



*City of Taunton
Municipal Council Meeting Minutes
City Hall, 15 Summer Street, Taunton, MA
Minutes, April 26, 2022 at 7:00 O'clock P.M.*

Regular Meeting

Mayor Shaunna L. O'Connell presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilors Postell, Sanders, Coute,
Pottier, McCaul, Borges, and Duarte
Councilors Quintal and Dooner were absent.*

Record of preceding meeting was read by title and approved. So voted.

Opportunity for input by the general public.

Charles Wright, 20 Chestnut Street, spoke about the Hanger Association meeting he attended last Wednesday. He stated they hadn't had a meeting in two-years. The good news was they had a very productive meeting but there was zero complaints, arguments or discussion about parking around the hangers or that area. He feels this tells a lot, that there isn't any issues as far as the people who own the hangers. He continued to discuss the issues he is having with the Airport Commission.

Janet Cook, 22 Crane Avenue North, said that she feels there is some misunderstanding from the Council about what your typical Taunton resident knowing and understanding how the City functions. She feels there is some assumption that the residents are paying attention all the time, but they don't really have the ability to do this. She also spoke about how she feels that it's important for a matter be finished being read through before a vote is taken for the people who watch the meetings understand what's going on.

Hearings:

On the joint petition of Taunton Municipal Lighting Plant and Verizon New England, Inc. proposing to place one new jointly owned Pole 120S, at 1398 Cohannet Street in the City of Taunton. **Motion was made to open the public hearing and invite the applicant into the enclosure. So voted.** Map of the location was submitted. **Motion was made to make the map a part of the record. So voted.** Ross Bilodeau representing Verizon New England introduced himself. He stated they are looking to place one new jointly owned pole located on Cohannet Street. Someone is building a house over there, so they are trying to cross Cohannet Street with power service, telephone service and cable TV service, to serve the new home. This started off as a TMLP request. Verizon is responsible for this side of the street so they will be placing the pole. Councilor Sanders asked to please make sure there is ADA accessibility around that pole. Mr. Bilodeau stated there is no sidewalk in this area. **Motion was made to open public input. So voted.** Nobody was present to speak for public input. **Motion was made to close public input and to approve as presented. So voted.**

Communications from the Mayor:

Mayor O'Connell stated they have a briefing on the Draft Compliance Guidance for Multi-Family Zoning Requirements for MBTA Communities. **Motion was made to invite Kevin Scanlon, Bill Roth and TJ Torres into the enclosure. So voted.** Mayor O'Connell stated the Baker Administration has an acted new Zoning requirements for MBTA communities. We are an abutting MBTA community, soon to be a MBTA community. The new Mass. General Laws c.40A § 3A was enacted as part of an Economic Development Bill in January 2021. The compliance guidelines are currently being worked on by the administration. Mr. Scanlon, Mr. Roth and Mr. Torres gave a brief update to the City Council to keep them in compliance with the new Law while the guidelines are being drafted and will allow them to remain in compliance so they can continue to apply for grants.

Mayor O'Connell stated there are currently twenty-nine (29) active Covid reported cases in Taunton. The Regional Vaccine Clinic at Northwoods has been extended through June 30th. It is still open Tuesdays from 10a.m. to 5:45p.m. All vaccines and boosters are available. Walk-ins are welcome. You can visit the City of Taunton website or Facebook page to book an appointment. If you need help or have questions, feel free to call the Mayor's Office. She said they wanted to let everyone know that there is going to be a lot of traffic delays around the City as we are coming up to the construction season. They asked for your patience and understanding. They are putting a great deal of money into roads and infrastructure this season. Once this is all over, you will be very happy we have nice roads to drive on. She knows it can be frustrating when you are trying to get somewhere. Check the City of Taunton and Facebook pages often to find out where the construction is happening and where to find the detours.

Appointments:

NONE

Communications from City Officers:

Com. from the DPW Commissioner requesting a transfer of funds in the amount of one-hundred and four thousand dollars (\$104,000.00) from Water Enterprise Other Employees to Water Enterprise Professional Technical for the purpose of reallocating funding for engineering services for the Water Division of the Department of Public Works for the 2022 Fiscal Year. Transferring these funds will re-appropriate unused budgeted funds that at the start of FY2022 were reserved for staff retirements/payouts anticipated and payroll differentials that were negotiated out of union contract that will not be incurred and afford the department the funding to contract for additional on-call engineering design and support services. **Motion was made to refer to the Committee on Finance and Salaries. So voted.**

Com. from the Chairman, Taunton Planning Board notifying of a Public Hearing and meeting for a site plan review for Winthrop Street, Map 76, Lot 117 to allow 3-mixed use buildings consisting of 29-residential units and 3-commercial units submitted by Brian & Barry LLC. This meeting will be held on Tuesday, April 26, 2022 at 8:45a.m., located at the Taunton Planning Board Office and then again reviewed by the DIRB on Thursday, May 5, 2022 located at City Hall. **Motion was made to receive and place on file. So voted.**

Com. from the City Planner submitting an ADA Transition update. As of April 10, 2022, 1202 issues in the schools, 11 issues at the Police, 9 issues at the Fire Stations, 12 issues in the parking areas, 95 issues in the parks, 31 items at polling locations and 559 issues in municipal buildings have been closed (1919 issues total). For the 3rd quarter, no items were closed. For FY22 a total of 8 items have been closed. At this point, the ADA accounts have the following remaining balances for this fiscal year as of October 1, 2021: Building Start \$100,000.00 & Remaining \$44,228.00, Public Grounds Start \$100,000.00 & Remaining \$89,236.80, DPW Start \$100,000.00 & Remaining \$100,000.00. An update was also provided on specific areas. **Motion was made to refer to the ADA Committee. So voted.**

Com. from the DPW Commissioner requesting a transfer of funds in the amount of seventy-eight thousand dollars (\$78,000.00) from vehicle Maintenance Division Other Employees and Street & Ways Construction of New Drains to Vehicle Maintenance Division Gasoline Supplies for the purpose of reallocating available, uncommitted funding for fuel costs for the Vehicle Maintenance Division of the Department of Public Works for the 2022 Fiscal Year. With unpredicted fuel prices incurred over the last few months, the DPW is anticipating a shortfall in the available department appropriation unused budgeted personnel funding and unused capital drainage funding to cover the projected fuel needs and anticipated fuel expense for the City's fleet. **Motion was made to refer to the Committee on Finance and Salaries. So voted.**

Com. from the Assistant Executive Director of Retirement, submitting a retirement for Jack Westcoat, of the Taunton Police Department to retire on May 5, 2022, with 29-years and 5-months of creditable service. **Motion was made to approve and send the appropriate scroll. So voted.**

Com. from the Chief Financial Officer requesting an approval of fund transfers. **Motion was made to refer to the Committee on Finance and Salaries. So voted.**

Com. from the City Solicitor regarding an Employment Contract for the Budget Director to commence July 1, 2022. A separate packet was provided. **Motion was made to approve. So voted.**

Com. from the City Solicitor requests funding for FY2022 for professional/technical services and tax possession custodian stipend. As to professional/technical services, the Law Department is requesting a transfer of funds in the amount of forty-thousand dollars (\$40,000.00) from available funds in the reserve account. They have matters pending which involve outside counsel or consultants and this request is intended to cover all anticipated and potential costs relating to the same. As to tax possession custodian stipend, the Law Department is requesting approval for the amount of two-thousand dollars (\$2,000.00). This expense was overlooked in the FY22 budget as there was no line item for it. **Motion was made to refer to the Committee on Finance and Salaries, the Budget Office and the CFO. So voted.**

Communications from Citizens:

Com. from Anthony Kinahan, CFO & Co-Founder, Tower Three, LLC requesting an amendment to their Host Community Agreement for their facility at 30 Sherwood Drive

to add product manufacturing. **Motion was made to refer to the Committee of the Council as a Whole. So voted.**

Petitions:

Billiard Table License - RENEWAL

1. Barbeque Integrated, Inc. –dba- Smokey Bones Bar & Fire Grill #7592 located at 1023 County Street, Taunton (2 Tables)
2. David F. Adams Post #611 Athletic Association, Inc. located at 82 Ingell St. Unit 4, Taunton (1 Table)

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

Junk Collector's License – RENEWAL

1. Automotive Recovery Services, Inc. –dba- Insurance Auto Auction located at 480 Myricks St., E. Taunton

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

Junk Collector and Junk Dealer Licenses - RENEWAL

1. Ducharme Trucking, Inc. –dba- Liberty Scraps & Recycling located at 720 West Water St., Taunton

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

Second Hand Article License - RENEWAL

1. 1909 Collectibles located at 1 Prospect St., Apt. 4, Taunton
2. Collector's Corner located at 1 St. Mary's Square, Taunton

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

Temporary Fixed Vendor License - RENEWAL

1. The Poutine Peddlers, LLC located at 239 Broadway, Taunton for a food truck

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

Claims

Claim submitted by Jerome Pickney, 112 Hayward Ave., Brockton, MA seeking reimbursement for damages to his automobile from hitting a pothole near 29 Winter Street, Taunton. *(Already referred to the Law Department and DPW)*

Claim submitted by James Rose, 93 Wilson Avenue, Rumford, RI seeking reimbursement for damages to his automobile from hitting a pothole at 85 Gulliver Street, Taunton. *(Already referred to the Law Department and DPW)*

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:

NONE

Orders, Ordinances and Resolutions:*Ordinance for a second reading to be passed to a third reading*

AN ORDINANCE

ARTICLE III. STOPPING, STANDING AND PARKING

Sec 405-53. Prohibited parking places.*Be it ordained by the Municipal Council of the City of Taunton as follows:**That Section 405-53 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:***Lakeview Ave., the North East Side starting at the intersection with Bay Street, North to the Split in Lakeview Ave., approximately 450 feet in length.**

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

Motion was made to be passed to a third reading. So voted.*Order to be adopted on a roll call vote***The following be adopted as Standard Operating Procedure:****Professional Appointments****Hiring Process for Municipal Council Appointments**

1. Notice of vacancy from Employee to the Human Resources Director.
2. The Human Resources Director sends a written communication of the vacancy to the Municipal Council, which is placed on the agenda.
3. The Human Resources Department sends the job description to both the Municipal Council and the Mayor for review or modification.
4. The Human Resources Department incorporates any suggested changes from the Municipal Council and the Mayor.
5. If any changes are made to the job description, the Human Resources Director sends the final draft to the respective union for approval.
6. The Human Resources Director, after discussion with the Municipal Council, prepares the job posting and determines the appropriate media to advertise the position.

7. Initially, the posting remains advertised for at least 14 days, with resumes and applications submitted confidentially and the position remains open until filled.
 - a. Resumes and applications submitted in the first 14 days are considered first.
8. The Human Resources Department has custody and control of all resumes and applications.
9. The Human Resources Department redacts names and addresses of the applicants and makes a copy of all materials and provides them to the Clerk of Committees for distribution to the Municipal Council.
 - a. Resumes and applications submitted after the first 14 days are kept on file in the Human Resources Department and ONLY be distributed to the Municipal Council if determined to be necessary for review by the Hiring Committee.
10. The Hiring Committee is established, consisting of:
 - a. Municipal Council President or designee
 - b. Mayor or designee
 - c. One member of Municipal Council on a related sub-committee designated by Chair of sub-committee
 - d. One member of Municipal Council-at-large designated by Municipal Council President
 - e. Human Resources Director
11. Executive Session is scheduled for the Hiring Committee to review applicants' resumes and applications. The Clerk of Committees posts the Executive Session meeting as required by the Open Meeting Law.
 - a. At the Executive Session, the Human Resources Director hands out packets of resumes and applications to the Hiring Committee members.
 - b. Resumes and applications are reviewed by the Hiring Committee and a list of potential candidates for interview is determined.
 - c. At the end of the Executive Session, the Human Resources Director collects the resumes and applications of the candidates.
 - d. The Hiring Committee determines potential interview dates.
12. Once interview dates are determined, the Clerk of Committees posts the interview dates as Executive Session meetings in accordance with the Open Meeting Law.
13. The Human Resources Department schedules interviews based on the dates determined by the Hiring Committee.
14. Interviews are completed on the designated dates in Executive Session.
 - a. At the end of the last interview, the Hiring Committee deliberates and determines finalist(s) for the vacant position.

15. The Clerk of Committees schedules question-and-answer sessions with the finalist(s) with no more than three Councilors at a time prior to the vote at the Municipal Council meeting.
16. The Municipal Council President places the finalist(s) on the agenda of the Committee of the Council as Whole for a recommendation to the Municipal Council.
17. The Human Resources Department provides a contingent job offer based on the vote of the Municipal Council.
18. The Municipal Council President places the appointment on the agenda of the Municipal Council for a final vote.
19. The Municipal Council votes to approve the finalist for appointment.
 - a. The Human Resources Department notifies the finalist and executes the onboarding process.
20. If the finalist is not approved by the Municipal Council, the process starts again, and the posting remains advertised until the position is filled.

Motion was made to move this Order to next week's City Council meeting due to absent Councilors. Councilors Quintal and Dooner were absent. **So voted.**

New Business:

Councilor Pottier made a motion to refer concerns regarding the intersection on Broadway and Washington Street where Walgreens is located, to the Safety Officer to get a report to see if there is anything they can do to engage with the State. So voted.

Councilor Borges made a motion to refer concerns regarding North Walker Street, Tremont Street and Worcester Street to the Safety Officer. When heading North on North Walker, the corner coming from the left is blind due to brush. Also, the east bound traffic on Tremont Street and there is a lot of speeding. It actually claimed the life of a man this week, due to an accident two-weeks ago. **So voted.**

Councilor Borges made a motion to refer to the Committee on Economic Development and Technology to invite Mr. Roth and his team to talk about the action plan for the CDBG Fund (Community Development Block Grant) and update the City Council on what's happening. So voted.

Councilor Pottier made a motion to refer the striping and lettering that is faded located behind the Holy Rosary Church on Hopewell Street near Hopewell Park to the DPW to look at re-striping. So voted.

Councilor Pottier made a motion to refer past fireworks displays to the Committee of the Council as a Whole for a discussion and to have the Council hear some of the complaints from the neighborhood. So voted.

Attorney Costa stated the Law Department has a litigation matter that he would like to brief the Council about and it's somewhat a time sensitive to do this briefing. He was asked if the Council would be interested in taking a vote for an Executive Session next week with the Committee of the Council as a Whole. **Motion was made to move the request for an Executive Session with the Committee of the Council as a Whole and to also receive an update on all other pending litigations with the City. So voted.** On discussion, Councilor Postell asked if they can also have an update on all other pending

litigations with the City added to the motion. Atty. Costa stated they do have an update on this that is ready to go, it's in its final forms. They should have this ready to be emailed tomorrow.

Meeting adjourned at 7:36 P.M.

A true copy:

Attest: 
City Clerk

RMB/KLD

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 26, 2022

RECEIVED
CLERK'S OFFICE
2022 APR 28 P 3: 20

THE COMMITTEE ON FINANCE AND SALARIES

TAUNTON, MA

PRESENT WERE: COUNCILOR PHILLIP DUARTE, CHAIRMAN AND COUNCILORS POTTIER
AND MCCAUL ~~AND CLERK~~

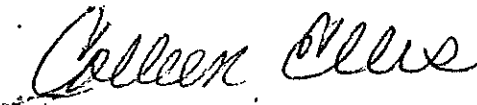
MEETING CALLED TO ORDER AT 5:34 P.M.

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
 \$1,209,159.00. SO VOTED.
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF
 \$1,574,439.67. SO VOTED.

MEETING ADJOURNED AT 5:35 P.M.

CITY OF TAUNTON
APR 26 2022
IN MUNICIPAL COUNCIL

Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

Rm Beachwell
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 26, 2022

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2022 APR 28 P 3:20
TAUNTON, MA
CITY CLERK

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT PHILLIP DUARTE AND COUNCILORS BORGES, MCCAUL, POTTIER, COUTE, SANDERS AND POSTELL. ALSO PRESENT WAS ASSISTANT CITY SOLICITOR PETER WINTERS

MEETING CALLED TO ORDER AT 5:41 P.M.

1. MEET TO DISCUSS LAND DEVELOPMENT-NORTHEAST, INC. ANNUAL CONTRIBUTION UNDER THEIR SPECIAL PERMIT

Councilor Duarte said this first came to the attention of the Council when Councilor Coute brought it up. It is about payments owed to the Heart of Taunton under the Special Permit that was issued to the Taunton Depot Shopping Center. Since that time the property has been divided among the different owners that own the stores so Land Development Northeast is requesting that the payments of the contributions be divided up based on the ownership. The Assistant City Solicitor had written the Council a letter on March 3 of this year about this matter and it was referred back to this Committee. On March 30 the Council received another correspondence from the Assistant City Solicitor with a correspondence that he received from Land Development Northeast about the matter.

Attorney Winters said these permits are pursuant to a condition of a Special Permit that the Municipal Council granted in January of 1996. It says that the petitioner agrees to the condition which requires him to pay annual membership dues in the amount of \$2,000 per year to the downtown Main Street or business organization, currently Heart of Taunton. Additionally the petitioner agrees to make a contribution in the amount of \$4,000 per year to the downtown Main Street or business organization for the betterment of downtown physical amenities and façade improvement program. This is pursuant to the Special Permit. It also says that the Municipal Council shall have the authority to assess at their discretion the above specified dues and contributions in the event the ownership of the shopping center is divided by any means in the future. That authority shall be vested only if the petitioner has not made such provision. Attorney Winters said he spoke with the attorneys for Land Development Northeast and they have not made specific provisions for that so it is up to the Council to decide if they want to start allocating the fees between the current owners of the properties. The developer has sent a breakdown of how they wish the contributions to be allocated which is included with his letter of March 3. It is essentially at the discretion of the Council whether they want to make the contributions allocated between the current owners. Also, the question is whether they want to make it prospective or retroactive for the last 3 years.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Councilor Coute said, to be clear the Special Permit goes with the entire parcel so that any vote they make the new owners would have to adhere to that because it covers the entire parcel. Attorney Winters said yes, instead of having Northeast Land Development collect it, it would be sent directly from the various parcel owners. It has been divided among Target, Kohl's, Ocean State Job Lot and Home Depot. Councilor Coute asked if those were all split off as separate parcels now, to which Attorney Winters said yes. Councilor Coute said he would think that they would want to make that assessment moving forward, not retroactive because the petitioner did not seek that change when they started selling the lots. He would be in favor of having the petitioner pay what is due up until now, then moving forward, when they let all the other parties know of this change, for future assessments.

Councilor Duarte said he sees this as there being 2 different factors here. One is the immediate issue of whether to assess all of the monies owed to just Land Development Northeast or to split it up as requested. Second, as Councilor Coute mentioned, is whether the Council can do that retroactively or only moving forward. There is a separate issue about the Heart of Taunton being the custodian of these funds because they are essentially an organization on paper. He thinks everyone is aware that they have since been replaced by the Business Improvement District. The Special Permit basically takes that into account by referencing it generally as the Taunton downtown Main Street or business organization, and then in parenthesis says currently Heart of Taunton, so the Council should consider allocating those funds to the Business Improvement District at least on a continuing basis from now.

Councilor Sanders noted that currently this arrangement is with Land Development Northeast, and they have committed to \$2,000 a year. This is an organization that still exists and still has some role with these properties. Attorney Winters said yes, they still own a parcel and have allocated their 27%. Councilor Sanders said his concern about splitting this up is the City billing 4 entities separately rather than 1 entity. It would not be out of the realm of possibility that a store could for whatever reason close, then what happens if the Council has divided these up into 4 and one of the businesses leaves. They then have an entity that is not going to pay the City anymore.

Attorney Winters said theoretically there is going to be an entity that will accede to the property rights as it is a valuable piece of property. He is assuming that some other entity would take over that site eventually. Also, he would assume that Land Development Northeast is still around they would step in and make the payments. Councilor Sanders then asked if there is anything preventing Northeast from speaking to these 4 entities themselves, notifying them that they are going to have to pay their share and let Land Development Northeast take the burden of arranging that. Attorney Winters said he supposes there is nothing preventing them from doing that. Under the

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

agreement they had the opportunity to allocate the cost and hadn't done that at this point, so therefore the City can allocate them until they decide to make some sort of alternate arrangements. Councilor Sanders said on the City side he feels it is easier and more reliable if they just expect Northeast Development to continue managing this. They can be the one to chase down folks, they can be the ones to figure out what happens if one of these businesses goes bankrupt or packs up and leaves. He feels that leaving this in the hands of Northeast Development and letting them sort it out is best so he is not in favor of changing this.

Councilor Borges noted that Colleen Simmons of BID was present and the following motion was made:

MOTION: TO OPEN PUBLIC INPUT. SO VOTED.

Mrs. Simmons said this is something that the BID Board has been in discussion about amongst themselves for a couple of years and have, at least yearly, tried to communicate with the Heart of Taunton and the Chamber to get this situated. When the Heart of Taunton was an actual functioning organization, a lot of façade improvements were made downtown through those funds. The BID is now functioning, they have a functioning Board, they have a great track record of work they have done downtown, and these funds are specifically earmarked for façade improvements for downtown. They would like to get the funds that are rightfully due to downtown property owners and continue the work that they have done downtown.

Councilor Borges asked what the total amount owed is right now, and Councilor Duarte said he believes it is \$20,000.

Mrs. Simmons said there are some property owners that have actually already applied for those funds, so they could already give those funds out.

Attorney Winters said he believes Heart of Taunton has already received a partial payment. What happened was Land Development Northeast had made a partial payment of what they thought they owed to Heart of Taunton.

Councilor Duarte said the total owed is \$30,000 going back to 2018. Each year the assessment is \$6,000 on the whole parcel, so this is going back to 2018, 2019, 2020, 2021, and 2022. The payment that they made was \$3,720.73 based on what they believe is their share.

Mrs. Simmons said there is another issue as well. What needs to be rectified going forward is who is getting the bill, who is sending the bills, what organization the money is going to go to. Then there is also funds that have been previously collected by the Heart of Taunton that needs to be given to the BID, to get those funds to where they are earmarked to go.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Councilor Coute said as far as the funds that the Heart of Taunton received, he does not feel the Council has any input on, but he does think it is a reasonable request that the distribution be split amongst the property owners. He then made the following motion:

MOTION: TO APPROVE THE SPLIT AS PRESENTED BY LAND DEVELOPMENT NORTHEAST MOVING FORWARD FOR THE NEXT TAX YEAR, AND ANY MONIES DUE NOW IS DUE BY THE LAND DEVELOPMENT NORTHEAST ORGANIZATION AND THE FUNDS, EFFECTIVE IMMEDIATELY, WILL GO TO THE BID

The motion was seconded and on discussion Councilor Pottier said his question is that if one of those property owners decides to close, he appreciates the fact that this is valued real estate, however, the spot between Kohl's and Target has been empty so what happens to that particular assessment. Does someone pick that up because there is no business there currently. Attorney Winters said he would assume that it would be the developer and that is what their portion is based on, however it is not clear from their letter that they sent. Councilor Pottier then said that the total due and the total hopefully received will be the same regardless. Attorney Winters said it is \$6,000 per year and is assuming that would be the same amount.

Councilor Duarte said looking at the documents that were provided, they might actually be the owners of some of the vacant pieces on the property. If you look at the splits, you have Target, Home Depot, Kohl's, Ocean State Job Lot and then another miscellaneous parcel owner, 109th Street Taunton RMB LLC. They own 2 parcels, Taunton Depot lot L and Taunton Depot Lot E, so that is probably all those other properties that are in there.

Councilor Duarte then clarified the motion to be on a going forward basis approve the splitting of the assessments and require them to pay up until now.

Councilor Coute said for the next tax year which would be 2023, but anything due now would be paid with the current arrangement. Moving forward the money is to go to the BID.

THE MOTION WAS VOTED ON WITH COUNCILORS BORGES, MCCAUL, POTTIER, COUTE, AND POSTELL VOTING IN FAVOR. COUNCILOR SANDERS VOTING IN OPPOSITION. MOTION CARRIES.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

MEETING ADJOURNED AT 6:02 P.M.

CITY OF TAUNTON
APR 26 2022
IN MUNICIPAL COUNCIL

Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
APRIL 26, 2022

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2022 APR 28 P 3: 20

THE COMMITTEE ON SOLID WASTE

TAUNTON, MA

PRESENT WERE: COUNCILOR ESTELE BORGES, CHAIRMAN AND COUNCILORS POTTIER, POSTELL AND COUTE. ALSO PRESENT WAS CITY SOLICITOR MATTHEW COSTA

MEETING CALLED TO ORDER AT 6:04 P.M.

MOTION: TO GO OUT OF ORDER AND MOVE TO THE SECOND ITEM ON THE AGENDA. SO VOTED.

2. MEET WITH THE CITY SOLICITOR IN EXECUTIVE SESSION TO DISCUSS EXACTLY WHAT OCCURRED WITH THE RFP, WHAT DEPARTMENT DID THE RFP ORIGINATE FROM, AND WHY AN EMPLOYEE DID NOT ADVERTISE IT PROPERLY

Attorney Costa had reviewed the agenda and in his opinion he does not think that the topics identified should be discussed in Executive Session.

Councilor Borges said the reason for the meeting is because the Aries RFP was not advertised properly. Most of the Committee had a desire to know where the RFP had actually initiated from, where was the breakdown and to determine what exactly happened.

Attorney Costa said that there was an employee who took steps to advertise the RFP and it was not published as anticipated.

Councilor Borges asked if the RFP was reviewed by any supervisor before it went out, what is the process now for RFP's? How does it work, it initiates from the Law Department, and obviously this one probably went through the DPW, what was the next step after that, after the employee takes it upon themselves, is there any oversight, how does that work.

Attorney Costa said they coordinated with the Department of Public Works but he cannot comment on what the internal processes there are.

Councilor Borges said she has given a lot of thought as far as the process and what went wrong and how much time and money that was invested and wasted on this RFP, she was thinking that maybe having an outside legal counsel where that is all that they do and specialize in, might be a better way to go and maybe save the City some money.

Attorney Costa said the City is in the process of hiring a Chief Procurement Officer.

Councilor Pottier said he has no worry at all about what happened with the employee who may have entered this incorrectly. He understands that a second one may have been entered incorrectly as well only in so far as that is the reason why the City needs a Chief Procurement Officer. It is a very detailed process and procedure to follow all the regulations in procurement in a municipality and it is also difficult to find someone with that skill set. He then asked if Attorney Costa knew when the employee tried to enter

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THE COMMITTEE ON SOLID WASTE – CONTINUED

the RFP, was it the last couple of months, was it last summer, was it the spring? He is just trying to get the timeline down as to when they tried to enter it.

Attorney Costa said his recollection is that it was during the summer, probably July.

Councilor Pottier then said in reading through the letter from Attorney Costa, it sounds like they are working towards entering the RFP, if they haven't already, in full accordance with recommendations from the Inspector General's Office, is that correct?

Attorney Costa said that is correct. Councilor Pottier then said this is a very important RFP for the City, this is not a slam dunk proposal and there are people justifiably proponents and opponents to bringing this to the City which means all the more important that this is done in full accordance with the Inspector General's office. He then asked if Attorney Costa foresees any big challenges with Aries, who they awarded the contract to originally, if they are going back out, does he foresee challenges there or has his office or the Administration been in discussion with Aries to let them know what is going on.

Attorney Costa said they are aware that a new RFP will be put out.

Councilor Pottier asked, when the responses come back who will be the panel to decide which of those to choose, he is assuming the DPW, the Administration, the Law Department, would any of that come back to Council for consideration or at least an update.

Attorney Costa said he thinks what they will do is that they will prepare it and will brief the Council about that process.

Councilor Postell said going back to the letter that came in on February 18th regarding the February 15th letter from the OIG, was a navigational document given to the folks that would typically put out that request because in that e-mail there is a document that pretty much makes it clear what is needed for this type of request. Was that shared with the staff member so they have it as a reference and guide.

Attorney Costa said yes, the Request for Proposal states what documents it needs to include.

Councilor Coute said on the subject of employee breakdown he does not think it is the Law Department's role to answer those questions about employees making mistakes with postings, it is just not what the Law Department does here for the City of Taunton. He thinks if there are questions about specific breakdowns with certain DPW employees, they should ask the DPW those questions, not the Law Department.

Councilor Borges said that maybe this is not the proper place to discuss that but it certainly needs to be discussed as to where the breakdown was and it needs to be addressed.

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THE COMMITTEE ON SOLID WASTE – CONTINUED

Attorney Costa said just to clarify, the reason he advised that this would not be appropriate for Executive Session is that there are very specific reasons. The way it was listed on the agenda he did not think it met the standards.

Councilor Pottier said he is not interested in reprimanding the employee because the filing of these RFP's is not the easiest thing to do. There is definitely some expertise involved but he does appreciate the fact that the Law Department would at least consider bringing in some outside expertise to at least look at the RFP to help out in determining what might be the best course of action.

Attorney Costa said the DPW has some people involved with the Department that have experience with this. So they have the input from the Inspector General and they have some folks involved with the DPW that have expertise on these things. They definitely do not want to have to do this again.

Councilor Borges asked if he had a timeframe as to when this RFP will go back out and it was answered that they don't know exactly but they do want to get it out as soon as possible.

Councilor Sanders said the issue of the employee is not the meat of the matter. Clearly from the process they have seen, this process had multiple problems along the way and the least of their worries is whether or not one of the employees had the adequate training and took the appropriate steps to post this. He is more interested in learning about the rest of the problems outlined by the IG's letter and how they got to a place where the City Solicitor presented that all was well and the IG's office presenting that all was not well and detailing a number of flaws in the process starting with whether or not an RFP needed to be done in the first place.

1. MEET WITH THE CITY SOLICITOR IN EXECUTIVE SESSION TO DISCUSS THE LETTER SENT BY THE IG ON APRIL 20 REGARDING THE ARIES RFP

Councilor Borges then asked if Attorney Costa felt it was appropriate to meet in Executive Session to discuss the April 20 letter or does he feel it is something he would be comfortable discussing in an open session if any of the Councilors have additional questions regarding that matter.

Attorney Costa said he does not have an issue with that. The Council has the letter and it speaks for itself. It lays out the same issues they discussed and reiterates things the Law Department was already aware of and what he has said is that they will comply with the IG's suggestions.

Councilor Pottier asked if before they issue the RFP will they be running it by the IG's office just to make sure it is all set. Attorney Costa said they probably will.

The following motion was then made:

MOTION: TO EXECUSE THE CITY SOLICITOR. SO VOTED.

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THE COMMITTEE ON SOLID WASTE – CONTINUED

3. MATTERS IN FILE

A. PRESENTATION WITH REPRESENTATIVES OF ARIES TAUNTON BIOSOLIDS GASIFICATION PROJECT

MOTION: TO REMOVE THIS FROM THE FILE. SO VOTED.

B. DISCUSS SENIOR TRASH BAGS AND FINAL REPORT ON THE LANDFILL

Councilor Postell said in regards to the landfill he thinks they know what the definitiveness of that outcome is. In terms of discussing a senior trash bag program, he feels that is important to keep in the file to evaluate different options moving forward. Councilor Pottier said he would split these 2 items and the only issue in leaving the second part in is to get a final report on the landfill and what net they are challenged with on a bottom line basis, because he thinks they still have some structural deficit with the landfill.

MOTION: TO SPLIT THESE ITEMS AND KEEP THEM BOTH IN THE FILE. SO VOTED.

C. SERVICE CHALLENGES WITH CURBSIDE TRASH AND RECYCLING

MOTION: TO LEAVE THIS IN THE FILE. SO VOTED.

D. CURRENT SITUATION WITH YARD WASTE REMOVAL

MOTION: TO LEAVE IN FILE. SO VOTED.

E. CHALLENGES WITH MUNICIPAL SOLID WASTE PICKUP, DIFFICULTY WITH HAVING TRASH BEING PICKED UP

MOTION: TO COMBINE THIS WITH C. SO VOTED.

F. SPECIAL EMPLOYEE STATUS FOR BOARD OF HEALTH HEARING OFFICER

MOTION: TO KEEP IN FILE AND FOLLOW UP WITH THE MAYOR'S OFFICE, THE BOARD OF HEALTH AND THE LAW DEPARTMENT. SO VOTED.

G. DISCUSS INVITING DEP TO DO A PRESENTATION ON THE MASTER PLAN FOR THE LANDFILL AND GASIFICATION

Councilor Pottier said he does not think this necessarily ties into the Aries situation and thinks that Taunton as well as 350 other communities would like to know what the State's long term plan is for disposing of municipal solid waste. He would leave this in the file, perhaps kicking this up to the Mayor's office to see if they could see what the long term plan is because trucking our solid waste out of state is not a long term viable solution.

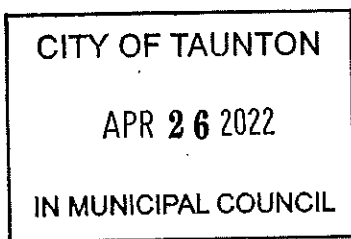
MOTION: TO LEAVE THIS IN THE FILE AND/OR KICK IT UP TO THE MAYOR'S OFFICE TO SEE IF THEY HAVE HEARD ANYTHING ON A LONG TERM PLAN ON MUNICIPAL SOLID WASTE. INVITE THE CHIEF OF STAFF, MAYOR AND THE DPW TO THE DISCUSSION. SO VOTED.

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THE COMMITTEE ON SOLID WASTE – CONTINUED

MEETING ADJOURNED AT 6:33 P.M.



Respectfully submitted,

A handwritten signature in black ink that reads "Colleen M. Ellis". The signature is written in a cursive style.

Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.

A handwritten signature in black ink that reads "Rm Blackwell". The signature is written in a cursive style.

CITY CLERK