



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, November 25, 2013 at 7:55 o'clock A.M.*

Regular Meeting

Council President John McCaul presiding

Prayer was offered by the Council President

Present at roll call were:

Councilor's Marshall, Cleary, Medeiros, Costa-Hanson,

Pottier, McCaul, Carr and Barbour

Councilor Colton was absent

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

Communications from the Mayor:

Councilor McCaul read a communication from the Mayor cordially inviting all Councilors to this year's 100th Lighting of the Green & Lights on Festival on Saturday, December 7, 2013 and to join everyone on stage at the event. **Motion was made to refer to the Council President. So Voted.**

Communications from City Officers:

Com. from Executive Director of Retirement – Notifying of Board Members. Peter H. Corr was re-elected to the Board for a term of January 1, 2013 to December 31, 2016 and to fill one of the elected member terms on the board. **Motion was made to receive and place on file. So Voted.**

Com. from Executive Director of Retirement – Enforcement of Post-Retirement Limits on Retirees of Public Retirement System who Take Employment with any Public Entity in Massachusetts. **Motion was made to receive and place on file and distribute to all City departments. So Voted.**

Com. from Executive Director of Retirement – Notifying of vote on November 15, 2013 to certify the amount of \$14,753,156.00 for the FY2015 Pension Fund Appropriation and to notify the Mayor and Municipal Council and member units of the same. **Motion was made to refer to the Mayor's Office and Committee on Finance and Salaries and provide the figure from last year for comparison. So Voted.**

Com. from Water Supervisor – Requesting a transfer of funds in the amount of \$37,841.00 from Plant Operations/Maintenance to Capital Equipment for capital line item. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office and be sure Cathal is prepared to discuss what the money was spent on. So Voted.**

Com. from City Solicitor – Taunton Fire Department et al v. Michael O'Donnell et al. A complaint filed on October 25, 2013 alleged that the Defendants failed to pay \$3,963.33 in attorney's fees and costs to the City on or before October 24, 2013. Mr. O'Donnell appeared on November 12, 2013 and tendered a check payable to the city in the said amount. **Motion was made to receive and place on file. So Voted.**

Com. from City Solicitor – Attorney General v. Michael O'Donnell, Attorney General V. 15-17 Winthrop Trust et al. Following a contested hearing, Judge Chaplin appointed B & D Construction to be the receiver for 117 Arlington Street and 15 Winthrop LLC to be the receiver for 15-17 Winthrop Street. **Motion was made to receive and place on file. So Voted.**

Com. from City Solicitor – Potential Land Acquisition at Corner of Taunton Green and Weir St. Solicitor Buffington requested an executive session to consider the purchase, exchange, lease or value of real property on December 3, 2013. **Motion was made to refer to the Committee on the Department of Public Works for executive session. So Voted.**

Com. from Conservation Agent – 582 Myricks St. Automotive Recovery Services, Inc. A site visit was conducted and it was determined that all work is in compliance, it does not require a filing with the Taunton Conservation Commission. No work was done with 100 feet of the bordering vegetated wetlands that are located on an adjacent property. **Motion was made to receive and place on file and a thank you note to be sent to Michele Restino. So Voted**

Com. from City Solicitor – Tentative Memorandum of Understanding with COTMA. The contract is a three-year agreement for the period beginning July 1, 2012 ending June 30, 2015 that calls for a raise of 1%, 2% and 3%. **Motion was made to refer to the Committee to the Council as a Whole for one week. So Voted.**

Com. from City Solicitor – Proposed Sale of Tax Possession Properties at 40 Norton Avenue and 3 Bow Street. Councilor Barbour stated that the Council is removed from the process of the Tax Possession Properties. There is concern the Council is not inclusive with this process. We need to be able to discuss this and look at the property & appraised value. Councilor Marshall asked if we are satisfied with these numbers or should we consider public auction. Council Carr asked if appraisals are done. She feels we need more information on the process and figure out what the interest is. **Motion was made to refer to the Committee on Public Property in two weeks with Risk Manager and anyone else necessary. So Voted.**

Hours of Operation (Black Friday)

1. American Eagle Outfitters located at 2 Galleria Mall Drive, East Taunton
 2. Deb's Shops LLC -dba- Deb's located at 2 Galleria Mall Drive, East Taunton
- Motion was made to move approval on the above two petitions. So Voted**

Hours of Operation

1. Work Out World Taunton, LLC located at 50 O'Connell Way, East Taunton
2. Taunton Sunoco Rapid Refill located at 231 Broadway, Taunton

Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

Unfinished Business

Councilor Pottier motioned to accept the minutes of the Committee on Fires and Fires executive session and the Fire Chief's written report. Motion was 3-5. Voting in favor was Councilors Medeiros, Costa-Hanlon and Pottier. Voting in opposition was Councilors Marshall, Cleary, Carr, Barbour and McCaul. Councilor Cleary stated that they should discuss again in two weeks. Councilor Carr motioned that a meeting be scheduled in two weeks in the Committee on Fires and Fires in executive session and once in executive session a decision can be made within the meeting.

Councilor Barbour motioned to forward a communication to the Police Chief and the License Commission notifying that the Council respectfully requests the License Commission review the licenses granted to Smart Shop, 306 Winthrop Street, Taunton in light of the recent violation of the City's Synthetic Marijuana Ordinance. Councilor Cleary stated that he was not happy with the Ordinance passed by the Commission. So Voted.

Councilor Barbour motioned to refer to the Committee to the Council as a Whole to meet with the City Solicitor, Human Resource Director, City Clerk as well as the Police and Fire Chiefs to discuss the benefits of calling for specific police and fire lists, such the female list that was called for last week. So Voted.

Orders, Ordinances and Resolutions**Order for a first reading to be passed to a second reading**

Ordered That,

\$9,000,000 be appropriated in addition to the \$6,000,000 previously appropriated for the purpose of financing the construction, reconstruction, replacement, repair, and rehabilitation of sewers, and stormwater conveyance facilities, including without limitation sewer infiltration and inflow abatement improvements and pumping station upgrades, including the Phases 10, 11, and 12 SSES, for the purpose of eliminating unauthorized sewer connections to the City's drainage system, to eliminate combined sewer overflows and sanitary sewer overflows, to reduce infiltration and inflow within the City's sewer system, and to mitigate flooding resulting in potential surface water contamination; that included are all costs without limitation as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$9,000,000 and issue

bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement with the Trust and otherwise to contract with the Trust and the Massachusetts Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. **Motion was made to table for two weeks. So Voted.**

New Business

Councilor Pottier motioned to refer to the Budget Director, Mr. Enos to provide the free cash close out, by line item, in 1-2 weeks to the Council. So Voted.

Councilor Marshall motioned to refer to the Superintendent of Buildings, Mr. Walkden the parking lot lights that are out at the Bennett School and East Taunton Elementary Schools and that immediate action be taken on this matter. Additionally, that he also check the remainder of the elementary schools and report back to the Council in two weeks. So Voted.

Motion was made to adjourn at 8:25 a.m. So Voted.

A true copy:

Attest:


Assistant City Clerk

JLL/dmc

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 25, 2013

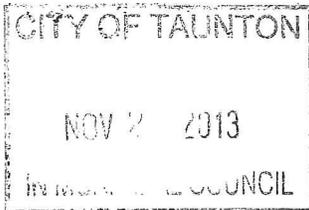
THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILOR CLEARY

MEETING CALLED TO ORDER AT 7:36 A.M.

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$1,931,182.20. SO VOTED.
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN ABSENTIA. SO VOTED.
2. MEET TO DISCUSS REQUEST FOR APPROPRIATION OF \$92,000 TO COVER THE COST OF PRE-DEMOLITION SURVEY FOR THE STAR THEATER BUILDING, 107-111 MAIN STREET.
MOTION: THIS MATTER IS TO BE DISCUSSED NEXT WEEK. WAYNE WALKDEN IS TO BE PRESENT AND TO PROVIDE COPIES OF ANY BID SPECIFICATIONS, IF HE HAS THEM, PRIOR TO NEXT WEEKS MEETING. SO VOTED.

MEETING ADJOURNED AT 7:39 A.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Jennifer R. Regan".
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 25, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS MCCAUL,
MEDEIROS AND BARBOUR.

MEETING CALLED TO ORDER AT 7:40 A.M.

1. CONTINUED SEWER EXTENSION HEARING

In accordance with Chapter 19-1 of the City of Taunton Ordinance and on the Petition of Antonio Bairos, A.L.E. Realty Trust, a hearing will be held on Tuesday, November 12, 2013 at 6:00 p.m. in the Chester R. Martin Municipal Council Chambers, Temporary City Hall, 141 Oak Street, Taunton, MA for a proposed sewer extension along Riverfield Road.

The proposal is to install a 2" forced main beginning at the vacant lot at Assessor's Map 125 Lot 34 and extending westerly to the existing 6" forced main in Somerset Avenue.

There will be no betterment assessments since no City funding is involved.

Plans and specifications for the project can be viewed in the Office of the Department of Public Works, 90 Ingell Street, Taunton, MA

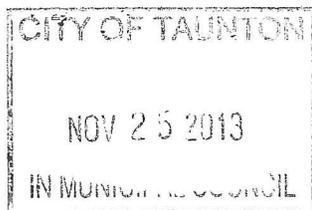
A LETTER DATED 11/19/2013 FROM ATTORNEY EDMUND BRENNAN, ATTORNEY FOR ANTONIO BAIROS WAS READ THAT STATED THAT MR. BAIROS REQUESTS TO WITHDRAW HIS REQUEST FOR A SEWER EXTENSION PERMIT FOR RIVERFIELD ROAD.

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

MOTION: TO ACCEPT THE LETTER. SO VOTED.

MOTION: TO ASK THE DPW HOW THE PETITIONER PLANS ON BRINGING SEWER TO THAT PROPERTY, AND PROVIDE THEIR OPINION ON THIS. SO VOTED.

MEETING ADJOURNED AT 7:43 A.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

JENNIFER K. KEGER
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
NOVEMBER 25, 2013

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND BARBOUR.

MEETING CALLED TO ORDER AT 7:46 A.M.

LETTER DATED 11/25/2013 OF POLICE CHIEF EDWARD WALSH WAS READ IN WHICH HE STATED THAT THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1:00 A.M. AND 4:00 A.M. AS PER CITY ORDINANCE SECTION 12-2.

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

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE SEC. 12-2:

- A. AMERICAN EAGLE OUTFITTERS
 - B. BATH AND BODY WORKS
 - C. BURGER KING
 - D. CLAIRE'S
 - E. GARNISH YOUR DOG.
 - F. DEB'S SHOPS LLC D/B/A DEB'S
 - G. HENNES & MAURITZ, INC. D/B/A H & M
 - H. J.C. PENNEY
 - I. MACY'S
 - J. MAGNIFIQUE PARFUMES & COSMETICS INC. D/B/A PERFUMANIA
 - K. NEW YORK & CO.
 - L. OLYMPIA SPORTS
 - M. SPENCER GIFTS
 - N. THINGS REMEMBERED
 - O. TORRID
 - P. TOYS R US EXPRESS
 - Q. WET SEAL, INC.
- ALL LOCATED AT 2 GALLERIA MALL DRIVE.
- R. BOBBY'S PLACE, INC., 60 WEIR STREET
 - S. CVS, 284 WINTHROP STREET
 - T. JOE'S DINER, 51 BROADWAY

MOTION: MOVE APPROVAL WITH AMENDMENT THAT BOBBY'S PLACE WILL BE OPEN UNTILL 2 A.M. ON THURSDAY, FRIDAY AND SATURDAY, AND JOE'S DINER WILL BE OPEN 24 HOURS ON FRIDAY AND SATURDAY ONLY. SO VOTED.

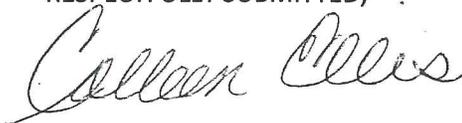
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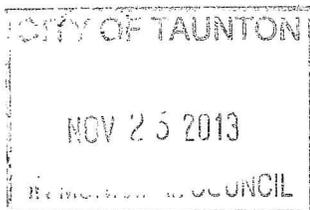
THE COMMITTEE ON POLICE AND LICENSING - CONTINUED

MEETING ADJOURNED AT 7:50 A.M.

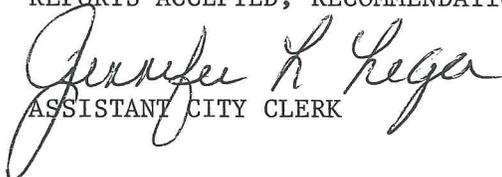
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



JENNIFER K. REGA
ASSISTANT CITY CLERK