



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, October 6, 2015 at 9:15 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

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

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

Appointments:

Reappointment of Anastasia "Ann" Kardimas, 46B Johnson Street, Taunton to the Human Services/Council on Aging Board of Directors for a term of four (4) years expiring September 2019. **Motion was made to move approval. So Voted.**

Reappointment of Edward J. O'Brien, 101 Fremont Street, Taunton to the Human Services/Council on Aging Board of Directors for a term of four (4) years expiring September 2019. **Motion was made to move approval. So Voted.**

Reappointment of James Lincoln, 245 West Britannia Street, Taunton to the Human Services/Council on Aging Board of Directors for a term of two (2) years expiring September 2017. **Motion was made to move approval. So Voted.**

Reappointment of Louise Silva, 6 Norton Avenue, Taunton to the Human Services/Council on Aging Board of Directors for a term of one (1) years expiring September 2016. **Motion was made to move approval. So Voted.**

Appointment of William Bell, 772 Burt Street, Taunton to replace Karen Harraghy, to the Human Services/Council on Aging Board of Directors for a term of four (4) years expiring September 2019. **Motion was made to move approval. So Voted.**

Reappointment of F. Roger Hoffman, 1054 Bay Street, Taunton to the Board of Registrar of Voters for a term of four (4) years expiring in June 2019. **Motion was made to move approval. So Voted.**

Communications from City Officers:

Com. from Director, Human Services stating that they have received a donation in the amount of \$100. They are requesting that they be allowed to deposit this donation in the Elder Emergency Gift Account so they may purchase gift cards to local supermarkets. The City Clerk stated that the woman who donated the money is going to purchase the gift cards herself because the Auditor cannot take the \$100 and purchase gift cards out of

the City's account. The letter should be voided for now and a new letter will be submitted at a later date. **Councilor Costa-Hanlon made a motion to remove this letter from the agenda at the recommendation of the City Clerk. So Voted.**

Com. from Detective Dennis Smith, Taunton Police Department commending Eric Corey, an employee of the Taunton Parks & Recreation Department. On Tuesday, September 29, 2015 this detective responded to a reported shooting in the area of Hopewell Park. Mr. Corey informed him that he had been working at the park when he heard the shots being fired and immediately responded and began life saving measures to the victim of three gunshot wounds by removing his own shirt utilizing it for placing pressure on his wounds in an attempt to slow the bleeding. Within two hours the suspect was identified, located and placed under arrest with the assistance and information relayed by Mr. Corey. He asked that the City Council recognize this long time City employee's courage, diligence and professionalism which reflect credit both upon him and the Taunton Parks & Recreation Department and commend him for his actions. Mayor Hoye stated that as someone who was there about ten minutes after the incident began, he can tell everyone firsthand what a great job Mr. Corey did. He cannot say enough about the great deed that Eric Corey did that day. He stated that Mr. Corey should be honored and it will be set up in the next couple of weeks. **Councilor Costa-Hanlon made a motion to refer this to the Mayor's Office and invite Mr. Corey in to be officially recognized by the City Council. So Voted.** Mayor Hoye stated that there will be a community meeting at Coyle Cassidy for the Hopewell Park area on Thursday at 6:30pm. He stated that he will be in attendance and it will be headed up by Officer John Munise. Councilor Cleary stated that Dennis Smith should also be invited to the meeting.

Petitions:

Claim submitted by Sharon Lopes, 433 Richmond St., East Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Stevens Street and the railroad tracks on Dean Street at the intersection of Arlington Street. **Motion was made to refer to the Law Department. 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 the Committee of Finance and Salaries and the Committee of the Whole. So Voted. Councilor Pottier stated that he would like to separately ask for an endorsement of the Committee on Solid Waste. He stated that during the Committee on Solid Waste meeting, they voted 4-1 to approve the landfill contract that the City entered into with Waste Management. **Motion was made to move approval. On a roll call vote, nine (9) Councilors present, eight (8) Councilors voting in favor. Councilor Costa-Hanlon voting in opposition. Councilor Marshall made a motion to approve the remainder of the Committee Reports. So Voted.**

Unfinished Business:

Councilor Croteau stated that he meant to bring this up during the Committee on Finance and Salaries. It is his understanding that during the last Taunton Nursing Home Board of Directors meeting an item on their agenda was not discussed. It was the review of the

CMS letter which was relative to the fine. **Motion was made for the Taunton Nursing Home Board of Directors to submit an explanation to the Council as to how the \$23,000 fine was processed, what account it was taken out of and if their 18th violation resulted in additional fines over \$23,000. So Voted.**

Councilor Costa-Hanlon discussed the accumulation of trash on the property at 6 Reed Street. **Motion was made for the Building Department to review and report back to the Council in three weeks. So Voted.**

Councilor Marshall stated that a couple of weeks ago the update that the developers were going to provide regarding the casino was discussed. He stated that the residents and the Councilors are very interested in it and asked the Mayor if he had a date when they will be back. Mayor Hoyer stated that he doesn't have a date yet; the City Solicitor is meeting with the tribe over some law enforcement issues next week and he will be meeting with Jamie Cromwell next Wednesday morning. He stated that as soon as he has a date he will pass it on because he is anxious to get the process started and knows that the Councilors and the public are also anxious for an update. He stated that as soon as there is something substantial to inform the Council and the public of, a meeting would be scheduled as soon as possible.

Orders, Ordinances, and Resolutions

Order for a second reading to be passed to a third 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. **Councilor Cleary made a motion to move to a third reading with no changes. So Voted.**

Order for a second reading to be ordained on a roll call vote

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. **Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. So Voted.**

The City Clerk read a communication from Michael D. Sylvia, Acting Chief of the Fire Department. The letter serves as a formal request that members of the Taunton City Council approve the Lessee Resolution (Exhibit E) in a Master Lease Purchase Agreement dated August 15, 2015 between the City of Taunton (Lessee) and the finance company for the new E-One Pumper Tax-Exempt Leasing Corp. (Lessor). The master lease has been reviewed and signed by the City Solicitor and upon approval of the Lease

Resolution will be signed by the Mayor. The purchase of the new Engine 1 was discussed during the FY16 budget hearings and approved in the FY16 budget as a capital expenditure. They are anticipating the delivery of the new 2015 E-One Pumper in the next several weeks. **Motion was made to move approval. So Voted.**

New Business:

Council President Borges stated that she would like to bring 41 West Britannia Street to the attention of the Zoning Enforcement Officer. It was brought to her attention that the grass is very overgrown; it is a bank owned and blighted property. **Motion was made to have the Zoning Enforcement Officer go out and take a look at that property. So Voted.**

Council President Borges stated that during the Committee of the Whole meeting, Councilor Carr brought up the intersection at the Industrial Park Road. She stated that there is a lot of traffic congestion at the lights. The TDC stated that it is something that they will address at the end of that phase. However, she was told that it was under the jurisdiction of the City. **Motion was made to refer that to the City Engineer to look at possible timing of the lights which may be a temporary solution for that intersection at this point in time. So Voted.** Mayor Hoyer stated that it is extremely busy at both ends of the Industrial Park from 4pm-6pm.

Councilor Costa-Hanlon stated that both she and Councilor Pottier were contacted by a constituent, Catherine McRae, relative to paraphernalia that is being sold in a couple of businesses in the City. She discussed how she was kind enough to give them some information on the Board of Health in Melrose, Reading and Wakefield which have initiated regulations against this type of paraphernalia. She stated that they are called rose bud glasses. She stated that Ms. McRae provided excellent information and thanked her for her time and bringing this issue up. Mayor Hoyer stated that we should get that going as soon as possible as he has heard the complaint before and even some of the store owners would like to see them out. He stated that it has to be Citywide. Council President Borges stated that when the letter came to all of the Councilors she had referred it to the Police Chief so he is aware of this issue. She stated that it came up at a meeting that she had attended in Attleboro and it is definitely an issue that we need to jump right on. **Councilor Costa-Hanlon made a motion to refer to the Board of Health and the Police Chief to work on this and report back to the Committee on Police and License in two weeks with a plan. So Voted.**

Meeting adjourned at 9:35 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON AND JULIE BERTRAM, ASSISTANT COLLECTOR

MEETING CALLED TO ORDER AT 5:49 P.M.

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

2. **MEET WITH THE CITY SOLICITOR AND TREASURER TO FINALIZE ITEMS NECESSARY TO WITHHOLD PERMITS AND LICENSES DUE TO TAX DELINQUENCY**

Councilor Carr stated that they have been trying to come to a conclusion on a way to hold back licenses and permits for individuals who owe the City money yet continue to get licenses and permits to run businesses or whatever they do in the City. Apparently there was an ordinance but the City Solicitor had told them that the ordinance was illegal. He provided a state law and informed the Council that they had to follow the state law in order to do this. She further said that this matter has come up a few times but never seemed to actually be finalized so that it can then be carried out.

Councilor Carr asked the City Solicitor to provide the law, and everyone this evening was provided with a copy of it.

Councilor Carr further said that the law has to be accepted by the City, which she believes it has been, then we have to have an ordinance in place that follows the law. The City Solicitor also told her that the Treasurer is required to produce a list of everybody who is delinquent for one year or more because you cannot do this until they are delinquent for a year or more. Then all the Boards, Commissions, and Departments that have the authority to approve licenses and permits are provided with this list and they are not supposed to give out any licenses or permits until the delinquent amounts have been paid to the City.

Councilor Carr confirmed with the City Solicitor that the City has accepted the law.

Councilor Carr then asked if the City had to create an ordinance as well, to which Attorney Buffington said yes, and in fact this has been done and is Section 12-1.

Councilor Carr then noted that the next step would be for the City Treasurer to create a list of all people who are behind 12 months or more.

Attorney Buffington said yes, the next step is the creation of the list and by statute it is the Treasurer/Collector's office that is, for lack of a better term, the keeper of the list. In speaking with the Treasurer's office they maintain some of the information that would need to go into this list. However, the ordinance applies realistically to folks who owe any sum of money lawfully due to the City. You need to think about police details, fire details, water and sewer charges, 21D tickets that might be issued by the Building Department, it could be monies owed to the Board of Health, so there are a number of City agencies who have their own receivables on the books that don't necessarily go through the Treasurer/Collector's office. But, the law says that there should be 1 list and the Treasurer/Collector's office has to be the keeper of the list and has to disseminate it. Where the real work comes in next is all of these different

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

agencies getting together and being able to create 1 document that can then be forwarded to all of the different licensing and permitting authorities so that they can review the list when somebody comes in to apply for a permit or a license.

Councilor Carr noted that the law does not seem to point to any particular date, so does the City pick a date. Does the City just pick a date to begin this. Maybe it would be make sense to say after the first deadline for taxes, the first tax payment to be made, maybe the end of December. Attorney Buffington said that the enabling statute, Chapter 40, section 57 says that you have to have an ordinance that specifies in some detail these things, and the City does have an ordinance which says *shall annually furnish*.

Councilor Carr said it doesn't say every December or every January or any other month.

Mr. Buffington said that the date can be selected.

Councilor Croteau said possibly using the end of the fiscal year, June 30th/July 1st., and then questioned when the City's receivables are higher then at another time.

Ms. Bertram said it would be January as opposed to July for the larger dollar amount.

Councilor Carr noted that the next part of the law talks about hearings which is not clear. So basically, if someone owes taxes and the City says their license or permit is not going to be renewed, the City has to send them written notice, and they have a right to have a hearing within 14 days of that notice. She asked who runs that hearing, is it the Board or Commission for the license that is being withheld, or is it the Council?

Mr. Buffington said that he does not think it is stated in the ordinance necessarily who would hold the hearing, but he suspects that it would be the licensing board or person who would be withholding the license. He also said that the license can be withheld if the owner of the land upon which the proposed licensed activity is going to take place is different from the licensee, which is often the case, that can also be a basis for a denial potentially. The ordinance has a mechanism to address that situation.

Councilor Carr also noted language in the law that says *any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges...* She noted that the Commissions or Boards do not have the authority to reissue that license for any reason until the Treasurer tells them that they can. In other words, a person cannot come back before the Commission requesting the permit or license, only the Tax Collector can decide that they can get the license back.

Attorney Buffington said that that is correct and this is right in the ordinance, Section e, which states in part *any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer Collector that the parties are in good standing with respect to any and all local taxes, fees, assessments or other municipal charges as of the date of issuance of the Certificate*. So once the licensing authority makes that decision then basically you cannot get that license or permit back until you receive that piece of paper from the Treasurer/Collector's office and, the way he reads the law and the ordinance, now at that point in time, we are not just talking about things that are 12 months old or older, we are talking about anything.

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THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

Councilor Carr also referred to section c of the law where it talks about payment agreements. She asked if you would have to offer every single person some type of a payment plan? Mr. Buffington said it is in the statute – *Any party shall be given an opportunity to enter into a payment agreement.* It was also noted that the City decides what the agreement will be. Councilor Carr asked if there was an issue regarding something like the City saying they wanted the person to pay what they owe in 60 days, but that person says they want more time, so who decides where that goes, who says whether it is considered a fair agreement or not, is it whatever agreement the City offers?

Attorney Buffington said the statute does not provide a lot of guidance as to specifically what should happen in this scenario, but it is implied that you must give someone an opportunity to enter into an agreement, so he would say that there is likely implied in that obligation to give somebody an opportunity, that it is an obligation to act reasonably within the bounds of the law, so long as whatever is offered is reasonable. He also stated that if a person felt that his rights under the law were not given to them, they could go to Superior Court and try to establish that somebody in the City committed error of law, but so long as the City acts reasonably it should be fine.

Councilor Croteau asked who negotiates the agreement. The City Solicitor said that in section c of the statute, where it says *Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement.* So there would be an agreement entered into between the licensing authority and the person or entity with respect to a condition that would be placed upon the issuance of a permit. That agreement only has to do with this license, so the Building Department could say they are going to give the person the building permit if the person for example, owes \$1,000, they agree to pay \$333 a month, as long as you abide by that you can keep your permit, if you don't abide by that the permit is revoked.

Councilor Croteau then noted that the Building Department would negotiate the agreement, to which Mr. Buffington said yes for the conditions to be placed upon the license. Councilor Croteau asked if the Council had to approve the agreement. Mr. Buffington said if it is the licensing authority. Councilor Croteau questioned the licensing authority as you would have the Building Department and several other Departments that issue permits and licenses and if each one negotiates on its own, would the Council or the Mayor or Treasurer/Collector have to approve the agreement or does the Department negotiate an agreement and that it is.

Attorney Buffington said they are the licensing authority on some things.

Councilor Croteau said that the biggest sum of money that would be on the table is property tax, so as far as issuing a permit is concerned the Treasurer/Collector has no authority over issuing the permit. Attorney Buffington said the statute specifically states that the Treasurer/Collector shall have the right to intervene in the hearing. Councilor Croteau asked if the Treasurer/Collector intervenes, does that mean the Treasurer/Collector can say no to the issuance of a permit. Mr. Buffington said no. Councilor Croteau clarified that the Building Department could issue a permit even if the Treasurer/Collector intervenes and does not want them to do that.

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Councilor Carr said that it does not seem right that Commissions or Department Heads should be deciding what someone will pay for a payment plan. She asked if it could be made part of the ordinance that the Council has to approve any payment plan, or at least give the Council final approval. Mr. Buffington said he would look into this.

Councilor Carr noted that the last paragraph mentions several licenses that you cannot revoke like a marriage license, but there was one that says clubs, associations dispensing food or beverage licenses, does that mean if someone owes a bar and owes the City \$50,000, the City cannot revoke that license.

Attorney Buffington said whatever license is issued pursuant to Chapter 140, section 21e, whatever license that might be, this procedure does not apply to that. The Legislature created a list of about 9 licenses and permits, that you cannot deny based upon non-payment. He further added that the Council has the authority to add additional licenses that it would like to be exempt from this procedure

Councilor Croteau said that leaving this up to the individual Department Heads, you could have numerous agreements going on and they would not be subject to an override by anyone.

Councilor Carr said from the beginning her first thought was she doesn't know why the state wants to get involved with local licenses and permitting, but she thinks that our licenses and our permits are our licenses and permits so we should be able to do what we will with them. But since we do have to follow the State law, right now there is an ordinance, but she would like to include in that ordinance the right of the City Council to approve all payment plans.

Motion: To refer to the Law Office for comment in 2 weeks whether it can be added to the ordinance that the Council have the right to approve all payment plans.

On discussion, Councilor Cleary said it sounds like once the Treasurer's office issues the consolidated master list of people who owe money, he would say that each Department Head can issue a license or not issue a license, so he does not want to go down the road if someone owes the Building Department some money and they deny it, you would have every one of those coming here to the Council. By having the law and by having the published list, and to say that everything has to come back to the Council might become an issue. He thinks a payment plan is normally developed in good faith between departments

Councilor Quinn said she is not sure she wants each independent Department Head making the decision on a payment plan particularly in the case where one Department might be deciding on a permit where money is owed to another City agency or Department, but she is not necessarily in agreement that they should come back to the Council. Wouldn't the natural person be the Treasurer/Collector, someone in our financial department to say they owe \$50,000 so I am not accepting \$20 a week payment. Make it be reasonable, so the Department Heads are accountable, but with the approval or at least in conjunction with the Treasurer/Collector's office, someone with financial knowledge. We are going to have a list but the money may not be owed to the Department or licensing agency that is about to issue the license.

Councilor Pottier said it might be a good idea to have a boiler plate agreement. Rather than have each one come back to the Council have the Treasurer/Collector come back with a plan for the Council's approval. He would not want 4 or 5 different Department Heads to come up with 4 or 5 different mechanisms for which to run the payment plan. If it is satisfactory to Council

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Carr, rather than have each one of them come back to the Council, perhaps on a yearly basis have whatever plan or mechanism that is drafted up by the Treasurer's Office come to the Committee for ratification or authorization, have that go out to the different Departments and say that these are the plans that will be enacted, so that it is uniform across the City.

Councilor Carr said that she could agree with something to that effect, but maybe more like a timeline such as all monies owed will be paid within 6 months or something like that, and it doesn't matter if you owe \$5,000, \$10,000 or \$50,000. If everyone in the City paid their taxes when they felt like paying them and got on a payment plan we would all be in big trouble. People know that this money is due and if they do not pay it is their responsibility to take care of it. She would feel better with, and will not go along with every Department Head making their own payment plan, and it would be better to say to the Department Heads make your plan to be paid within 6 months, whatever you owe pay it within a 6 month period or a year, whatever the period might be. She would say no more than a year, but she would like to see it more like a 6 month period before they get their permit.

Councilor Pottier noted that the City would become their bank because it would be an interest free loan to pay their taxes, so he would hope that whatever plan was drafted that it would say plus customary interest.

Attorney Buffington said that this is not an interest free loan, there is interest on taxes that is due and frankly this works better for the City. He also said we have good Department Heads and you have to give some discretion to the Department Heads. He also said it is not realistic that a Department Head would enter into an agreement that is not beneficial to the City.

Councilor Croteau said that the property taxes are probably the highest amount and that is the major concern for him. He is concerned with permits being issued when that person owes thousands in property taxes.

Councilor Carr said that perhaps, since there are a lot of questions, this could be revised in 2 weeks and get some answers as to what can and cannot be put into the ordinance. Again, this only applies to people who want to get a permit or license of some sort, so if somebody owes the City real estate taxes and isn't looking for some kind of license or permit, this is not going to do much good. For the people who come in looking for permits or licenses, at least this is a start to get some of the money back, and she feels that there needs to be a date certain, 3 months, 6 months, to pay the money or you don't get the licenses. If part of the ordinance can say if what is due is not paid within 6 months, then the license will be revoked, this is the easiest least complicated way to do it because this would involve the least amount of people.

The above motion was not voted on.

Councilor Carr made the following motion:

Motion: To meet again and finalize the issues with the Ordinance in 2 weeks. Also, refer to the City Solicitor if there are any restrictions on what can be put into the ordinance as far as the payment plans. Also to refer to the City Solicitor to provide a line by line process of what happens in the process. So Voted.

The City Solicitor again stated that the number one thing that is needed to get this whole process going, and he will look into all the other issues that were raised, but the number 1 thing to do is to get this list established. He further said that he does not know exactly what is going

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to go into creating this list, but he suspects it is a very labor intensive process that is going to involve numerous departments who collect money working with the Treasurer's Office, so he would ask the Council to figure out a way to get all those Department Heads working together to create the list

Councilor Croteau made the following motion.

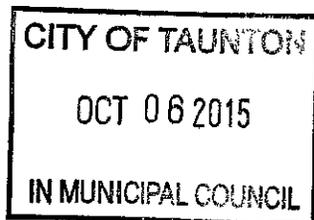
Motion: To consider placing the focal point of this matter in the Treasurer's Office and Councilor Croteau will meet with the Treasurer to discuss this process. So Voted.

MEETING ADJOURNED AT 6:39 P.M.

RESPECTFULLY SUBMITTED,,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL, QUINN AND CARR. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, KAREN ENNIS OF TRIUMPH/HEAD START, SENATOR MARC PACHECO, DAN DAROSA AND VICTOR SANTOS OF THE T.D.C., MIKE MITCHELL AND RICHARD HENDERSON OF MASS. DEVELOPMENT

MEETING CALLED TO ORDER AT 6:44 P.M.

Motion: To Excuse Councilor Cleary from this discussion as he is on the Board of Directors for Triumph/Head Start. So Voted.

1. MEET TO DISCUSS LETTER OF TRIUMPH INC. REGARDING LAND LEASE RENEWAL FOR 100 HONORABLE GORDON M. OWEN RIVERWAY

Ms. Ennis noted that there were a few slight modifications, but nothing that really changes the intent or the meaning, except that they do service infants from 6 weeks old to age 5 years old. Also, under paragraph 13 it says *a minimum capacity for one hundred fifty (150) students*, they are actually only licensed for 140 through the Department of Early Care and Education. Instead of calling it the Office for Children it is the Department of Early Education and Care. Those are the only modifications.

Attorney Buffington said that he just wanted to let the Council know the origins of this lease and how it works. He did not know about the 140 capacity because the 150 capacity he believes is directly in the Special Legislation, so he will look into that. He continued stating that back in 1991, the Legislature passed Special Legislation, Chapter 53 of the Acts of 1991, that authorized this lease and what he believes is the case is that back in 1991 there wasn't a building on this land. The City owned the land. Head Start was looking to construct a facility, so the Legislature passed this law that the City could lease the premises for no monetary consideration for an original lease term of 25 years. The lease is dated August 26, 1991. The lease will expire on its own terms on August 25, 2016. The lease states on its own terms that once the lease comes to an end that the City will own not only the land but the building and the fixtures that are on it. At some point in time the lease will end and the City will own not only the land but the buildings as well. The Legislation and the lease both authorize the Municipal Council to extend the lease. There are up to 2 extensions permitted and each one of those extensions is for a period of up to 10 years. It is his understanding that the Lessee is looking for the Council to agree to extend the lease for an additional 10 years at this time. Attorney Buffington said that there needs to be a conversation with them about insurance, but that is easily resolvable. One thing he did not know was the 140 children and he will have to look into the Legislation on that and he thinks there might be a requirement on the Legislation for 150, but he will look at that.

Councilor Quinn made the following motion:

Motion: To approve the lease subject to City Solicitor Buffington researching the number of children required.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

On discussion, Councilor Costa-Hanlon questioned the 150 capacity. Ms. Ennis said that the State Licensor comes in and licenses the classrooms for capacity based on square footage, and they do have one classroom right now that they are using as a gross motor room during inclement weather so if they had to increase the number they could use that. If the room is not licensed for 10 kids, that would be a problem but based on the square footage it should be licensed for 20 kids.

The Motion was voted on. So Voted.

2. MEET WITH MASS. DEVELOPMENT/TAUNTON DEVELOPMENT CORPORATION FOR AN UPDATE ON LAST PHASE OF THE INDUSTRIAL PARK.

Mike Mitchell reported that construction and demolition is going on, and they have sold out the entire park with the exception of one lot that is a 4 acre parcel – the rest has either been sold or is currently under agreement. That is about a total of 154 developable acres sold or under agreement. The largest purchase was by the Martinetti Company, which purchased 115 acres. Their construction is well under way. The next part they will be working on is the Business Park which is a total of about 50 acres of which 43 acres are developable, about 6 developable lots. They are currently master planning that area now. She also said Dever Drive is being constructed off of Bay Street and will be complete by June of next year. That will include a traffic signal at the entrance, a new sewer pump station and a new memorial garden. One of the exciting portions of the plan, is that as you enter the park, there is a little over 4 acres which is designated as the Life Science Education and Training Facility. This was put in Legislation by Senator Pacheco and continues to move forward. They recently completed the feasibility study on that which has come back. Regarding the demolition, they will be finishing in December for the Martinetti site and in the spring they will be demolishing 3 more buildings. Demolition is well ahead of schedule, infrastructure is right on schedule to be complete and they are excited to move into this next phase of the Business Park.

This Business Park will be established separately from the Myles Standish Industrial Park because they are not looking to attract industrial users; no large trucks will be allowed on the road. They are looking at coming back to the Zoning Board and the Council for a zoning change. The park has been very successful and hopefully they will finish up in the next couple of years. Councilor Pottier noted that the Council needs to look at other amenities in that part of town as the nearest gas station is in Raynham. They need to look at other supportive businesses in that part of the City, other things that might be beneficial to the employees that will now be coming through town.

Councilor Quinn asked if the Business Park is currently zoned industrial so is that why they will be looking to come back for a zoning change. Mike Mitchell said yes.

Councilor Costa-Hanlon noted that there is some development close to the water and asked them to speak about green scape and keeping a sense of the wooded space.

Ms. Mitchell said there is a storm water pond and conservation restrictions on part of the property. They are hoping that the business park will have a view of Watson's Pond.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

Senator Pacheco said that the State Legislature protected the buffer all around Watson's pond. There will be a bike way and pathway to be created in that area. This is set forth in the Legislation. They are keeping as much of the natural vegetation as possible.

Council Carr asked what if any type of passive recreation things were going to be put in. She said the Council was told at one time that it was in the plans to have a bike and walking path around the pond and when this land was originally rezoned to Industrial and turned over to the TDC, it was said that there would be a pathway along the edge of South Boundary Road. There always was a walking path when Dever was there that followed behind the Dever homes and into the Dever land, and it went all the way over to where Sullivan Tire is now, in that area. The people in that area use the Industrial Park as a place to go for their passive recreation, walk their dogs through the old Dever Property. However, now it is pretty much blocked off with the Martinetti Construction. The paths have all been blocked off and destroyed. Is there a plan to do some type of a walking path along the outside of the park?

Ms. Mitchell said Martinetti owns their property and they would not be encouraging people to walk near there for safety reasons. It was stated that there are plans in the future for DCR to do walking paths along the water.

Councilor Cleary asked how many jobs were in the Industrial Park.

It was stated that Myles Standish Industrial Park has about 6300 jobs and Liberty and Union Industrial Park has about 850 and they expect another 1500 coming in with the expansion. It was also stated that the assessed value of the Myles Standish Industrial Park is in excess of \$278 million yielding over \$9 million in real estate taxes and that does not include personal property taxes or excise taxes. The Liberty and Union Industrial Park property is assessed close to \$64 million and brings in an excess of \$2 million.

Senator Pacheco said that the Legislation was set up to create jobs and bring in additional tax revenue. He also noted that the Industrial Park has one of the highest occupancy rates in New England. Less than a year ago the vacancy rate at Myles Standish was close to 10%, but with the acquisition of the old Chadwick's building by the Boston Globe, the rate has reduced. Myles Standish is one of the largest Industrial Parks in New England.

Councilor Carr asked if there were any plans for sidewalks in phases 1, 2 or 3 to which the answer was no. She also noted that the traffic in the industrial park at certain times is bad, so are there any plans to increase the exits and entrances at the park. It was stated that they will be doing some mitigation with the entrance to the park.

Councilor Carr asked now that the tribe has had the land at the Liberty and Union Park taken in trust, how does that work, they had some kind of hold on the land at one point. It was stated that they had an option.

Now that the Department of Interior has decided that they are a tribe, and the Department of the Interior is actually the entity that will buy the land and put it into trust and allow the tribe to use it to build a casino, hotel, water park, that type of thing. The land in Mashpee that was also put in trust is going to be tribal land and that is where the reservation will be. They are anticipating that the closing is imminent, but they do not know when it is going to happen. They are waiting.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

The total number of acres is 89 with about 53 upland, plus the TDC did build O'Connell Way, but again they are not going to use it as a roadway, it will all be turned over to them. It was also noted that when the money comes in it goes to the TDC as they have a mortgage outstanding on the property, they have mitigation, they have agricultural land that they have to replace, so there is a lot of demands on those funds.

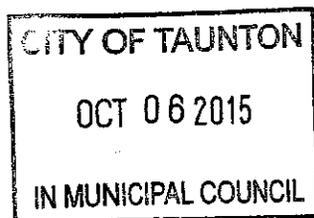
Motion: To thank and excuse the parties. So Voted.

MEETING ADJOURNED AT 7:31 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 6, 2015

THE COMMITTEE ON SOLID WASTE

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, CARR AND COSTA-HANLON. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON, ASSISTANT CITY SOLICITOR DANIEL DE ABREU, DPW COMMISSIONER FRED CORNAGLIA AND ADAM (FRANCIS) YANULIS OF TIGHE & BOND

MEETING CALLED TO ORDER AT 7:39 P.M.

1. MEET TO DISCUSS AMENDMENT TO LANDFILL OPERATIONS AGREEMENT

The Chairman stated that Attorney De Abreu drafted an amendment to the landfill agreement which calls for a potential expansion to the landfill and asked Attorney De Abreu to walk the Committee through this amendment.

Attorney De Abreu stated his office was tasked with negotiating a contract with Waste Management, bringing it to the Council for approval. What was provided to all Councilors is the product of a vigorous negotiation. They did enlist consultants to successfully negotiate with Waste Management from Tighe and Bond, who joined them at the negotiating table. They thoroughly vetted the existing agreement and the proposals relative to the expansion and continued operation of the landfill. They did explore other options and based on that Attorney De Abreu feels confident in ensuring the Council that the contract he is asking to be approved is an excellent deal for the City. As a starting point, the continued operation of the landfill has many benefits to the City. It relieves the City of the cost of transporting and disposing of its solid waste and also it provides a source of revenue. This agreement calls for a vertical expansion of 40 feet to the existing permitted height of the landfill to 260 feet mean sea level. If that expansion is obtained, Waste Management warrants that the landfill will remain open to the City for its solid waste disposal until at least June 30, 2019. Waste Management has proposed to keep the existing benefits including the 18.2% royal fee and tipping fees, free disposal for the city, contribution to the neighborhood aesthetics mitigation fund, the payment for the salary for the Board of Health Compliance Officer and in addition there are new benefits. Currently Waste Management works with the Board of Health and pays up to \$10,000 to fund an outreach program. It is his understanding that in reality the amount that has been expended and therefore paid by Waste Management is in the neighborhood of \$8,000 to \$8,500 a year. In the new agreement Waste Management will make a payment to the Board of Health in the amount of \$10,000 for the Board of Health to use for its outreach program, allowing the Board of Health to realize the full benefit of that potential. Another benefit under the new contract would be that the City would be permitted to contract with the Water Solutions Group and to permit the Water Solutions Group sludge, which is a sludge cake, to be disposed of at the landfill and there would be a 50/50 split of the fees from that disposal. There is the ability of the City to dispose of its water treatment sludge at the landfill up to an average of 900 tons per year. There is additional funding for 4 years that the City could use to fund a Compliance Officer, there would be funds available for 4 years that the City could use to fund a scale house monitor and Waste Management will accept We Care glass residuals at no cost.

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THE COMMITTEE ON SOLID WASTE - CONTINUED

Other changes involving the residential drop off center under this agreement, the people utilizing the drop off center would not notice any difference, but what would happen to the item after it is dropped off, in terms of paper, cardboard and comingled containers We Care would transport those items from the residential drop off center to its MRF on Mozzone Boulevard, then the City would have the potential to benefit through its revenue share with that. In terms of e-waste, which is televisions, computer monitors, etc. presently City residents can dispose of e-waste at no cost at the landfill. This is apparently and the suspicion is that this is being abused. This is apparently the only location in the immediate area where that is available for free and the amount of e-waste coming in is far in excess of what might otherwise be expected. To protect that benefit from being abused, the proposal is to initiate a sticker program wherein households would be permitted to dispose free of charge, 1 e-waste item per year. Otherwise the e-waste would be accepted at the landfill with payment of a fee. The maximum fee would be \$12 for larger items and \$7 for smaller items.

The numbers are provided in the letter, but the estimated total benefit in cost avoidance and revenue through the continued operation of the landfill under this agreement is estimated to be over \$3.3 Million per year.

Motion: Letter and Memorandum of Attorney De Abreu to be part of the record. So Voted.

Councilor Marshall questioned the height again.

Attorney De Abreu said the agreement would be to design, permit, construct and operate a landfill from 220 mean sea level to 260 feet mean sea level. It is a 40 foot expansion.

Councilor Marshall asked what the landfill is currently at, and it was answered that it is approximately 200 feet mean sea level now.

Councilor Carr stated that it is her understanding that the Board of Health has to approve this, and if they do not approve it, it doesn't happen. The Council approval is not the final approval. She asked if the Board of Health had approved this yet, to which Attorney De Abreu said they have not. Assuming that the Council approves this agreement, then Waste Management would have to obtain all necessary permits and approvals and that would include the Board of Health. Councilor Carr asked if there is a limit on the amount of outside waste that can come into the landfill, in other words, it is saying that they are guaranteeing this until June of 2019, right now we are almost in 2016, there is still capacity there now, so are they allowed to bring in whatever they want.

Attorney De Abreu said there is an annual limit that they are not allowed to exceed.

Councilor Carr asked other than e-waste, there were no other things removed from what the citizens normally have access to do. Is there anything else that people are not allowed to dump there now or is the number of bags changing. Now we have a bag a day for elderly. That is still the same, only the e-waste has changed?

Attorney De Abreu said that is correct. The other items that this agreement addresses have to do with yard waste and paper, cardboard, comingled containers, but that wouldn't have any effect on the residents. It deals with what happens after the stuff gets dropped off.

Councilor Carr said she read something in the agreement about yard waste and possibly the City

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THE COMMITTEE ON SOLID WASTE - CONTINUED

would take over the yard waste part of it.

Attorney De Abreu said if the City were in the future to accept responsibility for the disposal of the yard waste, then it would be an additional fee payment made to the City. However, people can still bring their yard waste to the landfill as they do now.

Councilor Costa-Hanlon said that she is concerned with the e-waste being taken off the table. The agreement for this was negotiated in good faith, it was agreed to and she wants to further discuss this. She also said that she read the Ensol report dated September 11, 2014.

Motion: To make the Ensol Report part of the record. So Voted.

She said that there were 4 recommendations in the Ensol report. They are (1) use the current negotiations for a landfill height increase to capture additional value from Waste Management contract and correct any ambiguities in the contract with regards to the promised services and post closure costs. She asked Attorney De Abreu if he felt confident that the agreement addresses this.

Attorney De Abreu said Waste Management will, as is in the existing agreement, implement closure and be responsible for 1 year post closure costs.

The second is to negotiate with Waste Management to reduce their tonnage rate to extend the life of the landfill giving the City the maximum value of the facility.

The third is to consider a horizontal expansion of the facility to provide the City and local communities with long term disposal capacity and provide a source of revenue to the City for the foreseeable future. An application to Mass. DEP for a waiver will likely be needed. She asked if this was addressed in the amendment.

It was stated that a horizontal expansion was not considered given the footprint and setbacks. Also the state has not been approving these expansions.

Councilor Costa-Hanlon said that as we sit here right now, the City does not have a site assignment anywhere else for solid waste to go anywhere in the City. There is nothing in the works.

The 4th recommendation is to prepare the need to transfer waste to give the City flexible disposal options once the landfill has closed. This is her biggest concern. Many Councilors sat on this Committee and thought there was going to be a permanent solution going forward and for whatever reason that is not where we are right now. This is disappointing because a lot of time and money was spent on a more permanent solution that we do not have right now. She asked if there was anything here that would help the City reach this. This is the most important issue – we need a long term solution.

Attorney De Abreu said these need to be addressed, and this agreement will give the City the time to address them. With respect to the other agreement, the consensus here is that even if there was an existing transfer station now ready to go it would still be in the City's financial interest to use the landfill for as long as possible. It is not necessarily that it is a forcing of the hand because of the non-existence of another site assignment, he thinks the consensus is that this will still be the better financial choice for the City. In terms of solutions post landfill, there is still the existing Taunton/We Care document. That document is heavily centered and based upon the use of Attleboro Junction site, so that will need to be addressed with We Care. They have been in communication with We Care, and they are arranging to have a meeting

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THE COMMITTEE ON SOLID WASTE - CONTINUED

before the end of the month to determine post landfill what the City's options are.

Councilor Costa-Hanlon said she was hoping that this document could also address how the city is going to move forward. She suggested shifting some of the money in the agreement to fund a position in the DPW that would be specifically someone dealing with solid waste issues and a long term plan for our solid waste disposal because as we sit here right now we do not have that. For the City to be proactive on this we need someone to be working every day in this City to address this problem. Everyone here thought 4 or 5 years ago that we would have a long term solution for our solid waste

Councilor Pottier said that he thinks the long term solution the City had is still a backup plan would be a transfer station to truck it out of town at a cost of \$2.9 million a year and \$50 a ton added to our cost. He thinks the reason why that plan is not coming to fruition is because we have this opportunity to extend. If this is voted down and the landfill were to close in a few months he absolutely thinks Plan B would be followed through. He further said trying to assume that we have no plan long term is a misstatement of fact because there is that contract on the table. The reason why we do not have to go that route and take on the extra expense is because of this opportunity to fully utilize this asset to the City to the benefit of the residents of the City of Taunton.

Councilor Quinn said that the original contract that was being proposed for many years only terminated within the last couple of years. This position is not a great position to be in, to have to extend the height of the landfill and is not what she thinks any of the Councilors want except from a financial point of view, but it is needed. We do not have another plan in place and we do have some back up plans that could be available, but the most important thing for the Council to do from here on end is to know, going forward, to get a new plan in place. This is the way the City has to go at this point, so that the City is not implementing a program to dispose of our trash under the gun to do so. This gives the opportunity to take some time to figure out what the best plan of action will be to dispose of our trash at the least cost to the City. It would be great if it was at no cost to the city, but there are a lot of options out there. She also said that she feels there is not enough money in the agreement to properly fund an employee of the DPW with expertise in this area. She also feels that Attorney De Abreu had a good point when he spoke of meeting by the end of the month with the representatives of We Care and some of the other players to get on the road to establishing what our plan will be. Councilor Quinn further stated that regarding the e-waste, it sounds bad to say that you can only dispose of 1 item of e-waste per year at the landfill which is not the way it is now. She thinks it is important for people to realize that it is being abused. It is being abused by out of town people who happen to know someone in the City. We have to pay to dispose of all of those things so by charging a minimal amount for those extra ones, it prevents people from other cities and towns around the area who charge for their disposal from bringing them here free of charge and filling our landfill with them at an expense to the City. This is a problem so she is ok with charging the extra money for the e-waste.

Councilor Quinn asked why the City would want to take on the yard waste.

Mr. Cornaglia said now the yard waste goes to the landfill, they bring it to the top of the landfill. It was in discussion that this is taking up valuable space at the landfill just disposing

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THE COMMITTEE ON SOLID WASTE - CONTINUED

of yard waste which could be composted. We can save the space that the yard waste was taking and it is a huge amount of tonnage.

Councilor Quinn said she would strongly promote the meeting with We Care and the other Players. If we move forward with this expansion tonight, also make a conscious effort and maybe even meet with the Committee in 6 months for a confirmed status on where we are going with the disposal.

Councilor Marshall said that he is a little confused about the discussion on a permanent solution to our solid waste disposal, because he thought a 3 party agreement was negotiated between the City, We Care and IWT with each entity having certain responsibilities and that if one entity was unable to fulfill its responsibilities then the other 2 entered into an agreement that would move forward. We all know that IWT was not able to fulfill its obligation under the agreement. So it is his understanding that the contract with We Care and the City of Taunton is still in full effect. It not only discusses a permanent solution but it envisions a permanent solution to our solid waste. He feels that the Committee should get an update on the timelines that were established in that contract and see exactly where We Care is performing, how they are performing in meeting those deadlines. There were certain triggers that were negotiated and put in that contract and let's see where we are.

Councilor Marshall made the following motion:

Motion: That the Committee be provided with an update on the timelines and deadlines in the contract with We Care in one month.

On discussion, Councilor Costa-Hanlon said that she thought the Attleboro Junction site was not going to work. She thinks that is why there is no site assignment. She said discussion can take place about what is in the contract but until there is a site assignment there is no long term solution to the solid waste.

Councilor Marshall said that he does not remember a discussion in this Committee that the Attleboro Junction site, better known as the Alec Rich site, was officially off the table. He further said there must be some clause in that contract that gives the City some relief if they cannot do that, there has to be some damages or penalties or something that says we can't do it here but this is going to happen. He feels that is where the update is going to come in. It is somewhat fair to say we don't have a solution until we have a site assignment, but the City needs to hold the contractor that the City signed an agreement with to their end of the bargain, so if the Rich site is not possible, we need to know that now and get relief and also move forward.

The above motion was clarified by Councilor Marshall:

Motion: To get an update from the Law Office as to where we are in the timelines that were negotiated and signed with the We Care Agreement and the City of Taunton. So Voted.

Councilor Marshall also stated that he has concerns with the cap and closure of the landfill. We should have a plan for this cap and closure so he would like for the Committee to start to have some of those discussions sooner rather than later. In addition to that, regarding the parts of the existing landfill that are already capped and closed, he has concerns with the maintenance of those areas right now, the lack of upkeep. These areas are not maintained, they are not

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THE COMMITTEE ON SOLID WASTE - CONTINUED

mowed, and it seems there is no maintenance done on the part of the landfill that is capped and closed. It should not be just growing wild.

Councilor Costa-Hanlon said the idea for the person at the DPW based on the amount of money was something she discussed with the DPW Commissioner before she brought it up. Mr. Cornaglia said they could possibly get a retired DEP employee for the approximately \$45,000, and further, he said that they were notified today that they got a \$35,000 grant which would be for solid waste and is related to recycling. They do have an opportunity to work through the Mayor's office to possibly get a person in. He also said that you do not need a scale monitor. Councilor Croteau stated that he would like Kevin Duquette of the Board of Health to provide a report on the air quality, and to also inform the Council whether there has ever been an air quality check. He wants to know when, if ever an air quality check was performed when people were complaining about the odor. He also wants Mr. Duquette to advise the Council as to how the trash is checked as it comes in, not for weight, not for money, as to whether or not there are contaminants in that trash that should not be there. What is the process?

Councilor Costa-Hanlon made the following motion:

Motion: That Mr. Duquette of the Board of Health provide a report on the air quality, when if ever an air quality check was performed when people were complaining about the odor. Also, Mr. Duquette is to advise the Committee as to how the trash is checked as it comes into the landfill as to whether or not there are contaminants. What is the process? He is to provide this information in 2 weeks. So Voted.

Councilor Croteau continued saying that he would like to know if we approve 40 feet, and agrees this is the least expensive way of proceeding, what is the life expectancy of the landfill. Attorney De Abreu said it would be guaranteed through June 30, 2019, but it depends on the volume received each year and amount of settling that may occur.

Councilor Croteau said he has figures from the Board of Health that in 2013 the landfill height was 194 feet, it is averaging an increase of 3 feet a year, so unless the plan is to bring in large amounts of trash so it should last longer than 4 years. He wants a target date. Also, as far as closing is concerned his understanding prior to this was Waste Management is responsible for the entire cost of capping. He thought it was a lot longer than 1 year after, so if the City is going to be responsible 1 year after, what is it going to cost the City to maintain after that 1 year. He also said that he is not sure why the Alec Rich property is not usable as there are 12 acres of usable land on that property. He is not sure why it has been said that it is not usable. It has access to the rail. He also said that the Rich property backs up to Taunton Development Corporation land, so why can't the City get more land from them if needed. Councilor Croteau said he does not think that you will be able to hire someone with expertise for the \$45,000. He wants information on a realistic closing date for the landfill.

Councilor Borges said that she is confident that the City has done an excellent job regarding the expansion and that the Law Department has negotiated the best deal for the City. She also does not believe that you will be able to get someone for \$45,000 with the level of expertise needed on this matter. She is comfortable with the Law Department meeting with the representatives

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THE COMMITTEE ON SOLID WASTE - CONTINUED

to get an update and permanent solution and bring that back to the Council.

Councilor Cleary said that he has frustration with We Care. They came up with a plan and it is not done yet. He is concerned with the single e-waste item issue in the new contract.

Councilor McCaul said that the neighbors have been hearing the landfill is going to close for a long time and now they have a date certain. It will cost a lot to take the trash out of the City and will cost the taxpayers a lot also. But, we have a date of June 30, 2019 so now we can work on this issue and get the job done. He said the City needs to stick with this date certain.

Councilor Croteau said that he does not think there should be any misunderstanding that the 2019 date means that the landfill is closing. If it can go a few years beyond that, as far as the entire community is concerned; this is the least expensive way to go. There are some problems with the odor, but addressing this would go a long way. People must remember that we are not paying anything to dispose of trash now. He also said that he would like serious consideration for the services of Tighe and Bond to look at the We Care Contract.

Councilor Marshall said he wants everyone to know before the Committee votes on this tonight is that June 30, 2019 is not the date that the landfill is going to close. It is not a date certain, it is a date certain that it will stay open at least until that date and may very well operate into the future depending on a whole host of variables that nobody in this room can predict or control, such as the amount of tonnage, the amount of settling, the amount of stuff that can be taken out of there such as yard waste. There is no way to predict a date for closure and he does not want anyone at home to be misled that there is a date certain that the landfill is going to close. That is not true, that is not what is in the contract. June 30, 2019 is a date certain that it will operate until, but there is no date certain for it to close.

Councilor Costa-Hanlon stated that the items that she sees in this contract that she would like this Committee and the Council as a whole is to consider funding going to Mr. Cornaglia, because despite what she heard from Councilors, she deferred to the DPW Commissioner about his ability to find someone for this position. No. 7 where it says \$10,000 for a 4 year period to use for the funding of a Compliance Officer is not Mr. Duquette. His funding is in the original agreement and this has nothing to do with him. Is that correct?

Attorney De Abreu said the \$10,000 does not refer to Mr. Duquette. She asked the Committee to consider deferring to Mr. Cornaglia regarding this position and give him the opportunity to find someone by changing Section 7 to say *for the City to use for the funding of a compliance officer or at the discretion of the DPW Commissioner as would deem appropriate*. This would give Mr. Cornaglia the ability to hire someone that is needed desperately to work on solid waste issues. She continued stating that similarly in No. 9 where it talks about the resident drop off and the \$15,000 a year, if we are able to take the yard waste out then it would go up to \$30,000 she would again ask the Committee and the Council to consider giving those funds at the discretion of the DPW Commissioner so that he may be able to find someone because he feels confident and she feels confident that he would be able to find someone with the background and technology and the expertise to help us move all of these issues forward. These are the 2 things that she would ask the Committee to consider so that it gives Mr. Cornaglia, as the DPW Commissioner the ability to use those funds so they don't just go into the general fund. Just like the funding for Mr. Duquette goes specifically to the Board of

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THE COMMITTEE ON SOLID WASTE - CONTINUED

Health. At this point in this contract the Council needs to start thinking about the help that is needed on the DPW side because the Board of Health side of dealing with the landfill and waste issues is certainly different. If the DPW Commissioner cannot find anyone then it would revert back to what it says in the contract. She feels that there should be some comfort level for the residents of the City that money coming in from this contract will go back to the DPW relative to solid waste issues. These are her suggestions, to change these 2 items so that those monies don't go into the general fund, that they are at the discretion of the DPW Commissioner for him to use relative to moving forward with the solid waste permit and solutions.

Councilor Marshall said that he is open to the suggestion but tonight is not the night to do this. This contract could be approved tonight. He also noted that the contract says the City can use those funds in any manner it deems appropriate so he does not think the contract needs to be amended. He does think this would be an appropriate discussion to have at a later date when the Council has more information about a potential job descriptions, will it be a COTMA position, is this person going to be a consultant or an employee, he feels that those are questions that need to be answered. He feels that Mr. Cornaglia should bring back information and also if this is going to be a City employee then you would have to factor in the cost for benefits.

Councilor Carr said that if we leave this contract to say as the City sees fit, the Council cannot appropriate funds. So, if the Council decides 3 or 4 weeks from now that the money should go to the DPW Commissioner for him to hire somebody, that cannot happen as the Council cannot appropriate the funds. She feels this has to be taken into consideration when voting on the contract.

Councilor Costa-Hanlon made the following motion:

Motion: To approve the contract with wording for paragraph 7 that includes that the \$10,000 could be used by the DPW at their discretion, with consultation with the Mayor for a position related specifically to addressing solid waste issues in the City and also that No. 9 be amended to say the same thing, that it would be sent to the DPW Commissioner with consultation with the Mayor to be used for a position relative to reviewing the solid waste in the City.

Councilor Carr seconded the motion and on discussion stated if we are going to put "with consultation with the Mayor" then it is kind of a moot point because that can happen regardless. You can make it part of the motion that it is recommended to the Mayor that he speak with the Commissioner about it, but she does not see what this is going to do.

Councilor Costa-Hanlon amended her motion and took out the statements "with consultation with the Mayor" and to just say go to the DPW to be used for position relative to addressing solid waste issues in the City.

City Solicitor Buffington respectfully requested that the Committee not pass this motion and, to if it is otherwise inclined, to approve the agreement as it is written. What is in paragraphs 7 and 9 is the contractual obligation by Waste Management to pay certain sums of money accompanied by expression of what the City's intent is to use that money. We cannot subvert Municipal Finance Laws by a contract. Municipal Finance Laws stay in place and regardless of what the contract is saying, that money is going to go into the general fund. In order for that

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money to be spent the Mayor is going to have to recommend an appropriation of that money to the Council. At that time the Council can either choose to approve or disapprove of the appropriation. But you can't in a contract say we are going to create a fund that only some certain City official is going to be allowed to decide how it is spent.

Councilor Costa-Hanlon asked how this has been working with Mr. Duquette's position, and Attorney Buffington said the money is used to offset his salary. Councilor Costa-Hanlon said she is just saying to do the same thing. What we are doing with Kevin Duquette's position is not circumventing the procurement laws, what she is recommending is not going to circumvent the procurement laws either.

Councilor Costa-Hanlon amended the Motion as follows:

Motion: **However the wording is used to finance or to fund the position for Mr. Duquette, would be the same wording to use to fund the position in the DPW relative to addressing the solid waste issues in the City.**

The Motion was voted on with Councilor Costa-Hanlon voting in favor, Councilors Pottier, Quinn, Marshall and Carr voting in opposition. Motion does not carry.

Councilor Marshall made the following motion:

Motion: **To approve the contract as presented.**

Councilors Pottier, Quinn, Marshall and Carr voting in favor, Councilor Costa-Hanlon voting in opposition. Motion Carries. So Voted.

Councilor Marshall made the following motion:

Motion: **To instruct Mr. Cornaglia to work with Mr. Yanulis and the Mayor's Office to bring back in one month the proposed job description, the salary, this type of information.**

Councilor Quinn seconded the motion on discussion. She stated that right now it is \$25,000 it only goes to \$45,000 if the City accepts the yard waste. She agrees the position has merit, but also feels that \$25,000 is not enough and the Council is going to need assistance from the Mayor and another source also.

Mr. Cornaglia said they did receive a grant today so he would have to work with Attorney De Abreu to see if this can be used towards this position.

The Motion was voted on. So Voted.

Councilor Marshall made the following Motion:

Motion: **To request an update as to the reasons why we cannot maintain the capped portions of the landfill in one month. So Voted.**

Councilor Costa-Hanlon said she had one question about a provision in the 7th amendment that requires the City and Waste Management to develop a process by which the Board of Health for the City shall be able to determine the identification and registration of the commercial haulers that utilize the public ways in the City of Taunton to access the Town of Raynham Waste Management. This was a requirement in 2004 relating to the use of our City streets when Waste Management developed the Raynham site. She would like an update from the Board of Health as to whether we are doing that.

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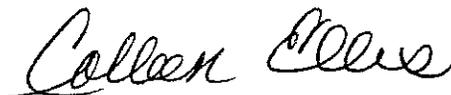
THE COMMITTEE ON SOLID WASTE - CONTINUED

Motion: To receive from the Board of Health as to whether the Board of Health is determining the identification and registration of the commercial haulers that utilize the public ways in the City of Taunton to access the Town of Raynham Waste Management site. So Voted.

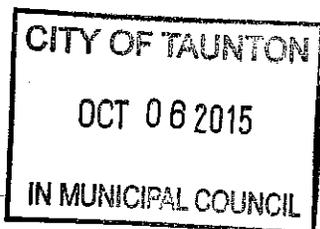
As a point of information Councilor Costa-Hanlon said this was originally supposed to go in Council as a Whole, that was the original motion made on February 3, 2015. The expansion of the landfill was taken out of Solid Waste Committee and put into the Council as a Whole.

MEETING ADJOURNED AT 9:13 P.M.

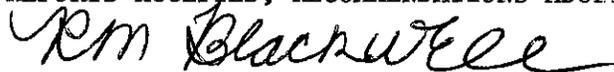
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK