



City of Taunton
Municipal Council Meeting Minutes

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Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, October 13, 2015 at 8:50 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, Pottier,
McCaul, Quinn, Carr, and Borges*
Councilor Croteau was absent.

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

Hearing:

On the petition submitted by Joseph H. Rose and Melinda Castle, 377 Tremont St., Taunton for an Earth Removal Permit for the removal of non-native materials (trash) located on the parcel of land on School Street, Pit No. 87, Assessor's Reference Map 47, Lot 204, Taunton in order to construct a residential dwelling. **Council President Borges made a motion to open the hearing and invite the parties in. So Voted.** Com. from City Engineer submitting recommendations and conditions. He stated that the lot is small (5,000 sq.ft.) and the quantity of earth removal is correspondingly small (850 cu.yds) as well. It is anticipated that the duration of the work will not exceed one week. The application was forwarded to the Safety Officer and the Planning Board for their comments. A Subsurface Investigation was conducted by a qualified Environmental Professional (§312.10 of 40 CFR 312), and no hazardous materials were discovered. The applicant filed a Notice of Intent with the Taunton Conservation Commission and has received an Order of Conditions for the proposed work. There are no other permits required at this time. The Earth Removal Board met with the applicant on site on August 18th, at which time the board voted to recommend approval of the application with conditions. Seven standard conditions and ten additional conditions were then listed within the letter. **Councilor Costa-Hanlon motioned to make part of the record. So Voted.** Joseph Rose, 377 Tremont Street and Mark Slusarz, City Engineer were present to speak at this hearing. Joseph Rose stated that about a year ago he submitted a proposal to the Council. He passed out a proposal to the Councilors. **Councilor Costa-Hanlon made a motion to make part of the record. So Voted.** Mr. Rose stated that the reason he needs to remove all of the material from the lot is because it was illegally filled in by the City's trash collector with Municipal trash in the 1940's. When the trash collector got caught he came to the Council seeking relief. He was told by the Board of Health that he couldn't dump there anymore and the City Council voted to authorize him to continue to dump illegally. He stated that they sent him a letter to that effect and Henry Galipeau was the City Clerk at the time. He has copies of all of this documentation from the Board of Health files. He stated that it went on for another nine months and in the course of the

almost four years that he dumped there, 2.5M cubic feet of Municipal trash was dumped on the site. The site encompasses his lot as well as other surrounding and adjoining lots. He also owns two lots across the street which are also affected, but that is not what he is talking about tonight. He is only speaking about the small lot. He stated that after the City Council sent a letter to the Board of Health to leave Mr. John Simas alone, he continued to dump there. The neighborhood then formed an association, signed a petition and went before the City Council. They also petitioned the Bristol County Commissioners for relief from the 2.5 million cubic feet of trash that was illegally dumped on the end of School Street. He stated that there was a huge meeting in February of 1949 and the City Council forbid John Simas to dump trash there anymore and required him to clean it up. He stated that in August 1949, Mr. Simas buried some of that trash. He spoke about how the trash stayed there for 60 years and he found it when he dug into the land to put a house foundation in. He stated that after he found the trash on his land, the LSP identified it and he conducted a research project to determine how all of that trash got buried 6.5 feet deep on his lot of land. Once he found that out, he realized that he has to remove it and he is here to finish the removal permit application process and also to ask the Council for their help with four things in order to continue cleaning up this lot. 1. He needs an authorization from the City Council to dump any of the material that he takes out of there that is non-hazardous waste at the City's landfill facility on East Britannia Street as in the 1940's it was Municipal trash. 2. He would like the City Council to waive the tipping fee as it was the City's trash. 3. The reimbursement of the expenses of \$15,000 for the LSP and the engineering work that he had to do in conjunction with the trash on his land. 4. The reimbursement for the cost of removing that trash and replacing it with clean fill. He then spoke about laws in Massachusetts that regulate the disposal of trash and/or hazardous materials. He stated that it is Chapter 21(h) M.G.L. He discussed the Fed Law Title 12 of the U.S. Code. He stated that his intent is to clean up the lot and put a house on it. In order to do that he needs the City to come forth and take their responsibility. Councilor Marshall stated that he was prepared to discuss the Earth Removal Permit and not the 4 conditions that were put upon the Council. He stated that they were not advertised and he is not sure that those should even be discussed at this point. He stated that he believes that they had received the packet and it was referred to the Law Department. He believes that it was brought in as a potential claim and the Council has not heard anything from the Law Office. Although he thinks that Mr. Rose is a fine Tauntonian, at this point, it is just his opinion. He hasn't been given anything to suggest that the City has researched the claims that are in this document. He is prepared to move forward with the Earth Removal Permit although he has some questions about that. He asked how much the clean fill would cost. Mr. Rose stated that it would cost \$32,031. Mr. Rose stated that he has one more item to bring up. He stated that he is not the first person to ever bring a claim to the City about this issue. On December 5, 2000 there was an executive session where the City Council voted to award Mr. & Mrs. Louie Freitas \$36,000 to satisfy their claim for exactly the same claim that he has. He stated that the City buried the trash there; they have a moral, ethical, and legal obligation to assist him in cleaning it up. He stated that he has spoken to the City Solicitor on many occasions about this and he has been very helpful. Councilor Marshall stated that the City needs to figure out what the tipping fees would be. He isn't sure that the City has the authority to waive them or if the contract with Waste Management would allow that. **Councilor Costa-Hanlon made a motion to invite the City Solicitor into the hearing. So Voted.** Mayor Hoye stated that there are two separate issues; the Earth

Removal Permit and the claim against the City. The City Solicitor stated that he agrees with Mayor Hoye that there are two separate issues. He stated that Mr. Rose has petitioned for an Earth Removal Permit which is properly before the Council. Mr. Rose has also filed a claim against the City as is the right of any citizen. The matter is not in litigation. Mr. Rose or any citizen has the right to file any court action. He stated that right now it is a claim. He hasn't spoken to Mr. Rose in several months about this but he knows that he has this issue and intends on pressing it. He is not going to comment in open session about the strengths and weaknesses of the claim against the City. He stated that Mr. Rose has an attorney on that matter. The City Solicitor stated that his office normally does not hire outside counsel but in this matter it is in the best interest of the City to hire outside counsel with environmental law experience. He stated that both sides have attorneys handling this and the last involvement that he has had in this matter was in June where he was made aware of discussions between the two attorneys. He thinks that the Council should handle the Earth Removal Permit and let the process play out on the other matter. Councilor Costa-Hanlon asked if the claim has been submitted to the City Solicitor in this form. He stated that he doesn't know what she has in her hand but Mr. Rose has supplied numerous documents to the Law Office in support of the claim that he has made. It was all then turned over to the outside counsel. The City Solicitor stated that Mr. Rose has filed an application for an Earth Removal Permit and he would have to research what the time frame is. He stated that the City Engineer may be able to tell the Council if he knows. He stated that there are some petitions that are filed which have a timeframe in which a decision has to be rendered and if it is not, it is deemed granted. He doesn't think that the City is running up against it in the immediate future. The City Engineer stated that the only timeframes that are stipulated as far as the Earth Removal Permit goes is the three year term. He thinks prior to that, he has an order of conditions from the Conservation Commission which will expire before then. Mr. Rose stated that it will expire in 2016. Councilor Costa-Hanlon asked if the Earth Removal Permits have that kind of trigger where once someone files, the entity that is the granting authority has to make a decision or all of its terms are allowed. Mr. Slusarz stated that it says upon receipt of the application, the Municipal Council shall within 65 days hold a public hearing and based on the testimony at the hearing and the Board's recommendation the Council shall within 90 days from the date of the hearing make a determination whether such an operation is in the best interest of the City. If the determination is positive, the Council may condition the permit so to minimize the adverse impact of the operation. Councilor Quinn stated that she is prepared to move forward on the Earth Removal Permit as it was presented to the Council in the agenda without any reference to the other side issues. Councilor Marshall stated that the Council should move forward with just the permit. Mayor Hoye stated that if the Council is prepared to move forward they can but if there are several members that would wish to continue it, he would rather do so. Councilor Cleary asked if Mr. Rose wants to start the clock. If the Council moves forward with the Earth Removal Permit, one of those clocks start. He asked Mr. Rose if he wants the Council to make a decision or would he rather have the Council continue it until the other questions are answered. Mr. Rose stated that he doesn't want to make this any more complicated than it already is. He doesn't think that he wants to hold the City to any time frames right now because the trash has been sitting there for 60 years, it can sit there for another six months or so to get this ironed out. He stated that he is probably going to hold off until 2016 because he doesn't think he can get the rest of the liaison work done. He spoke to the Conservation Commission and they told him that they would

be willing to renew his order of conditions and extend the time window. He doesn't think that he can move forward unless the City cooperates with him. He thinks that the expense of it all places it completely out of his realm. He is willing to waive the time windows if the City Council is willing to waive them. Councilor Costa-Hanlon stated that the hearing has begun so the time standard has started. She stated that the options are that the Council can look at what they have now and make a decision, it can be continued or he can withdraw the application. She doesn't think it is within their power to waive anything. She thinks that once the hearing is started, something has to be done. Mr. Rose stated that he is willing to continue the hearing. **Councilor Cleary made a motion to continue the hearing and reschedule when the Council gets guidance from the City Solicitor. Councilor Costa-Hanlon motioned to refer the packet to the Law Department. So Voted.** Councilor Marshall stated that it makes sense to use this as a pre-review. He stated that he has concerns that Mr. Rose can address next time. He is concerned about the work going on until 7pm; the issuance of a three year permit when the work is only scheduled for one week, he is okay with giving them a one year permit; and he would like to know the methods that will be used to remove and store the trash and odor control. Councilor Costa-Hanlon stated that it has been her recollection that during a hearing, they ask for public input and then continue it. Councilor Costa-Hanlon stated after that she would make a motion that the complaint that was handed to the Councilors be referred to petitions so the Council receives the claims and this will become a cleaner process for this Earth Removal Permit. She thinks that it will serve everyone better. She stated that the City Solicitor has some kind of documentation so procedurally Mr. Rose has submitted his claim. Council President Borges discussed how the City Solicitor stated that he has all of this information so she thinks that he doesn't need to have it sent to him again. Mayor Hoye stated that as far as procedurally; the Council has continued hearings at any point during the hearing but he will now ask for public input. Mayor Hoye asked if anyone was present to speak in favor or opposition of this petition. There was nobody present to speak either way. Councilor Marshall stated that this should be continued to a date certain so the City Solicitor has a chance to review this and give an opinion. The City Solicitor asked, if possible, could they put it four weeks out to November 17, 2015. He stated that it will give them enough time, well within the 90 days, and he will consult with the City Engineer about the 90 day criteria. He stated that usually those windows run from the end of the public hearing, not the beginning. He stated that usually those types of timeframes are for the benefit of the petitioner, who has stated that he will waive them. **Councilor Marshall motioned that this hearing be continued to November 17, 2015 for the discussion of the Earth Removal Permit only. Motion was made to recheck the abutters list and for the City Clerk's Office to send out a continuation notice. So Voted. Motion was made to excuse the parties. So Voted.**

Communications from the Mayor:

Mayor Hoye discussed the Liberty & Union Weekend held in the City of Taunton which is always a great event. There was a big festival held last year with a parade and it was well attended. He stated that it will be starting on Thursday, October 15, 2015 with the Charlie Crowley Photographic Center announcement at 6:30pm. At 7pm, there will be a lecture on the world of department stores. These will both be held at the Old Colony History Museum. On Friday, October 16, 2015 the Liberty Libations tavern tour and beer tasting will be held at the Trescott Street Gallery. On Saturday, October 17, 2015 all

elected officials are invited to check in between 11:30am-11:45am at the First Parish Church. At 11:50am, they will gather and the procession will start and end approximately at 1pm. He stated that there will be other events such as a pie eating contest. He stated that it is always a great weekend where we celebrate Taunton's proud history. He hopes everyone can make it and enjoy it. Councilor Carr stated that the Garden Club spent an evening making beautiful wreaths out of natural dried materials like they would of back in that time. She stated that they will be at the First Parish Church between 10am-2pm.

Communications from City Officers:

Com. from Animal Control Officer requesting aide in acquiring the funds needed to purchase a new industrial washer and dryer. The cost of the equipment is \$6,045. **Councilor Costa-Hanlon motioned to refer to the Committee on Finance and Salaries. So Voted.**

Com. from Director, Human Services requesting permission to apply for a grant through the Executive Office of Elder Affairs/Service Incentive Grant Program. The proposal for the FY16 Service Incentive Grant will include funding to employ a part-time Elder Community Crisis Intervention Team Coordinator to assist our office and the community with elder mental health crises and to provide elder mental health education opportunities. **Councilor Costa-Hanlon motioned to approve. So Voted.**

Com. from City Solicitor stating that the City has contemplated for many years the possibility of expanding the city-owned John F. Parker Municipal Golf Course from nine to eighteen holes. In connection with the same, the City has recently applied with MassDEP for a water withdrawal permit. As part of the process, DEP regulations require that certain neighbors of the golf course receive a notice via certified mail. A copy of the notice, mailed to 156 property owners was enclosed along with a copy of the required newspaper advertisement. The actual water withdrawal permit application was enclosed for the Council's review. **Councilor Marshall made a motion to receive and place on file. So Voted.**

Com. from Kenneth Goulart, General Manager, TMLP submitting double pole status within the Taunton City Limits as of September 30, 2015. A document was attached which provided a summary, transfer status and respective party responsible for the transfer of double-poles as of September 30, 2015 (as compiled by TMLP). In short, the responsible parties (Verizon, Comcast, and TMLP) are now using a new database system (NJUNS) that greatly assists in the management of the double poles. Councilor Pottier stated that they had stressed that if there were any brought to their attention, particularly from the ADA, that they would move them to the top of the list. **Councilor Carr motioned to receive and place on file. So Voted. Councilor Pottier motioned to refer a double pole on Highland and Florence Street and another one further down Highland Street to Kenneth Goulart, General Manager, TMLP to put on the list for expedited attention. So Voted.**

Petitions:

Claim submitted by John Masterson, 26 Tucker Terrace, Raynham requesting reimbursement for damages to his automobile from hitting a pothole on Old Colony

Avenue near the River Bend Condominiums. **Motion was made to refer to the Law Department and the DPW. 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.

Orders, Ordinances, and Resolutions

Ordinance for a third reading to be ordained on a roll call vote

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 Costa-Hanlon motioned to move approval. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Croteau was absent.**

New Business:

Councilor Pottier stated that the second annual fundraiser for Chad Larivee will be held this weekend at the Jockey Club in Raynham. It was a huge event last year.

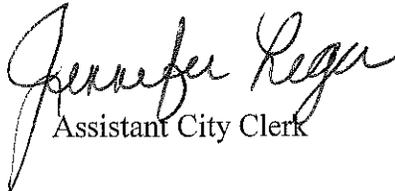
Councilor Carr stated that she received a complaint from a resident on Longwood Avenue about a trench that was dug some time ago by a private contractor to extend sewerage down the street. She was told that the trench is collapsing. She stated that she did speak to the Assistant DPW Commissioner this afternoon but would like to make an official motion. **Motion was made to refer to the DPW to take look at it. So Voted.**

Councilor Costa-Hanlon stated that someone had reached out to her regarding a small trench in the middle of Pratt Street. **Motion was made to refer to the DPW. So Voted.**

Meeting adjourned at 9:40 P.M.

A true copy:

Attest:


Assistant City Clerk

JLL/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 13, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, ACTING CHAIRMAN AND COUNCILOR POTTIER

MEETING CALLED TO ORDER AT 5:56 P.M.

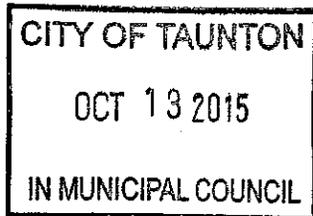
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:57 P.M.

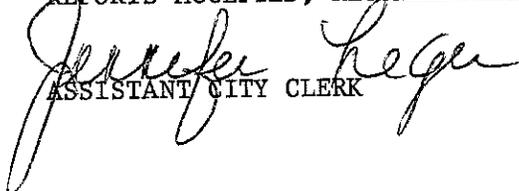
RESPECTFULLY SUBMITTED, '



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



JENNIFER HEGE
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 13, 2015

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILOR CLEARY.
ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH, ATTORNEY FRANK BIEDAK AND DENNIS BORGES

MEETING CALLED TO ORDER AT 6:29 P.M.

The Police Chief provided a letter dated 10/13/2015 which stated that the Taunton Police Department License Division finds nothing that would prevent the approval of the petitions listed as numbers 1 – 3 on the Committee Agenda, but that the Taunton Police Department License Division cannot give a positive recommendation regarding the Application for a Class II license for Dennis Borges, d/b/a Borges Auto Center, Inc., 157 Dean Street.

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF MICHAEL FLIBOTTE OF BUZZARDS BAY TO WITHDRAW FROM CLASS II LICENSE D/B/A RTE 44 TIRE SHACK, 585 RICHMOND STREET CURRENTLY HELD IN PARTNERSHIP WITH PATRICK E. FLIBOTTE AND THAT PATRICK E. FLIBOTTE BE THE SOLE OWNER OF ROUTE 44 TIRE SHACK LLC D/B/A RTE 44 TIRE SHACK**
MOTION: MOVE APPROVAL. SO VOTED.
2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF SYLVIA HOLMES FOR RENEWAL OF SECOND HAND ARTICLE LICENSE D/B/A SHOP AT ERIKA'S, 52 FREMONT STREET, TAUNTON**
MOTION: MOVE APPROVAL. SO VOTED.
3. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF KEISHA AUGUSTE OF 242 WEIR STREET FOR RENEWAL OF SECOND HAND ARTICLE LICENSE FOR KBT (PREVIOUSLY BEATY PARTY & A CLOSET), 24 WEIR STREET**
MOTION: MOVE APPROVAL. SO VOTED.
4. **MEET WITH THE POLICE CHIEF, DETECTIVE SMITH AND DENNIS BORGES ON APPLICATION FOR CLASS II LICENSE FOR DENNIS BORGES, D/B/A BORGES AUTO CENTER, INC., 157 DEAN STREET, TAUNTON**
MOTION: LETTER OF CHIEF DATED 10/13/2015 TO BE PART OF THE RECORD. SO VOTED.
MOTION: PACKET PROVIDED TO EACH COUNCILOR TO BE MADE PART OF THE RECORD. SO VOTED.

Detective Smith said that he had a conversation with Attorney Biedak who represents Mr. Borges prior to the meeting, and informed him of the issues that the Detective had with this application. Detective Smith said that he found that the lease that was presented to be invalid. It is noted in the mortgage filed with the Registry of Deeds that this property cannot be subleased or leased without the bank's approval. Detective Smith spoke with the bank and it's attorney and was informed that regarding the named property, 157 Dean Street, the owners of the lease did not request or receive permission as noted in the mortgage. Without the bank

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

giving written permission, Detective Smith does not think that Mr. Borges has a valid lease and he cannot advise the City to allow this license at a location that Mr. Borges cannot be in. Councilor Cleary said that he had no issues prior to the meeting but the information that would prevent this license from being granted just became available to the Committee this evening. He has no concerns with the individual, but based on what Detective Smith has been told by the bank, he does have issues with this location.

Attorney Biedak said he just found out about this tonight, that the application was put in on May 1st, and that this is the first time they have been before this Committee. He also noted that he understands that the City has even verified the Notary. He is not sure if this happens all the time but would be interested in finding this out.

Detective Smith said this is the first time that he has found the lease to be invalid.

Attorney Biedak said it would be helpful is that there be communication between the applicant and Detective Smith, as this application was put in on May 1st and now it is October. He wants to know what the City needs.

Detective Smith said that Mr. Borges needs permission from the bank, however it is the Chairman's understanding that now there is a bankruptcy on the property, so the bank doesn't even have control of this property. It would be the trustee of the bankruptcy.

Attorney Biedak will contact Detective Smith when they are ready to proceed.

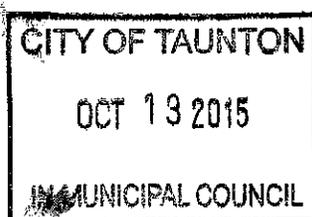
MOTION: TO SUSPEND DISCUSSION AND DECISION ON THIS MATTER UNTIL DETECTIVE SMITH AND ATTORNEY BIEDAK PROVIDE A DATE. SO VOTED.

5. MEET TO REVIEW MATTERS IN FILE

A. The Chairman discussed new hires, and noted that there are 3 positions, 1 of which is a Spanish speaking officer. The Chief said that the candidates need to be interviewed and give conditional offers of employment by next Tuesday or we will not be able to hire them. It was noted that there are 5 applicants but 1 is on military duty. Regarding the 3rd position, a Spanish speaking officer, it was noted that that this list has not been called for yet. The Chief will provide the packets to the Councilors by e-mail. It was noted that the interviews will be on Monday. As soon as the Chief is done hiring they will probably be ready to hire again.

B. Discussed at length was the Hopewell Park area meeting regarding the shooting that happened there 2 weeks ago. The Department's goal is to try to abate the problems in the neighborhoods. The Chief said he needs bodies on the street and has put in a request in the Supplemental Budget for more funding. Crime Watch meetings were also discussed, and in most community's residents run the crime watch meetings. They are working on a new format.

MEETING ADJOURNED AT 7:22 P.M.



RESPECTFULLY SUBMITTED;

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

Stephen R. ...

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 13, 2015

THE COMMITTEE ON PUBLIC PROEPRTY

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, POTTIER AND BORGES. ALSO PRESENT WAS BUILDING SUPERINTENDENT WAYNE WALKDEN

MEETING CALLED TO ORDER AT 7:29 P.M.

1. MEET TO REVIEW OPTION D FOR CITY HALL

The Chairman said that at the last meeting the Committee discussed Option D and approved the money to create an Option D. Now, the Committee has to let the architect know exactly what the Committee wants them to include in Option D, so it was left at whether the Council wanted every department to be included in Option D or whether the Council wanted some of the departments out and more than likely remain in this building, in order to cut down some space in the new City Hall, therefore making it less expensive. Those were the two options, putting everybody back in City Hall or not. Right now, Option C does include everybody. Option D would be a somewhat different footprint; it would be an elongated City Hall and take the old Star Theater site right up to the New York Lace property. It would eliminate that empty space. The Chairman continued stating that she asked Mr. Walkden to have the architect, Martha Werenfels send the Committee a communication about what she and Mr. Walkden felt would be the possible cost savings if the Committee were to leave some of the offices out. The offices they are talking about leaving out are the Building, Conservation and Planning, Board of Health, Fire Prevention, those types of departments that deal with permitting. The City Engineer was up in the air, and will either stay at the DPW or come to this building, unless everyone goes back to City Hall.

A letter from the architect, Martha Werenfels was read which stated that reducing the square footage of Town Hall by 9321 sf represents a reduction of approximately 16% of the 57,000 sf that was included in Option C. If you do the straight math and reduce their projected 2018 cost for Option C of \$26.1 million by 16% the savings would be approximately \$4.18 million.

The letter further states that the number above may provide an order of magnitude cost savings, however, she would not recommend using these as hard and fast numbers. Please consider the following when projecting future costs based on what they have developed so far:

1. When we eliminate departments and develop a new building configuration, the total square footage is likely to change beyond just the subtraction of square footage for specific departments.
2. Small buildings still need nearly the same amount of infrastructure.
3. Site costs may go up or down, depending upon the new building configuration.
4. She just received hard bids for Plymouth Town Hall and the lowest bid was 10% higher than what two independent cost estimators projected it would be (approximately \$390/sf)
5. Escalation continues to increase. They are currently hearing from general contractors that they are carrying as much as 6-8% per year in escalation cost.

She further said that as they develop Option D. they will be able to obtain real projections for the construction costs associated with a new building configuration.

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

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The Chairman stated that when she reads this there are a lot of outside things that could happen to change this.

The Chairman also asked the City Treasurer to provide numbers for debt service schedule depending on whether the City went with Options A, B or C. She further noted that A & B were basically the same cost. The debt service for \$17 million represents A & B, and the debt service for \$27 million would represent C. There is a 10, 20 and 30 year debt schedule, but the Chairman does not see the City ever using 10 and probably not 20 years. If you look at the 30 year debt schedule for A & B we are looking at approximately \$1.4 million and for C we are looking at \$2.2 million for the first year. The Treasurer prefers paying off sooner rather than paying the same amount every year, she prefers the accelerated payments. It was also noted that it will save almost \$7 million by taking some departments out of City Hall.

Councilor Quinn said she was in favor of everybody being at City Hall, but she is open to the idea and it makes a little bit of sense to have the Building Department here and the other permitting departments here, but she does not think the City should bank on any cost savings in doing that. Councilor Marshall noted that they used the square footage in Scheme C which is grossly over what is either the existing and the targeting square footage.

Councilor Carr asked if the number listed under target on the program space document of Durkee Brown, is the number they came up with for what each department should need. Mr. Walkden said this was the original goal, what each department felt they needed to be comfortable.

Councilor Carr asked if this was what the department felt was needed or the architect, to which Mr. Walkden said this was a combination of the two.

Councilor Marshall noted that when this goes forward, he thinks that although Scheme A and Scheme B may have the smaller price tag; we will be getting a smaller space even if departments do not go back.

Councilor Quinn said that she does not think the \$4 million savings exists.

Councilor Marshall also said that it has been his philosophy to move as many departments back to City Hall as possible, to put all under 1 roof. You could then close the School Street Building, the Oak Street Fire Station, and even close this building if possible and put everything in a government center. He also said that maybe Option C could be tweaked a little bit where some of these are above the target numbers. Maybe develop Scheme C with just the target number in there. He is also of the mindset to not nickel and dime this right now as we are building for the next few generations. He would hate to spend \$17 million now and then need an addition in 12 years that will cost another \$10 million. He is of the mindset to do it right once, and he knows money is a big issue, but he cannot concentrate on that because it is unknown, until the Council receives some hard numbers. He would like to see Scheme D with all the departments there but at their targeted space, not above.

Mr. Walkden said that this might be able to be done, and that he knows there had to be constraints in that design as it was because you have staircases and elevators, and usually when you design a building, you want to get all the egresses into that building first then you look at the space you have left and you attempt to configure it and get as close to particular

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departments as you need to be. Some constraints are that one department may need to be situated right next door to another department, or the Mayor may want a department closer to him for instance, like the Law Office. The architect will look at spaces within that building where they think they can meet everybody's wishes. You may go over target, but he agrees that the targets were done initially during the program analysis and those targets do make sense. He does agree that if we can stay within the targets we should try to do that.

Councilor Marshall said he would like to see a Scheme D including all the departments at or as close to target as possible. He also noted that money will be saved by closing the School Street, Oak Street and this building.

Councilor Pottier said that the old City Hall building was cramped. He can see a 10, 20, 30 or 40% increase but we are talking about a 72% increase in size. He thinks the target was a wish list more than anything and to come back to the target. Also, the concern that was expressed by others was that if you bring everyone back to City Hall there will be parking challenges. Going from 34,000 sf to 59,000 sf, he does not know if this is a realistic number. If you go with Scheme A or B that is basically the exact same gross space with a little bit of an increase, maybe a 10% increase would be more realistic. He is not sure if the 59,000 sf is the number the City should be shooting for.

Mr. Walkden said that the Building Department had an existing space of 885 sf with a target of 1253. Right now they are currently using 2 classrooms that are 900 sf plus an additional 4-500 sf beyond that. They are probably 2400 sf. Under Scheme A they only would have given them 679 sf and maxed out at 1200.

Councilor Pottier asked how did the department get by for decades with 1400 sf, to which Mr. Walkden said a lot of what they had was placed in the attic, a lot of the plans, etc. Councilor Pottier said the function of government is changing and on site storage is going down as much is electronically being saved.

Councilor Borges said that prior to tonight and receiving the documents, it seems as though Scheme C was very similar to what Scheme D would be with all the departments there, but after reading the architect's letter, reviewing the debt service schedule and taking into consideration all of the cost savings that we would have by closing some buildings, she would be in favor of looking at Scheme C with all the departments at City Hall. This is probably the best option for the City.

Councilor Marshall said that a lot of the offices in the old City Hall were not up to code, and the offices now would be. The layouts would meet all ADA requirements so they will have to have some increase in space. He does agree that there are parking concerns, and that MOCD and the Board of Health would be the major larger offices coming in. Also, customer parking may be reduced because of technology coming in - a lot of people are paying their bills on line.

Councilor Quinn said she agrees that space is needed for code and she wants the building to be functional and built for the future, not just rebuild what we had there. All agree it was functional but not adequate. She knows what the Council is here for tonight is to decide whether we would want to have the feasibility study for Option D to include all of the departments at City Hall with some minor exclusions, or that certain group of departments outside of it. She has a hard time with this, because from the beginning she wanted to see

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everyone at City Hall, but she would listen to the argument that maybe it is better to keep some departments here, but when she reads the architect's letter, she does not feel that the City is going to save any money in the cost of City Hall, let alone the additional money that we will spend on an annual basis to keep this building up for those functioning departments, not just lights, electricity and heat but maintenance of this building. It is agreed that this building is not functioning well as a City Hall either. She would like to see a comparison because she does not know if there would be a cost savings keeping those departments out of the new City Hall. Councilor Borges noted that Mr. Walkden does have a breakdown of what the cost savings would be if certain buildings were closed. Mr. Walkden did say he did a utility survey going back 3 years. Mr. Walkden said the savings is not huge money, it's not what you would think, it is about a \$200,000 a year.

Councilor McCaul said someone from the TCID should look at the plans to review the ADA requirements. He also said that he would like all departments in 1 building.

Councilor Borges said that the architects know what should be done for ADA requirements.

Councilor Pottier said when the City has the plans, the TCID could review them, but the City is a ways away from that point.

Councilor Cleary asked what the study for Option D will cost. The answer was \$53,600. He further said he is concerned with the 1 stop for all services, and keeping the Building, Planning, Board of Health and Fire Safety here would continue to utilize this building and still close 3 buildings. He further said if you look at Option A without those departments, you will still have space. He said that he does not want the entrance to City Hall on the Police Department side. He also said you could use the Star Theater property as a new parking lot, but in the long term, the Star Theater space would still be available. He does not support Option C, we do not need it and cannot afford it. There is potential to go with Option A or B and have some departments stay here in this building and still close 3 buildings. We do not need Option D now.

Councilor Costa-Hanlon said all options bring City Hall up to code. The Council has already approved doing an Option D, and the goal is to have everybody under 1 roof. She also said she feels that the square footage needs to be tightened up. She is not adverse to looking at Option D, but she is now leaning to Option A or B with some departments staying here. She further noted that the employees need and deserve an updated place to work. She also said you may want to look at the Star Theater property for parking now with the option to expand.

Councilor Borges also said that it was already voted on to go with an Option D, now the decision has to be made whether to go with all departments going into the new City Hall or less the permitting departments not going into the new City Hall. This is the decision that the Council has to make today, going back to Option A, B and revisiting C, today is not the right time, and she thinks that the Council needs to determine what they want to do with Option D, and come back to the table once the Council has all 4 options and take a look at it and do what is best for the City and the Departments.

Councilor Borges made the following motion:

MOTION: TO AUTHORIZE MR. WALKDEN TO AUTHORIZE THE ARCHITECT TO MOVE FORWARD WITH OPTION D TO INCLUDE ALL DEPARTMENTS AT CITY HALL.

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Councilor Quinn seconded the motion and on discussion asked Mr. Walkden if there was any way the Council could get more than a letter from the architects in the course of them doing the Option D feasibility study to give the Council some information as to what cost savings we could then have if this building was kept open or not. She finds it hard to make that decision because to her it boils down to dollars, if we are saving money by keeping people here she would be ok with it. If we are not saving considerable money she would not be in favor of it.

Mr. Walkden said that he is wondering if a little bit more analysis should be placed on program analysis. He said we should make sure that the target numbers are reasonable, and we should know why they exceeded those target numbers in some areas. Let's see if we can tighten up program analysis with them and see if within that \$53,600 they are able to do that. He also asked the Council to consider forming a small committee to look at the numbers on program analysis. He can tell you what different departments need for space based on his interviews with them, but it might be good to have an independent set of eyes on that with him and the architect just to review those numbers..

Councilor Quinn then clarified that Mr. Walkden said that he thinks we could include within the request to the architect to do the study with all departments at City Hall but give some numbers, as much as possible, with leaving some departments here.

Councilor Carr said she is in favor of all departments being under 1 roof and feels that we should build the biggest building that we can. Also, that Options A & B are the same as the old City Hall, and that was cramped. We need to plan for growth in the future. She also noted that there are a lot of things that need to be done in this building including a fire suppression system so she feels that it is best to do Option D with all departments at City Hall. She said it is smarter to build a building bigger today than in the future. She also suggested considering a drive up window to pay bills

THE MOTION WAS VOTED ON WITH COUNCILORS CARR, QUINN, MARSHALL AND BORGES VOTING IN FAVOR, COUNCILOR POTTIER VOTING IN OPPOSITION. MOTION CARRIES.

Councilor Marshall made the following motion:

MOTION: TO REQUEST, FOR WHENEVER THE COUNCIL HAS THE DISCUSSION FOR OPTIONS A, B, C OR D, THAT THE COUNCIL ALSO BE PROVIDED WITH A COST ANALYSIS OF WHAT IT IS GOING TO TAKE TO BRING THIS BUILDING (MAXHAM) UP TO ADA COMPLIANCE AND CODE COMPLIANCE – INCLUDING MAJOR ITEMS – ADA COMPLIANCE, HEALTH AND SAFETY OF EMPLOYEES, FIRE, ETC.

Councilor Marshall said this is on the table, but that it is unrealistic to think that we are going to stay in this building and not have to do any upgrades to it. There are certainly some health and safety issues, and we have gotten away with it because it is Temporary, but there are ADA issues, the fire suppression system, fire alarm system, there are all kinds of things that are going to have to be done.

The motion was seconded and on discussion Councilor Borges said that Mr. Walkden has this information, to which Mr. Walkden said not quite, and that he is preparing a scope of work for an architectural firm to do what is called a building code analysis for review of the building for its egress, its ADA issues, fire suppression systems, etc. They are under orders now to install a

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fire suppression system here. What the Fire Department and Building Commissioner are willing to do is help file a variance once we get the fire alarm system in, which is a process, then this will go before the State Building Board of Regulations to seek a variance not to install a suppression system.

Councilor Cleary as a point of information wants something in writing that says we are under requirement for a fire suppression system. Mr. Walkden does have this and will provide it. Councilor Marshall said leaving departments here will come at a cost and he wants to know what the cost is going to be as there will be upgrades needed. Staying here is NOT a cost of ZERO.

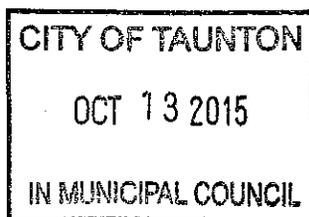
THE MOTION WAS VOTED ON. SO VOTED.

Councilor Costa-Hanlon asked Mr. Walkden to do an analysis from 3 cities and 1 town that are relative to our size that have constructed or renovated City Halls recently. One is Plymouth that the architect has referenced, and she knows Brockton is in the process and Needham also. She would like Mr. Walkden to get the information relative to the program sizes, things that we can compare when it comes to the target areas, the existing space, things like that, for usage. She would like this to be provided to all Councilors. She asked the Committee to request this of Mr. Walkden.

Mr. Walkden said program analysis done by other communities is all sensitive to the number of employees that they have, the number of building occupants. He is not sure that you would be able to compare apples to apples.

Councilor Borges said that this information can be found on line and that this is not a good use of Mr. Walkden's time. The Councilors could get this information themselves.

MEETING ADJOURNED AT 8:41 P.M.

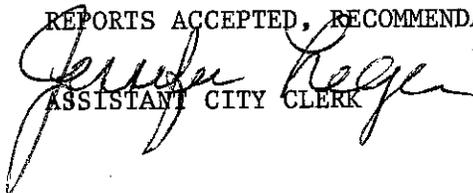


RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK