



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, October 29, 2019 at 7:05 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*A moment of silence was held for Father Lenny Nelson who was a huge advocate for the homeless here in the City of Taunton. He was the Chaplain for many years for the Taunton Police Department. Mayor Hoye stated that he passed away yesterday and asked that we all keep Father Lenny, his wife Kathy and his entire family in our thoughts and prayers this evening.*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilors McCaul, Postell, Quinn, Borges, Carr, Pottier, Cleary, Sanders and Croteau*

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

Motion was made to go out of the regular order of business to Communications from the Mayor. So Voted.

*Communications from the Mayor:*

Mayor Hoye gave his farewell address at this time.

Motion was made to take a ten (10) minute recess. So Voted.

*Hearings:*

Continued hearing came up by assignment on the petition submitted by Attorney Philip Nessralla, Jr., 1063 North Main Street, Brockton, MA on behalf of his client, Herbal Logic, LLC for the issuance of a special permit to allow: A 2,520 Sq. Ft. Retail Marijuana Establishment to be located at 310 Winthrop Street, Taunton, MA in the Highway Business District. Com. from Chairman, Taunton Planning Board – Submitting Recommendations; Com. from City Engineer – Submitting Comments; Com. from Conservation Agent– Submitting Comments; Com. from Fire Inspector – Submitting Comments; Com. from Water Supervisor – Submitting Comments; Decision of the City of Taunton Planning Board on the Special Permit/Site Plan Review; Com. from eight (8) Citizens expressing opposition. The City Clerk read an Extra Com. from Attorney Philip Nessralla which was asking for a continuance and requesting to postpone their appearance and presentation this evening until November 12, 2019. He apologizes for any inconvenience. **Motion was made to move approval. So Voted. Councilor Cleary made a motion for the City Clerk to schedule the hearing on November 12, 2019 and if not, another day. So Voted.**

**Appointments:**

Councilor Pottier stated that the Council has per usual the listing of our sixteen (16) precinct workers. **Motion was made to move their appointment as a group. So Voted.**

**Communications from City Officers:**

Com. from City Solicitor enclosing correspondence from Xfinity dated October 14, 2019 regarding changes to Starz/Encore and Epix Programming. **Motion was made to receive and place on file. So Voted.**

Com. from First Assistant City Solicitor submitting a Host Community Agreement regarding HTC Trinity, LLC. for a recreational marijuana retail establishment proposed to be located at 354 Winthrop Street. Please also find attached Revocation of Host Community Agreement with LMCC, LCC at that same location. I recommend that this document also be executed. He respectfully requests that, if the Council chooses to approve this agreement and revocation then please authorize the Mayor to sign them on behalf of the City. **Motion was made to move approval and authorize the Mayor to sign both. So Voted. Councilor Carr voting in opposition.** Councilor Croteau stated asked if this is a brand new application for that address. Council President Postell stated that it is and it is the same address that they had before but a different petitioner. Councilor Croteau stated that it is a different petitioner that is why it is a new application. Council President Postell confirmed. Councilor Cleary stated that all they were doing was changing the name of the company and if the Host Community Agreement was the same. Councilor Croteau stated that they are changing the name of the company so in essence this is an entirely new corporation which has nothing to do with the previous one. Council President Postell stated that he is correct that it is a new applicant at the same location. Councilor Cleary stated that it is a new owner. Councilor Croteau stated that it is a different corporation. Council President Postell stated that it is a different applicant. Councilor Croteau stated that it is a different corporation which is what the Council needs to keep in mind. He stated that this is not a flip where they are flipping it from one to another, it is a brand new application.

Com. from First Assistant City Solicitor enclosing the First Amendment to Host Community Agreement regarding GTE Taunton, LLC. for a recreational marijuana retail establishment. This amendment would change the location from 772-784 County Street to 295 Broadway. He requests that, if the Council chooses to approve this amendment, then please authorize the Mayor to sign it on behalf of the City. **Motion was made to move approval. So Voted. Councilor Carr voting in opposition.** Councilor Pottier stated that the concern that he had last week was that seeing that the same applicant applied this Host Community Agreement to a place that got shut down by the Council that the Host Community Agreement was then null and void and they would have to do a new one. It sounds like they can keep that one effective and change the site which appears to be what is being done here. Seeing that is the case and that he thinks the Council was okay with the plan by the ownership group, the main concern seemed to be with the location. He would be fine with considering what their new plan is.

**Communications from Citizens:**

NONE

**Petitions:**

NONE

**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:****Order for a second reading to be ordained on a roll call vote**

Ordered That,

The RULES AND ORDERS OF THE MUNICIPAL COUNCIL, previously adopted as a Standing Order of the Municipal Council on October 8, 2019, be amended as follows:

In Section 5 thereof, "Hearings" shall be inserted in the Order of Business as Item E, and that the items shall be re-lettered accordingly, such that Section 5, as amended hereby, shall read as follows:

**SECTION 5: ORDER OF BUSINESS**

At every meeting of the municipal council, unless otherwise determined by a majority of the members present, the order of business shall be as follows:

- (A) Pledge of Allegiance
- (B) Invocation
- (C) Calling the roll of members
- (D) Reading the records for specific dates to be specified in the agenda
- (E) Hearings
- (F) Communications from the Mayor
- (G) Appointments
- (H) Communications and reports from city officers
- (I) Communications in the hands of councilors
- (J) Presentation of petitions, memorials and remonstrances
- (K) Reports of Committees
- (L) Unfinished business of preceding meetings
- (M) Orders, ordinances, and resolutions
- (N) New Business

**Motion was made to approve. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

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

**AN ORDINANCE REPEALING THE ORDINANCE CONTAINING THE RULES  
AND ORDERS OF THE MUNICIPAL COUNCIL**

**Chapter A501**

**Municipal Council Rules and Orders**

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

SECTION 1. Chapter A501 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. It is the intent of this Ordinance to repeal all sections of said Chapter A501. This Ordinance shall become effective immediately upon passage. **Motion was made to approve. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

**New Business:**


Councilor Pottier wanted to remind everyone that the Council will be meeting Monday morning at 7:30AM in anticipation of the election. He spoke about how he hopes that there is a really good turnout.

Councilor Carr wanted to say Happy Halloween to all of the kids out there and to have a safe and fun evening and hopefully it won't rain on them.

Meeting adjourned 8:22 P.M.

A true copy:

Attest:

  
City Clerk

RMB/SJS

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CROTEAU AND CLEARY. ALSO PRESENT WAS EXECUTIVE DIRECTOR OF RETIREMENT BOARD PAUL SLIVINSKI

MEETING CALLED TO ORDER AT 5:43 P.M.

1. **MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**  
**MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN ABSENTIA. SO VOTED.**  
**MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$3,305,280.78. SO VOTED.**

2. **MEET WITH PAUL SLIVINSKI, EXECUTIVE DIRECTOR OF THE RETIREMENT BOARD TO DISCUSS THE ANNUAL STATEMENT FOR THE FINANCIAL CONDITION OF THE CITY'S CONTRIBUTORY RETIREMENT SYSTEM**

Mr. Slivinski passed out two additional documents. One was a document showing retirement systems in the Commonwealth showing the 2018 return, 5 year return, 10 year return, 34 year return, the funded ratio and the date of most recent valuation and the second was a summary of the PERAC Annual Report for 2018.

**MOTION: TO MAKE THESE DOCUMENTS PART OF THE RECORD. SO VOTED.**

In the Annual Statement for the Financial Condition of the City's Contributory Retirement System on page 2, Mr. Slivinski said you see the asset balance changes. In the year 2018 in the fourth quarter, the markets were down a little over 8%. That affected pension funds across the United States including Taunton. Taunton was down about 4% for the year. It was down 8% just for the fourth quarter alone, but down 4% for the year on an annual basis. They were up, but that fourth quarter just tanked last year.

Councilor Cleary noted that this was a loss of between \$17 and \$18 Million.

Mr. Slivinski then said that this year they are up 13% from June 30<sup>th</sup>. They do not have the third quarter numbers yet but so far so good this year. Hopefully they will make up some of that loss from last year.

Mr. Slivinski continued stating that on page 3 you can see a list of the diversification they have amongst all the different asset classes, between cash and equity, bonds and real estate, international, etc. which totals up to \$304 Million. The bottom part of that page is the representative funds that those are allocated to. On page 4 are inter fund transfers. On page 5 are the receipts. You can see that the employees pay in a significant share of the cost in the plan, about \$6.5 Million was contributed during 2018. It also shows other payments that come in such as transfers from other systems. On page 6 there are the payouts. Overall they paid out about \$22.5 Million. Page 7 shows

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**THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED**

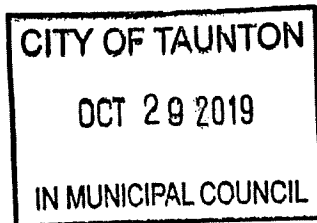
the investment income, page 8 provides the membership for the current year, which is 2018, and page 9 shows the total receivables and the total payables. He also noted that they have reduced the management fees as well as the bank custody fees.

Mr. Slivinski said that the pension reserve fund is used for future funding of the pension. It was also said that the figures provided do not include the Taunton Nursing Home figures, and there were about 18 people that retired.

Mr. Slivinski also said that Taunton stands comparatively, after taking into account 2018, Taunton is at 9.28% over 34 years which puts Taunton around 13<sup>th</sup> out of 104 systems, so Taunton is near the top for performance. Not only that, comparing the funding ratios, Taunton again is in the upper ranks of funding at 79.6%.

Mr. Slivinski said that they do a re-evaluation every two years and the next one will begin January 1, 2020, with the results coming in June or July.

**MEETING ADJOURNED AT 6:10 P.M.**



Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colleen M. Ellis".

Colleen M. Ellis  
Clerk of Council Committees

**REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.**

A handwritten signature in cursive script, appearing to read "C. M. Ellis".

**CITY CLERK**

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS MCCAUL, CROTEAU, BORGES AND POSTELL. ALSO PRESENT WAS WATER DIVISION SUPERINTENDENT CATHAL O'BRIEN

**MEETING CALLED TO ORDER AT 6:12 P.M.**

**1. MEET WITH THE WATER SUPERINTENDENT REGARDING NEW WATER REGULATIONS**

The Chairman noted that about 3 weeks ago the Council received the water regulations from Mr. O'Brien and all Councilors were given the last 3 weeks to review it.

Mr. O'Brien said that there are 4 options under the Billing Adjustments Regulation for DPW Water Division, and it applies to water and sewer bills. Option 1 is Clerical billing or reading error by the Water Department. They would correct that to the proper reading and make the adjustment appropriately. That would have no conditions, it would be if it was read incorrectly or billed incorrectly, they would just correct it immediately. This is typical with any utility or business, if you get the wrong bill, you get the right bill adjusted.

The second option is Proven Malfunction of the Water Meter. If the meter is tested and proven faulty they would only pay for the water that they used and the percentage of fault on that meter would be applied against the balance that was disputed.

Option 3 is Water Leak Adjustment in Accordance with Approved Policy. That is the meat of this policy. It creates guidelines for someone who wanted clemency for unanticipated water use and they wanted to get a break, if you will. They would then be applied the laymens way it is, the entire time of the leak even if it is beyond one billing period would be charged the first tier as drafted as a policy. That would just be applied if the leak was not found by the homeowner or the business owner for a period of time, or wasn't repaired due to extenuating circumstances, the Division would be granted the opportunity to do that.

The fourth option is a billing adjustment at final meter reading. This is just so that the Water Department can write off minor charges due at final reading when it is determined that it is both cost effective to the Department and in the benefit of the Department to do so. There are occasions, because of the nature of transactions these days with real estate it allows for a little bit of clemency so that if a closing has to be adjusted due to different conditions or lender conditions, the buyer or seller do not have to be inconvenienced by small charges that end up costing more City money to collect, and also create inconvenience for the customer, attorneys and closing staff. Councilor McCaul said what he is concerned about is that he knows there is a list of people that are waiting for an adjustment to their bills, that they have been overcharged or they think they have been overcharged. He knows that there are about

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

40 or 45 people that are waiting for that kind of adjustment. Are they going to go back to those people and re-examine everything and give them a credit where a credit is due. Mr. O'Brien said yes. They have some abatements that pre-date him returning to the City of Taunton which was January of 2019. There are about 40 or more, none of them have been liened, they have all been removed from the lien list because the bill is under dispute so their rights are being preserved. In the event that this Committee and the full Council approve the policy, that would empower him to go back, waive interest, waive penalties and they would evaluate the leakage in its entirety and determine if there are any additional conditions associated or extenuating circumstances. In the event the Council approves the policy, he will call each customer that as time allows they will be evaluated and then a corrected bill would be issued with 30 days to pay. That would give them interest waived, penalties waived and any abatement as per the policy would be applied immediately so they get no penalty whatsoever. They will also have to look at the fact that the water rate may have increased after they filed for their abatement. That would also be a condition to grant these people the maximum clemency to preserve their rights in the event they have a water bill they disputed a year ago, it has been in abeyance till this was resolved, so they are not paying today's rates for last year's issue. The Water Department will call the customer notifying them that the bill will be evaluated, and adjusted, they will be as reasonable as possible.

Mr. O'Brien also said that customers can review their bill on line. One of the things IT has educated them on is that people can actually pay their water and sewer bills monthly, and you can also observe them on line, so you can see if there is anything going on. What should probably be done is educate the public as they move forward, because many customers may not realize the consumer benefits that they already have.

Councilor Croteau said whatever changes are affected through the water meter also affect the sewer bill, so when they talk about making changes because of a problem with the meter, you are talking about the whole bill. Mr. O'Brien said that is correct. Councilor Croteau said his understanding is that when meters aren't running properly, they are usually running slow, so when the Water Department corrects this, you may find that the meter is going to run faster which will also add to the bill. Mr. O'Brien said that is correct and in his experience, they have had little or no requests for test meters because you are taking a chance that the bill will go up.

Councilor Croteau said he thought also that decisions had been made that they would start replacing meters, and asked if that would be on a fiscal year. Mr. O'Brien said yes and as an update they are ahead of schedule on their appointments. They are at over 600 for the year. They are going to try to implement additional installs on Saturdays



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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

because they are finding that they are pushing the envelope where customers are working. They are hoping to train some of their meter readers how to install, because they already work for them, and they are going to find ways to be more convenient to their customers. Many times, because of the deadlines for billing, they have to read on Saturdays for a few hours, so one of their short term goals is to start doing additional installs with the 5 staff that they currently have. They have already bid the meters, they are coming in now. They are getting the newest and best meters.

Councilor Croteau asked how many meters did they replace last fiscal year, to which Mr. O'Brien said 800, he was not here but is going by the records. Councilor Croteau asked him to verify that number. Councilor Croteau noted that they were going to do 800 meters a year until they reached the point that there were no meters older than 10 years old. Mr. O'Brien said that is correct, but when you get to that point they are going to have more that their birthday came up.

Councilor Postell asked what the average is done during the week as far as meter reading. It was noted that they do over 1000 readings a week, and they have almost 20,000 customers. The meter reading is weather dependent and it is also dependent on what parts of the City they are going to as some parts of the City are easier to read then others.

Mr. O'Brien further said that when you think of a traditional meter person, you think of the thick books like a meter maid, if they can get all the books on a radio then it can be done quickly, and that is where they want to get to. To get those 1000 reads quicker so if there is an error, omission or customer complaint they can get that re-read quick. The sooner they get that data in the more time they have to evaluate it to avoid abatements and customer complaints.

Councilor Postell said in terms of that technology, how far out is it.

Mr. O'Brien said that they have the equipment in the office, IT already put in Microsoft Word 10, the software is updated for the operating system. Itron is to deliver that software but the language changed in the contract between the City and Itron so when that is executed it should not be more than 12 weeks out. The training is about 2 weeks and they signed up for the full training because they did not want any clerk or any meter person not to get it. You pay more when you call back for customer support, so they want to know on the front end.

Councilor Postell said a good point was brought up concerning the education and outreach and the City needs to do better with that City wide with services.

Mr. O'Brien said that as the Supervisor, he will personally call all the 40+ abatement request claimants so they understand, in the event the policy is approved, that this may take a few days but it will be resolved.

Councilor Borges made the following motion:

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

**MOTION: TO BRING IN MR. ARIKIAN FOR SOME TRAINING ON HOW IT WORKS AS FAR AS PAYING THEIR BILLS MONTHLY AND ALL OF THAT INFORMATION. SO VOTED.**

Councilor McCaul said that he feels they should have the vendor that is dealing with the meters and also dealing with the program parameters and all that to explain in more detail how that works.

Mr. O'Brien said that the goal is to address customer concerns before the bill, they want to address them at the meter reading.

Councilor Cleary asked how much the testing fee is, to which it was answered the low hundreds. It was also said that the customer must consent to have this done.

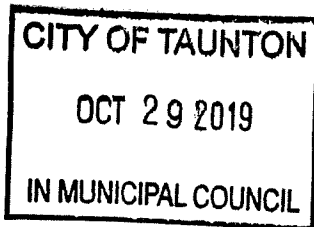
Councilor Cleary suggested adding to Option 1 "any adjustments will be applied to future bills."

Councilor Carr noted that if someone has a meter that is running slow or fast, it will be replaced. It was also said that people must make their claim in a timely manner.

Especially with business owners, they want them to be monitoring the units.

**MOTION: TO APPROVE THE WATER REGULATIONS POLICY. SO VOTED.**

MEETING ADJOURNED AT 6:53 P.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, likely belonging to the City Clerk.

**CITY CLERK**