

MUNICIPAL COUNCIL AGENDA TEMPORARY CITY HALL 141 OAK STREET, TAUNTON, MA 02780

APRIL 21, 2015 – 7:00 PM

INVOCATION
ROLL CALL
RECORDS

HEARING:

NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-3 Com. from City Solicitor Snow and ice removal legislation
- Pg. 4 Com. from Chairman, Taunton Planning Board Notifying of a public meeting

COMMUNICATIONS FROM CITIZENS

- Pg. 5-6 Com. from Chairman, Mayor Charles Crowley Memorial Committee Proposing to rename a building
- Pg. 7 Com. from Manager, Downtown Taunton Foundation, 8 Trescott Street, Suite 1, Taunton Requesting use of the portable stage and a waiver of the fee
- Pg. 8-13 Com. from Dr. Richard Gross, Superintendent, Bristol-Plymouth Regional Technical School District, 207 Hart Street, Taunton Submitting the FY16 Proposed Budget

PETITIONS

Billiard Table License

Petition submitted by George Andrews, 88 Dean St., Raynham requesting a **RENEWAL** of the Billiard Table License for Italian Naturalization Club, Inc. of Taunton —dba- Italian Naturalization Club, 46 Wales Street, Taunton. (2 Tables)

Petition submitted by Ernest Cardoza requesting a **RENEWAL** of the Billiard Table License for the David F. Adams Post #611 Athletic Association, Inc. located at 82 Ingell Street, Taunton. (1 Table)

Livery License

Petition submitted by Donna Francis, 48 Worcester Street requesting a **RENEWAL** of her Livery License for A&D Enterprises –dba- Pegasus Airport Service located at 48 Worcester St., Taunton. (3 Vehicles)

Temporary Fixed Vendor License

Petition submitted by James J. Lyons, Jr., 12 Highvale Lane, Andover requesting a **RENEWAL** of his Temporary Fixed Vendor License –dba- Dandi-Lyons located at 649 County Street to sell flowers.

Claims

Claim submitted by Jane Pittsley, 38 Anthony St., Berkley seeking reimbursement to her automobile from hitting a pothole in front of 39 Hart St., Taunton.

Claim submitted by Karen Harnois, 199 Fremont St., Taunton seeking reimbursement for damages to her automobile from hitting a pothole in front of 19 Bassett Street, Taunton.

Claim submitted by Kelly Gallagher, 59 Linden Street, Unit 216, Taunton seeking reimbursement for damages to her automobile from hitting potholes on Tremont St. and South Crane Ave., Taunton.

Claim submitted by Daniel Jacobs, 2 Tyashk St., East Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Caswell Street near East Side Pizza.

Claim submitted by Kathleen and Michael Baran, 49 Mayflower Ave., Taunton seeking reimbursement for damages to their automobile from hitting potholes in the vicinity of 392 South Crane Avenue, Taunton.

Claim submitted by Jacques Barbour, 9 Greystone Ave., Taunton seeking reimbursement for damages to his automobile from hitting a pothole between 40-42 Plain St., Taunton.

Two (2) Claims, dated March 2, 2015 and April 2, 2015, both for damages to her automobile from hitting potholes on Hodges Street near Round Street, Taunton submitted by Crystal Kavanaugh, 49 Connie St., Taunton.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,

Rose Marie Blackwell

City Clerk



City of Taunton LAW DEPARTMENT

141 Oak Street Taunton, Massachusetts 02780 Phone (508) 821-1036 Facsimile (508) 821-1397

Thomas C. Hoye, Jr. MAYOR



Jason D. Buffington CITY SOLICITOR

Daniel F. de Abreu ASST. CITY SOLICITOR

April 14, 2015

Honorable Mayor Thomas C. Hoye, Jr. Members of the Taunton Municipal Council 141 Oak Street Taunton MA 02780

RE: Snow and ice removal legislation

Dear Mayor Hoye and Members of the Municipal Council:

While reviewing the ordinance book with the City Clerk in conjunction with the upcoming recodification of city ordinances, we discovered an issue with snow and ice removal legislation that we believe warrants your attention.

Section 20-20 of the Revised Ordinances, a copy of which is attached, is the City's present snow and ice removal ordinance. Although there has been much discussion in the past few years on this topic, no new ordinances have been actually been passed on this topic since August 8, 2000.

In 2010, the Massachusetts Legislature enacted Chapter 40U of the Massachusetts General Laws. This chapter was accepted by the City by vote of the Municipal Council on June 7, 2011. Section 5 of Chapter 40U provides as follows:

> A municipality shall by ordinances ... provide for the removal of snow and ice from sidewalks within such portions of the municipality as they consider expedient by the owner of land abutting such sidewalks. Such ordinances ... shall determine the time and manner of removal and shall affix penalties, not exceeding \$200, for each such violation. Such ordinances ... shall be specific as to the width of the area to be cleared and the standards for clearance.

There is, therefore, a legal requirement that the City (1) have snow and ice removal ordinances, (2) that requires the owners of land abutting sidewalks to be responsible for clearance, (3) that determines which areas of the City the ordinances shall apply to, (4) that determines the time and manner that removal must be made, (5) that affixes penalties for non-compliance, (6) that specifies the width of the areas to be cleared, and (7) that specifies the standards for clearance. In reviewing the City's existing snow and ice removal ordinance, it would appear that it does not fully comply with G.L. c. 40U, § 5, and therefore must be revised.

At a minimum, the existing ordinance does not comply because (a) it would appear to require tenants and occupants, and not necessarily the owners of the land abutting sidewalks, to clear snow and ice, and (b) it does not specify the width of areas to be cleared. There may be other revisions desirable to the Municipal Council as well.

Thank you for your attention to this matter.

Very truly yours,

Jason D. Buffington, Esq.

City Solicitor

Sec. 20-19. Washing windows from sidewalks.

Deleted

(Rev. Ords. 1964, sec 12-33; Ord of 2-20-2001)

Sec. 20-20. Removal of snow and ice required; penalty.

The tenant, occupant and, in case there is no tenant or occupant, the owner or other person having the care of any building or lot of land bordering on any sidewalk on any public or private way located in any area designated as a "business district or central business district" by any zoning ordinance of the city shall cause the snow and ice to be removed from such sidewalk. If the snow ceases falling in the day it shall be removed within four (4) hours thereafter, and if it ceases falling in the nighttime it shall be removed before 11:00 a.m. of the succeeding day; and all ice formed upon any sidewalk in such streets as may be so designated, or otherwise deposited thereon, shall be removed within twenty-four (24) hours after the same is so formed or deposited unless within such time the sidewalk is otherwise rendered safe for travel. The penalty for the violation of this section shall be a fine not in excess of fifty dollars (\$50.00) for each violation. (Rev. Ords. 1964, sec 18-19; Ord. of 2-9-65; Ord of 8-8-2000)

Cross reference--Traffic regulations for snow emergencies, Ch. 13, Art. VII. State law reference--Snow removal, M.G.L.A., c. 40, sec 21(2), (3), (4); c.

Sec. 20-21. Removed snow not to be placed on streets.

No person shall put, place or throw, or cause to be put, placed, or thrown, in or upon any street or other public place in this city any snow removed from sidewalks, driveways or premises adjacent to such streets or public place. This offense shall be punishable by a fine of \$50 for the first offense, \$500 for the second offense and \$750 for the third offense. Any operation of a commercial registered vehicle, which, for hire in the removal of snow and ice violates the above sections, shall be fined an additional \$250 per offense (Rev. Ords. 1964, sec18-16; Ord of 5-13-2003)

Sec. 20-22. Removal of snow and ice from roofs.

The tenant, occupant and in case there is no tenant or occupant, the owner or other person having the care of any building adjoining any street or way, the roof whereof slopes toward the street or way, shall cause all snow and ice to be removed from the roof during business hours within three (3) hours after the same shall be formed or deposited. (Rev. Ords. 1964, sec18-20)

Sec. 20-23. Entering barricaded portion of streets prohibited,

No person, shall without authority, enter or remain upon any portion of the public or private streets which has lawfully been enclosed, barricaded or roped off. (Rev. Ords. 1964, sec 12-7; Ord of 8-8-2000)

Secs. 20-24--20-39. Reserved.



Denise J. Paiva, Secretary

TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Phone 508-821-1051 Fax 508-821-1665

April 9, 2015

Honorable Thomas Hoye, Mayor Members of the Municipal Council 141 Oak St., Maxham School Taunton, Ma. 02780

C/O Rose Marie Blackwell, City

Re: Modification of Site Plan Review - 88 Washington St.

Dear Mayor Hoye and Members of the Municipal Council:

Robert P. Campbell (Mp)

Please be advised the Taunton Planning Board received a modification of a Site Plan Review for property at **88 Washington Street** for the Grove Street parking lot to be constructed in a future phase, not part of current ED project, ambulance drop off shall be modified as shown on plan, submitted by Donna Maher, c/o Morton Hospital.

The DIRB will meet on this on Tuesday, April 28, 2015 at 10:15 AM in the Taunton Planning Board Office, 15 Summer St., Annex Bldg., and then the Planning Board will meet on this proposal on Thursday, May 7, 2015 at 5:30 PM at Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell, Chairman Taunton Planning Board

RPC/djp



Mayor Thomas Hoye

City Council President Estele C Borges

Andrew J Marshall

Sherry Costa-Hanlon

Deborah Carr

David Pottier

Jeane Quinn

John McCaul

Gerald A Croteau

Donald L Cleary

141 Oak Street

Taunton, Mass. 02780

To the City Council President Estelle C Borges and its members:

The Mayor Charles Crowley Memorial Committee would like to propose that the Oakland Fire Station have its name changed to:

The Charles E. Crowley Oakland Fire Station

The purpose of this proposed change is to honor our late Mayor and friend, Charles E. Crowley.

Sincerely,

Yodd Castro

Chairman

Charlie Crowley Memorial Committee
Mayor Thomas Hoye
Representative Shaunna O'Connell
Mary Jo Crowley
Dr. Julie Hackett
Todd Castro
Paul Allison
Alyssa Gracia
Dr. William Hanna
Katie Macdonald
Elizabeth Bernier
Peter Mozzone
Ernest Cardoza
Dennis Proulx
Donald French
Stephen Barrett





Taunton Business Improvement District & Downtown Taunton Foundation

8 Trescott Street, Suite 1 Taunton MA 02780 508.824.0484

WWW.DOWNTOWNTAUNTON.ORG

March 27, 2015

Mayor Thomas Hoye Jr. Taunton City Councilors 141 Oak Street Taunton, MA 02780

Dear Mayor Hoye and City Councilors:

On behalf of the Downtown Taunton Foundation (DTF), I am writing to request the use of the **Portable Stage** for the 5th annual "**Taunton Creates**" public art festival to be held on May 16th 2015. The event will be held on the Taunton Green. We have initiated the process for use of the Taunton Green through the city's Parks, Cemeteries & Public Grounds. Upon official approval to use the park, we will need the portable stage to allow better view of the theatre, dance, and musical talents scheduled to perform during the festival. The goal of this event is to celebrate our city's arts and culture while promoting the economic revitalization of our own downtown. Similar to last year's successful event, this year's "Taunton Creates" festival will feature displays and performances by local artists and interactive art activities for all ages. The event is scheduled to run from 12:00 to 3:00 pm and will be free and open the public.

As a non-profit organization with a mission to revitalize downtown Taunton, we are working on a limited budget. We are requesting a waiver of the fee to install the portable stage. The fee expense would be a hardship for us and reduce the quality of activities offered during the event.

If granted the use of the portable stage for this event, we will be happy to work with the city to ensure that we are in compliance with all regulations regarding its use. Please contact me at 508-824-0484 or csimmons@downtowntaunton.org if you have any questions or would like additional information. Thank you for considering our request.

Sincerely,

Colleen Simmons

Manager



BRISTOL-PLYMOUTH REGIONAL TECHNICAL SCHOOL DISTRIC

207 HART STREET, TAUNTON, MASSACHUSETTS 02780-3715

Telephone 508-823-5151

Fax 508-880-7287

www.bptech.org

School Committee Members:

April 8, 2015

CAROL L. MILLS Chair

BERKLEY

Louis Borges, Jr. Vice Chair **TAUNTON**

MARK A. DANGOIA BRIDGEWATER

EDWARD F. DUTURA DIGHTON

GEORGE L. RANDALL, III MIDDLEBOROUGH

TIMOTHY J. HOLICK RAYNHAM

JAMES W. CLARK REHOBOTH

THOMAS A. BERNIER **TAUNTON**

Treasurer: JOHN FRIAS

Superintendent: RICHARD W. GROSS, ED. D.

The Honorable Thomas C. Hoye, Jr. City of Taunton 141 Oak Street Taunton, MA 02780

Dear Mayor Hoye:

At their regular meeting on Tuesday, April 7, 2015, your Bristol-Plymouth Regional Technical School District Committee voted to approve the FY 2016 budget. Prior to the regular meeting, a public hearing was held in accordance with the notice posted in all member communities and advertised through a legal notice in The Enterprise.

Information regarding the approved budget and the assessment to the City of Taunton, as well as the assessments to the other district communities, is enclosed. The City of Taunton FY 2016 total assessment is \$3,913,532. Please note that the figures presented here are based upon the latest available information from the Commonwealth of Massachusetts and the Department of Elementary and Secondary Education.

As in previous years, the FY 2016 budget reflects community assessments at the minimum required level. These levels are established by the regional agreement, the Massachusetts Department of Elementary and Secondary Education and the Commonwealth of Massachusetts based on the Governor's budget. Should these figures change, we will adjust as necessary and notify our communities accordingly.

Please feel free to contact my office if you have any questions regarding our proposed FY 16 budget. Thank you for the continued support of your students at Bristol-Plymouth.

Sincerely,

Richard W. Gross, Ed.D. Superintendent

sec

CC:

Louis Borges, School Committee Thomas Bernier, School Committee Deborah Carr, City Council Rose Marie Blackwell, City Clerk Barbara Auger, Treasurer Gil Enos, Budget Director John McCaul, City Council

Estele Borges, City Council

Jeanne Quinn, City Council Donald Cleary, City Council Sherry Costa-Hanlon, City Council A. J. Marshall, Council President David Pottier, City Council Gerald Croteau, City Council

Accredited by the New England Association of Schools & Colleges

Bristol-Plymouth Regional Technical School District

Fiscal Year 2016 Budget

(2.98% Increase)

FINAL

(Based on Governor's House 1 Numbers)

April 7, 2015
Schedules I, II, III



Bristol-Plymouth Regional Technical School District Fiscal Year 2016 Budget Schedule I

Operating Budget (By Major Function):

		FY15	FY16	% Difference
1000	Administration & Business Functions (See Page 2 of Detail Budget)	1,060,662	1,086,371	2.4%
2000	Instruction (See Pages 3-5 of Detail Budget)	12,603,247	12,811,005	1.6%
3000	Other Student Services (See Page 5 of Detail Budget)	2,106,948	2,125,571	0.9%
4000	Operation & Maintenance of Plant (See Page 6 of Detail Budget)	2,271,914	2,238,311	-1.5%
5000	Insurances/Benefits (See Page 7 of Detail Budget)	3,530,753	3,909,167	10.7%
7000	Equipment/Fixed Assets	12,500	59,237	373.9%
	(See Page 7 of Detail Budget)	21,586,024	22,229,662	2.98%
Total Fis	scal Year 2016 Budget		\$22,229,662	
Fiscal Y	ear 2015 Budget		\$21,586,024	
Dollar C	hange from Prior Year		\$643,638	
Percent	Change from Prior Year		2.98%	

Bristol-Plymouth Regional Technical School District Fiscal Year 2016 Budget Schedule II

Total Budget:

\$22,229,662

Revenue Sources:	FY15	FY16	% Difference
Chapter 70	10,573,427	10,726,297	1.4%
Anticipated Transportation Reimbursement	824,616	653,246	-20.8%
Local Contribution	248,366	194,329	-21.8%
	11,646,409	11,573,872	-0.6%

Less Applied Revenues:

\$11,573,872

Required Community Assessments:

\$10,655,790

Bristol-Plymouth Regional Technical School District Fiscal Year 2016 Budget Schedule III

	Minimum Requir	ed Contribution		
Member Community	State Minimum Contribution Assessment	Regional Transportation Assessment 100%	Other Assessment	FY2016 Total Assessment
Berkley	\$836,385	\$48,837	\$0	\$885,222
Bridgewater	\$1,052,094	\$51,162	\$0	\$1,103,256
Dighton	\$297,879	\$17,209	\$0	\$315,088
Middleborough	\$2,244,085	\$134,418	\$0	\$2,378,503
Raynham	\$1,522,477	\$73,953	\$0	\$1,596,430
Rehoboth	\$444,690	\$19,070	\$0	\$463,760
Taunton	\$3,632,139	\$281,393	\$0	\$3,913,532
Totals	\$10,029,749	\$626,042	\$0	\$10,655,790

Member Community	Per Pupil Enrollment of October 2014	Member Community Per Pupil %	Community % of FY2016 Required Minimum Contribution Assessment
Berkley	105	7.80%	8.31%
Bridgewater	110	8.17%	10.35%
Dighton	37	2.75%	2.96%
Middleborough	289	21.47%	22.32%
Raynham	159	11.81%	14.98%
Rehoboth	41	3.05%	4.35%
Taunton	605	44.95%	36.73%
Totals	1346	100.00%	100.00%

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4/9/2015

Bristol–Plymouth Regional Technical School District FY2015/2016 Budget Assessment Comparisons

	Enrollment	Enrollment Enrollment Enrollment Enrollment	Enrollment	Enrollment	FY15	FY15	FY15	FY15	FY16	FY16	FY16	FY16	69	%
	Oct. 2013	Oct. 2013 Oct. 2014	Change	% Change	Minimum	Trans. Assess.	Other	Total	Minimum	Trans. Assess.	Other	Total	Change	Increase
Berkley	106	105	-1	%6.0-	778,215	39,281	0	817,496	836,385	48.837	0	885.222	67.726	8 3%
Bridgewater	112	110	-2	-1.8%	1,051,957	41,504	0	1,093,461	1,052,094	51,162	0	1.103.256	9.795	%6.0
Dighton	18	37	19	105.6%	147,768	0,670	0	154,438		17.209	0	315.088	160.650	104 0%
Middleborough	275	289	14	5.1%	2,061,516	101,908	0	2,163,424	2.244.085	134.418	0	2 378 503	215.079	%6.6
Raynham	148	159	11	7.4%	1,421,477	54.845	0	1.476.322	1.522.477	73.953	0	1 596 430	120 108	8 1%
Rehoboth	19	41	22	115.8%	202,595	7,041	0	209.636	444.690	19,070	0	463 760	254 124	121 2%
Taunton	631	605	-26	-4.1%	3,791,005	233,833	0	4.024.838	3.632.139	281,393	0	3 913 532	-111.306	.7 8%
District Totals	1309	1346	37	2.8%	\$9,454,533	485,082	0	\$9,939,615	\$1	626,042	0	\$10,655,790	\$716,176	7.2%



APRIL 21, 2015

HONORABLE THOMAS C. HOYE, JR., MAYOR COUNCIL PRESIDENT ESTELE BORGES AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, APRIL 21, 2015 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

5:30 P.M.

THE COMMITTEE ON FINANCE & SALARIES

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
- 2. MEET TO REVIEW REQUESTS FOR FUNDING
- 3. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS
DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH
THIS COMMITTEE MEETING

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

- MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS ORDINANCE REGARDING FIRE PREVENTION FEE SCHEDULE
- 2. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS PROPOSED ORDINANCE REGARDING STREET OPENING PERMITS
- 3. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF TO DISCUSS PROPOSED ORDINANCE CHANGE RELATIVE TO FEES FOR ON AND OFF STREET PARKING
- 4. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF TO REVIEW REQUEST FOR ORDINANCE FOR NO PARKING ON WHITTENTON STREET BETWEEN WARREN STREET AND SECOND AVENUE
- 5. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF TO REVIEW PROPOSED ORDINANCE FOR NO PARKING ON BAY STREET FROM THE ENTRANCE/EXIT OF 348 BAY STREET (WHITTENTON HARDWARE) TO THE ENTRANCE/EXIT OF 314 BAY STREET (POLISH CLUB)

- 6. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF REGARDING PROPOSED ORDINANCE FOR STOP SIGN ON ROUND STREET AT TREMONT STREET
- 7. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF TO REVIEW PROPOSED ORDINANCE FOR STOP SIGNS AT OLNEY AND WALES STREETS AND REED AND WALES STREETS
- 8. MEET WITH THE ASSISTANT CITY SOLICITOR AND POLICE CHIEF REGARDING PROPOSED ORDINANCE FOR STOP SIGN ON TERRIANNE DRIVE AT FIELD STREET
- 9. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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<u>DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH</u>
<u>THIS COMMITTEE MEETING</u>

THE COMMITTEE OF THE COUNCIL AS A WHOLE

- MEET WITH JOHN BRENNAN, ADMINISTRATOR OF TAUNTON NURSING HOME TO DISCUSS DEFICIENCY AT THE NURSING HOME
- 2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFIED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

RESPECTFULLY.

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES