



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, September 1, 2009 at 7:55 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Hoye, Costa-Hanlon, Pottier, Fiore, Marshall,
Croteau, Carr, Buffington, Barbour*

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

At this time, a motion was made to revert out or the regular order of business to appointments. So Voted.

Appointments:

Com. from Human Resource Division for one (1) Permanent Full-time Fire Lieutenant. **Motion was made to appoint Jonathan A. Nunes. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. So Voted.**

Motion was made to revert back to the regular order of business. So Voted.

Communications from Mayor:

The Mayor stated on August 18, 2009, the Municipal Council motioned to take \$19,500.00 from the Reserve Account to cover the appraisal cost of Phase IV and Phase V in the Myles Standish Industrial Park. The funds which were taken out of the Mayor's budget would be reimbursed by the Taunton Development Corporation and the Taunton Development Corporation will reimburse the Mayor's Account. Therefore, the Mayor asked that the vote to take \$19,500.00 out of the Reserve Account on August 18, 2009 be rescinded.

The Mayor read a communication submitted by the City Planner regarding a proposed zoning change to provide additional, control, regulation and review of facilities dealing with the treatment and care of individuals with drug addictions. **Motion was made to refer to the Planning Board and the regular hearing process. Councilors Buffington, Marshall, Costa-Hanlon and Hoye voting in opposition. So Voted.**

The Mayor read a communication submitted by Governor Deval Patrick advising of the date of the special election to fill the vacancy due to the passing of Senator Edward M. Kennedy which will be held on January 19, 2010. **Motion was made to move approval. So Voted.**

Councilor Croteau motioned that the Committee to the Council as a Whole meet to discuss the Melo property on North Walker Street. Councilors Fiore and Hoye voting in opposition. So Voted.

The Mayor provided an update on the Dever Wells. He stated he is waiting for some language from the Taunton Development Corporation, involving the Housing Authority, State and the TDC for formal acceptance. The TDC will meet on this Thursday. Next week the Mayor stated he will update the Council on the TDC meeting.

Communications:

Com. from Human Resource Division for two (2) Permanent Full-time Police Sergeants. **Motion was made that the City Clerk ask for an extension on this list. Refer to the Committee on Police and License to discuss with the Budget Director and the Mayor. That all figures be presented the paperwork that shows how the Police Chief came up with the figures be given to the Councilors in advance of the meeting. So Voted.**

Com. from Building Commissioner submitting the Building Permit Record for July 2009. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from Victor P. Santos, Past President, Rotary Club of Taunton, P.O. Box 344, Taunton notifying of a concert on September 19, 2009 at the Taunton High School Auditorium at 7:00 PM by the United States Navy Band Country Current and requesting that September 19, 2009 be declared "United States Navy Day" and a proclamation be prepared and presented by the Mayor the day of the concert. **Motion was made to refer to the Mayor's Office for the proclamation and to also place on the electronic sign. So Voted.**

Com. from Shaunna O'Connell, 56 Worcester St., Taunton requesting use of the electronic sign to advertise the collection of goods for our troops at the West Congregational Church Annual Clambake on September 8, 2009. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Com. from Shaunna O'Connell, 56 Worcester St., Taunton requesting use of the electronic sign to advertise the public to the West Congregational Church Fall Festival on September 13, 2009 from 11:30 AM - 2:30 PM. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Com. from City Auditor requesting to present information regarding finalizing the encumbrances and year end transfers for the City departments as of June 30, 2009 at the Committee on Finance and Salaries Meeting on September 8, 2009. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from City Solicitor requesting to encumber funds in the amount of \$13,920.00 to pay a prior year bill. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Michael O'Donnell, c/o 111 Main St., Taunton requesting public records and a communication from Wayne Walkden, Superintendent of Public Buildings providing Mr. O'Donnell with the fee schedule. **Motion was made to refer to the City Solicitor's Office. So Voted. Councilor Marshall stated that the Council was in receipt of the breakdown of fees that the Superintendent of Public Buildings supplied that were applicable to the public records request made by Mr. Michael O'Donnell. Therefore, Councilor Marshall motioned that he inform the Municipal Council if this request has been paid for, and if so, when it will be delivered to Mr. O'Donnell. So Voted.**

Councilor Buffington stated that a gentleman is here tonight to speak concerning a motorcycle ride he participated in on Sunday. The gentleman stated the run took place on Sunday and all participants were given t-shirts and charged a fee. Not long after the run began, he realized there were problems. There were no police escorts, which he felt was a safety violation. All other runs he has been on have had police escorts. Therefore, Councilor Buffington asked that the matter be referred to the Committee on Police and License and the Police Chief as they had no police involvement so the Chief can reach out to the event/organizer to make sure if they have this again, they have the proper authorization and police involvement and safety. So Voted.

Councilor Fiore motioned that a letter of gratitude be sent to Mr. Gerry Sanborn, Director of Operations and Custodians, Taunton School Department and the entire staff of custodians at each of the schools within the Taunton Public School District for their care and diligence to clean and prepare each of the City's schools for the return of the students and for helping the schools receive a clean bill of health and safety. So Voted.

Councilor Pottier read an extra communication submitted by Kimberlyn Burroughs, Administrative Assistant, Community Care-A-Vans, 50 Walton St., Attleboro, expressing concern about Harry's Auto Wrecking, a company utilized by the Taunton Police Department. **Motion was made to refer to the Committee on Police and License – is this towing company coming up for renewal? This is also to be brought up for discussion in granting the permit. So Voted.**

Petitions and Claims:

Constable application submitted by Linda Perry, 47 Pat-Ree Drive, East Taunton requesting a renewal of her Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Constable application submitted by Salvador Pina, 15 Knight Street, Taunton requesting a renewal of his Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Constable application submitted by Richard Spearing, 272 Harris St., Taunton requesting a renewal of his Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Constable application submitted by Henry F. Brennan, 32 Belmont St., Taunton requesting a renewal of his Constable License desiring to serve as a crossing guard. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Leigh-Anne Drewniak requesting a renewal of her Billiards Table License –DBA- Miss Que’s Place located at 15 W. Britannia Street, Taunton. (7 Tables) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Patricia Girouard, Claim Specialist, Arbella, 1100 Crown Colony Dr., P.O. Box 699195 Quincy, on behalf of her client Matthew Ponte, 4 Pinehill St., E. Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Somerset Avenue. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Joseph Duarte, 749 Dighton Ave., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on West Water Street near F.B. Rogers. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Thomas Morrone, Sr. Claims Representative, Pearlless Insurance, P.O. Box 524, Keene, NH on behalf of his client Kyle Tierney-Buchanan who was involved in an automobile accident at the intersection of Route 79 and Turner Street, Taunton and is placing the City on notice for possible exposure due to injury. **Motion was made to refer to the City Solicitor. So Voted.**

Committee Reports:

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

Unfinished Business:

Councilor Marshall stated that the City of Taunton has been notified of a fence problem at 818 Somerset Avenue due to the construction project on Somerset Avenue and stated that this is part of the project. Therefore, he asked when this fence would be replaced and asked that it be done sooner than later. Additionally, that MassHighway send a communication back to the Municipal Council with an update on this matter. So Voted.

Councilor Croteau motioned that the Committee to the Council as a Whole meet to discuss the issue of negligent properties and what the procedure is that has been established by the City Solicitor’s Office. Additionally, at that meeting the Committee should have present, representatives from the Board of Health, Fire Department, City Solicitor, and Building Inspector. Additionally that the property of 398 Somerset Avenue be added to the list of negligent properties. So Voted.

Councilor Croteau motioned that the Mayor provide a status update on the clarification of the new water tank at Paul Dever. So Voted. *The Mayor stated he would provide an update.*

Councilor Barbour motioned that an update be provided on the placement of a crosswalk at North Taunton Baptist Church. The Mayor stated they are hoping before the end of the year. Councilor Barbour asked that the Mayor keep them informed on this issue.

Councilor Barbour motioned that the City Planner submit in writing, if in fact the Refuge exists, the following: Did they open under the proper guidelines of our City Zoning and if so, was it because this facility is educational?, How can they exist without coming before the Municipal Council?, What mechanism can we put in place that requires businesses and organizations to come before us? So Voted.

The Council stated that Jefferson Development was issued a permit through the Building Commissioner's office and they owe the City of Taunton approximately \$191,000.00. The Council asked why he was granted this permit while he owes the City this kind of money and what procedures the Building Department goes through for overdue monies owed to the City. Councilor Marshall stated that the City holds up other permits when applicants only owe \$25.00. Therefore, a motion was made that the Building Commissioner meet with the Committee on Ordinance and Enrolled Bills and the meeting is to be no later than two weeks to draft language and establish guidelines before the Building Department can issue permits. The Council motioned that Jefferson Development have a certified check provided to the City in the amount of \$191,000.00 by October 6, 2009 to make restitution for the money they owe the City of Taunton. If restitution is not made by this date, the Council motioned that David Murphy, Jefferson Development appear in person at the Municipal Council meeting scheduled for Tuesday, October 6, 2009 to explain their situation. So Voted.

Orders, Ordinances, and Enrolled Bills

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

AN ORDINANCE

Chapter 13

Sec 13-82. Prohibited parking places.

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Bay Street, on both sides going north from the intersection of Bay Street and Field Street to the entrance of the Myles Standish Industrial Park.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting to move approval. So Voted.**

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

AN ORDINANCE

Article XIII. Development Impact Review Board, Section 2-331 Composition

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 2-331 of the Revised Ordinances of the City of Taunton, as amended, by and hereby is further amended thereto by adding the following language changes;

(a) The board shall consist of Nine (9) permanent members. The members being the Planning and Conservation Director (who shall serve as chairman), the DPW Director or designee, the City Engineer, the Conservation Agent, the Director of the Board of Health (or designee), and Four Abutter Representatives

(b) The Abutter Representatives shall be appointed by the municipal council for a term to be specified at the time of appointment. Abutter Representatives shall be selected with one member residing in East Taunton, one member residing in North Taunton, one member residing in West Taunton and one member residing in Central/South Taunton

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting to move approval. So Voted.**

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

AN ORDINANCE

Chapter 13

Sec 13-82. Prohibited parking places.

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Waverly Street, north side from the intersection at Washington Street to the intersection with Arthur Street.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting to move approval. So Voted. Councilor Buffington motioned that the DPW Sign Division be notified of this ordinance's passing. So Voted.**

New Business:

Councilor Costa-Hanlon motioned that a letter of gratitude be sent to Jonathan Souza, Eagle Scout Troup 61 for cleaning up Nap Cemetery and also to Zachary Worth who replaced a sign at Gertrude Boyden Bird Sanctuary. So Voted.

Councilor Costa-Hanlon motioned that the City Auditor and City Treasurer provide Marilyn Greene, the Friends of Boyden and TRWA with the balances in all of the accounts relative to the Boyden Refuge Sanctuary and state how they can be used properly. So Voted.

Councilor Pottier motioned that the Mayor's Office invite Tom Porter, President of Morton Hospital who is leaving his post to an upcoming Municipal Council Meeting to present the appropriate commendation. So Voted.

Councilor Pottier motioned that the Acting Police Chief have the Safety Officer look into the concern of cars being parked on the sidewalk on Williams Street at the new football field near the new Elizabeth Pole School. If the cars are parking on the sidewalk (side of the road) it forces pedestrians to walk in the street. Therefore, he asked that the Safety Officer look into some options for parking at this location and refer this issue to the Committee on Police and License. So Voted.

Councilor Marshall motioned that the Commissioner of Parks, Cemeteries and Public Grounds have the graffiti cleaned-up at the Whittenton Field Playground at the end of Richard Street. Additionally, that the Commissioner of Parks, Cemeteries, and Public Grounds provide the Municipal Council with some recommendations on the placement of lighting at this location. So Voted.

Councilor Croteau motioned that the DPW Street Supervisor have the brush cut along the following roadways: Railroad Avenue and Route 138 (westerly side), Caswell St. and Staples St. (both sides), Corner of Poole Street and Hart Street, 22 Godfrey Street (in front of the property), and Bay Street in between Purchase Street and Jackson Street. So Voted.

Councilor Carr asked for information of the four-way stop sign that was erected at the intersection of Washington Street and West Britannia Street – Where was that approved? Additionally, she motioned that the Council receive a copy of the traffic study. So Voted.

Councilor Barbour motioned that the Assistant DPW Commissioner be informed that Bay Street Gas Company opened up the road at 53 Williams Ave., and did not repair back to the appropriate condition. So Voted.

Councilor Barbour motioned that the Committee on Ordinance and Enrolled Bills discuss increasing the fine amount on our City Ordinance Section 20-73, *Traffic control officers; barricades and walks* due to the fact that Bay State Gas Company is not always hiring Police Details for road repairs. It was stated that maybe if the penalty for violating this ordinance was steeper it would discourage this activity. So Voted.

Councilor Barbour motioned that the DPW Commissioner has the sidewalk repaired at 183 Highland Street. So Voted.

Councilor Barbour stated that 7 Riverview Street has experienced rusty water problems for 20 years. Therefore, he motioned that the DPW Commissioner go and talk to the homeowner concerning this problem. So Voted.

Councilor Barbour motioned that the residents of 49-52 Plain Street are placing their trash out the day after trash is picked-up. Therefore, he motioned that the Board of Health and Zoning Enforcement Officer talk to these homeowners concerning this matter. So Voted.

Councilor Barbour motioned that the Acting Police Chief have the Safety Officer go out to the corner of Garfield Street and Washington Street to speak to the homeowner concerning the brush as citizens are complaining of safety issues when trying to exit onto Washington Street. So Voted.

Councilor Barbour stated that at the corner of Danforth Street and Dana Street there is a large trailer. He is concerned if there are safety and zoning issues. Therefore, he motioned that the Zoning Enforcement Officer determine if this is safe and whether it should be removed as it is a blight to the area. So Voted.

Motion was made to recess for the Fire Chief's Hearing at 9:50 PM. So Voted.

Meeting adjourned at 12:00 A.M.

A true copy:

Attest:



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 1, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS
CROTEAU AND POTTIER.

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

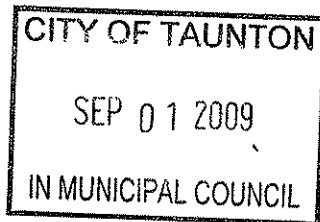
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY
DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR
THE WEEK.

MEETING ADJOURNED AT 5:42 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
SEPTEMBER 1, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR THOMAS HOYE, CHAIRMAN AND COUNCILORS BUFFINGTON, CROTEAU, MARSHALL AND CARR. ALSO PRESENT WERE CITY SOLICITOR STEVEN TORRES, KEVIN DUQUETTE OF THE BOARD OF HEALTH, D.P.W. COMMISSIONER FRED CORNAGLIA, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU AND JOE FEDERICO OF BETA.

MEETING CALLED TO ORDER AT 6:15 P.M.

1. MEET WITH THE CITY SOLICITOR, D.P.W. COMMISSIONER, BOARD OF HEALTH DIRECTOR AND JOE FEDERICO OF BETA TO DISCUSS RAILROAD AVENUE SEWER BETTERMENTS

SOME OF THE RECORDS THAT THE DPW WERE RESEARCHING THE LAST COUPLE OF WEEKS SHOW THAT THE ISSUES WITH RAILROAD AVENUE GO BACK TO 1997 REGARDING FAILED SEPTIC SYSTEMS WITH THE DRAIN PIPE ON THE LOWER END OF RAILROAD AVENUE. THE BOARD OF HEALTH HAS SOME LETTERS TO RESIDENTS REGARDING HEALTH ISSUES WITH OVERFLOWING SEPTIC SYSTEMS AND SEPTIC FLOWING INTO THE DRAIN PIPE.

ABOUT FOURTEEN RESIDENTS SIGNED A PETITION IN 2000 LOOKING FOR SEWER ON THE UPPER END OF RAILROAD AVENUE. THE LOWER END OF THE STREET HAD THE ISSUE WITH OVERFLOW AND THE DRAIN PIPE.

FROM THAT POINT ON THE CITY HIRED BETA GROUP TO DO A DESIGN THROUGH THE COUNCIL VOTE. WHEN THE PROCESS WAS BEGINNING, THEN MAYOR NUNES STATED THAT ANYTHING THAT OCCURRED HERE, AS FAR AS COSTS, WAS GOING TO BE A 100% BETTERMENT TO THE RESIDENTS OF RAILROAD AVENUE. GARDEN STREET WAS ADDED ON AFTER. IT WAS ALL UNDER AN SRF FUNDED PROJECT. THE BOARD OF HEALTH CONTACTED BETA, AND THEY DID SOME STUDIES ON THE DRAINAGE AND FOUND BACTERIA IN THE DRAIN. THERE WERE FOUR HOUSES ON RAILROAD AVENUE THAT WERE DISCHARGING DIRECTLY OR INDIRECTLY INTO THE DRAIN. IT WAS DECIDED THAT A SEWER WAS REQUIRED TO BETTER THE SITUATION. BECAUSE OF THE PETITION ON THE UPPER END OF RAILROAD AVE. TO HAVE SEWER BETA SAID THEY WOULD CONNECT THE TWO TOGETHER AND DISCHARGE IT TO THE EXISTING DRAIN. THAT BECAME THE INITIATION OF THE TOTAL PROJECT. THE DESIGN WAS STARTED, MASS. DEP WAS PETITIONED FOR AN SRF LOAN WHICH WAS GRANTED, AND THEY PROCEEDED WITH CONSTRUCTION. CONSTRUCTION TOOK PLACE AROUND 2007. THIS WAS PART OF A LARGER PROJECT THAT THE CITY DID FOR \$4.65 MILLION. THE ONLY PORTION THAT WAS FOR THE SEWER FOR RAILROAD AVENUE WAS \$875,472. GARDEN STREET WAS \$352,529 OUT OF THE TOTAL \$4.65 MILLION BOND ISSUE THAT WAS TAKEN OUT.

SUBSEQUENT TO THAT, THE BETTERMENTS WERE SENT OUT THAT WERE DONE THROUGH THE TAX ASSESSOR'S OFFICE, RESULTING IN THE NEIGHBORS BEING PRESENT TONIGHT.

THE PRIMARY REASON FOR NEEDING THE SEWER IS THE BAD SOIL AND ALSO THE GROUND WATER TABLE IS HIGH. THE ONLY THING SAVING THIS AREA IS THE DRAIN IN THE BACK OF THE HOUSES ON RAILROAD AVENUE. THIS DRAIN HAS BEEN TAKING THE BRUNT OF THE BACTERIA AND THE SEWAGE AND THE OVERFLOW AND GROUNDWATER OVER THE YEARS.

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SEPTEMBER 1, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

MR. FEDERICO SAID THAT WHEN THE STATE STARTED THE DRAINAGE ON ROUTE 138 AND MADE THE IMPROVEMENTS, THEY DIVERTED A LOT OF THE FLOW TO THE BACK OF RAILROAD AVE. THE PIPE WAS NEVER INCREASED IN SIZE. IT WAS A 15 INCH DRAIN PIPE AND IT PROBABLY SHOULD HAVE BEEN INCREASED TO A 24 OR 36 INCH DRAIN WHEN MASS. HIGHWAY WENT THROUGH THERE. IT WAS NOTED THAT A SEPTIC SYSTEM WOULD COST AROUND \$25-\$30,000 DEPENDING ON THE AREA.

THE \$22,000 BETTERMENT FIGURE INCLUDES THE PRICE OF DESIGN, CONSTRUCTION SERVICES, INSPECTIONS, POLICE, SOIL BORINGS, SURVEYS, AND THE CONSTRUCTION ITSELF. THEY HAD TO CROSS ROUTE 138 AND HAD TO USE ALL FLOWABLE FILL WHICH WAS A MANDATE AND IS EXPENSIVE. THE UPPER END OF RAILROAD AVE. GOT CURB TO CURB ASPHALT. ALSO PAVEMENT WAS DONE AT THE LOWER END OF RAILROAD AVENUE. THEY ALSO HAD TO CONTEND WITH THE LARGE DRAIN THAT HAD TO BE CONSTRUCTED FIRST SO THAT THEY COULD GET THE DRAINAGE OUT OF THE BACKYARDS AND EVENTUALLY FILL IN THE PIPE. THE FILLING IN OF THE PIPE WAS NOT INCLUDED IN THE COST. IT WAS DONE SUBSEQUENT TO THE SRF LOAN. THE TOTAL COST OF THE PROJECT WAS \$1.5 MILLION. THE DRAINAGE WORK WAS TAKEN OUT OF THIS – THEY DID NOT CHARGE THE RESIDENTS FOR THE DRAINAGE WORK, THE DESIGN WAS ADDED IN. IT WAS FURTHER NOTED THAT THE FUNDING AUTHORITY IS THE MAYOR, AND AT THE TIME, MAYOR NUNES STATED THAT THE CITY WOULD NOT PICK UP ANY OF THE COST FOR THE SEWER. IT WOULD BE 100% BETTERMENTS TO THE RESIDENTS.

QUESTIONED WAS WHAT TYPE OF GRANT WAS OBTAINED FOR THE SEWER PROJECT AND WHERE WAS IT USED. MR. FEDERICO NOTED THAT THERE IS NO GRANT ASSOCIATED WITH THIS PROJECT. ALSO QUESTIONED WAS WHETHER DOCUMENTATION WAS SENT OUT TO RAILROAD AVENUE RESIDENTS STATING THERE WAS A BETTERMENT FEE TO FOLLOW SEWER PROJECT. MR. FEDERICO STATED THAT A LEGAL NOTICE WAS PUBLISHED IN THE TAUNTON DAILY GAZETTE AND CERTIFIED LETTERS WERE MAILED TO ALL RESIDENTS ASSOCIATED WITH THE RAILROAD AVE. PROJECT INFORMING THEM OF THE PROJECT FOR THE FILING OF THE NOTICE OF INTENT THROUGH THE CONSERVATION COMMISSION. A PUBLIC HEARING WAS HELD 5/15/06. A LEGAL NOTICE WAS PUBLISHED IN THE TAUNTON GAZETTE NOTIFYING THE PUBLIC THAT A SEWER EXTENSION PERMIT WAS FILED WITH THE MADEP IN MARCH OF 2006. A LEGAL NOTICE FOR THE SEWER EXTENSION PERMITS WAS PUBLISHED IN THE GAZETTE ON MARCH 31, 2006 FOR THE RAILROAD AVE. PROJECT. RESIDENTS WERE SENT A LETTER ON JANUARY 2, 2007 NOTIFYING THEM THAT CONSTRUCTION HAD BEGUN AND TO COMPLETE THE SERVICE CONNECTION FORM TO LOCATE THE SERVICE CONNECTION FOR THEIR LOT. ON AUGUST 13, 2007 NOTIFICATION WAS SENT TO THE RESIDENTS INFORMING THEM THAT THE SEWER LINE HAD BEEN TESTED AND THEY COULD CONNECT TO THE NEW SEWER LINE

IT WAS FURTHER NOTED THAT IF THE CHURCH HAS THREE LOTS, ARE THEY BEING CHARGED, IF NOT, IS THEY'RE AMOUNT BEING ADDED TO THE TOTAL THAT IS SPLIT AMONG THE REMAINDER OF THE RESIDENTS. MR. FEDERICO STATED THAT TWO CONNECTIONS WERE PROVIDED FOR THE NORTH DIGHTON METHODIST CHURCH AND THEY WERE ASSESSED FOR BOTH. IF THE CITY PROVIDES A THIRD CONNECTION AT THE REQUEST OF THE CHURCH, THEY MUST

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SEPTEMBER 1, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

PAY THE FULL BETTERMENT PER THE ORDER OF SEWER ASSESSMENTS RECORDED AT THE REGISTRY OF DEEDS.

LOT OWNERS PREVIOUSLY ASSESSED A BETTERMENT CANNOT BE CHARGED TWICE. ALSO, THE CITY'S SETTLEMENT WITH THE THREE HOMEOWNERS (NO. 8, 10 AND 12) DOES NOT INVOLVE THE BETTERMENT ASSESSMENT. THEREFORE THE THREE HOMEOWNERS MUST PAY THE BETTERMENT ASSESSMENT.

ALSO DISCUSSED WAS WHY THE RESIDENTS ARE PAYING 5% ON A LOAN THE CITY GOT FOR 2%. THE CITY TREASURER WAS TO PROVIDE AN EXPLANATION ON THIS MATTER.

THE ASSISTANT DPW COMMISSIONER STATED THAT SEWER WAS NEEDED BADLY ON RAILROAD AVENUE. THERE WERE MANY HEALTH ISSUES. THERE IS LOTS OF DOCUMENTATION THAT THERE WERE ISSUES OUT THERE.

A PETITION SIGNED BY SOME OF THE RESIDENTS OF RAILROAD AVENUE WAS READ. IT STATED "THE UNDERSIGNED RESPECTFULLY PETITIONS FUNDING OF A GRAVITY SEWER LINE FROM NO. 38 RAILROAD AVENUE TO EXISTING SEWER LINE AT THE RAILROAD AVENUE SOUTH STREET INTERSECTION (APPROXIMATELY 1200 LINEAR FEET) WE THE RESIDENTS OF RAILROAD AVE. FULLY UNDERSTAND THE MONEY WILL BE PAID BACK TO THE CITY OF TAUNTON THROUGH A BETTERMENT, OR SOME SORT OF TAX ON OUR PROPERTIES. WE ARE IN DESPERATE NEED OF A TOWN SEWER LINE, AS MOST OF THE SEWER SYSTEMS ON OUR STREET ARE VERY OLD AND NOT ABLE TO HANDLE THE DEMAND BEING PUT ON THEM. A TOWN LINE IS THE ONLY FINANCIALLY PRACTICAL AND ENVIRONMENTALLY SMART SOLUTION TO OUR PROBLEM. YOU'RE IMMEDIATE CONSIDERATION OF THIS PROJECT WOULD BE GREATLY APPRECIATED."

MOTION: PETITION TO BE PART OF THE RECORD.

KAY DUNHAM OF 8 RAILROAD AVENUE ADDRESSED THE COMMITTEE AND FEELS THAT THE DRAINAGE FROM SOMERSET AVENUE WAS DIVERTED TO RAILROAD AVENUE. AND CAUSED SOME OF THE PROBLEMS.

MATT SOUZA OF 12 RAILROAD AVENUE ADDRESSED THE COMMITTEE AND SAID THAT WHEN THE STATE DID THE SOMERSET AVENUE WORK, THEY WERE SUPPOSED TO TAKE CARE OF THE DRAINAGE. ALL THE BACKYARDS FLOODED. NOS. 8,10 AND 12 FLOODED WITH SEWERAGE. HE FELT THAT THE CITY DID NOT WANT TO DO ANYTHING.

MR. GEORGE FERREIRA OF 24 RAILROAD AVENUE STATED THAT HIS ISSUE WAS THAT THE RESIDENTS WERE NEVER NOTIFIED OF THE COST, AND IF THEY HAD KNOWN THE AMOUNT, THEY WOULD HAVE LOOKED AT OTHER OPTIONS. NOW ALL THE HOMEOWNERS ARE FACED WITH A LIEN FOR 20 YEARS. ALSO, THE INSTALLATION OF A GRINDER PUMP WILL COST THE RESIDENTS MONEY TOO. ANN CARR OF 60 RAILROAD AVENUE PUT IN A NEW SEPTIC FOR HER THREE FAMILY HOUSE WHICH FAILED IN 5 YEARS. SHE HAS SPENT \$50,000 IN TITLE V ISSUES.

TONY BIRARD OF 15 RAILROAD AVENUE ALSO ADDRESSED THE COMMITTEE REGARDING TITLE V ISSUES.

SAL DUARTE OF 1485 SOMERSET AVE. STATED THAT HE CAN TIE INTO ROUTE 138 SO WHY WOULD HE WANT TO TIE IN ON RAILROAD AVENUE.

LAURA BAKER OF 62 RAILROAD AVENUE STATED THAT SHE BOUGHT HER HOME IN 2005. THERE WAS AN ESCROW FUND FOR SEWER. WHEN SHE TIED IN, THE ESCROW WAS RELEASED. NOW SHE HAS TO PAY THE BETTERMENT

STEVEN BLACKWELL OF 39 RAILROAD AVENUE ADDRESSED THE COMMITTEE. HE SAID HE BOUGHT HIS HOUSE IN SEPTEMBER, 2005. HE WOULDN'T HAVE BOUGHT

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SEPTEMBER 1, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

THE HOUSE IF HE KNEW HE WOULD HAVE TO PAY FOR THE BETTERMENT. THEY HAVE PUT IN A NEW SEPTIC. IT WAS NOTED THAT THIS INFORMATION SHOULD HAVE BEEN DISCLOSED TO HIM BY HIS REALTOR.

DISCUSSED WAS THE COST FOR RESIDENTS TO TIE IN. THE GRINDER PUMP WOULD COST ABOUT \$3500.

DISCUSSED ALSO WAS THE NEED TO HAVE THE TREASURER/COLLECTOR'S ANSWER REGARDING THE INTEREST ON THE LOAN, AND TO LOOK AT WHAT THE COST WOULD HAVE BEEN IN 2001 VS. THE COST TODAY. SOME COUNCILORS FELT THERE WAS A NEED TO LOOK TOWARD SOME KIND OF RELIEF TO THE RESIDENTS. THE SOLICITOR INFORMED THE COUNCIL THAT THE ASSESSMENTS HAVE BEEN RECORDED AND HE HAS NEVER SEEN THEM REVERSED.

MOTION: THAT A REQUEST BE SENT TO THE TREASURER/COLLECTOR ASKING WHAT THE OPTIONS ARE UNDER THIS SRF PROGRAM, WHETHER THE COUNCIL CAN JUST PUSH THIS BACK TO THE 2% VS 5% - WHATEVER THAT ANSWER MAY BE. ALSO SEND REQUEST TO THE CITY SOLICITOR'S OFFICE AS WELL AS THE MAYOR'S OFFICE FOR WHAT OPTIONS THE COUNCIL MAY HAVE, IF ANY AND REPORT BACK IN TWO WEEKS.

IT WAS NOTED THAT THE COUNCIL WANTS TO KNOW WHAT FINANCIAL RELIEF OPTIONS THEY HAVE, AND WHAT FINANCIAL RELIEF WOULD BE SUPPORTED BY THE MAYOR.

JAMES HATHAWAY OF 46 AND 48 RAILROAD AVENUE ADDRESSED THE COMMITTEE AND STATED THAT HE HOPES THE COUNCIL WILL LOOK INTO WHATEVER RELIEF COULD BE ESTABLISHED. HE FURTHER STATED THAT HE WAS LED TO BELIEVE THAT A GRANT WAS GOING TO BE INVESTIGATED.

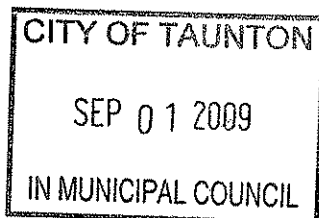
IT WAS NOTED THAT IN 2004, THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT REPORTED THAT NO GRANT MONEY WOULD BE AVAILABLE FOR A VERY LONG TIME FOR RAILROAD AVENUE SEWER

A MR. EDWARD ROSE ALSO ADDRESSED THE COMMITTEE.

DOROTHY HEBERT ADDRESSED THE COMMITTEE AND STATED THAT SHE THOUGHT A GRANT WAS APPROVED FOR THE PROJECT.

2. **MEET TO DISCUSS TWO REQUESTS FOR ABATEMENTS FOR SEWER BETTERMENTS ON RAILROAD AVENUE.**
THE CHAIRMAN STATED THAT THIS MATTER WOULD BE TAKEN UP AT THE NEXT MEETING.

MEETING ADJOURNED AT 7:39 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK