



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, September 22, 2015 at 7:00 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilors Cleary, Marshall, Costa-Hanlon, Croteau,
Pottier, McCaul, Quinn, and Borges
Councilor Carr was absent*

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

HEARING: Petition submitted by John Garanito, Hawthorne Development, 174 Dean St., Taunton and others for the acceptance of Hoover Street Extension as a public way in the City of Taunton. **Council President Borges made a motion to open the hearing. So Voted.** Com. from Chairman, Planning Board advising that at the regularly scheduled meeting held on September 3, 2015 the Taunton Planning Board voted to send a positive recommendation to the Municipal Council to accept Hoover Street Extension as a public way in the City of Taunton. **Motion was made to make part of the record. So Voted.** Com. from City Engineer stating that construction work on the extension of Hoover Street has been adequately completed. All required layout bounds have been set, and an acceptable as-built plan received. He recommended that the extension of Hoover Street be accepted as a public way as an alteration to the existing layout, as the new houses have a Hoover Street address, rather than a Hoover Street Extension address. **Motion was made to make part of the record. So Voted. Council President Borges made a motion to invite Mr. Garanito into the enclosure. So Voted.** Mr. Garanito spoke about why he is here and how this has been approved by the Planning Board and the City Engineer and will benefit the people living on the road. Councilor Cleary asked how many new houses are on Hoover Street. Mr. Garanito stated that there are just two on the end which is where they created a turn around. Councilor Pottier asked if the DPW has certified that this street is in good shape. **Motion was made to invite the City Engineer, Mark Slusarz, into the enclosure. So Voted.** Mr. Slusarz stated that he was out there during the construction process and about a month ago to look at the final product and it is in excellent condition. Councilor Costa Hanlon asked if the cul-de-sac would be okay for the Fire Department. Mr. Slusarz confirmed that it would be. Mayor Hoye asked if there is anyone present to speak in favor of the petition. There was nobody present to speak in favor. Mayor Hoye asked if there was anyone present to speak in opposition of the petition. There was nobody present to speak in opposition. Mayor Hoye asked if anyone was present to be recorded as being here. Paul Koss, 52 Hoover Street stated that he just moved there about a month ago and had no idea that this was going on. He asked what kind of housing is going in there, if it would be single family homes or an apartment

complex. Mr. Garanito stated that the project is complete and the road acceptance is the last step. Mr. Koss asked what will be added onto the extension. Mr. Garanito stated that it is not them who are doing that part. He stated that previously, Hoover Street was a dead end and they have now created a cul de sac. He stated that they are done and are not doing anything else. **Council President Borges made a motion to close the hearing and accept Hoover Street as a public way. So Voted.**

Petition submitted by Atty. Adam J. Brodsky, Esq., 175 Derby St. Suite 30, Hingham, MA on behalf of his client, 555 Constitution Realty LLC, 274 Eastern Ave., Chelsea, MA to allow Petroleum products storage use at 555 Constitution Dr., Taunton located in an Industrial District. Com. from Chairman, Planning Board advising that on September 3, 2015 at the Taunton Planning Board reviewed the proposal for a Petroleum Products Storage Use at 555 Constitution Drive submitted by 555 LLC, and owned by Ginsberg Properties LLC. The Taunton Planning Board voted unanimously to send the Municipal Council a positive recommendation for this proposal. They also attached department comments from the Conservation Agent and the Board of Health. **Motion was made to make part of the record. So Voted.** Com. from Fire Inspector stating that he has received and reviewed the plans for Dennis K. Burke Inc., 555 Constitution Dr., and he is making a positive recommendation for this proposal. **Motion was made to make part of the record. So Voted.** Com. from Board of Health stating that they have reviewed E-5 Clifton Street Extension and they have no comments. They have also reviewed the Special Permit for 555 Constitution Drive and stated that if approved, a Hazardous Materials Permit must be obtained. **Motion was made to make part of the record. So Voted.** Com. from Conservation Agent stating that the lot does not fall within a wetlands buffer zone and is therefore outside Conservation jurisdiction. There are no conservation issues regarding this request as long as groundwater is protected through current hazardous materials regulations. **Motion was made to make part of the record. So Voted.** Jeffrey A. Tocchio, Attorney, 175 Derby Street, Suite 30, Hingham, MA 02043; Ted Burke, President of Dennis K. Burke Inc., 284 Eastern Avenue, Chelsea, MA 02150 and William E. Baird, President of Web Engineering Associates, Inc., 104 Longwater Drive, Norwell, MA 02061 were present to speak. Atty. Tocchio discussed what is being shown on the map. He stated that the property that they are looking at is located at 555 Constitution Drive at the corner of John Hancock Road. He stated that to the right is the building which is currently New England Ice Cream Corp. They store ice cream products. He stated that to the left they have a site plan which shows the 7 acre parcel also with an existing building there. He stated that to the left is the rear parking lot which is there on site and to the right is the parking outside of where the front entrance and office is and to the Northeast is the fenced in area where the loading docks are and the truck doors are. He stated that Dennis K. Burke, Inc. is looking to move their headquarters and lubricant division there from Chelsea, MA. The requirement for the special permit is for the storage of the lubricants. Ted Burke stated that Dennis Burke, Inc. is a family owned company which was started in 1961. They supply diesel fuels, gasoline, heating fuels and lubricants to commercial and industrial customers across New England. Their headquarters have been based in Chelsea, MA since 1980. He stated that they have outgrown their corporate offices and their warehouse facility and are excited about the opportunity to bring both of those operations to Taunton. He stated that there are two primary lines of business; fuel and lubricants. They are complementary operations as most of the customers that use fuel also use lubricants. There are different

requirements to run both of those operations. He stated that in the fuel business they require a centralized headquarters facility, office facility for management, accounting, customer service, sales and traditional office functions. It also requires fuel trucks distributed across the Northeast at locations near major oil terminals. The fuel trucks are normally parked close to those terminals such as Citgo Braintree, Exxon Everett, Citgo South Portland or Irving Portsmouth, NH. The lubricant business requires the same centralized shared headquarters facility but it also requires a warehouse facility to receive, store and ship lubricants in both bulk and packaged good quantities. The centralized shared headquarters facility and warehouse facility are what he is looking to move to Taunton. The fuel trucks will predominately be garaged at locations close to the terminals that he discussed. He stated that the fleet size that he operates is 80+ trucks, 40+ trailers and 30+ vehicles. Most of those won't be based or ever see Taunton but the majority will be registered here. They do not conduct any retail operations out of that facility. It is strictly on a delivery basis. William Baird stated that it seems like they want a license for a lot of oil and that is true. However, that much oil will not be on site. The State requires that if you have a 10,000 gallon tank, you have to license a 10,000 gallon tank even if you never have any more than 7,000 gallons in it. The same is with the warehouse. They need to license all of the tanks that are in the warehouse but those tanks at any one time will be nearly empty, nearly full or half full but they still need to license them for the maximum quantity. He stated that there will be areas for the tanks and packaged goods and they also have an area where trucks will come in to deliver bulk oils. He stated that part of this is a repackaging process. It is less expensive to bring a 7,000 gallon truck filled with lube oils from New Jersey and then Dennis K. Burke, Inc. takes them, puts it into a tank and repackages into 55 gallon drums, 5 gallon pails and 330 gallon totes. It is much like the ice cream that is being delivered there now. It is large quantities of ice cream that are brought in everyday, broken down and then brought out in small trucks. The same exists here. Councilor Cleary stated that the picture that has been included in the packet is a very good observation of the warehouse. He stated that he and Councilor McCaul visited Mr. Burke up there and were given a complete tour of the facility. He stated that the white tanks are made out of plastic and not steel. He stated that they claim that the plastic is actually more resistant to any kind of erosion or rust or anything else. The tanks contain between 6,500 and 9,000 gallons of oil and they fill smaller containers with that. He stated that when you think of fuel you think of tankers, but they actually use box trucks. They have individual cubes of different fluids which can be delivered to different companies. He spoke about the warehouse portion of the facility and what was stored in there. He stated that it was very clean and a good operation. He stated that there weren't a lot of people on site. Mr. Baird stated that most of the work is done in the early morning and in the afternoon. It is not very labor intensive, there are 4 full time warehouse workers, a supervisor and then a supervisor about that one. Most of the work happens in the afternoon when they pull loads and pack trucks and then they get the trucks out of the yard in the morning. Councilor Cleary stated that they are looking to move because they need a larger space and a more updated facility. He stated that the big problem is that most of their vehicles can't use the tunnels in Boston. They need to get someplace further south of the tunnels. He stated that it was interesting that the plant in Chelsea also had a maintenance facility. The location in Taunton will not have a maintenance garage. They are building a totally separate facility in Seekonk for the maintenance of the trucks. Councilor Cleary stated that he and Councilor McCaul were questioning the containment. He wasn't sure what the difference

between primary and secondary containment was. Mr. Baird stated that at the Chelsea site, the truck outside was pumping lubricants into the tanks inside. He stated that since there was a transfer of product outside by hoses and pumps, they needed to have a spill plan that would capture the volume of that truck that could be spilled. He stated that the concrete pad with all of the grooves in it would hold approximately 35-40 gallons which is more than what you would expect because when unloading, the driver has to be right at the manifold system. He stated that is a State and Federal regulation. Councilor Cleary stated that he said that every truck has an emergency button that will shut everything off. Mr. Baird confirmed. He stated that the secondary containment was the trench that went all the way to the back area. In Taunton, that will not exist. He stated that if any transfers of oils exist, they are Class 3 oils by the National Fire Protection Association which do not burn unless they are heated to 300 or 400 degrees. He stated that for transfers of these types of products, they will have containment in the building. It will be a concrete berm which will hold 10,000 gallons of oil. The trucks coming in will only hold about 7,000 gallons of oil because these oils are heavy. He stated that the rest of the oils in the 55 gallon drums and the 330 gallon totes would have to be severely damaged to get oil on the floor. It is a huge warehouse and the company supplies absorbents so if there is a spill it will never get outside of the building. Councilor Cleary asked if there will be an oil and water separator. Mr. Baird stated that they will install equipment which is called a stormceptor before the drains leave the property. Stormceptors have been rated by the State of New Jersey and participating states including Massachusetts as the best piece of equipment available for eliminating sentiments from exiting into stormdrains. They also have special stormceptors which are also oil and water separators. They slowdown the velocity of the water and the oil rises and stays in the stormceptor. Councilor Cleary asked Mr. Burke if there would be daily inspections of the warehouse and the operations. He asked if that would include checking for leaks or spills. Mr. Baird stated that it is a Federal regulation and also a State regulation. The state regulates bulk tanks greater than 10,000 gallons. They use the same requirements as part of the spill plan. He explained how every day, a person will be assigned to go and check the entire facility for any product leakage or anything that is on the floor. Once a month, a detailed inspection is held. Councilor Cleary asked if the daily inspections will be kept on a log. Mr. Baird stated that yes, it is required. Councilor Cleary wanted to confirm that their traffic patterns would avoid the neighborhoods. Mr. Burke confirmed. He stated that all of their deliveries are to businesses and unless the businesses are in Taunton, they will be coming out of the parking lot and taking a left onto 495. Councilor Cleary asked about the fire sprinkler system in the facility. Mr. Baird stated that it needs to be redesigned. The existing system is not designed for petroleum storage. There are floor drains that will be sealed and they need to improve the sprinkler system. He stated that they have contacted two companies but until they get all of the permits and the licenses, it doesn't pay to spend many thousands of dollars on engineering for sprinkler systems and other changes and improvements that need to be done to the property. Councilor Cleary asked if they had said that they have a standing contract with Clean Harbors if there is a catastrophic issue, they will come in. Mr. Baird stated that they have two Coast Guard certifications; a marine safety operations manual and a facilities response plan. A requirement of the response plan is that there has to be a 24/7 contract with a hazardous waste company that needs to respond within 2 hours of any spill. He stated that it is an EPA and Coast Guard regulation. Councilor Cleary wanted to clarify if tankers were to be parked there

overnight that they would be close to empty. He confirmed and stated that when the tankers are shut down, the air pressure is released and that locks the brakes and the mechanisms on the valves so no one can go in and vandalize the trucks by opening the valves to drain them. Captain Bastis stated that the presentation has been very thorough and it is not as dangerous as it would seem when you look at the totals. There are mostly combustible fluids that are not readily ignitable. He stated that everything that he has found in his research is that they are an excellent company. The Chelsea Fire Marshal and Fire Department had nothing but great things to say about them. They already have a relationship with the Taunton Fire Department and have trained them in safety on their trucks. Everything he has heard has been nothing short of excellent. He thinks it would be great to add them to the list of super companies in the Industrial Park. **Councilor Costa Hanlon made a motion to make the company overview with the two photos part of the record. So Voted.** Councilor Costa Hanlon stated that she had a question about the oil and water separator. She asked where it will be in the engineering plan. Mr. Baird stated that it will be located underground near the drain before the water exits the site. She asked how it will be monitored. He stated that it needs to be checked twice a year and the only way that it will get oil into it is if they have a release into one of the catch basins. He explained what the catch basins will do. He then explained the benefits of the stormceptor. Councilor Costa Hanlon asked if they will be revising the plan to show it when it is built. He confirmed and stated the Fire Department will get an updated one. She asked if they are anticipating any product going into the drains. He stated that they don't expect that there will be any product in any of the drains. He stated that part of the SPCC is an emergency response so if there is a spill the people are trained to respond to it immediately. Council President Borges stated that they have done an outstanding job with their presentation to the Planning Board and when the Council asked for a lot of information, they brought it all back. She stated that they had given a detailed plan and she appreciated that. Councilor Quinn asked if the white tanks in the photo are the largest tanks on site. Mr. Baird stated that they are representative of the tanks that will be there. They will range from 6,000 – 10,000 gallons. Councilor Quinn asked if all of the administrative offices will be located on the Taunton site. Mr. Burke discussed the other locations and the administration that will be located there but stated that the corporate headquarters will be here. Councilor Quinn had three concerns coming in about fire safety, environmental protection and traffic and she thinks that they have addressed them all. She thanked them for their presentation both last week and tonight and to the other board. Councilor McCaul thanked Mr. Burke for allowing them to tour the facilities. He stated that it was very clean and you couldn't smell any oil in there at all. He likes the fact that they have a response plan and how they tied it in with our Fire Department. They will train our Fire Department every two years on any type of training that is needed or if there is any new technology that they need to be aware of and how to handle any kind of catastrophe that could take place there. Mr. Baird stated that part of the training will be held inside the building because they need to know how to approach if there is an emergency and they are in a confined area. They will also be trained how to handle transports on the highway. Councilor McCaul asked how they will be stacking the pallets. Mr. Baird stated that right now they are so tight for space, the racks that hold the pallets are deep. He stated that eventually they have 4 or 5 pallets in one rack. If somebody orders the oil that is on the first pallet, they have to take all of the other pallets out. The new design, which is standard warehousing, is where you have a pallet on each side of the rack and that is it. He spoke about how it improves the efficiency of the

operation enormously. Councilor McCaul thanked them and stated that he likes the idea that they will be bringing jobs to the community. Mayor Hoyer asked if anyone was present to speak in favor or opposition of the petition. There was nobody present to speak in favor or opposition of this petition. **Councilor Marshall made a motion to close the hearing, grant the petition and welcome Dennis K. Burke, Inc. to the City of Taunton. So Voted.**

Communications from the Mayor:

Mayor Hoyer stated that this Saturday, September 26, 2015 from 10am-2pm at the Taunton Police Department is National Prescription Drug Take Back Initiative Day. He stated that it is already on the website and the Facebook page. It is being sponsored by the DEA, the Taunton Police Department, City of Taunton and the Taunton Opiate Task Force. Mayor Hoyer stated that the Miles with the Mayor will be held this Sunday, September 27, 2015 at 10am at the Hopewell Park. Council President Borges stated that the Kid's Walk will start at 9:30am and there will also be activities for the kids. Mayor Hoyer stated that families are always welcome; it is about healthy kids and healthy lifestyles. Councilor Cleary asked if Mayor Hoyer would like to add anything regarding the press conference. Mayor Hoyer stated that it was an announcement to get some information out there and it is great news for the City. It is about economic development and it means over \$8M in revenue per year, plus over 20 police officers and 20 firefighters. He stated with that it is about a \$13M-\$14M annual investment into our community. He discussed the infrastructure upgrades, including some additional help to the East Taunton Fire Station and a Police Sub-Station. There are a lot of great things happening in this proposal. He stated that the projections are for 2500-3500 full and part time employment opportunities. There will also be about a thousand construction jobs. It is a great opportunity for the City.

Communications from City Officers:

Com. from Legal Assistant, Law Dept. requesting permission to pay a prior fiscal year bill received from Shred-it in the amount of \$53.25 for destruction of documents. The destruction occurred on June 30, 2015 and this office just received the bill. **Councilor Costa Hanlon made a motion to approve. So Voted.**

Communications from Citizens:

Com. from Executive Director, TCAM TV notifying that they will be co-sponsoring along with Taunton Daily Gazette, two candidates' forums at the Honorable Charlie Crowley Liberty and Union Soundstage Studio at 120 Ingell Street. The first forum will be held on Thursday, October 8, 2015 starting at 7:00pm. All candidates for School Committee and TMLP Commission will be invited to attend. The second forum will be for City Council candidates which will be held at the same venue on Thursday, October 15th, starting at 7:00pm. TCAM TV is asking that all candidates who are interested in attending these important events to please RSVP to Executive Director Kimberly Murphy at 508-824-2207 or kmurphy@tcamtv.com as soon as possible. The public is also invited to attend and may contact Kimberly Murphy to reserve seats. **Council President Borges made a motion to receive and place on file. So Voted.**

Com. from Executive Director, Triumph, Inc. submitting land lease renewal. In 1991, an agreement to lease land from the City of Taunton, located at 100 Honorable Gordon M. Owen Riverway was established. Triumph built a structure where the Early Head Start, Head Start and Early Childhood Classrooms are housed. The lease is up for renewal in 2016. The enclosed lease outlines an opportunity for a 10 year renewal. Triumph is requesting that the renewal of this lease be added to the next City Council meeting agenda. Councilor Cleary stated that Triumph is submitting some grants and they have to demonstrate that they have control of the property for the next 6-8 years in order to get repairs for some of their buildings. He stated that they are looking for a quick turn-around if at all possible. **Council President Borges made a motion to refer to the Law Department and the Committee of the Whole next week. So Voted.**

Communications in the hands of Councilors:

Councilor Pottier stated that there was a communication placed on the Councilor's desks. The City Solicitor stated that the City Clerk received it in the mail today. It is an order of notice from the Land Court where somebody is looking to confirm the title to their land in the Land Court. He stated that it has been sent to the Assessor's Office and the Tax Collector/Treasurers office. He stated that at this point in time there isn't really anything that we need to do. He stated that they are looking into it and his suspicion is that it is not a big deal at all. **Councilor Pottier made a motion to receive an update from either the Law Office or the Assessor's Office in a week. 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 Croteau stated that he made a motion to receive a report from the TMLP as to whether Verizon was simply writing letters to the Council or were they actually removing some of the existing poles which they said there were six of them and there were actually 100. Motion was made to receive a report from the City Clerk as to whether anything has been received. The City Clerk stated that the letter was sent out and has not received anything at this time. **Councilor Croteau motioned for the City Clerk to send out a second letter to the TMLP. So Voted.** He also asked the City Clerk for the name of the contact person and he will call the TMLP.

Orders, Ordinances, and Resolutions

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

Chapter 14

Offenses and Miscellaneous Provisions

Article I

IN GENERAL

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

SECTION 1. Chapter 14, of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating the following section:

Sec. 14-26 Nuisance Properties because of documented criminal activity

I. PURPOSE

The purpose of this ordinance is to empower the City to police properties that have become a public nuisance so elevated as to endanger the common good and general welfare of a neighborhood or the City as a whole.

This ordinance is intended to provide a process to remedy nuisance properties. This ordinance is intended to afford relief from nuisance properties to neighboring property owners, landlords, tenants and the community as a whole. This ordinance does not provide an exclusive remedy and may be used in conjunction with any other ordinance, regulation or law. This ordinance does not replace, revise or amend any other existing ordinance.

II. DEFINITIONS

A. Nuisance Property because of documented criminal activity:

A property to which police have come more than four times in any twelve-month period resulting in a documented charge of criminal activity. A property may be deemed a nuisance property if it is reasonably determined by the Chief of Police to be a cause of criminal activity on or in the immediate area of the property. No incident shall be counted toward the incident limit if the Chief of Police reasonably determines that doing so would discourage crime reporting, provide a disincentive for a crime victim to call police, or, for any other reason not inconsistent with the purpose of this ordinance.

B. Documented charge of criminal activity

Activity documented in a police report that has resulted in either an arrest based upon probable cause or an application for a criminal complaint by a police officer, for a violation of the General Laws related to firearms, illegal drug use and other Chapter 94C violations, prostitution, trespassing, disorderly conduct, disturbing the peace or loitering.

C. Responsible Person:

1. The owner of the property as reflected in the records of the City Assessor or the records of the Northern Bristol County Register of Deeds; or,

2. For any property which is the subject of a foreclosure proceeding, the mortgagee.

D. Chief of Police:

The Chief of Police or Chief's designee.

E. Reasonable efforts to abate criminal activity

The effort that a reasonable person in the position of the Responsible Person would take to abate the criminal activity on the property. The exercise of a standard of care that a reasonably prudent person would exercise in a similar situation.

III. VIOLATION

The Responsible Person associated with a Nuisance Property because of documented criminal activity is in violation of this ordinance. This Ordinance shall not apply to the Commonwealth of Massachusetts or any of its political subdivisions.

IV. ENFORCEMENT

The Enforcement Officer for this ordinance shall be the Chief of Police.

The Chief of Police shall determine which properties are Nuisance Properties because of documented criminal activity. Upon such a determination the Chief shall issue a written notice to the Responsible Person at the owner's address as reflected in the records of the City Assessor. The notice shall sufficiently identify the property and the criminal activity giving rise to the Nuisance Property determination and include a copy of the police reports for each instance of criminal activity that serves as the basis for the determination.

The notice may contain a plan to abate the criminal activity at the property, and, the notice may contain a request that the Responsible Person contact the Chief to discuss a plan to abate the criminal related activity. By way of illustration and not limitation, a plan may include the installation of lighting, the installation of fencing, the installation of "no trespassing" signs, the installation of "no loitering signs", lawful eviction of tenants through G.L. c. 139 section 19 or other lawful means. The plan must be reasonable in cost and scope taking into account the nature and use of the property and the nature and type of the criminal related activity. The notice shall contain a warning that fines may be assessed against the Responsible Person in the absence of reasonable efforts to abate the criminal activity.

If, after the written notice, the Responsible Person has not made reasonable efforts to abate the criminal activity, the Chief may issue a citation and assess fines in the following amounts:

First violation: (5 th incident)	\$100.00
Second violation: (6 th incident)	\$200.00
Third and each subsequent violation: (etc.)	\$300.00

The fifth incident of a documented charge of criminal activity as defined above shall be the first violation; the sixth incident shall be the second violation, and so on. Said fines shall constitute local charges for the purposes of General Laws chapter 40 section 58.

V. APPEAL

Any person aggrieved by a determination that the person is a Responsible Person; by a determination that a property is a nuisance property hereunder; or, by the receipt of a citation, may appeal, in writing, to the Committee on Police and License of the Municipal Council. The decision of the Committee shall be the final decision of the City of Taunton. Any person aggrieved by the imposition of a fine may appeal in accordance with the provisions of General Laws chapter 40 section 21D.

VI. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance shall remain in effect.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. Councilor Cleary discussed what the ordinance states. Councilor Cleary made a motion to approve the second reading and move to a third reading. So Voted.

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

**Chapter 12
Licenses and Miscellaneous Business Regulations**

Article V HAWKERS AND PEDDLERS

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

SECTION 1. Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating Section 12-82 as follows:

Sec. 12-82 Regulation of Drop Boxes

A. Purpose:

The purpose of this ordinance is to promote the maintenance of outdoor “drop boxes” to protect the health, safety, and wellbeing of the community and to maintain the community in an aesthetically pleasing manner.

B. Definitions:

“Drop box” as used in this section shall mean any container or device used by the owner thereof for the purpose of the collection and temporary storage of any item, including but not limited to clothing, placed therein by a member of the public. Trash receptacles and dumpsters are not included in the definition of drop box for the purposes of this ordinance.

“Person” shall include natural person, corporation, limited liability company and any other legal entity.

C. Permit Required

The owner of any drop box must secure a permit. The permit will be valid for up to one calendar year beginning on January 1st of each year and expiring on December 31st of each year. The owner of the drop box must provide on the permit application the name, address and telephone number of the owner of the drop box. In addition, the application must contain the name, address and telephone number of the property owner. The application must be signed by both the owner of the box and the property owner. This ordinance may be enforced against the owner of the box, the property owner, or both. The owner of the drop box must notify the City Clerk of any changes in the information provided on the permit application. The annual permit fee is \$25.00. The City Clerk shall be responsible for issuance of permits. The Zoning Enforcement Officer and/or the Trash Enforcement Officer shall be responsible for enforcing this ordinance.

D. Requirements:

- (1) The drop box shall be properly maintained in a clean and neat condition and in reasonably good repair at all times.
- (2) The drop box shall be emptied on a regular basis to prevent overflow, but in any event not less than once monthly.
- (3) Neither the owner of the drop box nor the property owner shall permit or suffer items to accumulate in the vicinity of the drop box.
- (4) The name, address and telephone number of the owner of the drop box shall be clearly indicated on the outside of the drop box.

E. Violation and Penalties

Operation of a drop box without a permit, or, failure to abide by any requirements of this ordinance, or, failure to keep the information provided on the permit application current,

shall be a violation of this ordinance and grounds for revocation or denial of a permit. Any person in violation of this ordinance shall be punished by a fine of \$50. Each day a violation exists may be considered a separate violation. The United States of America, the Commonwealth of Massachusetts and its subdivisions are exempt from this ordinance.

In addition to the fine, a violation of this ordinance may be deemed to constitute a public nuisance. The city may, after reasonable notice to the owner of the drop box and property owner, enter the property and remove or cause to be removed the nuisance and destroy any drop box or personal property removed. The costs and charges incurred shall constitute a debt due to the City and may be enforced in an action of contract. Said fine, costs, and charges shall constitute local charges for the purposes of General Laws chapter 40 section 58.

The remedies provided herein are in addition to any other lawful remedy available to the City.

F. Severability

If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective on January 1, 2016. Motion was made to approve the first reading and move to a second reading. So Voted.

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

Ordered, That **\$13,220,000** is

appropriated to pay costs of the following major Taunton Municipal Lighting Plant projects, in the approximate amounts as follows:

Project II20 - Load Reducing Generation	\$10,000,000
Project 1135 - Cleary Building Site	920,000
Project 1136 - Unit #9CC Breaching	2,300,000

including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow \$13,220,000 under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

FURTHER ORDERED: 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 to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require. **Council**

President Borges made a motion to move from a first reading to a second reading. So Voted. Councilor Croteau stated that the money to pay this bonding all comes from the TMLP, none of it comes out of the general fund. Councilor Costa Hanlon wanted to confirm that it doesn't affect the bond limit. Mayor Hoye confirmed.

New Business:

Councilor Pottier discussed that this Saturday will be the rededication of the Oakland Fire Station. It will be held at 11am and is a public event.

Councilor Pottier made a motion to refer to the Council President that the Council meeting scheduled for Tuesday, November 3, 2015, which is also Election Day, be moved to Monday, November 2, 2015 at 7:30am. So Voted.

Councilor Pottier stated that he spoke to the DPW Commissioner today regarding the island on Arlington Street that was put in when the tracks were done. He has received complaints about it and stated it was a State project and not a City one. He discussed that especially during the winter months cars may not see it if there is snow on the ground. **Motion was made to send a letter to Mass DOT & Mass Highway to see if there is anything that they can do to reinvestigate that because it will be a problem. So Voted.**

Councilor Marshall stated that when the Committee on the DPW met earlier this evening, Project First Light was brought up as it will have a significant impact on the DPW and the traffic infrastructure. Motion was made to receive an update on the entire project about the timeline, what people will see, a list of intersections that will be done, what the benefits will be to increase Police and Fire, what it will look like for the Schools, and what will be done at the East Taunton Fire Station. Motion was made for the Council to receive an update on the whole project in a month. Mayor Hoye stated that Dave Matt should be invited when he is ready to make a presentation because he is the engineer and, along with his company, has been doing the design work also. He would be able to present timelines. Councilor Marshall stated that he would be more than happy to do this, but just at the Committee on the DPW. However, he thinks that a community update makes sense. Mayor Hoye stated that for a Council meeting it will be a long night to do everything so if it could be broken down it would make more sense. Councilor Marshall stated that he will work with the Mayor's Office on this.

Councilor Marshall made a motion to take another look at the decision to make Department Heads be present at hearings if they submit comments. He stated that there are three Department Heads present for a hearing tonight and two of them are not needed to present anything. He discussed how it costs the City money and he doesn't want to waste people's time. He stated that if they are needed at the meeting, they should be here to advise the Council but he hates to just have a blanket policy. **Motion was made to discuss this at a later date in the Committee of the Whole. So Voted.** Council President Borges suggested that if a person is needed for the hearing it should be decided during the pre-review. Councilor Croteau stated that it is possible that the City may be wasting resources but it is possible that another meeting may need to be held because someone is not present. He stated that when the meeting starts, you never know what way it will go.

Councilor Cleary made a motion to send a letter to the Safety Officer requesting his recommendations about the possibility of no parking on Mason Street in front of the New Hope Housing. So Voted. He stated that what is happening is that people are parking on both sides of the street. He discussed how you have to wait and emergency vehicles would have trouble getting through. Mayor Hoye stated that there is plenty of parking in the back. *(The City Clerk also referred this communication to the Committee on Police and License.)*

Councilor Costa Hanlon stated that most of the Councilors participated in the Youth Candidates forum and there were some very poignant questions and points made that are worthy of the Council addressing them. **Motion was made to get some of the questions forwarded to the City's Committee on Youth and Recreation and the Mayor's Office. So Voted.**

Councilor Quinn stated that during the Youth Forum an issue came up that she had noticed the day before which was the intersection going into the high school, on Longmeadow Road. There is a lot of growth on the newly done areas. She stated that she knows it is State Highway property but asked if the state maintains this or if the City does. Mayor Hoye stated that we typically don't but we'd have to send the flail mower. **Councilor Quinn made a motion to send the flail mower to the intersection going into the High School at Longmeadow Road. Councilor Pottier motioned to also send it further down Main Street toward Church Green on the sidewalk near Girl's Inc. So Voted.**

Meeting adjourned at 8:08 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 22, 2015

THE COMMITTEE ON FINANCE AND SALARIES

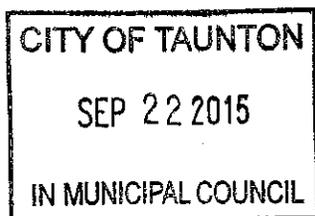
PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR POTTIER

MEETING CALLED TO ORDER AT 5:54 P.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:55 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 22, 2015

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES, COSTA-HANLON, CLEARY AND MCCAUL. ALSO PRESENT WERE FRED CORNAGLIA, DPW COMMISSIONER AND MR. ANTONIO FONSECA

MEETING CALLED TO ORDER AT 6:22 P.M.

1. MEET WITH THE DPW COMMISSIONER AND LAURINDA FONSECA TO DISCUSS HER REQUEST TO INSTALL A GAS LINE TO 25 RANDALL STREET

MOTION: INVITE THE INTERESTED PARTIES INTO THE MEETING. SO VOTED.

A letter dated 8/4/2015 OF Laurinda Fonseca of 185 Winthrop Street was read in which she stated that she bought the Randall Street property in 2011 and wanted to switch from oil to gas, but Columbia Gas of Massachusetts told her that there was a 5 year moratorium on Randall Street and the DPW confirmed that she had to wait for 4 years, knowing that 1 year had elapsed at that time.

This year, the moratorium would expire; however last year during the summer months they started fixing the sidewalk on Randall Street. At that time she went to the DPW again and asked if she could get permission to do the gas line to the said location.

She was told to wait until 2015, and asked about the new sidewalk being constructed and whether it was going to push the moratorium for another 5 years and was assured that it would not.

This year, in January, when Columbia Gas went to apply for a permit to bring the gas line in, it was told to wait to apply in July, because the moratorium would expire at the end of June. In July, when the gas company applied again, it was told that there was another 5 year period moratorium on that sidewalk, and that now, they would have to wait until 2019. The DPW advised her to write a letter to the Council asking for permission because there was nothing they could do for her.

The letter further stated that considering she waited 4 years to have the gas service delivered to the property, and that she did everything that she could to prevent further delays, she is hereby imploring the Council to grant her a special permit to have Columbia Gas of Massachusetts bring the gas service to the property in reference.

According to the gas company the gas service will be completed this year if the permit is granted.

The DPW Commissioner provided a document that they get from Columbia Gas showing the proposed gas line, a copy of the City of Taunton Street Opening/Curb Cut Permit and a photograph of the front of the property. The Commissioner said the moratorium on the street was over as of June 30, 2015 so that moratorium is now lifted. The sidewalk is new as of last year and, as everyone knows the City is in a mandated sidewalk program, so that is why the sidewalk was done. It is 4 feet 7 inches in width and it is not quite a year old.

MOTION: DOCUMENTS PROVIDED BY DPW COMMISSIONER TO BE PART OF THE RECORD. SO VOTED.

Councilor Marshall noted that the request, then would be only for the moratorium on the sidewalk, and the DPW Commissioner said that was correct.

PAGE TWO

SEPTEMBER 22, 2015

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

Mr. Cornaglia said that the distance between the property line and the building is 3-4 feet. It is also his understanding that the Gas Company could either hole hog it or jack it, meaning not dig up the entire street as on the sketch provided by the gas company. There is 25 feet of roadway and they do not have to dig the entire street. They can probably dig a 4 x 4 hole on each side of the street and either jack it or hole hog it across the street to the sidewalk and then go under the sidewalk with no disruption to the sidewalk. He also said that the DPW office should have someone there as an inspector on their behalf.

Mr. Cleary clarified that there would be no disturbance to the sidewalk.

This is Mr. Cornaglia's recommendation if the Committee chooses to grant this request. Mr. Cornaglia further said it took them 3-4 years to get the sidewalk that is why the street was done first. It was also noted that when the road was finished the new asphalt was higher than the sidewalk so it was flooding the sidewalks and the homes, so they had to wait a funding cycle or two to get the sidewalks done in order to keep the water on the street.

It was again clarified that there will be 2 entry holes in the street, either 4 x 4 or 4 x 5 and for them to not touch the sidewalk at all, to go under the sidewalk.

Councilor Cleary asked where the gas line is and it was noted that the gas line is on the opposite side of the street from the property. He also said that you do not know what is under the sidewalk so there could be damage to the sidewalk.

Mr. Cornaglia said they can jack under the sidewalk. He also noted that if they do hit something under the sidewalk they are going to have a problem as they enter the property because the property has a concrete pad within the 3 or 4 feet of property that would go to this particular residence. That is going to have to be broken and if this is approved it should be said that the City will have nothing to do with a water problem caused by that excavating because that concrete is lower than the sidewalk and once disturbed there will be a water problem. But going back to the sidewalk, the gas company can certainly find a way under it.

MOTION: TO GRANT THE REQUEST FOR THE GAS SERVICE AT THIS LOCATION WITH THE FOLLOWING CONDITIONS WHICH THE DPW COMMISSIONER SET FORTH, WHICH ARE THE TWO 4X5 FOOT PATCHES REBUILT TO THE STANDARDS THAT THE DEPARTMENT OF PUBLIC WORKS REQUIRES AND THAT THEY DO JACKING UNDERNEATH THE SIDEWALK, AND IF THE SIDEWALK IS DISTURBED IT IS TO BE REPLACED TO THE SPECIFICATIONS OF THE DPW COMMISSIONER. SO VOTED.

Mr. Cornaglia was asked to provide a copy of the letter he writes on this matter to the Committee as well.

MOTION: TO EXCUSE THE PARTIES. SO VOTED.

2. MEET TO REVIEW MATTERS IN FILE

A. Councilor Costa-Hanlon asked to have an update on the Longmeadow Road and Dean Street intersection. The Chairman said that he believes the upgrades for the intersection were shelved because of the cost. They may also need to do some land takings. DOT has total control of this area but the Chairman will speak to the DPW Commissioner to have him check with Mass. DOT.

PAGE THREE

SEPTEMBER 22, 2015

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

B. Councilor Cleary said that with the decision received by the City last Friday concerning the casino, what will the DPW need to prepare for the work. The Chairman said that he is going through the IGA with the City Solicitor to determine what is required for infrastructure on the city side. The consultants also looked at water and sewer issues and he will get their reports and also determine when the work will start and the timelines. The Chairman will schedule a presentation in a few weeks.

Councilor Costa-Hanlon said that the City Engineer, Safety Officer and possibly the Chief should be present.

The Chairman said that this may not be in the DPW Committee, but it does make sense to have one presentation.

C. Councilor McCaul asked about South Crane Avenue. Half of the street and he wants to know if they are going to complete it.

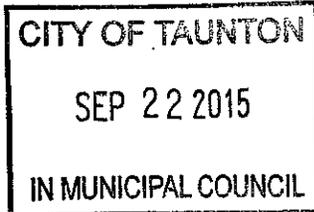
D. Councilor Costa-Hanlon asked to refer the entrance of Nichols Mills to the DPW.

MEETING ADJOURNED AT 6:43 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK



REVISED
CITY OF TAUNTON

ORDER #3
FY 2016
SEPTEMBER 22, 2015

In Municipal Council *20*.....

Ordered, That **THE SUM OF FIFTY THREE DOLLARS AND TWENTY FIVE**
CENTS (\$53.25) BE AND HEREBY IS TRANSFERRED FROM LAW DEPARTMENT ACCOUNT
NO. 1-193-5200-5319

TO: LAW DEPARTMENT ACCOUNT NO. 1-193-5520-5319

..... *Clerk.*