



*City of Taunton
Municipal Council Meeting Minutes*

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*Elizabeth Pole School Library
215 Harris Street, Taunton, MA 02780
Minutes, July 30, 2013 at 7 o'clock P.M.*

Regular Meeting

Council President John McCaul presiding

Prayer was offered by the Council President

Present at roll call were:

Councilor's Barbour, McCaul, Costa-Hanlon, Colton,

Cleary and Marshall, and Medeiros

Councilor Carr and Pottier were absent.

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

Motion was made for Council to go Out of Regular Order of Business. So Voted.

Councilor Cleary stated that last week he made an effort to give notice for a reconsideration of a vote requesting a Home Rule Petition to the State Legislature to increase Taunton off premises liquor licenses. Councilor Cleary stated that there are a number of individuals present to speak this evening. He stated that fellow Councilors have mentioned that they would like to have the Liquor License Commission present. Councilor Cleary motioned to postpone discussion until the next meeting for the Committee of the Council as Whole, to invite the License Commission to be present and to invite the individuals present to speak. Councilor Barbour agreed with the invitation to have the Licensing Board and to request information from them of the State Law supporting their rationalization of the increase in licenses. Councilor Costa-Hanlon requested the Chief of Police and Lieutenant McCabe to be present. Councilor Cleary requested that all communications received is included in the packet for the meeting. Councilor Medeiros pressed the Motion. So Voted. Councilor Medeiros requested that Pages 18-25 be read into the record and for all communications in the hands of the Council President be made part of the record. So Voted.

Motion was made to recess for two minutes. So Voted.

Motion was made to call the meeting back to order and revert back to the Regular Order of Business. So Voted.

Communications from the Mayor:

Council President McCaul read communication from Lieutenant Hayes requesting that the Mayor's Office and the City of Taunton honor the memory of Dave Orcutt and the outstanding support from his family for the Taunton Fire Dive Team with a Citation.

Motion was made to move adoption for the Citation to the Family of Dave Orcutt. So Voted. Motion was made to invite the Orcutt Family, Taunton Dive Team, and Chief Bradshaw into the enclosure. So Voted. Lieutenant Hayes read the Citation and thanked the Orcutt Family for everything they have done for the Dive Team. Bill Orcutt thanked everyone for all they have done especially on that day back in 2001.
Motion was made to recess for five minutes. So Voted.

Appointments:

On the recommendation from the Committee on Fires and Wires and the Fire Chief to appoint Robert A. Rodriguez and Jeffrey S. Ingargiola as full-time firefighters. **Motion was made to appoint on a roll call vote. Seven (7) Council Members present, Seven (7) Council Members voting in favor. Councilor Carr and Pottier were absent. Motion to invite into the enclosure, Robert A. Rodriguez and Jeffrey S. Ingargiola to be sworn in by the City Clerk. So Voted.** At this time, Robert A. Rodriguez and Jeffrey S. Ingargiola were sworn in by the City Clerk.

Motion was made to revert back to Regular Order of Business. So Voted.

Communications from City Officers:

Com. from Executive Director, Office of Economic and Community Development – Requesting an appropriation in the amount of \$15,854.71 to fund the benefit payout for James McCarty. **Motion was made to refer to the Committee on Finance and Salaries and Mayor's Office. So Voted**

Com. from the Fire Chief – Notifying of communications tower on Winthrop Street. The City is no longer paying for space on the communications tower on Winthrop Street, a new tower installed at the Central Station will serve as a back-up transmitter for the Department. Last payment to Industrial Communications and Electronics was on May 1st. **Motion was made to receive and place on file. So Voted.**

Com. from the Police Chief – Requesting to discuss current Police Department towing process. At the present, there is no formal process for selecting, regulating or removing a vendor. The Police Chief would like to move away from the current informal process and go to a real contract system that provides written contracts and rules as these tow companies are in fact sub-contractors for the Police Department and bring to us all the liabilities and benefits of this form of relations. **Motion was made to refer to the Committee on Police and Licenses. So Voted.**

Com. from Frank Campbell, IWT, 401 Knolls Road, West Chester, PA – Taunton's Solid Waste Project requesting a meeting to discuss the proposal set forth to address the two issues that had to be resolved for the Taunton Project. Councilor Barbour informed that IWT will be appearing before the Freetown Planning Board next Tuesday. He asked if Council would like for Mr. Campbell to appear before the Committee on Solid Waste prior to the Freetown meeting. Councilor Barbour stated that it was previously requested that Attorney Hoffman forward information on the benefits of the City when or if there were geographic changes. Councilor Marshall stated that until there is an approval in Freetown, the City should then get together with IWT to discuss the impact on all three parties (IWT, WeCare and the City of Taunton). Councilor Marshall stated that he would

have questions on how it would work out for the city if it is approved in the other community. Councilor Barbour stated that the Committee on Solid Waste will place on file this communication and ask for an update in a couple of weeks as to what is going on with the Town of Freetown. Councilor Cleary stated that IWT have been delayed a number of months in their contracts with other communities for trash and their financing date of August 12th or 15th for the City will not be met. It seems like they are prepping us for another extension. Every time an extension is given, it delays our ability to tell WeCare to go ahead and build the transfer station. In turn, it delays a final solution to the solid waste trash dilemma that the City has been fighting for years. **Motion was made to receive and place on file with the Committee on Solid Waste reports and to send Mr. Campbell, through the City Clerk's Office, a formal notification requesting in writing by August 7th, an update of their progress with any documents that they feel would be necessary to prove, in lieu of their attendance, their finances, etc. Also, he requested a copy to be forwarded to the Law Office and Attorney Hoffman. Councilor Costa-Hanlon motioned that Attorney Hoffman confirm with Mr. Campbell the benefits to the City relative to the current contract if IWT goes forward with Freetown or any other community, prior to the August 12 meeting. So Voted.**

Com. from Gill E. Enos – Requesting prior year approval and an appropriation in the amount of \$27,137.30 to pay the vendor, Lower Pioneer Valley Educational Collaborative for Medicaid administrative charges. The contract was entered into by the Taunton School Department on October 12, 2012. **Motion was made to refer to the Committee on Finance and Salaries and Mayor's Office.** Councilor Cleary stated that this issue goes back when the Federal Government allowed the School District the opportunity to allocate Medicaid funds. Funds were given for an individual/secretary to handle the work load, and at that time, the money went into the City's General Fund. He said he thought a compromise was made whereas the salary for a secretary was to be given to the School District through the City's Budget to process the work. It now seems that the School Department contracted out the Medicaid processing and the secretary has been given other work. Technically, it impacts the General Budget rather than the School Department Budget. **Councilor Cleary motioned to refer the matter to the Committee on Finance and Salaries and to the Superintendent's Office for an explanation of why this fund's charge has been shifted over to the City's Funds. So Voted.**

Com. from City Solicitor – Requesting acceptance of right of Way Easement for a significant upgrade to the intersection of Myles Standish Boulevard and Robert Boyden Road and required Norton Commerce Center Hill Street, LLC to obtain an easement over a private party's lane in order to facilitate the project. **Motion was made to move approval. So Voted.**

Com. from Recording Secretary, License Commission – Notifying of current licenses. The city currently has 24 Section 15 Licenses: 12 wine & malt and 12 all alcohol. The number of licenses is derived from the Massachusetts Liquor Control Act Quota System which is based on the most recent Federal census. The City can issue one all alcohol Section 15 license for each unit of 5,000 persons and for each all alcohol license issued, a wine and malt license may also be issued. The ABCC Quota for the city of Taunton is at

its limit and there is no waiting list. **Motion was made to make part of the record and to refer to the Committee of the Council as a Whole for next week. So Voted.**

Com. from Attorney Ray Lyons, 206 Ayer Road, Harvard, MA – requesting a Public Hearing on August 6, 2013 to review and re-vote amendment to the Pierce’s Conservation Restriction. **Motion was made to refer to the City Clerk for a Public Hearing and the Law Office. So Voted.**

Extra Communication brought up by Council President McCaul. Information on the Silver City Teen Center on the Silver City Band-Aids Project, for ages 12-17. **Motion was made to receive and place on file and to be placed on the City’s website. So Voted.**

Petition submitted by residents of Holloway Street requesting construction improvements on their roadway. **Motion was made to refer to the DPW Committee. 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 Costa-Hanlon stated that a couple of weeks ago she had referred to the Safety Officer to look at the Morey’s Bridge Dam and the no parking on either side. **Councilor Costa-Hanlon motioned to refer again the Bay Street area near the dam to the Safety Officer with a report back in two weeks to the Committee on Police and License and Committee on Ordinance and Enrolled Bills. So Voted.**

Councilor Barbour motioned to refer to the DPW Commissioner for a notice to be sent to Waste Management and Allied Waste stating that one large item per home per week can be picked up. So Voted.

Councilor Barbour motioned to refer to the Board of Health, Kevin Doucette a request on the number of perfume purifier/air purifier at the landfill, their schedule times for which they should be running and why they have not been running during the past couple of weeks. So Voted.

Orders, Ordinances, and Resolutions

Ordinance for a second reading to be passed to a third reading

AN ORDINANCE

Chapter 14

Offenses and Miscellaneous Provisions

WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/ hallucinogens pose health, safety, and welfare issues for the residents of the City of Taunton.

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

SECTION 1. That the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding the following section:

Section 14-24: Synthetic Drugs

(a) Definitions

As used in this Section, the following terms shall have the meaning ascribed to them below:

Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Synthetic Marijuana:

(i) any substance as defined by 21 U.S.C. §812(d), excluding “marihuana” as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or; (ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

(Reference: Modeled after: 21 U.S.C. 802(32); 21 U.S.C. 813)

Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

(b) Prohibited Activity

(1) No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.

(2) No person shall knowingly possess or consume synthetic marijuana or synthetic marijuana analogue.

(3) This Ordinance shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

(c) Penalty for violation

Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense.

Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.

Each ounce or portion thereof shall be considered a separate offense.

(d) This ordinance may be enforced by criminal complaint before the District Court, or, by noncriminal disposition in accordance with General Laws chapter 40 §21D.
(Statutory Reference: G.L. chapter 40 §21; c. 218 §26)

A police officer may arrest without a warrant whomever there is probable cause to believe is in willful violation of this Ordinance, pursuant to G.L. c. 272 §59.

(e) Seizure of controlled substances.

All controlled substances described in this ordinance may be seized and held until final adjudication whereupon they shall be destroyed by the seizing agency.

(f) Severability: If any part of this ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

**SECTION 2. This Ordinance shall take effect immediately upon its passage.
(Reference: Sec. 1-10) Motion was made to move to a Third Reading. So Voted.
Motion was made to suspend the Rules for passing of an Ordinance. So Voted.**

Motion was made to move approval of the Ordinance on a roll call vote. Seven (7) Councilors present, Seven (7) Councilors voting in favor. So Voted. Councilor Carr and Pottier was absent. Councilor Barbour motioned to request the Chief of Police to notify any businesses in the City of Taunton that would fall under the newly ordained Chapter 14, Offenses and Miscellaneous Provisions. Also, notification to be forward to the Board of Health as well as notification to be forwarded to Attorney Buffington on communications sent to businesses. So Voted.

Order

AUTHORIZING THE USE OF THE STATE QUALIFIED BONDS PROGRAM

ORDER: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date hereof, and to provide such information and execute such documents a such officials of the Commonwealth may require in connection therewith. **Motion was made to move approval on a roll call vote. Seven (7) Councilors present, Seven (7) Councilors voting in favor. So Voted. Councilor Carr and Pottier was absent.**

New Business

Councilor Colton motioned to refer to the DPW Commissioner and Parks, Cemeteries and Public Grounds Commissioner the flail mower for Brightman Street both sides of the road near Pulaski Square and Danforth Street along the Taunton State Hospital stone fence. So Voted.

Councilor Medeiros motioned to refer to the DPW Commissioner and DPW Committee Chair for a copy of the proposed schedule of Hearings on sewer abatement request. So Voted.

Councilor Medeiros motioned to reschedule the Municipal Council meetings of August 13, 2013 to August 12, 2013 at 7:30am and August 27, 2013 to August 26, 2013 at 7:30am. So Voted.

Councilor Costa-Hanlon asked that Council consider notifying the owner of WeCare of what is going on with the Freetown issues and ask them to be present at the meeting. She would like WeCare to be fully aware of what is going on as far as the IWT decision relative to an application going to Freetown. She would like their input on the Site Assignment and what it would mean to them because often it is a regional Site Assignment. Councilor Costa-Hanlon motioned to request the City Clerk to forward a copy of the IWT letter to WeCare and to invite them to the meeting. So Voted. City Solicitor Buffington stated that Attorney Hoffman has been handling this for the City. The Agreement is a three party agreement and in order to amend, it would take all three parties to agree. In the correspondence from Mr. Campbell, they mentioned a deadline coming up and will be seeking an extension.

Solicitor Buffington stated that if the City is going to entertain an extension, and Attorney Hoffman will be called upon to attend meetings and such, it could cost the city a lot of money. He asked that Council consider requesting IWT to reimburse the City for outside legal fees such as it had done for the Wampanoag Tribe project. **Councilor Medeiros motioned to refer to the Committee on Solid Waste for its next meeting to address what Solicitor Buffington suggested and to hopefully have the Committee consider and vote on as a condition when entering into negotiations for any extensions that the requesting party agree to reimburse the City on a monthly basis for all attorney costs and all outside engineering costs. Councilor Costa-Hanlon motioned for all information to be forwarded to Mr. Campbell before the August 12, 2013 meeting. Councilor Medeiros would not vote on any extension without the information regarding re-imbusement of fees from IWT. Councilor Barbour stated that he will work with the City Clerk to relate the information to Mr. Campbell. So Voted.**

Councilor Costa-Hanlon thanked the Fire and Police Department for their immediate response on a recent fire in the downtown location near the old Orient Restaurant.

Motion was made to adjourn at 8:05p.m. So Voted.

A true copy:

Attest:



City Clerk

RMB/dmc

**CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 30, 2013**

THE COMMITTEE ON FINANCE & SALARIES

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

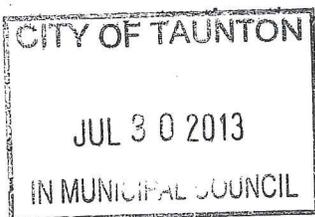
MEETING CALLED TO ORDER AT 5:43P.M.

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

MOTION: Move approval on the Invoice Warrant dated July 30, 2013 in the amount of \$264,117.34. So Voted.

MOTION: Move approval on the Payroll Warrant dated July 30, 2013 in the amount of \$1,104,709.73. So Voted.

MEETING ADJOURNED AT 5:45 P.M.



RESPECTFULLY SUBMITTED,

DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 30, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: Councilor Andrew Marshall, Chairman; Councilors Colton, McCaul, Medeiros and Barbour

MEETING CALLED TO ORDER AT 6:17P.M.

1. MEET WITH THE DPW TEAM TO DISCUSS CONTRACTS FOR ON CALL PAVEMENT REPAIR SERVICES, ON CALL SEWER, WATER AND DRAIN EXCAVATION & REPAIR SERVICES, PAVEMENT STRIPING, SIDEWALK CONSTRUCTION AND TYPE I PAVEMENT RESURFACING.

Councilor Marshall informed that members from the DPE Team was not available this evening. 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. DPW Commissioner recommendation is to award the contract to P.J. Keating Company. Councilor Marshall stated that P.J. Keating Company has been the contractor for the past three year for Type I Pavement Resurfacing. He also informed that they will need to submit the required MBW/WBE forms as a condition of the contract.

MOTION: Move approval on contract as presented, subjected to the recommendation of the DPW Commissioner with all the necessary conditions set forth. So Voted.

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. DPW Commissioner recommendation is to award the contract to LAL Construction Company. Councilor Marshall stated that LAL Construction Company, Inc. is the same contractor performing the work on the downtown sidewalk project. The work to be performed under this contract would be in addition to this project.

MOTION: Move approval on contract as presented, subjected to the recommendation of the DPW Commissioner with all the necessary conditions set forth. So Voted.

Contract DPW-2013-3, Pavement Striping on June 18, 2013. Two bids received, low bidder was Markings, Inc. with a bid of \$60,940. DPW Commissioner Recommendation is to award the contract to Markings, Inc.

MOTION: Move approval on contract as presented, subjected to the recommendation of the DPW Commissioner with all the necessary conditions set forth. Councilor Barbour stated that he understands that the DPW is currently catching up with all the work from the winter months, but there are a lot of crosswalks in the City that residents have eagerly been awaiting to be painted. Councilor Barbour requested a painting schedule of crosswalks containing locations and dates for next week. So Voted.

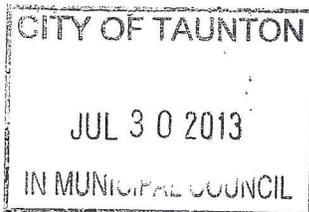
Contract DPW-2013-4, On Call Pavement Repair Services on June 18, 2013. Two bids received, low bidder was Hyde Paving with a bid of \$2,500 per day.

MOTION: Move approval on contract as presented, subjected to the recommendation of the DPW Commissioner with all the necessary conditions set forth. So Voted.

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 informed that the City has an on-call crew to repair breaks, etc., but if there is expertise or equipment necessary for an emergency then the City would contact the company awarded through the contract.

MOTION: Move approval on contract as presented, subjected to the recommendation of the DPW Commissioner with all the necessary conditions set forth. So Voted.

MEETING ADJOURNED AT 6:25P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Dawn M. Caradonna".

DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

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

CITY CLERK