



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, February 21, 2012 at 9:25 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*A moment of silence was observed for Maureen Quigley formerly of the school department who passed away*

*Prayer was offered by the Mayor*

*Present at roll call were: Councilor's Marshall, Cleary, Colton, Medeiros, Costa-Hanson, Pottier, McCaul, Barbour  
Councilor Carr was absent*

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

**Communications:**

Com. from Maria Lopes, Chairwoman, Paul Kitchen, and John Mitchell, County Commissioners of Bristol County submitting their intent for the Former Taunton District Courthouse stating that they intend to bid the former Taunton District Courthouse over the next few months and they will keep the Council informed on this matter. **Motion was made to receive and place on file and also send to the Business Improvement District. So Voted.**

Com. from Bristol County Mosquito Control Project, 140 North Walker St., Taunton stating they are in the process of obtaining mosquito spraying exemption for properties by the property owner notifying the City Clerk by March 1, 2012. **Motion was made to place on our Municipal Channel and City website. So Voted.**

Com. from Paul Leonfanti, Jr., Project Manager, JH Lynch & Sons, Inc., 50 Lynch Place, Cumberland, RI notice of intent to begin resurfacing and related work on a section of I-495 Bridgewater, Raynham, Taunton and Norton on or about Monday, March 19, 2012. **Motion was made to refer to Public Safety, DPW, and Dick Shafer, Industrial Development to notify the businesses in the Myles Standish Industrial Park. So Voted.**

**Petitions and Claims:**

**The following is a RENEWAL for a Class II License**

1. Frank's Auto Body, Inc. located at 265 Broadway, Taunton

**Motion was made to refer to the Committee on Police and License and 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 Reports. So Voted.

**Unfinished Business:**

Councilor Barbour stated that on Monday, February 27, 2012, the Committee on Solid Waste will conduct a public meeting at Friedman School at 6:00 PM to discuss solid waste with We-Care.

**Orders, Ordinances, and Enrolled Bills**

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

**AN ORDINANCE**

**Chapter 8**

**Garbage, Trash, and Refuse**

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

SECTION 1. Article I of Chapter 8 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by adding after Section 8-3, the following sections:

**Sec. 8-4. Solid Waste Collection Fees.**

- (a) All single family homes, condominiums, and multifamily dwellings up to four units are eligible participants in the curbside trash and recycling program.
- (b) A solid waste collection fee is hereby established in the amount of seventy-three dollars (\$73.00) per fiscal year per unit for the regular curbside collection and disposal of solid waste and recyclables. Regular curbside collection and disposal shall consist of unlimited recyclables and one bulky item per week without further charge. Solid waste shall be disposed of in city approved collection bags pursuant to Sec. 8-6.
- (c) For Fiscal Year 2012, the city shall issue one bill in the amount of seventy-three dollars (\$73.00) per unit.
- (d) For Fiscal Year 2013 and subsequent fiscal years, the city shall issue bills quarterly, each quarterly bill being in the amount of eighteen dollars and twenty-five cents (\$18.25) per unit.

- (e) The failure of any property owner to pay the solid waste collection fee in full for any fiscal year shall result in the placement of a municipal lien upon the property.
- (f) Prior to April 1 of each fiscal year, the commissioner of public works and the budget director shall jointly communicate in writing to the Mayor and Municipal Council their opinion of the fee(s) necessary to accomplish the objective of recovering the cost of the curbside trash and recycling program.

**Sec. 8-5. Abatement of Solid Waste Collection Fee.**

- (a) The annual solid waste collection fee of seventy-three dollars (\$73.00) may be abated only in accordance with the provisions of this section. All applications for abatement shall be made to the commissioner of public works or his designee.

(b) Vacancy Abatements.

1. Any owner of more than one unit who demonstrates that one or more units have been vacant for the previous twelve months shall receive a full abatement for the unit(s) in question for the fiscal year during which the application is made. Proof of vacancy must be verified by submission of the most recent electrical bill, from the TMLP, showing that the unit in question received the minimum maintenance charge associated with services that do not use any power, for the previous twelve months.
2. Any property owner who spends six (6) or more months away from the property in which he or she actually resides and can show proof of such vacancy, by submission of TMLP records showing a minimum maintenance charge associated with services that do not use any power, shall be granted an abatement for a corresponding number of months.

- (c) Private Hauler Abatements. The commissioner of public works or his designee shall establish and administer policies and procedures for the abatement of said charges for property owners paying for a private contractor for trash and recycling services. At a minimum, to qualify for an abatement:

1. The property owner must furnish a contract signed and dated by both the property owner and the private hauler and the contract must specifically state the dates for which it is in effect;
2. The contract must be for both the disposal of trash and recyclables; and
3. The hauler must be licensed by the Board of Health.

- (d) Hardship Abatement. Property owners who are age seventy (70) or over and who are entitled to an exemption under Massachusetts General Laws, Chapter 59,

Section 5, Clause 17D or Clause 41C, as determined annually by the board of assessors, shall be entitled to a full abatement of the solid waste collection fee.

- (e) Form. An application for any type of abatement shall be made on a form designated by the commissioner of public works and shall contain a statement by the property owner, under the pains and penalties of perjury, attesting to the facts which the applicant states gives rise for the abatement.

**Sec. 8-6. Collection of Solid Waste and Recyclables.**

- (a) For collection by the City of Taunton or its contractor, each household participating in the curbside trash and recycling program must place solid waste in city-approved collection bags, having a capacity of 30-33 gallons, and available for purchase at a cost of one dollar (\$1.00) per bag.
- (b) For collection by the City of Taunton or its contractor, each household participating in the curbside trash and recycling program must place recyclables only in city-approved plastic bins provided by the City of Taunton at no charge.
- (c) The commissioner of public works is hereby authorized to establish and administer policies and procedures to carry out the provisions of this section.

**SECTION 2.** All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **On a roll call vote, eight (8) Councilors present, six (6) Councilors voting in favor. Councilors Pottier, and Costa-Hanlon voting in opposition. Councilor Carr was absent.** Councilor Barbour stated he would like to refer this new proposed ordinance to the Committee on Solid Waste or directly to the ordinance for July 1, 2012 an ordinance that will repeal, moving forward, the fee, but keep the \$1.00 per bag. Councilor Cleary stated he would like to refer this to the Committee on Ordinance and Enrolled Bills with the direction to eliminate those sections of the just approved ordinance dealing with solid waste collection fees, abatement options to be eliminated to take effect July 1, 2012. **Councilor Barbour stated he spoke with the City Solicitor who composed an ordinance that would strike out Section 8-4 and Section 8-5 of the Ordinance, Chapter 8, Garbage, Trash, and Refuse and motioned to refer this to the Committee on Solid Waste and the Committee on Ordinances and Enrolled Bills. So Voted.**

**New Business:**

Councilor Barbour stated that State Trooper Allison Powell recently saved a man from a truck fire when his vehicle struck a bridge and should be acknowledged by the Council. **Motion was made to refer to the Mayor's Office. So Voted. (The City Clerk spoke with Mimi Punda on this matter.)**

Councilor Barbour stated that a lot of televisions, and e-waste are being left on the curbside. He stated that e-waste is free to dispose of at the landfill with proof of

identification. **Therefore, he motioned that the Mayor's Assistant provide a press release notifying residents of this. So Voted.**

Councilor Pottier motioned to inform the DPW Commissioner of the poor condition of the sidewalk at the corner of Johnson Street and County Street. Additionally, that he have the crosswalk in front of Trucchi's Market on County Street repainted as well as the crosswalk at the East Taunton post office as they are in poor condition. So Voted.

Councilor Costa-Hanlon motioned that the Committee on Public Health and Environmental Affairs discuss the contamination site at 100 Oak Street. So Voted.

Councilor Medeiros stated that the Council position on the Parking Commission was vacated when former Councilor Buffington became the City Solicitor. **Therefore, Councilor Medeiros motioned to nominate Council President Colton to serve as the Councilor position. So Voted.**

Councilor Cleary motioned that the DPW Commissioner speak to the contractor that is working on Range Avenue and ask them to enhance the temporary coverage on this roadway as it is in rough condition. So Voted.

Councilor Cleary stated that when motorists traveling on Hart Street from East Taunton come to the intersection of Hart Street and County Street, the left travel lane is designated for left turns and traveling straight through the intersection. The issue is that people who are traveling straight through the intersection are behind drivers going left are forced to sit through multiple changes of traffic lights before being able to go straight. It was noted that this matter is sitting in the Committee on the Department of Public Works. Therefore, Councilor Cleary motioned that the Safety Officer look at this intersection and determine if it can be re-configured. So Voted.

Meeting adjourned at 9:45 P.M.

A true copy:

Attest:

  
City Clerk

RMB/JLL

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 21, 2012

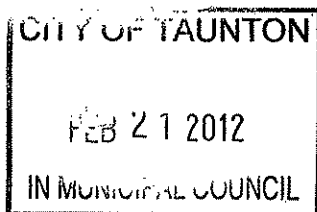
THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DONALD CLEARY, ACTING CHAIRMAN AND COUNCILOR COLTON

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

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS AND PAYROLLS FOR CITY DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE PAYROLLS FOR THE WEEK. SO VOTED.  
MOTION: MOVE APPROVAL OF THE VOUCHERS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:35 P.M.



RESPECTFULLY SUBMITTED, .  
*Colleen Ellis*  
 COLLEEN M. ELLIS  
 CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*  
 CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 21, 2012

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MARSHALL, BARBOUR AND COSTA-HANLON. ALSO PRESENT WERE BUILDING SUPERINTENDENT WAYNE WALKDEN, CHIEF TIMOTHY BRADSHAW, DAVID SANTOS, ROBERT BASTIS AND KEVIN FARRAR OF THE FIRE DEPARTMENT

MEETING CALLED TO ORDER AT 5:54 P.M.

**1. MEET WITH BUILDING SUPERINTENDENT WAYNE WALKDEN AND THE FIRE CHIEF TO DISCUSS CENTRAL FIRE STATION**

THE BUILDING SUPERINTENDENT REPORTED THAT HE HAS VIEWED THE HOST TOWER AND THIS IS A FIX THAT HE CAN DO IN HOUSE. HIS DEPARTMENT CAN MAKE THE REPAIRS NEEDED TO THE HOST TOWER ITSELF. MORE IMPORTANTLY IS THE TEMPORARY RELOCATION OF THE COMMUNICATION EQUIPMENT THAT IS LOCATED ON THE HOST TOWER. THEY HAVE BEEN TOSSING OUT IDEAS AS TO HOW THIS CAN BE DONE.

THE FIRE CHIEF STATED THAT THE ANTENNAS REQUIRE A CERTAIN AMOUNT OF HEIGHT IN ORDER TO GET THE COVERAGE NEEDED, AND THIS IS HIS ONLY ISSUE. HE CANNOT LOWER THE ANTENNAS BECAUSE IT WILL COMPROMISE HIS RADIO COVERAGE AND RADIO BOX COVERAGE WHICH IS SIGNALING DEVICES ON BUILDINGS THAT TRANSMIT ALARMS TO THE DEPARTMENT TO LET THEM KNOW ALARMS ARE GOING OFF THERE. FROM THE FIRE DEPARTMENT'S PERSPECTIVE, THIS IS THEIR ONLY ISSUE – WHAT DO WE DO IN THE MEANTIME, WHILE THE ANTENNA'S CANNOT BE ON THE HOST TOWER. THEY WILL NEED TO FIND A PLACE TO PUT THEM TO KEEP THE COMMUNICATIONS OPEN.

COUNCILOR MARSHALL ASKED IF ANYONE HAD APPROACHED THE T.M.L.P. ABOUT WEST WATER STREET AND THEIR TOWER AS HE KNOWS THEY RENT OUT SPACE FOR TELECOMMUNICATIONS.

THE CHIEF SAID THE PROBLEM IS THAT THEY NEED A HARDLINE COMMUNICATION TO THEIR BASE. THEY COULD DO IT WITH REPEATERS BUT HE THINKS THIS GETS EXPENSIVE. RUNNING A LINE IS A LOT CHEAPER.

COUNCILOR MARSHALL ASKED WHAT THE HEIGHT REQUIREMENT WAS. MR. WALKDEN STATED THAT THEY WOULD LIKE TO GO 20 FEET BEYOND WHERE THEY ARE AT RIGHT NOW. PROBABLY 85 FEET. COUNCILOR MARSHALL ASKED IF THEY HAD IDENTIFIED ANY SPACE DOWNTOWN TO WHICH THESE COULD BE MOVED. MR. WALKDEN SAID THEY HAD DISCUSSED THE NEW COURT HOUSE MIGHT BE AN OPTION.

COUNCILOR MARSHALL SAID THAT WORKING WITH DCAM IS A LONG PROCESS AS THEY ARE VERY THOROUGH. HE ALSO ASKED ABOUT APPROACHING THE BRISTOL COUNTY COMMISSIONERS FOR SOME OF THE OTHER BUILDINGS.

COUNCILOR MARSHALL ASKED IF THERE WAS AN ESTIMATED COST FOR THE RELOCATION OF THIS EQUIPMENT.

CAPTAIN BASTIS SAID THAT HE WOULD LIKE THE OPPORTUNITY TO TALK TO DCAM AS THIS IS RIGHT IN LINE OF SITE AND HAS GREAT HEIGHT. HE ALSO SAID IT IS HIS JOB TO MONITOR THE RADIO BOX SYSTEM, AND THEY ARE LOSING CONTACT WITH BOXES FOR SEVERAL DAYS AT A TIME. THEY NEED MORE HEIGHT ON THE ANTENNAS, AND THE ANTENNAS THAT THEY HAVE ARE OLD AND NEED TO BE REPLACED. COUNCILOR MARSHALL ASKED IF THEY HAD LOOKED INTO PUTTING A TEMPORARY TOWER ON OUR OWN SITE NEXT TO THE FIRE STATION. IT WAS NOTED THAT THE PROBLEM WITH A TOWER IS THAT IS A VERY EXPENSIVE PROPOSITION. IT WAS NOTED THAT ANOTHER OPTION MAY BE MORTON HOSPITAL.

IT WAS ALSO QUESTIONED HOW MUCH THE REPAIRS TO THE HOST TOWER WERE GOING TO COST AND ALSO THE MOVING OF THE ANTENNA'S. MR. WALKDEN SAID THAT HE ESTIMATES THE REPAIRS TO THE

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**THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED**

HOST TOWER TO BE ABOUT \$25,000 TO DO THIS WORK IN HOUSE. HE THINKS HIS DEPARTMENT CAN HANDLE THIS. HE SAID THERE IS \$8,400 REMAINING IN THE BOND FOR THE RECONSTRUCTION OF CENTRAL FIRE STATION, BUT THERE ARE HAZARDOUS MATERIALS THAT NEED TO BE CLEANED UP UNDER THAT SIGHT AND A VARIETY OF OTHER THINGS SO HE WILL NEED THE FUNDING.

QUESTIONED WAS HOW MUCH IT WOULD BE TO MOVE THE ANTENNAS. THE FIRE CHIEF STATED THAT WHERE THOSE ANTENNA'S GO WILL DICTATE HOW MUCH IT IS GOING TO COST. THE CLOSER TO DOWNTOWN, THE CHEAPER IT WILL BE.

OTHER LOCATIONS THEY COULD LOOK AT WOULD BE THE PILGRIM CHURCH OR ST. MARY'S.

MR. WALKDEN SAID IF THE HOST TOWER IS REPAIRED THE WAY HE EXPECTS THAT IT CAN BE NEW EQUIPMENT CAN BE INSTALLED ON TOP OF THE HOST TOWER WITH A SHAFT THROUGH THE ROOF ONTO A NEW PLATFORM BELOW THE ROOF LINE. THEY CAN GO BACK THERE, BUT THE QUESTION IS WHETHER THIS IS THE MOST DESIRABLE LOCATION LONG TERM. THE HOST TOWER CANNOT BE TOUCHED UNTIL A TEMPORARY LOCATION IS FOUND FOR THE ANTENNAS.

COUNCILOR COSTA-HANLON ASKED IF THERE WERE ANY GRANTS AVAILABLE. THE FIRE CHIEF SAID THAT THERE IS NOT.

CAPTAIN BASTIS ASKED IF IT MADE A DIFFERENCE AT THIS POINT IN TIME IF WE ARE DEALING WITH AN EMERGENCY OR NOT AN EMERGENCY AS FAR AS BIDS GO. THEY WOULD LIKE THE ANTENNA PEOPLE TO WORK CLOSELY WITH MR. WALKDEN, SO WHILE THEY ARE WORKING ON THE TOWER, THEY CAN BRING THE MAST DOWN INTO THE TOWER AND STABILIZE IT. COUNCILOR COSTA-HANLON SAID THAT THE CITY SOLICITOR USUALLY MAKES THE DECISION WHETHER IT IS DEEMED AN EMERGENCY. MR. WALKDEN STATED THAT IF YOU HAVE SOMETHING THAT IMPACTS PUBLIC SAFETY OR THE SAFETY OF THE BUILDING YOU HAVE AN URGENT SITUATION. IT IS NOT TO THE LEVEL OF A BRIDGE COLLAPSE WHICH IS CONSIDERED A TRUE EMERGENCY. IF YOU HAVE VARIOUS RADIO BOXES THAT ARE NOT ABLE TO REPORT PROPERLY THROUGHOUT THE CITY, THIS IS A PUBLIC SAFETY ISSUE. TO HIM, IT IS AN URGENT SITUATION THAT CAN'T WAIT, WE NEED TO GET GOING ON THIS.

**MOTION:** TO REFER THIS MATTER FINANCIALLY TO THE MAYOR'S OFFICE, THE LEGALITY QUESTION TO THE LAW OFFICE FOR IMMEDIATE ACTION AS THIS COULD BE A POTENTIAL EMERGENCY AND POSE A THREAT TO COMMUNICATION AND PUBLIC SAFETY.

COUNCILOR MARSHALL SAID HE WOULD SUPPORT THE MOTION BUT HE WOULD WANT TO TAKE A HARD LOOK AT THE EMERGENCY PART OF THIS AND THE BID ISSUE.

**SO VOTED.**

**2. MEET TO REVIEW MATTERS IN FILE**

A. MR. WALKDEN WAS ASKED FOR AN UPDATE ON THE CITY HALL RFQ. HE STATED THAT HE IS WORKING WITH THE LEGAL DEPARTMENT RIGHT NOW AND IT SHOULD BE DONE IN THE NEXT COUPLE OF WEEKS.

**MOTION:** TO PUT THIS ON THE AGENDA IN THREE WEEKS FOR AN UPDATE

B. MR. WALKDEN WAS ALSO ASKED FOR AN UPDATE ON RAZING THE OLD POLE SCHOOL. HE STATED THAT HE IS MOVING FORWARD ON THE REMOVAL OF THE TANK, BETA IS TO PROVIDE A PROPOSAL FOR REMEDIATION THEN THERE WILL BE A BID DOCUMENT.

**MOTION:** TO PUT THIS ON THE AGENDA IN THREE WEEKS FOR AN UPDATE, AND TO ALSO ADD WALKER SCHOOL AND LEONARD SCHOOL FOR UPDATES.

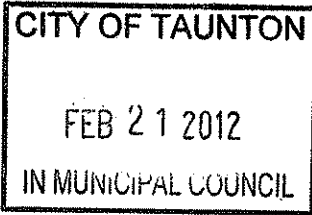


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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

MEETING ADJOURNED AT 6:21 P.M.



RESPECTFULLY SUBMITTED,

*Colleen M. Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 21, 2012

**THE COMMITTEE ON SOLID WASTE**

PRESENT WERE: COUNCILOR DANIEL BARBOUR, CHAIRMAN AND COUNCILORS COSTA-HANLON, MARSHALL AND POTTIER. ALSO PRESENT WERE ASSISTANT D.P.W. COMMISSIONER TONY ABREAU, WATER DIVISION SUPERVISOR CATHAL O'BRIEN, AND JEFFREY LEBLANC, PRESIDENT, WES GREGORY, CEO, MICHAEL NICHOLSON, BUSINESS MANAGER, AND JEFFREY HEATH, PRINCIPAL MANAGER OF WE CARE ORGANICS

MEETING CALLED TO ORDER AT 6:35 P.M.

1. **MEET WITH REPRESENTATIVES OF WE CARE, JIM BINDER OF A.R.I., ATTORNEY ROD HOFFMAN, MEMBERS OF THE D.P.W. TEAM AND THE CITY SOLICITOR TO REVIEW DRAFT OF PROPOSED CONTRACT PROVIDED BY WE CARE.**

THE GOAL WAS TO HAVE A DRAFT CONTRACT TO REVIEW THIS EVENING, BUT THIS IS STILL BEING WORKED OUT.

WE CARE WILL ALSO HOLD A PUBLIC MEETING WITH THE SOLID WASTE COMMITTEE ON MONDAY, FEBRUARY 27, 2012.

WE CARE MADE A BRIEF PRESENTATION BEFORE THE COMMITTEE. WE CARE ORGANICS IS A PRIVATELY OWNED COMPANY OFFERING ORGANICS AND WASTE MANAGEMENT OPTIONS. THEY ARE A FULL SERVICE PROVIDER – WASTE COLLECTION, PROCESSING, DEVELOPMENT, OPERATIONS, AND PRODUCT DISTRIBUTION. THEY ARE OFFERING TO THE CITY OF TAUNTON AN INTEGRATED WASTE MANAGEMENT STRATEGY TO PROCESS AND MANAGE THE FOLLOWING WASTE STREAMS: (1) WASTEWATER SLUDGE FROM THE TAUNTON WWTP (STAYS AT THE PLANT) (2) MIXED MUNICIPAL SOLID WASTE, INCLUDING AN OPTION FOR RESIDENTIAL COLLECTION, (3) SINGLE-STREAM RECYCLABLES COLLECTION AND PROCESSING AND (4) ORGANICS (FOOD WASTE) DISPOSAL AND PROCESSING FOR BENEFICIAL REUSE (PROCESSING AT AN EXISTING FACILITY). BIOSOLIDS WILL BE PROCESSED AT THE CITY'S WASTEWATER TREATMENT PLANT, AND AT THE MYLES STANDISH INDUSTRIAL PARK THERE WILL BE A MUNICIPAL SOLID WASTE TRANSFER STATION, MATERIALS RECOVERY FACILITY, ORGANICS DROP-OFF FACILITY AND A RESIDENTIAL CONVENIENCE CENTER.

IT WAS NOTED THAT THE COMMITTEE HASN'T HAD A CHANCE TO SEE THE FINANCIALS REGARDING THIS PROJECT, AND ALSO, THEY HAVE NOT HAD AN OPPORTUNITY TO HEAR COMMENTS FROM THE CITY'S TEAM, SO IT WAS SUGGESTED THAT THE COMMITTEE HOLD OFF ON DISCUSSING THE FINANCIALS UNTIL THE CITY'S TEAM HAS HAD AN OPPORTUNITY TO GO THROUGH THE DOCUMENTS.

**MOTION: THAT THE COMMITTEE RECEIVE FROM JIM BINDER OF A.R.I. AND THE CITY'S TEAM A COMPARISON OF WHAT WE PAY NOW FOR A PARTICULAR SERVICE AND WHAT WE WOULD BE PAYING UNDER THIS SCENARIO**

WE CARE DOES PROPOSE TO USE THE ALEC RICH SITE THAT THE CITY PURCHASED. THIS SITE IS A VIABLE SITE FOR THE PROJECT WITH THE EXCEPTION OF THE GASIFIER WHICH WILL BE AT THE WASTE WATER TREATMENT PLANT. IT WAS NOTED THAT THE BIOSOLIDS ARE CURRENTLY TRUCKED TO THE LANDFILL. WITH THIS PROJECT, IT WILL BE TREATED AT THE PLANT. HOWEVER, DISCUSSED WAS THE ISSUE OF ODOR PROBLEMS AS THEY WILL HAVE TONS OF SLUDGE HAULED IN FROM OTHER COMMUNITIES.

QUESTIONED WAS WHETHER THEY HAVE IDENTIFIED THE ROUTES AND SIZES OF THE TRUCKS THAT WILL BE BRINGING THIS IN. AS OF THIS TIME, THEY HAVE NOT. IT WAS ALSO NOTED THAT THE END PRODUCT IS ASH AND THIS WILL HAVE TO BE HAULED OUT. IT WAS ALSO NOTED THAT THE FACILITY WILL BE TOTALLY ENCLOSED, THE TRUCKS WILL BE EMPTIED INSIDE THE FACILITY.

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THE COMMITTEE ON SOLID WASTE – CONTINUED

IT WAS ALSO NOTED THAT THE CITY WILL PAY WE CARE TO HAVE OUR TRASH PICKED UP, AND ALSO TO DISPOSE OF OUR SLUDGE.

DISCUSSED ALSO WAS THE NEED TO OBTAIN A SITE ASSIGNMENT. WE CARE SAID IF THEY GET THE CONTRACT, THEY WILL PROVIDE A TIME LINE. THEY THEN SAID THAT THEY WILL PROVIDE THIS TIME LINE AT THE MEETING TO BE HELD ON MONDAY. IT WAS ALSO NOTED THAT ONCE A CONTRACT IS SIGNED, IT WILL BE ABOUT ONE YEAR FOR THE SITE ASSIGNMENT. THE BOARD OF HEALTH TAKES THE LEAD ROLE IN THE SITE ASSIGNMENT.

IT WAS ALSO STATED THAT WE CARE DOES NOT FEEL THEY WILL HAVE A PROBLEM OBTAINING THE NECESSARY TONNAGE.

IT WAS ALSO QUESTIONED IF WE CARE HAD LOOKED AT PUTTING THE GASIFICATION PROJECT AT THE INDUSTRIAL PARK. THEY SAID THAT THEY HAD, BUT THE LIMITING FACTOR IS WATER.

**MOTION: TO RECESS THE MEETING (7:37 P.M.)**

**THE MEETING WAS CALLED BACK TO ORDER AT 7:47 P.M.**

**2. MEET WITH GILL ENOS, BUDGET DIRECTOR AND THE D.P.W. COMMISSIONER TO DISCUSS TRASH FEE ORDINANCE**

THE BUDGET DIRECTOR PROVIDED A SYNOPSIS OF THE COST AND REVENUES ASSOCIATED WITH THE TRASH PROGRAM. IT INCLUDED A LIST OF THREE MUNICIPALITIES (ATTLEBORO, NORTH ATTLEBORO AND BROCKTON) AND WHAT THEIR ANNUAL FEE FOR TRASH DISPOSAL IS AND THE COST OF THE TRASH BAGS THEY HAVE TO PURCHASE.

**MOTION: DOCUMENT TO BE PART OF THE RECORD AND PLACED ON THE WEBSITE.**

COUNCILOR POTTIER QUESTIONED IF THE THREE COMMUNITIES LISTED HAVE THEIR OWN LANDFILL. MR. ENOS DID NOT KNOW THIS. COUNCILOR POTTIER STATED THAT HE IS NOT SURE HOW VIABLE THE COMPARISON WOULD BE IF WE DO NOT KNOW IF THEY HAVE LANDFILLS OR NOT, BECAUSE TAUNTON DOES HAVE A LANDFILL WHICH GREATLY REDUCES OUR OVERALL COSTS. COUNCILOR POTTIER ALSO STATED THAT HE OBTAINED INFORMATION FROM THE DEPARTMENT OF REVENUE AND D.E.P. REGARDING FEES THAT ARE ACCEPTABLE AND FEES THAT ARE NOT OR TAXES THAT ARE NOT. HE FURTHER STATED THAT THE DEPARTMENT OF REVENUE STATES THAT A FEE MUST BE COLLECTED NOT TO RAISE REVENUES PER SE, BUT TO COMPENSATE THE GOVERNMENT ENTITY FOR ITS EXPENSES IN PROVIDING THE SERVICES. THIS HAS BEEN INTERPRETED TO HIM THAT THE FEE CANNOT EXCEED THE COST TO PROVIDE THE SERVICES THAT ARE PROVIDED. THE SECOND ITEM THAT COUNCILOR POTTIER HAD WAS A LEGAL OPINION FROM MARCH 1, 2002 WHEN THIS WAS A HOT ISSUE WITH A NUMBER OF COMMUNITIES. THERE ARE A LOT OF COMMUNITIES THAT DO \$1/BAG WITH DIFFERENT KINDS OF FEES, SOME CHEAPER THAN TAUNTON, SOME MORE EXPENSIVE. HE FURTHER STATED THAT THE GENERAL LAWS OF MASS. MUST PERMIT USER FEES TO COVER THE ENTIRE COST OF WASTE SERVICES...HOWEVER A MUNICIPALITY MUST BE CAREFUL TO DESIGN A SYSTEM IN SUCH A WAY THAT THE FEES ARE NOT LATER CONSTRUED AS A IMPERMISSIBLE TAX. IT GOES ON TO SAY THE PURPOSE OF THE FEE MUST BE TO COMPENSATE THE MUNICIPALITY FOR PROVIDING A PARTICULAR SERVICE NOT TO RAISE REVENUE. COUNCILOR POTTIER ASKED, REGARDING THE NUMBERS THAT WERE PRESENTED, WERE THESE PRESENTED TO THE COUNCIL LAST JUNE WHEN THE COUNCIL DECIDED UPON THE \$73.00 CHARGE. THE BUDGET DIRECTOR STATED THAT HE BELIEVES THEN MAYOR CROWLEY PRESENTED A LETTER ON THIS MATTER. COUNCILOR POTTIER STATED THAT HIS NUMBER ONE CONCERN IS THAT HE DOESN'T SEE HOW WE ARE CHARGING FOR THE LANDFILL PROPERTY ACQUISITION OR INCLUDING THIS COST OF \$265,162.50, WHICH IS THE DEBT SERVICE PAYMENT FOR 2012. HE FURTHER STATED THAT IT WAS MENTIONED A NUMBER OF TIMES THAT WHATEVER WE PAID FOR THAT LAND IS GOING TO BE

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THE COMMITTEE ON SOLID WASTE – CONTINUED

REIMBURSED THROUGH WHOEVER OUR EVENTUAL PROVIDER IS, SO HE DOESN'T SEE HOW THIS COST IS DIRECTLY RELATED TO THE COST OF THE SERVICE THAT WE ARE CURRENTLY PROVIDING, AND IF WE WERE TO CHARGE THIS FEE, HOW WOULD WE REIMBURSE THE RESIDENTS OF TAUNTON IF WE WERE TO GET REIMBURSED FOR THIS LAND.

MR. ENOS STATED THAT THE TAXPAYERS ARE GOING TO BE PAYING THIS NO MATTER WHAT BECAUSE IT IS PART OF OUR DEBT SERVICE SCHEDULE. MR. ENOS FURTHER STATED THAT HIS OPINION IS THAT THE LAND WAS SOLELY BOUGHT FOR THE PURPOSE OF THE EXPANSION OF THE LANDFILL SOLUTION.

COUNCILOR POTTIER SAID THAT HIS OPINION IS THAT THIS CANNOT BE CHARGED AGAINST THE COST OF THE SERVICE WE ARE CURRENTLY PROVIDING THE CITIZENS OF TAUNTON.

COUNCILOR BARBOUR ASKED, IF THE ORDINANCE SHOULD BE PASSED, AND THE FEE FOR THE CURRENT FISCAL YEAR IS COLLECTED, WHERE DOES THE MONEY GO. MR. ENOS SAID IT GOES INTO THE GENERAL FUND.

COUNCILOR COSTA-HANLON ASKED WHY ISN'T THE TIPPING FEE THAT WE GET PART OF THE REVENUE SIDE BECAUSE WE GET ABOUT \$900,000.00 CONSERVATIVELY BETWEEN THE TIPPING FEE AND THE METHANE, AND IF WE PUT THAT \$900,000.00 IN REVENUES, THEN THE REVENUE SIDE WOULD SHOW ALMOST \$3 MILLION. SHE STATED THT SHE AGREES WITH MR. ENOS'S ANALYSIS WHEN IT COMES TO THE DEBT AND THE PAYMENT FOR THE LAND ACQUISITION BECAUSE IT REALLY IS TO EXPAND THE LANDFILL, BUT SHE FEELS THE REVENUE SIDE IS MUCH LIGHTER THAN IT SHOULD BE. IF WE ADD THE TIPPING FEE WHERE IT SHOULD BE ON THE REVENUE SIDE THERE IS NO WAY WE CAN JUSTIFY THIS AS A FEE OR A TAX BECAUSE THERE IS NO WAY THESE NUMBERS WILL CRUNCH, SO SHE IS CONCERNED ABOUT THAT. HER OPINION IS THE WAY THIS IS IMPLEMENTED AND CLEARLY BY THE WAY WE ARE LOOKING AT THESE FIGURES, THIS IS A TAX AND IT IS AN ILLEGAL TAX. SHE FEELS THAT WE NEED TO ADD IN THE TIPPING FEES AND THE MONEY FROM THE METHANE. SHE ASKED MR. ENOS IF THERE WAS A REASON WHY HE DID NOT INCLUDE THE TIPPING FEES AS PART OF THE REVENUE.

MR. ENOS STATED THAT IT WAS BECAUSE IT WAS NOT INCLUDED BECAUSE HE USED TRASH REVENUES. COUNCILOR MARSHALL STATED THAT WE HAVE TALKED A LOT ABOUT FEES AND WHAT SHOULD BE INCLUDED IN A FEE AND WHAT SHOULDN'T BE INCLUDED IN A FEE, WHAT SHOULD BE INCLUDED IN REVENUES OR NOT. HE STATED THAT THE BOTTOM LINE IS THAT IN LATE JUNE THE COUNCIL WAS PRESENTED WITH A BUDGET THAT INCLUDED THIS \$73.00 TRASH FEE. THE BUDGET WAS PASSED 5-3 INCLUDING THE \$73.00 TRASH FEE. THE INCOMING CITY SOLICITOR REALIZED THAT NO ORDINANCE HAD BEEN DONE OR INCLUDED WITH THE BUDGET, SO THAT IS WHY WE ARE HERE TONIGHT, BECAUSE TECHNICALLY THERE IS NO ORDINANCE ON THE BOOKS TO ENFORCE THE \$73.00 FEE. HOWEVER, THE BUDGET WAS BUILT ON THE \$73.00 FEE. HE ASKED, IF THE COUNCIL DOES NOT APPROVE THE \$73.00 FEE, WHAT THE RAMIFICATIONS WOULD BE.

MR. ENOS STATED THAT WE WOULD NOT BE ABLE TO MAKE UP THE \$1.3 MILLION SO LATE IN THE FISCAL YEAR. WE WOULD BE LOOKING AT LAYOFFS IN PUBLIC SAFETY, PROBABLY A TOTAL OF 25 PEOPLE. COUNCILOR MARSHALL SAID THAT HE TOO SUBSCRIBES TO THE THEORY THAT THE LANDFILL PROPERTY ACQUISITION, ONCE THE NEW SOLID WASTE CONTRACT COMES INTO FRUITION, SHOULDN'T BE INCLUDED IN THIS BECAUSE WE WILL BE RECEIVING PAYMENT. HE BELIEVES BOTH PARTIES HAVE AGREED TO TAKE OVER THIS PAYMENT, BUT UNTIL THEN SOMEONE HAS TO PAY THAT BILL. HE AGREES THAT THE \$265,000 SHOULD BE COUNTED OUT ONCE WE START RECEIVING THAT MONEY. COUNCILOR MARSHALL STATED THAT THE TIPPING FEE FOR THIS YEAR IS ABOUT \$800,000, AND IT IS GOING DOWN STEADILY EACH YEAR.

MR. ENOS SAID THAT THIS HAS ALWAYS BEEN A GENERAL FUND RECEIPT, NEVER TO OFFSET THE COLLECTION OF MUNICIPAL SOLID WASTE AND RECYCLING.

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FEBRUARY 21, 2012

**THE COMMITTEE ON SOLID WASTE – CONTINUED**

COUNCILOR POTTIER SAID THAT HE WOULD BE COMFORTABLE IN CONSIDERING TAKING OUT THE \$265,162.50 WHICH WOULD DROP THE FEE FROM \$73.00 FOR THIS FISCAL YEAR TO AROUND \$56.00 FOR THIS FISCAL YEAR AND DOING SOMETHING AROUND DOUBLING THE BAGS AS OF JULY 1<sup>ST</sup>, AND COMPLETELY NEGATING ANY PER HOUSEHOLD FEE.

COUNCILOR BARBOUR ASKED MR. ENOS TO SPEAK TO THE ABATEMENT PROCESS. MR. ENOS STATED THAT IT IS IN THE ORDINANCE AND IF SOMEONE QUALIFIES, THERE ARE OPTIONS FOR RELIEF. IT WAS ALSO NOTED THAT IF THE ORDINANCE IS APPROVED, THIS COUNCIL CAN LOOK TO REPEAL THIS DURING THE NEXT BUDGET TIME.

COUNCILOR COSTA-HANLON ASKED IF WE COULD LOOK AT INCREASING REVENUE BY NOT PAYING VENDORS TO SELL THE BAGS. THIS IS ABOUT \$.05 PER BAG.

COUNCILOR CLEARY STATED THAT THE COUNCIL IS IN A DIFFICULT POSITION. IF THE ORDINANCE IS NOT APPROVED ABOUT \$320,000 PER MONTH WOULD HAVE TO BE CUT. THE TRASH FEE OFFENDS HIM, AND HE WOULD BE IN FAVOR IN INCREASING THE COST OF THE BAGS. HE ALSO STATED THAT THE COUNCIL COULD VOTE TO ELIMINATE THE ORDINANCE ON JULY 1, 2012.

COUNCILOR MEDEIROS STATED THAT IF THE ORDINANCE IS NOT PASSED, THERE COULD POSSIBLY BE ABOUT 100 LAYOFFS, AND THESE WOULD HAVE TO BE DONE RIGHT AWAY.

COUNCILOR COSTA-HANLON SAID SHE TAKES ISSUE WITH POLICE AND FIRE BEING LAYED OFF. SHE SAID THERE ARE OTHER SOLUTIONS. SHE SAID THAT SHE HAD DEPARTMENT HEADS DO A BUDGET WITH A 3% REDUCTION AND A 7% REDUCTION, AND IF THEY HAD BEEN LOOKED AT WE WOULDN'T BE IN THIS SITUATION NOW. SHE ALSO SAID THAT SHE FEELS THIS TRASH FEE IS NOT GOING TO BE LEGALLY SUSTAINABLE.

COUNCILOR MARSHALL STATED THAT THE REALITY IS THAT IF THE ORDINANCE IS NOT APPROVED, THERE WOULD BE A NEED TO MAKE UP \$1.3 MILLION. HE HAS NOT SEEN ANY PLAN ON HOW TO MAKE THIS UP.

**MOTION: TO ALLOW PUBLIC INPUT**

RUSSELL OHLER OF 18 MEADOW STREET VOICED HIS OPPOSITION TO THE FEE AND SAID IT VIOLATES PROPASITION 2 ½. ROBERT NEWHALL, 43 FIDDLERS WAY ALSO VOICED HIS OPPOSITION TO THE FEE AS WELL AS JUANITA GALLAGHER OF 145 WINTHROP STREET AND MICHAEL O'DONNELL OF 111 MAIN STREET.

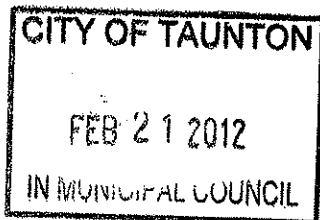
LEMAN PADELFORD OF 80 DUFFY DRIVE ALSO ADDRESSED THE COMMITTEE, AND DURING HIS PRESENTATION MANY AUDIENCE MEMBERS BEGAN SPEAKING OVER THE COMMITTEE AND EACH OTHER. THE MEETING WAS RECESSED IN ORDER TO BRING ORDER BACK TO THE MEETING.

**MOTION: TO RECESS THIS MEETING (9:00 P.M.)**

**MEETING WAS CALLED BACK TO ORDER AT 9:08 P.M.**

LEMAN PADELFORD WAS ALLOWED TO CONTINUE VOICING HIS OPPOSITION TO THE FEE.

MEETING ADJOURNED AT 9:15 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*  
CITY CLERK