

City of Taunton
Municipal Council
March 14, 2023

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CITY CLERK'S OFFICE
2023 MAR 17 9:15
TOWN OF TAUNTON
CITY CLERK

The Committee on Finance and Salaries

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Phillip Duarte, Chairman and Councilors Pottier and McCaul. Also present was Patrick Dello Russo, CFO.

The meeting was called to order at 5:37 PM.

1. Meet to review the weekly vouchers and payroll for City departments.

MOTION: *Approve the payroll warrant in the amount of \$1,340,998.06. So voted.*

MOTION: *Approve the accounts payable warrant in the amount of \$1,733,985.72. So voted.*

2. Meet to discuss the request from the Budget Director to transfer \$70,388.72 from the Reserve Account to the Bristol Agricultural School Assessment line item (01-380-5200-5695).

MOTION: *Approve and transfer \$70,388.72 from the Reserve Account (01-132-5200-5784) to the Bristol Agricultural School Assessment line item (01-380-5200-5695). So voted.*

3. Meet to discuss the request to establish a revolving fund for the benefit of Lake Sabbatia.

Councilor McCaul gave some background on the project at Lake Sabbatia. A group of concerned people met multiple times, developed a Facebook page, and received \$500,000 and \$50,000 grants. They have developed a five year plan. Treatment has begun and residents are happy to see the lake is coming back to life.

Mr. Dello Russo explained that the City has purchased kiosks and parking will be \$8 per day which is projected to generate \$13,000 - \$15,000 annually in revenue for this revolving fund.

MOTION: *Funds derived from the parking revenue at Lake Sabbatia will go directly into a new revolving fund to be established by the City Auditor to be expended for Lake Sabbatia initiatives and purposes.*

Councilor Pottier confirmed that the Police Department would be the enforcement agency.

Councilor McCaul explained that the long range goal is to install a washing station so that boat bottoms can be cleaned to remove algae prior to going into the water.

Councilor Borges suggested that the kiosks be removed during the off season to prevent damage.

So Voted.

4. Meet to discuss stipends for boards and committees.

Councilor Duarte explained that, under Mass General Law, a vote of the legislative body establishes the full amount of the appropriation for the School Department. The City Council cannot designate the School Department budget by line item. If the Council were to establish the School Committee's stipend, it would need to be by ordinance.

Mr. Dello Russo indicated that his intention for this budget cycle is to present the Council with more detail on the School budget. He further reported that he is in attendance at all School budget related hearings.

Councilor Duarte further explained that the School Committee stipend is a line item of the School Department's budget. The Council appropriates the total budget amount for the School Department but the Council does not receive the line item budget.

MOTION: *Refer the matter of stipends for boards, committees, and commissions to the Ordinance Committee.*

Councilor Borges agreed that the Council has never received a line item budget from the schools.

Councilor Sanders expressed his hesitancy to delve into the School's line item budget because he has always believed in the sovereignty of the School Committee. He expressed his appreciation to the Chair for mentioning that by State Law the City Council cannot go into the line item budget of the Schools. Mr. Sanders indicated his concern that in other communities there is robust discussion around the stipends of the school committees. He is also concerned that the paper reported that the CFO and Mayor didn't know anything about the stipend increase when the Mayor is a member of the School Committee. Mr. Dello Russo stated that the Mayor was not present for any discussion of the School Committee where raises were mentioned.

Councilor Duarte stressed that establishing an Ordinance removes the Council from the line item budget discussion.

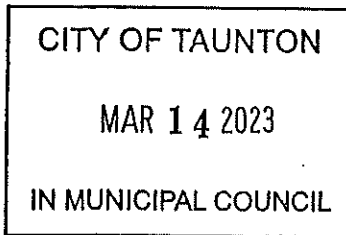
Councilor Pottier indicated that he requested the minutes and received none where the stipend was discussed. He appreciates the Chair looking to codify this.

Councilor Postell suggested that if the Council approves the budget that he would like to know where the money is going. He did not vote for the Council to get a raise and would not have voted for a stipend increase for another committee.

Councilor Borges reiterated that the Mayor sits on the School Committee and stressed that she wanted to be sure that all the boards are treated fairly. She questioned whether a raise should have been taken in the year that the Committee serves.

So Voted.

The meeting was adjourned at 6:10 PM.



Respectfully submitted,

Maggie E. Clarke

Maggie E. Clarke
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

Jennifer R. Legu
CITY CLERK

City of Taunton
Municipal Council
March 14, 2023

RECEIVED
CITY CLERK
2023 MAR 17 A 16
T. J. BORGES

The Committee on Veterans and Military Affairs

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor John McCaul, Chairman and Councilors Dooner and Quintal. Also present were Mayor Shaunna O’Connell, Karen Pemberton, and Bruce and Sandy Thomas.

The meeting was called to order at 6:11 PM.

1. Meet to recognize Bruce and Sandy Thomas for their support of the veteran banners.

Councilor McCaul explained that he went to Karen Pemberton to pay for his banner and learned that Bruce and Sandy Thomas had again covered the expense of the banners for veterans. He indicated that there were 50 banners the first year, then 54, and this year there are 84. He expressed his appreciation to the Thomas’ for this.

Members of the Committee echoed Mr. McCaul’s thanks.

Karen Pemberton explained that the Thomas’ have been a big part of the veteran banner program which has been sold out each year. She also mentioned Honor our Military Day which is scheduled for June 17.

Mayor O’Connell stated that the community has always shown gratitude to its veterans and expressed her respect and gratitude to the Thomas’. She explained how grateful the veterans’ families are when they receive the banners back and indicated that so many people might not have been able to participate without Bruce and Sandy Thomas.

Councilor Borges expressed her thanks not just for their generosity to the banner program but for always jumping in whenever needed.

Councilor Sanders expressed his thanks to Mr. and Mrs. Thomas for stepping up and also for stepping into the spotlight.

Mr. Thomas made a brief statement indicating that his grandfather had served in World War I, World War II, and the Korean War and was part of what is known as the Greatest Generation and thanked veterans.

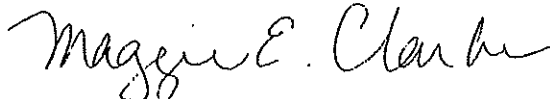
Two members of the public gave thanks to Mr. and Mrs. Thomas.

Councilor McCaul read a citation which was presented to the Bruce and Sandy Thomas.

The meeting was adjourned at 6:30 PM.

CITY OF TAUNTON
MAR 14 2023
IN MUNICIPAL COUNCIL

Respectfully submitted,



Maggie E. Clarke
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.



CITY CLERK

City of Taunton
Municipal Council
March 14, 2023

CITY CLERK

TAUNTON, MA

2023 MAR 17 A 9:11

RECEIVED
CITY CLERK'S OFFICE

The Committee on Ordinances and Enrolled Bills

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Barry Sanders, Chairman and Councilors Dooner and McCaul. Also present was Attorney Thomas Gay.

The meeting was called to order at 6:43 PM.

1. Meet with Law Department to discuss an ordinance to reduce the use of single use plastic bags.

Councilor Sanders gave some background on this issue and indicated this was originally introduced in 2018 and was discussed in the Committee on Public Health and Environmental Affairs and then sent to the Ordinance Committee. A draft Ordinance was crafted but, when Covid hit, it was shelved based on the recommendation at that time that people use disposable bags. He stated that at that time one concern was that Taunton businesses might be disadvantaged. However, Raynham passed an ordinance in May of 2021 which may ease some of those concerns. He also indicated that the trash compliance monitor for the City requested that the Council look at this issue.

Attorney Gay pointed out that the Raynham Ordinance was very bare boned but his draft was a little more detailed. He suggested that it is up to the Council to determine how detailed they would like it to be, how fines should be implemented, and if there should be a charge for bags.

Councilor Dooner suggested that the City look at incentives which she would prefer to a ban.

Councilor McCaul indicated that the Council should see how this would affect the community. He believes this is a good way to protect our environment but would like more time..

Councilor Postell asked if, in the past few years, any new information has been found such as research or statistical data. When this was first discussed in 2018 it was a hot topic but, since then, it has been implemented in parts of the country and he wondered what lessons have been learned.

Councilor Sanders stated that what was known in 2018 is still true today. Plastic bags don't degrade in a meaningful way and, while they are technically recyclable, they muck up the machines. He indicated that the DPW had said that the presence of thin plastic bags in the recycling collection downgraded the value of the recycling.

Councilor Quintal gave his full support to this suggested measure and hopes it moves quickly.

Councilor Couste stated that he does not support this. He indicated that businesses could be put at a disadvantage. Further, he stated that in his research he found that plastic bags often have a second life so people end up purchasing plastic bags. He does not want to make things harder for businesses.

Councilor McCaul asked if the Council would also look at banning trash bags.

Councilor Borges suggested the Council look at the reduction of plastic bags vs. a full ban. She hoped that the Council would take some time to review the draft, do some research, and come back to have more of a discussion.

Councilor Duarte expressed his support. He pointed out that Raynham's Ordinance and Attorney Gay's draft are very different. He stated that incentives are not usually very effective. Mr. Duarte indicated that the goal is not to convert to paper bags but, rather, ultimately, to reusable bags.

Councilor Sanders wondered if there might be language included around the types of establishments that could be excluded from the restrictions. Attorney Gay suggested that it could be legally problematic to treat businesses differently based on their size or their profitability.

Attorney Gay suggested a start date in the future. Giving a 6 month or 1 year notice would give businesses time to use up their inventory.

Councilor Sanders pointed out that the draft included a 10 cent charge for bags to be provided and he indicated that he is not in favor of that. Also, he preferred the more graduated fine schedule in Raynham's Ordinance.

Councilor McCaul suggested this be put to a ballot question. Councilor Sanders indicated that there is no opportunity for a ballot question under the current charter. Councilor McCaul stated that he would prefer that the residents make the decision.

Councilor Dooner indicated that she would like to look into what else is out there.

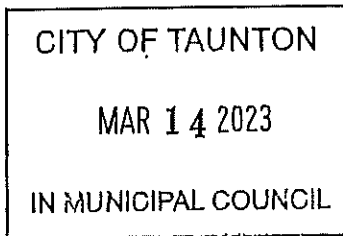
Councilor Borges stated that she needs to do a little more research and suggested coming back to this in a month.

*Councilor McCaul moved: **MOTION:** Send this to the Committee of the Council as a Whole.*

Councilor Duarte expressed his support for this motion. Councilor Borges was opposed. Councilor Couste supported. Councilor Pottier preferred leaving the matter in the Ordinance Committee.

Councilors McCaul and Dooner voted yes. The Chairman was opposed. The motion carries 2-1.

The meeting was adjourned at 7:24 PM.



Respectfully submitted,

Maggie E. Clarke

Maggie E. Clarke
Clerk of Council Committees

COUNCILOR SANDERS, CHAIR OF THE ORDINANCE COMMITTEE, STATED THEY WERE DISCUSSING RESTRICTING THE AVAILABILITY AND USE OF SINGLE USE PLASTIC BAGS. COUNCILOR MCCAUL MADE THE MOTION AND IT WAS SECONDED BY COUNCILOR DOONER THAT WE REMOVE THAT ITEM FROM THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS AND MOVE IT INTO COUNCIL AS A WHOLE. THE MOTION PASSED. COUNCILOR COUTE MADE A MOTION TO RATIFY THAT ON A ROLL CALL VOTE BY THE FULL COUNCIL. IT WAS STATED THAT A YES VOTE WOULD BE TO AFFIRM MOVING THIS TO COUNCIL AS A WHOLE. ON A ROLL CALL VOTE, NINE (9) COUNCILORS WERE PRESENT. FIVE (5) COUNCILORS VOTING IN OPPOSITION (COUNCILORS POSTELL, QUINTAL, SANDERS, POTTIER, AND BORGES). FOUR (4) COUNCILORS VOTING IN FAVOR (COUNCILORS COUTE, MCCAUL, DUARTE, AND DOONER). THE MOTION DID NOT PASS.

Jennifer R. Regan
CITY CLERK

City of Taunton
Municipal Council
March 14, 2023

RECEIVED
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2023 MAR 17 A 9 16
TAUNTON, MA

The Committee on Police and License

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02786 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Jeffrey Postell, Chairman and Councilors Sanders and Borges. Also present was Detective William Rutherford.

The meeting was called to order at 7:25 PM.

1. **Meet with Detective Rutherford on the petition for renewal of a Fortune Teller License for Bissie's Palm Reading located at 103 Main Street.**

Detective Rutherford gave a positive recommendation.

MOTION: *Approve. So voted.*

The meeting was adjourned at 7:27 PM.

CITY OF TAUNTON
MAR 14 2023
IN MUNICIPAL COUNCIL

Respectfully submitted,

Maggie E. Clarke
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

CITY CLERK

City of Taunton
Municipal Council
March 14, 2023

RECEIVED
MAGGIE E. CLARKE
2023 MAR 17 A 9:16
TAUNTON, MA
CITY CLERK

The Committee of the Council as a Whole

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Council President Kelly Dooner and Councilors Duarte, Borges, McCaul, Pottier, Coute, Sanders, Quintal, and Postell. Also present was Canyon Harvey.

The meeting was called to order at 8:09 PM.

1. Meet to discuss the proposed onsite manager for Greatest Hits Marijuana Dispensary located at 9 Cape Road.

Canyon Harvey introduced himself as the proposed general manager for Greatest Hits at 9 Cape Road. Greatest Hits started in Dudley and is expanding.

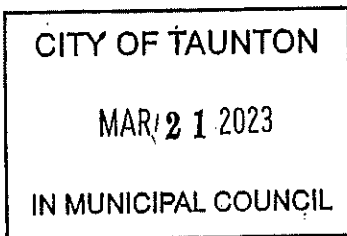
MOTION: *Approve Mr. Harvey as the manager.*

Councilor Sanders asked what is needed to become a manager of a marijuana dispensary and Mr. Harvey explained that a Massachusetts background check and a business background check is completed.

So Voted.

MOTION: *Refer the matter of the onsite manager for Botega, a dispensary at 295 Broadway to the Committee of the Council as a Whole to be scheduled next week. So Voted.*

The meeting was adjourned at 8:12 PM.



Respectfully submitted,

Maggie E. Clarke
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

CITY CLERK

City of Taunton
Municipal Council
March 14, 2023

RECEIVED
CITY CLERK'S OFFICE
2023 MAR 17 AM 11:17
CITY CLERK

The Committee on Public Property

The meeting was held at Taunton City Hall, 15 Summer Street, Taunton, MA 02780 in the Chester R. Martin Municipal Council Chambers.

Present were Councilor Christopher Coute, Chairman, and Councilors Quintal, Dooner, McCaul, and Borges. Also present were Attorney Ed Brennan, Attorney Peter Winters, and Park and Recreation Commissioner AJ Marshall.

The meeting was called to order at 8:13 PM.

1. Meet to discuss reciprocal easements for access to and from Union Block Project, 1, 15-31 Main Street and 22 Merchants Lane.

Attorney Brennan, representing the Union Block redevelopment on Main Street, explained the details of the proposed easements. The property owners would be given the right to construct a sidewalk on the South Side and the property owners would give an easement on the north side of Merchants Lane for traffic.

Councilor Coute asked if this is in coordination with the site plan and Attorney Brennan indicated that in addition to the site plan there will be an easement plan which will be recorded.

MOTION: *Approve as presented. So voted.*

2. Meet to review the permitting process for the use of public property for 1st Amendment protected activity.

AJ Marshall, the Commissioner of Parks, Recreation, Cemeteries, and Public Grounds explained the application process that is used by the Park and Recreation Commission when someone wishes to reserve a park for an event. This application is submitted for approval. The Commission can require certain things such as portable bathrooms, maintenance staff, etc. The applicant must meet the insurance requirements which is a \$1 Million minimum liability policy. He has surveyed other cities and towns and found this to be in line with other communities. In 2022, 75 events were held by over 20 different agencies all who provided insurance and met the conditions of the Commission. In his tenure, Mr. Marshall is aware of one event that was unable to obtain the insurance. He stressed that every entity goes through the same set of policies and procedures.

Councilor Borges asked about the insurance requirement and Mr. Marshall explained that it is \$1 Million minimum but that the risk managers in the Law Department look at this for each applicant. She asked about the timeline for applications and Mr. Marshall explained that if the application can meet the schedule of the Commission, then the Commission will review. If it is time sensitive, Mr. Marshall, in consultation with the Chair, can issue the permit. All permits are subject to police presence as determined by Police Department requirements. He indicated that they have not charged a rental fee but charge for services such as trash removal and electricity. Councilor Borges asked if Mr. Marshall thinks the parks are underutilized and he indicated that he is getting more and more requests including from non-Taunton entities.

Councilor Postell asked if people are aware of the requirements and Mr. Marshall indicated that Taunton's process is very similar to that of other municipalities. When an individual applies his department tries to help them through the process. Councilor Postell asked about peaceful demonstrations or political activity at the Taunton Green. Mr. Marshall explained that the Taunton Green is a bit unique insofar as it is designated as a public park from the granite curb in. Demonstrations are allowed by right on public ways and sidewalks. When you are inviting people to come to your event in a park, a permit is required. Councilor Postell suggested a dos and don'ts sheet and a fact sheet. He questioned how unpermitted use like "flash mobs" are handled and indicated that the Police would be involved.

Councilor Sanders indicated that he believes the permitting process makes sense when one is looking for exclusive use for a recreational activity. He suggested that there needs to be a distinction between exclusive use and 1st Amendment protected activity. Mr. Marshall explained that he is responsible for protecting the City and park commissions are able to set reasonable requirements. Expression of free speech is allowed on public ways and public sidewalks but to have something in the park the permit process is required. Attorney Winters indicated that rules should be content neutral. Councilor Sanders emphasized people's need for access to publicly accessible space. Attorney Winters suggested that the preference is for people to go through the permitting process.

Councilor Pottier reflected on the historical significance of the Taunton Green and suggested that it is difficult to define an event vs. gathering. He cautioned against adding additional roadblocks to prohibit people from gathering on the Green.

Councilor Coute said he appreciates Mr. Marshall's comments indicating that everyone is treated the same.

Councilor Postell asked about the walkways at the Taunton Green and Mr. Marshall indicated that the concrete is considered a walkway within the park. Mr. Postell suggested signage to educate people. Mr. Marshall indicated that they had considered designing certain rules for the Taunton Green specifically and then it seemed that things weren't going to be treated fairly based on location. Mr. Postell asked if removing the park designation from the Taunton Green would impact grant funding and Mr. Marshall suggested it potentially could remove a possible source of funding as Park Grants would be ineligible.

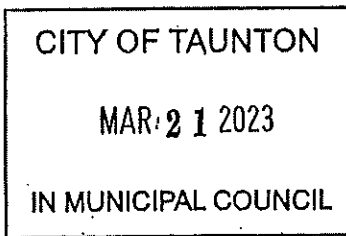
Councilor Sanders stressed that there is a difference between an event and a gathering to exercise one's 1st Amendment right. When the goal of the gathering is to exercise one's 1st Amendment right, this can usually be identified.

Councilor Quintal moved: ***MOTION:*** *Table this conversation and pick it up in 1 month with the recommendations of Mr. Marshall and Attorney Winters regarding the Taunton Green.*

Kara Civali (business address 20 Kings Court) indicated that she has done many events in the City. She stressed the importance of the right to assemble and the right to free speech and indicated that she believed the ACLU had already weighed in on this issue.

So voted.

The meeting was adjourned at 9:20 PM.



Respectfully submitted,
Maggie E. Clarke
Maggie E. Clarke
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

Jennifer K. Legu
CITY CLERK