



*City of Taunton  
Municipal Council Meeting Minutes  
City Hall, 15 Summer Street, Taunton, MA  
In the Chester R. Martin Municipal Council Chambers*

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*Minutes, October 11, 2022 at 7:19 O'clock P.M.*

*Regular Meeting*

*Mayor Shaunna L. O'Connell presiding*

*Prayer was offered by the Mayor*

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

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

**Hearings:**

NONE

**Communications from the Mayor:**

Mayor O'Connell said there are approximately seventy (70) active Covid cases in the City of Taunton. Vaccines and boosters are available at local pharmacies such as CVS, Walgreens, Walmart and Hannaford's. This weekend coming up is a big one. It is our Liberty & Union Festival which is Saturday, October 15<sup>th</sup> from 12-4 p.m. on Church Green. It's a wonderful time. There will be food trucks, craft fairs, beer garden, historic reenactors and they will be proudly raising the Liberty & Union flag at 12:00 p.m. The Downtown Taunton Foundation is seeking input from business owners, property owners, residents and visitors about the direction that the Downtown Taunton Foundation should take over the next 5-years. They will have a public forum drop-in event that is being held on Wednesday, October 19<sup>th</sup> from 5-7 p.m. at the Trescott Street Art Gallery or you can fill out a survey online at the City of Taunton website. As a reminder, the City of Taunton will provide fall yard waste collection services on the week of October 24<sup>th</sup> and also on November 14<sup>th</sup>. This will be available for all City residents who receive curbside trash pickup. This is scheduled on the same day as your household waste pickup.

**Appointments:**

NONE

**Communications from City Officers:**

Com. from the Chairman, Taunton Planning Board notifying of a meeting regarding the Roadway Improvement Plan for Maynard Street, Hunter Street and Little Street. Improvements will consist of 26-foot pavement width for a length of 1,121-feet for future development of Map 80, parcels 65, 66 and 67, which was submitted by Eastside

Development LLC. The Taunton Planning Board will review this on Thursday, November 3, 2022 at 5:30p.m. at City Hall located at 15 Summer Street. **Motion was made to receive and place on file. So voted.**

Com. from Senator Marc R. Pacheco notifying of funding. He is pleased to inform that he secured an earmark of \$100,000.00 in the FY2023 senate budget that was agreed to by his house colleagues for the Taunton Council on Aging. These funds are beyond what the Council on Aging will receive through the regular budget appropriation. This appropriation is a non-reoccurring source of funding and needs to be expended by June 30, 2023. He requested a point of contact to receive these funds from his office. **Motion was made to refer to the CFO and the Director of Human Services. Also, send a communication back to the Senator informing him that the Director of Human Services is the contact. So voted.** Mayor O'Connell said they thank Senator Pacheco for his efforts and supporting our Council on Aging.

**Communications from Citizens:**

NONE

**Petitions:**

**Billiard Table License - RENEWALS**

1. Taunton Sports Club, Inc. located at 33 Baker Road, Taunton (1 Table). **Motion was made to refer to the Committee on Police and License and to the Police Chief. So voted.**
2. Taunton Eagles Soccer Club, Inc. located at 29 Oak Street, Taunton (1 Table). **Motion was made to refer to the Committee on Police and License and to 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, also to include the Executive Session from last week. So Voted.**

**Unfinished Business:**

NONE

**Orders, Ordinances and Resolutions:**

*Ordinance for a second reading to be passed to a third reading*

**AN ORDINANCE RELATIVE TO LICENSING RECREATIONAL (NON-MEDICINAL)  
MARIJUANA ESTABLISHMENTS**

**Part II: General Legislation**

**Chapter 222**

**Recreational (Non-Medicinal) Marijuana Establishments**

*Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:*

Chapter 222 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking and replacing Section entitled §222-1(E) as follows:--

§222-1 (E) Number of Recreational Marijuana Retailers

The total number of marijuana retailer licenses which may be issued pursuant to this chapter shall be nine (9).

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to pass to a third reading. Councilor Duarte asked to be marked as present. Councilors Dooner and Postell were opposed. So voted. Motion passed.**

City of Taunton FY2023 Supplemental Budget to be ordained on a roll call vote

**A RESOLUTION OF APPROPRIATION FOR FISCAL YEAR 2023  
SUPPLEMENTAL BUDGET**

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF TAUNTON: THAT THE FOLLOWING SUMS BE AND HEREBY ARE GRANTED AND VOTED FOR THE PURPOSE AND OBJECTS HEREINAFTER STATED; AND BE IT FURTHER RESOLVED THAT NO PORTION OF ANY AMOUNT HEREINAFTER SHALL BE DEVOTED TO ANY OTHER PURPOSE THAN THAT DESIGNATED IN THIS RESOLUTION EXCEPT BY VOTE OF THE MUNICIPAL COUNCIL.

TOTAL NEW EXPENDITURES..... \$265,884,928.05

**Motion was made to move on a roll call vote. On a roll call vote, eight (8) Councilors were present, eight (8) Councilors voted in favor. Councilor Borges was absent. So voted. Motion passed.**

**New Business:**

Councilor Borges requested to meet with City Solicitor Matthew Costa regarding the validity of a vote to remove public input on 10/4/22. **Motion was made to refer to the letter given to the Council by the City Solicitor they received this evening. So voted.**

Requested by Councilor Sanders, Downtown Taunton Foundation/BID Representative, for an update from the Administration about assignment of Home Depot Plaza funds to the DTF, as voted by the Council. Councilor Sanders clarified that it's not the Downtown Taunton Foundation (DTF) but the BID. As he recalls, the Council made a motion to appropriate funds that come from the Home Depot plaza to the BID and last time he asked, he believes no funds had been received from that account for the past year. He wants to know what's going on with that. Mayor O'Connell said Attorney Winters can provide the Council with an update on this which will include, the vote that was taken, the funds that were received, where they have gone and what's to come. Councilor

Sanders asked when they can expect this. Mayor O'Connell stated in the next 2-weeks. No motion was taken.

**Councilor Pottier made a motion to refer the pedestrian being seriously hit and injured around Oak Street and Washington Street to the Speed and Traffic Enforcement. So voted.**

Councilor Pottier requested, when the DPW gave their excellent presentation along with the CFO regarding the water and sewer rates, I asked for the percentage of the City that was currently watered and sewered. He asked that this information be given to the Council.

Meeting adjourned at 7:28 P.M.

A true copy:

Attest:   
City Clerk

JLL/KLD

City of Taunton  
Municipal Council  
October 11, 2022

**The Committee on Finance and Salaries**

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

Present were Councilor Phillip Duarte, Chairman and Councilors Pottier and McCaul.

The meeting was called to order at 5:40 P.M.

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2022 OCT 14 A 9:52  
TAUNTON, MA  
CITY CLERK

**1. Meet to review the weekly voucher and payrolls for City departments.**

**MOTION:** Approve the payroll warrant in the amount of \$1,366,949.27. **So voted.**

**MOTION:** Approve the accounts payable warrant in the amount of \$1,502,928.49. **So voted.**

The meeting was adjourned at 5:41 P.M.

Respectfully submitted,

*Maggie E. Clarke*

Maggie E. Clarke  
Clerk of Council Committees

CITY OF TAUNTON  
OCT 11 2022  
IN MUNICIPAL COUNCIL

**REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.**

*Jeanette R. Regis*  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
OCTOBER 11, 2022

RECEIVED  
CITY CLERK'S OFFICE  
2022 OCT 14 AM 9:53  
TAUNTON MA  
CITY CLERK

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

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

Present were Council President Phillip Duarte and Councilors Dooner, McCaul, Pottier, Coute, Sanders, Quintal, and Postell. Also present was City Solicitor Matthew Costa. Councilor Borges was absent.

The meeting was called to order at 5:54 PM.

**1. Meet to discuss public input.**

Councilor Duarte reminded the Council of the meeting held on April 5, 2022 where there was extensive discussion about the matter of public input and, at that time, a motion was made and passed which would require people to sign up in advance in order to give public input on non-agenda items. Those wishing to speak on agenda items would sign up the day of. That motion passed on a 5-4 vote with Councilors Quintal, Coute, Pottier, McCaul, and Dooner voting in favor and Councilors Postell, Sanders, Borges, and Duarte voting in opposition. In order to further that motion, Councilor Duarte discussed three documents which he suggested implementing. The first document outlined proposed language changes to the Rules of the Council which made public input a standing agenda item. Second was a registration form for those wishing to register in advance to discuss a miscellaneous item. This would need to be filed with the City Clerk by 10AM on the deadline date for the agenda posting. The final document was a signup sheet for those wishing to register the same day to give input on an agenda item.

City Solicitor Matthew Costa shared a prior communication on the topic from then City Solicitor Jason Buffington. This included a copy of an applicable court decision, minutes from the meeting when it was previously discussed, and the opinion of Attorney Buffington. The court decision was from a case in Natick where a member of the public was prevented from speaking, went to court, and prevailed. Attorney Costa also emphasized former Assistant City Solicitor D'Abreau's previous advice that public input is not required and can be at the discretion of the chair. He further emphasized that public input in the Council meetings only started as a standing item with COVID and Attorney Buffington cautioned the Council against having this as a regular, recurring agenda item without a detailed policy and Attorney Costa agreed. Attorney Buffington described this area as "fraught with legal peril" and Attorney Costa agreed. Attorney Costa emphasized that it is very difficult to enforce rules of decorum in the context of the First Amendment.

Councilor Duarte read a letter from Councilor Borges who indicated that she is concerned with the removal of public input from the agenda. She stressed that public input should be a

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The Committee of the Council as a Whole – Continued

place for one to voice their ideas, concerns, etc. but not a place to damage someone's character.

**MOTION:** Make Councilor Borges' letter part of the record. **So Voted.**

**MOTION:** Make the documents presented and Attorney Costa's documents part of the record. **So Voted.**

Councilor Pottier indicated that he would like to allow some input on the topics of the day but that the Council is unable to have a give and take when someone introduces a topic that day. He indicated that he understand the limited ability to shut down attacks made on public officials. He expressed his opposition to a free-for-all as seen in other cities and his hope is to have some rules of engagement.

Councilor Coute stressed that it is difficult to limit input to respectful comments.

Attorney Costa indicated that the crux of the issue is that the Council is interested in inviting commentary but limitations may infringe on First Amendment rights.

Councilor Coute expressed his support for public input on City Council matters, specifically matters that are under the jurisdiction of the City Council. He favors having these items on the agenda so that everyone knows what will be discussed and can attend and it can be determined if the item is City Council business.

Councilor Postell expressed his support for public input. He indicated his belief that this proposed process just adds more work to the City Clerk's office and is overkill. However, he suggested that same day sign-in is reasonable. Mr. Postell further indicated that it is important that the citizens know that they are being heard and know that the Council cares about their issues. Further, he indicated that there have been issues that have come forward where there have been positive outcomes. Councilor Postell wondered if adding layers to the process would deter people from participating.

Councilor McCaul indicated that he believes the Council needs to have an open dialogue with residents and having a sign-in with a phone number would allow the Councilors to follow up with residents if necessary. He suggested having public input during sub-committee meetings instead of during the general meeting.

Councilor Dooner asked Councilor McCaul to clarify if he was referring to all committee meetings or just the Council as a Whole. Mr. McCaul indicated that the Committee of the Council as a Whole probably would make the most sense. Councilor Dooner further agreed

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**The Committee of the Council as a Whole – Continued**

with Councilor Pottier and Coute and that she doesn't want the Taunton Council meetings to turn into those meetings seen in other communities so they need to be clear what is defined as City business.

Attorney Costa indicated that he believes "Business of the City" is very broad and should be better defined to stipulate items under the Council's purview. He also indicated that "respectful and courteous" is too vague and not enforceable from a freedom of speech perspective.

Councilor Dooner questioned if this should be referred to the Law Department. Attorney Costa suggested that the Law Department work with the Council to make sure the policy is on the firmest ground possible. He stressed that it is the Council who sets the policy.

Councilor Sanders stressed that the Council has included public input for the past 26 months with perhaps 3 episodes that caused concern. He indicated that it is easy to defend rights and freedoms when we agree but it's harder to defend those rights when people come to the podium and say things with which the Council does not agree. He suggested that it was difficult for Councilor Quintal to hear things said about him in a recent meeting but Mr. Sanders indicated that he had a similar situation and, at that time, not one Councilor objected. He himself did not object to someone criticizing him and, he expressed his belief, Councilors need to be willing to let people speak their minds even when it's not accurate. He addressed the concerns of other Councilors that there can be no back and forth to address issues brought forward to the Council during public input and pointed to the letter from the Law Department indicating that the open meeting law only prohibits discussion of items not reasonably anticipated by the Chair. Mr. Sanders does not want public input suspended indefinitely. He believes that having public input on the agenda invites people to come and putting up obstacles will discourage people.

Councilor Postell suggested that the agenda needs to match what is specified in the rules.

Councilor Coute emphasized that they need to ensure that matters discussed are City business and, while he's in favor of public input, he's also in favor of listening to legal advice. He repeated the phrase that had been used throughout the evening "fraught with peril" and indicated his preference to heed legal advice. Further, he suggested that it is more transparent to have it on the agenda and let the world know what will be discussed.

Councilor Coute made the following motion:



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**The Committee of the Council as a Whole – Continued**

**MOTION:** Refer this matter to the law department to work with the Council President to come up with the proper structure for public input that would require any item to be discussed publicly to be on the agenda.

Councilor Postell questioned if the registration forms are due to the Clerk's office by 10AM, what the process will be and who will determine what will be on the agenda. He wondered who will be the decider of what will and will not be placed on the agenda. Attorney Costa suggested that this needs to be clarified and Councilor Coute indicated that the presiding officer controls the agenda.

Councilor Coute expressed his wish to have an electronic version of the registration form and Councilor Duarte said that will be worked on with the new website.

Councilor Sanders indicated that he will only support this motion if public input is resumed next week.

Councilor Coute suggested a working group of the Council to get together with the Law Department immediately.

Councilor Sanders indicated that he is willing to entertain any format if public input is resumed immediately.

Councilor Coute emphasized that the original motion was to have public input temporarily.

Councilor Sanders stated that there was a vote to maintain public input at the time the phone line was discontinued. He again emphasized that public input must be resumed immediately.

Councilor Pottier indicated that he would be willing to adopt the proposed guidelines tonight. He further stressed that he didn't want the perception to be that public input only happened the last 26 months. Prior to that, citizens were never denied the ability to speak.

Councilor Coute amended his motion:

**AMENDED MOTION:** Temporarily adopt the process that Council President Duarte put on their desk immediately until, within 30 days, the Law Department reports back with some legal structure on best practices moving forward.

Councilor Postell asked if the City Clerk had been consulted and Councilor Duarte indicated that, no, it was put together as an answer to the vote taken in April.

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**The Committee of the Council as a Whole – Continued**

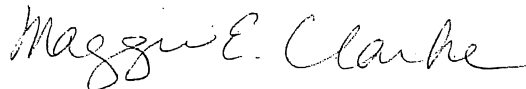
Councilor McCaul indicated that he believes this needs to be put together correctly and that the Law Department should be given an opportunity to get it done right. Further, he indicated that he likes the idea of a committee to make sure that it's done correctly.

Councilor Couste indicated that he is trying to compromise to satisfy the concerns of the Councilors.

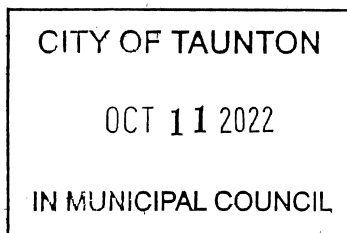
**On a roll call, Councilors Dooner, McCaul, Pottier, Couste, Sanders, and Quintal voted yes. Councilors Postell and Duarte voted no. The motion carries on a 6-2 vote.**

The meeting was adjourned at 7:11 PM.

Respectfully submitted,



Maggie E. Clarke  
Clerk of Council Committees



**REPORTS ACCEPTED. RECOMMENDATIONS ADOPTED.**



CITY CLERK