a timeline which should be referred to the City Solicitor. He stated that if Raynham moves forward with a slot parlor and they are successful, Taunton would potentially be eligible for impact funds. **Councilor Cleary motioned to refer the memo to the City Solicitor for his recommendation.** The Mayor informed that a letter was sent to Raynham regarding surrounding community benefits. Councilor Barbour stated that possibly it could be included in next week's packet. **So Voted.**

Extra communication from Councilor Marshall on the receipt of five (5) communications from the Commissioner Cornaglia regarding contracts. He stated that accordance with MGL, the City has a total of 30 days to award the Contracts from the date of the bid opening and some are past the date. The Mayor stated that the lateness for the contracts are due to the lateness in the receipt of the Chapter 90 Funds. Contract DPW-2013-1, Type I Pavement Resurfacing on June 18, 2013. Four bids received, low bidder was P.J. Keating Company with a bid of \$614,780; Contract DPW-2013-2 Sidewalk Construction on June 18, 2013. Three bids received, low bidder was LAL Construction Company, Inc. with a bid of \$ 281,912.50; Contract DPW-2013-3, Pavement Striping on June 18, 2013. Two bids received, low bidder was Markings, Inc. with a bid of \$60,940; Contract DPW-2013-4, On Call Pavement Repair Services on June 18, 2013. Two bids received, low bidder was Hyde Paving with a bid of \$2,500 per day; Contract DPW-2013-5, On Call Sewer, Water & Drain Excavation & Repair Services on June 18, 2013. Two bids were received, low bidder was G. Lopes Construction, Inc. with a bid of \$3,600 per day. **Councilor Marshall motioned to refer to the DPW for approval next week. So Voted.**

Petition submitted by Margo and Sylvester English, 162 Oak St., #18, Taunton requesting a NEW Temporary Fixed Vendor's License for Kinfolks Award Winning BBQ LLC located at 5 Cape Road, Taunton. **Motion was made to refer to the Committee on Police and Licensing and Police Chief. So Voted.**

Petition submitted by George Perry, 52 Worcester St., Taunton requesting to RENEW his Junk Dealer's License –DBA- Hub Cap King located at 94 Tremont St., Taunton. **Motion was made to refer to the Committee on Police and Licensing and Police Chief. So Voted.**

Petition submitted by Peaches Mitchell, 114 School St., Seekonk requesting a NEW Fortune Teller's License –DBA- Palm Reading by Peaches located at 537 County Street, Taunton. **Motion was made to refer to the Committee on Police and Licensing and Police 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.

**Unfinished Business:**

**Councilor Barbour motioned to forward communication to Chief Walsh asking for an update as to the purchase of safety cameras and their locations. Motion was made to invite Chief Walsh into the enclosure. So Voted.** Chief Walsh stated that there are four (4) flash-cams, three (3) are currently being used in different areas, although he is inclined to put out in public where they are. The fourth camera was missing a mounting bracket-but has been received and he will be looking into assistant with TMPL to install. Councilor Barbour stated that he would like to speak to Chief Walsh regarding areas of concerns with trash.

Councilor Barbour congratulated Chief Walsh and his Department on the outstanding job done with the recent home invasion in the School Street area. Neighbors in this area were very appreciative to know that the Chief was diligent in his efforts. Chief Walsh stated that they had immediately put it on Social Media and it may have helped in the apprehension. A phone call blast was not sent out.

Councilor McCaul stated that a joint meeting has been scheduled at Bristol-Plymouth Regional High School on August 8, 2013 at 5:30pm. Councilor Barbour stated that the Council has asked their Superintendent and elected body to attend meetings for which they choose not to attend. Councilor Barbour stated that he has visited the school and taken a tour, only while doing so heard very discouraging remarks regarding our Superintendent of Education as well as elected officials. Councilor Barbour has no intentions in going back to Bristol Plymouth to sit through a meeting when we have asked them to be present during Budget Hearings and they chose not to be present. He said he has full intentions in working with Mr. Gross, but doesn't see the respect coming back to this Committee. Councilor Colton stated that he would not be able to attend the meeting on August 8, 2013 due to personal obligation. The scheduled meeting is not on a regular meeting night for Bristol Plymouth. **Councilor Colton motioned to have the meeting posted to comply with all Open Meeting Laws and possible look into having someone video recorded the meeting. So Voted.**

At this time, Councilor Barbour left the meeting.

**Councilor Pottier motioned to refer to the Mayor's Office or City Solicitor for drafting of a letter for the release of Barnum School to the City. So Voted.**

#### Unfinished Business

Councilor Cleary stated that a Home Rule Petition was voted on last week to be sent to Legislation for additional Liquor/Package Store Licenses. He feels that additional information is needed. The State has a quota system based on population, 1 per 5,000 population or roughly 12 for the City. Councilor Cleary requested information as to the number of liquor/package store licenses that the City currently has. **Councilor Cleary motioned to give notice to reconsider the vote at the next meeting providing the Council has the information as to the number of package store licenses as well as the number of beer and wine licenses the City currently has to compare and make sense as to the need for additional licenses. Chief Walsh stated that this came up in discussion at the License Commission meeting last month. The City is maxed out; there are no current licenses available. He stated that the License Commission believes there is capacity to support additional licenses that will not negatively impact other businesses. The Chief informed that there is not much turn-around on package store licenses. Councilor Cleary motioned to refer to the License Commission for discussion tomorrow night. Voting in favor was McCaul, Pottier, Medeiros, Cleary and Marshall. Voting in opposition was Councilor Colton and Costa-Hanlon. Councilor Carr and Barbour were absent. So Voted.**

Orders, Ordinances, and Resolutions

Resolution

Resolution submitted by Massachusetts Municipal Depository Trust 125 High St., Boston, designating public depository and authorizing withdrawal of Municipal Public Moneys for the City of Taunton, 141 Oak Street, Taunton authorizing the City Treasurer/Collector, and Assistant Treasurer. **Motion was made to move approval. So Voted.**

New Business

Councilor Pottier received communication asking for an equestrian or horse crossing sign on 116-120 Prospect Hill Street because of a farm. Because of construction Rt. 138 a neighbor is concern for children with cars using that as a cut-through. **Councilor Pottier motioned to refer to the Safety Officer. So Voted.**

Councilor Pottier asked about the possible mitigation on the Rt. 138 Wal Mart project. The Mayor informed that the City lost the law-suit; although a small amount will be received for signalization.

Councilor Pottier asked if the old Dunkin Donut building on Rt. 138 is under an agreement because he has received phone calls regarding cars driving in and dumping trash in the trash enclosure. The Mayor informed that the dumpster was been removed, and believes it is under an agreement.

Councilor McCaul stated that it was discussed during Budget Hearings to possibly hire a trash person to look at the current problems that the City may have with couches and such being left on the side of the road. The Mayor stated that he met with Mr. O'Brien yesterday on this topic and is waiting to come to an agreement.

Motion was made to adjourn at 7:45p.m. So Voted.

A true copy:

Attest:

  
City Clerk

RMB/dmc

**CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 23, 2013**

**THE COMMITTEE ON FINANCE & SALARIES**

PRESENT WERE: Councilors Cleary and Colton  
Councilor Deborah Carr was absent

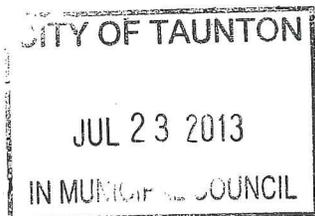
MEETING CALLED TO ORDER AT 5:47 P.M.

1. Meet to review the weekly vouchers and payrolls for City Departments

**MOTION:** Move approval on the Invoice Warrant dated July 23, 2013 in the amount of \$2,055,833.27. So Voted.

**MOTION:** Move approval on the Payroll Warrant dated July 23, 2013 in the amount of \$980,278.07. So Voted.

MEETING ADJOURNED AT 5:48 P.M.



RESPECTFULLY SUBMITTED,

*Dawn M. Caradonna*  
DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Don Blackwell*  
CITY CLERK

**CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 23, 2013**

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

**PRESENT WERE:** Councilor Andrew Marshall, Chairman; Councilors Colton, McCaul, Medeiros and Barbour  
Joe Federico, Attorney deAbreu and Cathal O'Brien

**MEETING CALLED TO ORDER AT 6:01 P.M.**

**1. MEET WITH SYLVINO DACOSTA OF 5 SPRING STREET TO DISCUSS HIS REQUEST FOR ROAD OPENING PERMIT.**

Communication received from Ms. Ellis informing that Mr. DaCosta has no interest in attending the meeting because he has pursued something else regarding his heating system.

**MOTION: Councilor Barbour motioned to accept communication as part of the Committee's report and to deny applicant request. So Voted.**

**2. MEET WITH JOE FEDERICO AND DPW TEAM TO DISCUSS THE DRAFT WASTEWATER DISCHARGE PERMIT.**

**MOTION: Councilor Barbour motioned to invite into the enclosure Mr. Federico, Attorney deAbreu and Cathal O'Brien. So Voted**

Communication from Department of Public Works informing that the Wastewater Discharge Permit, in draft form, for the Wastewater Treatment Plant issued jointly by the EPA and the MassDEP has been received. Typically, the renewal cycle is every 5 years; Taunton's Permit expired in 2006. A Compliance Schedule was included with the Permit that requires construction of the Wastewater Treatment Plant improvements to begin in 2016 with an estimated cost of \$45 million. The construction schedule would be impossible to meet and would impose an immense financial burden on rate payers. Therefore, the City will need to request a time extension of 15 or more years before any significant construction of the WWTP would begin. The following tasks are requested for the extended schedule: 1-Negotiations with EPA. Requires long-term financial planning documentation as well as projected costs for the various projects. Sewer rates will be reviewed. 2-Enter into an Administrative Consent Order. This provides the City with the greatest flexibility for project planning. 3-Complete the City's comprehensive Wastewater Management Plan and Final Environmental Impact Report. This will be the City's future planning document for wastewater infrastructure over the next 20 years. 4-Conduct Pilot Testing for the WWTP to determine the most cost-effective and reliable treatment process for nitrogen removal. 5-Construction Phases 10, 11, and 12 SSES-These phases will complete the sewer separation work, construct structural lines in the remainder of the main interceptor from Court St. to High St. and the main connectors through the center of the City, lining of 16,000 LF of single brick drains remaining throughout the City and

miscellaneous culvert repairs. Evaluation of the sewer system on the East side of the Taunton River to remove infiltration/inflow. Costs for construction of Phases 10, 11 and 12 are \$15 million. The City has recently been selected by Mass DEP for approval of low interest loans. 6-Non-SRF funding costs for negotiation, financial planning, the Comprehensive Wastewater Management Plan and environmental Impact Report, Pilot Testing, Infiltration/Inflow investigation and design of the three phases are \$1.6 million.

**MOTION: Move to accept communication as part of the Committee's Report. So Voted.**

Mr. Federico stated that since 2006, nationwide, the EPA has been looking at nutrient removal in rivers, lakes, ponds and ocean; which include the removal of nitrogen's and phosphorous from wastewater treatment plants. The City's WWTP was not designed to remove nitrogen and phosphorous, therefore the cost would be \$45 million. The Compliance Schedule would be for the WWTP construction to begin in 2016. Mr. Federico stated that they would like to request an extension of 15-20 years before any significant construction of the WWTP. Mr. Federica stated that they believe the EPA used old data from 2004-2005 and they believe that the Taunton River/Mount Hope Bay is in better condition now than back 2004-2005. The EPA will be issuing their final permit sometime in September or October. Mr. Federico stated that they would like to continue the program. Therefore, they will be in need of a contract to negotiation with EPA. The EPA would also like to discuss sewer user fees. There is an analysis included in the report and EPA should take into consideration. Mr. Federico informed that they would like to design Phase 10 to finish the sewers through the center of the community. Councilor Marshall informed of the options available. One option would be to take the red schedule as proposed by the EPA and fight them in court or a second option would be to re-negotiate. Recommendations were for the City of Taunton to negotiate with the EPA. Mr. Federico stated that the City thought negotiation was the best way because other communities have fought the EPA in court and lost their case which cost the community money. He stated that a decision does not have to be made now; the City can wait until the decision is received from the EPA. Councilor Marshall stated that the Committee would have the opportunity to appeal the decision from the EPA once received. Mr. Federico informed that there is investigation going on in Phase 10 with old pipes around Red Lane that used to discharge into the lower part of the River. They plan to go over to that area to try to eliminate that issue because it would also help with the possible Casino. It was noted that through a memorandum of understanding, the Casino would pay up to \$7 million for the removal of infiltration/inflow and pump station upgrade. The funds could be used partially for Phase 10 or for Phase 11. The total cost is \$15 million for the three phases with hopes that the Casino would be paying for half of that cost. Councilor Barbour stated that if the Casino does not come through, how the City would address the \$7+ million that would have been coming through the Tribe. Mr. Federico stated that it would need to come from the user fees; which is what they will be discussion with the EPA. Current user fees are calculated around \$450-480. They still have negotiating room with the EPA. Councilor Barbour stated that he would not count on the revenue from the Casino only because there are so many challenges that have yet to be overcome. Mr. Federico stated that they recognize the hardship that the City is going through with sewer user rates, therefore, they are be looking for approval on Phase 10 for \$6 million plus design and negotiating contract of

\$600,000. Mr. O'Brien stated that the majority of the construction work would qualify for SRF low-interest loans. The design work is not reimbursable. As a Gateway Community, there is some forgiveness. The City would have a subsidized low-interest loan. Mr. O'Brien stated that one of the biggest arguments that they are trying to make through discussion with EPA is that all the raw sewerage does not get discharge in the combine overflow no longer contaminates the River. As a Team they have been working to decrease by million and millions of gallons the amount of nitrogen's discharged into the River. The City is obviously getting rid of all the untreated raw sewerage. The EPA is pushing to go to the limit of technology by going to miscall levels. Two loans would need to be approved; one for \$6 million which is reimbursable through SRF at 2% and a second for \$600,000 which would be a non-SRF loan.

Councilor Cleary asked for numbers of the inflow from the sewer treatment plant. Mr. Federico stated that they have removed approximately 5 million gallons to date.

**MOTION: Move approval for the Treasurer to negotiate a bond for a SRF in the amount of \$6 million. So Voted.**

**MOTION: Move approval for the Treasurer to negotiate a loan order non-SRF in the amount of \$600,000.** Councilor Pottier asked for the rates and the length of time for the bonds. Mr. Federico stated that rates will be impacted based on the discussions with the EPA. He stated that it normally ends up being about \$6 in annual sewer user fees per million dollars of spending. Councilor Marshall stated that it is his understanding that the current sewer user rates could take care of the \$6 million. Mr. Federico stated that the rates are currently set for FY2014 and they will not change until FY2015. The length for the bond would be 20 years. Mr. O'Brien stated that the proposed green schedule presented by the BETA Group could be maintained with the current rate increase, although the red schedule could not be met; therefore, the \$6 million can be calculated into this year's approval with the slop of increase. The treatment plant would be able to continue with progress in phases, but the treatment plant cannot progress on the schedule as presented by the EPA. Attorney deAbreu thanked Mr. Federico and the DPW for all the work they have accomplished to date and for discussing with the EPA the progress that the City has done because it is probably the reason why they expressed the willing to negotiate. **So Voted.**

**MOTION: Move to accept and make part of the record the BETA Group, City of Taunton Implementation Schedule. So Voted.**

**3. MEET WITH ASSISTANT CITY SOLICITOR DAN deABREU, JOE FEDERICO AND DPW TEAM TO DISCUSS SEWER ABATEMENT REQUESTS.**

Councilor Marshall informed that a sewer abatement request was received from Joseph W. and Anne M. Stempka, 167 Duffy Drive; single-family home with 2 bedrooms. Mr. Federico stated that most homes have 3 bedrooms or more; therefore, the homeowner is looking for a deferment. The betterment amount would be \$12,644, with a deferred amount of \$6,322. He stated that in the future, if the home was renovated or taken down and rebuilt, the City would be able to recoup that amount. Councilor Medeiros asked if the homeowners were informed of the Hearing this evening. Mr. Federico stated that they were not notified, but he met with them about three months ago and informed them that he would be recommending the proposed

abatement to the Committee. Councilor Marshall informed that communication was received from the BETA Group stating their recommendation.

**MOTION: Move to accept the communication from the BETA Group as part of the record and to move approval based on report. So Voted.**

**4. MEET WITH DAN deABREU, JOE FEDERICO AND DPW TEAM TO DISCUSS THE POTENTIAL OPTIONS FOR GRANTING HARDSHIP SEWER ABATEMENT.**

Councilor Marshall informed that several requests have been received from residents on Hardship Sewer Abatements. He stated that he was not sure if there were any abatement available for hardship; therefore, he requested Attorney deAbreu to look at these requests. Communication was received from Attorney deAbreu as to his findings for Senior Hardship Deferrals on Sewer Betterment Assessments. Attorney deAbreu stated in his letter that MGL Chapter 80, Section 13B provides a mechanism through which the owner of the property may enter into a deferral and recovery agreement with the City. Section 13B requires that the City accepts before its provisions become operable. Summary of Section 13B is that if a senior is eligible for a real property tax exemption under Chapter 59, Section 5, clause 41A, and such person applied to the Committee for a deferral of a betterment assessment, the Committee must enter into an agreement with the owner, whereby the assessment will be deferred, with interest. The payment to the City in the amount of the assessment, with interest, will be due when the property is sold or transferred during the life of the property owner. Upon the death of the property owner, the person who would be legally entitled to the property will have the opportunity to pay the amount of the assessment with interest; however, such payment will be postponed if such person is a surviving spouse of the property owner. If the assessment with interest is not paid, then the amount due shall be recovered from the estate.

**MOTION: Move to accept and make part of the Committee's record, communication from Attorney deAbreu dated July 9, 2013. So Voted.**

Attorney deAbreu stated that if a person applies for betterment, the grounds for granting the petition is that the assessment needs to exceed the value of the benefit deferred on said property. Hardship is the inability for someone not to pay; therefore it would not be grounds under the petition of abatement. Chapter 80, Section 13B does allow for a deferral agreement, if the person qualifies. There is no law stating that a person can apply or be granted abatement under hardship. Attorney deAbreu stated that if a person is applying for abatement, it would need to be on grounds or reasons that the assessment is too high for the property. Attorney deAbreu stated that there is no General Law stating grounds for hardship. Councilor Marshall stated that Chapter 80 only defers an amount; he asked what the interest would be. Attorney deAbreu stated that he believes it is 4%. If Chapter 80, Section 13B is accepted, there is quite a few criteria's that need to be provided before approval is made. Mr. Federico stated that there has been approximately 6-7 requests received. None of the requests have received the information regarding Chapter 80, Section 13B. Attorney deAbreu stated that if an individual applied for a real property tax exemption under Chapter 59 and Chapter 80, Section 13B is adopted and the applicant meets the criteria's, then the City must grant the petition. If there was to be a foreclosure situation on the property, then the City would be able to receive payment.

**MOTION:** Councilor Barbour motioned for the Assessor to work with Attorney deAbreu in offering some guidelines and suggestions as to adopting an exemption policy; and to report back to the Committee in three weeks. Councilor Marshall would like to see, in draft form, an entire packet for which an individual would actually be applying for with guidelines, etc. Councilor Cleary stated that he would like to have the interest on the deferred amount be considered when writing the draft packet. Councilor Costa-Hanlon stated that the City currently has a form "City of Taunton Application for Abatement of Sewer Betterment Tax." She asked to possibly have the form researched to see how this application was generated. She said that it is important for people to know about and make sure that notification is sent to individuals who have filed for abatements. Also for Attorney deAbreu to forward his comments on any past abatements. Councilor Marshall stated that past abatements were done on multi-units dwelling for which a homeowner requested due to one floor un-occupied for a year or more. There have not been any sewer betterment abatements done. Councilor Marshall requested that Mr. Federico draft a letter for the Committee and forward to all applicants on file informing them that there is no mechanism under abatements for hardships and that the City is entertaining the possibility of Chapter 80, Section 13B; and to include all requirements under Chapter 80. Councilor Costa-Hanlon asked that if any applicant on file meets the requirements under Chapter 80, that the Committee consider grandfathering them in. So Voted.

Councilor Medeiros stated that he has only seen positive recommendations come before the Committee and asked if a recommended denial was received, would the applicant be able to come before the Committee and would they be notified of the Hearing. It was informed that every recommendation comes before the Committee to deny or accept, therefore, the Council can accept or deny any application. Notification can be forwarded to applicants if the Committee has scheduled a hearing.

MEETING ADJOURNED AT 6:56 P.M.



RESPECTFULLY SUBMITTED,

*Dawn M. Caradonna*  
DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*R.M. Blackwell*  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 23, 2013

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

PRESENT WERE: Councilor Cleary, Chairman; Councilors Colton and Medeiros  
Police Chief Walsh and Attorney Dan deAbreu

MEETING CALLED TO ORDER AT 6:59 P.M.

1. MEET TO DISCUSS THE SYNTHETIC MARIJUANA ORDINANCE, CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS.

Councilor Cleary informed that the full Council last week approved to move from a First Reading to Second Reading the proposed Ordinance as well as being referred to the Committee on Ordinances and Enrolled Bills.

Chief Walsh state that there is no mechanism in place in the City and they are trying to address the issue by stemming the sale of the substance and to address the issue of consumption throughout the City of Taunton. Attorney deAbreu stated that he is content with the Ordinance as is.

**MOTION:** Ordinance was approved for a First Reading to a Second Reading (July 16, 2013). So Voted.

MEETING ADJOURNED AT 7:06 P.M.



RESPECTFULLY SUBMITTED,

*Dawn M. Caradonna*  
DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*  
CITY CLERK