

# AGENDA - APRIL 3, 2012

# INVOCATION ROLL CALL RECORDS

**HEARING:** 

Continued hearing on the petition submitted by Attorney Matthew J. Costa, Gay & Gay PC, 73 Washington Street, Taunton on behalf of his clients Diane Maki, 67 Caswell Street and Patricia and Edward Arcikowski, 59 Caswell Street, East Taunton and others for the discontinuance of Spadina Avenue, East Taunton as a public way in the City of Taunton.

# COMMUNICATIONS FROM THE MAYOR

# **APPOINTMENTS**

# COMMUNICATIONS FROM CITY OFFICERS

Pg. 1-2	Com. from Budget Director – Requesting a Special Purpose Appropriation
Pg. 3-4	Com. from Budget Director – Providing FY13 numbers relative to the landfill facility
Pg. 5-6	Com. from Fire Chief - Requesting a transfer of funds
Pg. 7-8	Com. from Assessor - Submitting a response regarding betterments
Pg. 9-10	Com. from Commissioner, Parks, Cemeteries and Public Grounds – Responding to request regarding trash
Pg. 11	Com. from Kurt Bourdon, Taunton Fire Fighter – Submitting his resignation
Pg. 12	Com. from Rabbi/Cantor Anne Heath, Congregation Agudath Achim, P.O. Box 826, Taunton – Extending an invitation
Pg. 13	Com. from Joao Arruda, President, Holy Trinity Holy Ghost Brotherhood of Taunton, 29 Winter St., Taunton – Informing of their annual feast

# **PETITIONS**

# **Temporary Fixed Vendor License**

Petition submitted by Wannipha Harlow requesting a NEW Temporary Fixed Vendor License –DBA- Pad Thai Mobile located at 3 Cape Road, Taunton to sell Thai food.

### Miscellaneous

Decision of the Development Impact Review Board on the petition for the Departmental Site Plan Review for a restaurant with a drive thru at 491 Weir Street, Taunton which is located in the Urban Residential District submitted by Kontantinos Frangakis, 82 Flanders Road, Suite 301, Westboro. (Informational Only)

Departmental Site Plan Review submitted by Gunnar Gundersen, 87 Hedge Street, Fairhaven for a tattoo and piercing establishment at 391 Winthrop Street which is located in the Highway Business District. (Informational Only)

# **COMMITTEE REPORTS**

### **UNFINISHED BUSINESS**

• Executive Session – Meet to discuss the status of negotiations with all bargaining units of the City of Taunton, any outstanding issues with regard to negotiations, and progress made with regard to said issues

# ORDERS, ORDINANCES AND ENROLLED BILLS

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

### AN ORDINANCE

Chapter 18

### POLICE

### ARTICLE 1. IN GENERAL

Sec. 18-4. Constables. Sec. 18-6. School traffic supervisors.

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

That Section 18-4 and Section 18-6 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

### **Appointment of Constables:**

The municipal council may elect, in accordance with the General Laws, such constables as it deems proper, in accordance with the terms of this section, who shall first be duly sworn before entering upon the duties of their office. The municipal council shall, from time to time, promulgate such rules, regulations and procedures as it deems appropriate for the appointment of constables. (Appointment of constables, MGLA, c.41, Sec. 91-91B)

- 1. Approval by chief of police. The chief of police or designee shall investigate the reputation and character of the applicant and his or her fitness for the office, and make a recommendation to the Police and License Committee.
- 2. <u>Term.</u> The term of office shall be for three (3) years only from the date of appointment
- 3. <u>Removal</u>. The municipal council, after hearing, may remove a constable from office prior to the completion of said term for conduct unbecoming a constable, gross misconduct, or other just cause.
- 4. <u>Uniform and badge</u>. A constable shall have the permission of the chief of police and the committee on police and licenses to wear a uniform. However, to avoid confusion with members of the police department, the uniform shirt of said constable shall not be black or dark blue. In addition, a constable may wear an appropriate badge or patch that is clearly marked "Constable". In no case, however, will a constable use a badge or patch or article of clothing containing the word "police".
- 5. Appointment of non-residents. Nothing contained herein shall prohibit the municipal council from appointing as a constable an employee of the city who is not a resident of the city; provided, however, that no non-resident of the city shall be appointed as a constable unless the chief of police states in writing to the municipal council that the public safety and convenience of the citizens of the city would be injuriously affected if such non-resident applicant were not appointed.
- 6. Fee. The application fee shall be \$100.00.

Sec. 18-6. School traffic supervisors.

- (a) The chief of police may designate one or more of such constables as are also custodians employed by the school department of the city to be school traffic supervisors, who shall control pedestrian and vehicular traffic at such locations as the chief of police shall assign. Each such supervisor shall be equipped with a traffic belt, cap, coat badge and hat shield, furnished by the chief of police.
- (b) In addition to the foregoing, the municipal council shall appoint school traffic supervisors who shall be under the general supervision and direction of the chief of police.
- (c) The number of said school traffic supervisors may from time to time be determined by the municipal council.

# (d) The appointment process as outlined in Section 18.4 shall not apply to appointment of school traffic supervisors. There will be no fee for those applicants.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

# Order for a first reading to be passed to a second reading

Ordered That,

The sum of \$340,000.00 is appropriated in the form of a "Special Purpose Appropriation" for the following purposes: \$40,000.00 is hereby appropriated for the purpose of holding a special election on June 9, 2012 to determine whether the registered voters of Taunton approve a tribal gaming development proposed by the Mashpee Wampanoag Tribe, and all associated costs of said special election, and further that \$300,000.00 is hereby appropriated for the purpose of hiring outside consultants, outside legal counsel and other costs associated therewith, to determine the impact of the proposed tribal gaming development and to negotiate an intergovernmental agreement with the tribe, and, in furtherance of this special purpose appropriation, the Mayor is hereby authorized to enter into such agreements with such outside consultants and outside legal counsel upon such terms and conditions as the Mayor deems proper, expedient and in the best interests of the City.

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

Ordered That,

\$230,000 is appropriated in addition to the \$6,300,000 previously appropriated for the purpose of financing the construction of various improvements to the City's water system, including without limitation the laying and relaying of water mains in various City streets, the replacement of City water meters and meter information collection system and the construction of well pumping appurtenances, chemical feed systems and water main replacements associated with the Dever Wells and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$230,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection

therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project of for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

### **NEW BUSINESS**

Respectfully submitted,

Rose Marie Blackwell City Clerk

# City of Taunton Office of the Mayor

Thomas C. Hoye, Jr. Mayor

Alyssa Gracia Assistant to the Mayor

> Gill E. Enos Budget Director

March 30, 2012

President Ryan Colton
And Municipal Council Members
Temporary City Hall
141 Oak Street
Taunton, Ma 02780

Re: Special Purpose Appropriation

Dear President Colton and Municipal Council Members,

As you know, the City recently received a check from the Mashpee Wampanoag Tribe in the amount of \$340,000.00 as called for in our agreement with the tribe. This is to reimburse the City for the costs of holding a special election and hiring outside consultants.

My office and the Law Department have been in contact with the Massachusetts Department of Revenue, who has informed us that the proper procedure is to make a "Special Purpose Appropriation". The City Solicitor has drafted an Order to accomplish this purpose, which is attached and ready for first reading.

Thank you for your time and consideration.

Regards,

Gill E. Enos Budget Director

Attachment

141 Oak Street Temporary City Hall Taunton, MA 02780 Tel. (508) 821-1000

### April 3, 2012

ORDERED that the sum of \$340,000.00 is appropriated in the form of a "Special Purpose Appropriation" for the following purposes: \$40,000.00 is hereby appropriated for the purpose of holding a special election on June 9, 2012 to determine whether the registered voters of Taunton approve a tribal gaming development proposed by the Mashpee Wampanoag Tribe, and all associated costs of said special election, and further that \$300,000.00 is hereby appropriated for the purpose of hiring outside consultants, outside legal counsel and other costs associated therewith, to determine the impact of the proposed tribal gaming development and to negotiate an intergovernmental agreement with the tribe, and, in furtherance of this special purpose appropriation, the Mayor is hereby authorized to enter into such agreements with such outside consultants and outside legal counsel upon such terms and conditions as the Mayor deems proper, expedient and in the best interests of the City.

Placed under Orders" for thes luenung - PMB

141 Oak Street

Temporary City Hall

Taunton, MA 02780 Tel. (508) 821-1000

# City of Taunton Office of the Mayor

Thomas C. Hoye, Jr. Mayor

Alyssa Gracia Assistant to the Mayor

> Gill E. Enos Budget Director

March 30, 2012

Council President Ryan Colton And Municipal Council Members Temporary City Hall 141 Oak Street Taunton, Ma 02780

Re: Garbage, Trash and Refuse - Chapter 8 - Sec 8-5 (f)

Dear President Colton and Municipal Council Members,

I have attached the FY13 numbers that have been submitted by the Department of Public Works as well as current Principle and Interest costs associated with the land acquisition for the landfill facility. The actual revenues for FY12 have been estimated for the remainder of the fiscal year.

According to the City Ordinance, Chapter 8 – Sec 8-5(f), I am recommending that we keep the same fee structure in place.

Regards,

Gill E. Enos Budget Director

Attachment

A City of Firsts

First Woman Town Proprietor-First Female Entrepreneur First to Fly Liberty & Union Flag-First Major Silver Manufacturing Center Solid Waste Collection Ordinance

# A - Costs Associated with Trash Pickup and Recycling (based on FY13)

Trash/Recyling Budget

Recycling Contract	<b>⇔</b>	771,016.00
Solid Waste Contract	Ŷ	755,000.00
Prof & Tech (estimated)	∿	50,000.00
Trash Bags (cost to produce)	Ś	250,800.00
Advertising	❖	1,000.00
	↔	\$ 1,827,816.00
Landfill Property Acquisition		
Prin. \$150,000.00	ጭ	260,662.50
Interest \$110,662.50		
Full Time Staff	Ϋ́	•
Total Cost	<b>የ</b>	\$ 2,088,478.50

# **B** - Revenues

	d) \$ 955,320.00	\$ 1,303,634.00	\$ (130,000.00)	\$ 2,128,954.00
Sales of Trash Bags/Stickers	Actual FY12 Reveunes (estimated)	Estimated Fee per Unit	Estimated Abatements/Arrears	Total Revenue

devoted to solid - wasted related matters, it may certainly need to do so in the future. While the City does not presently have any full-time staff whose duties are primarily Portions of the salaries of many city employees who do devote substantial effort to solid-waste related issues could rightfully be considered in the overall costs of the provision of the solid waste services to the people of Taunton.





# CITY OF TAUNTON FIRE DEPARTMENT

50 School Street Taunton, MA 02780 Tel. (508) 821-1452 • Fax (508) 821-1495

Timothy J. Bradshaw Chief of Department

KATE GOVER

Administrative Assistant

March 30, 2012

Taunton City Council Members 141 Oak Street Taunton, MA 02780

RE: Request for Purchase Scott Air Packs for the Department

Dear Honorable Council Members;

I want to present to you my final analysis on the Fire Department's Budget for this current fiscal year. After polling all the members of the Fire Department I am happy to report that there should not be any additional retirements in fiscal year 2012. The Department's 2012 budget allotted \$305,000.00 to pay retirees for the combined sick, vacation, and personal time buyback. Only \$15,181.80 of this money was spent because we only had one firefighter retire this year. This leaves a surplus of \$289,818.20 in the current budget.

For these reason I am requesting that \$191,000.00 of excess funds available in my Salaries and Wage account be transferred into the Capital Account in order for the Department to purchase updated Scott Air Packs. As you know, these devices are a firefighter's primary defense from the dangers of a hazardous atmosphere. They are worn at every fire incident that our firefighters respond to such as structure fires, vehicle fires, hazardous material incidents, and carbon monoxide calls. They protect the respiratory systems of our firefighters from smoke, fire gases, hazardous chemicals, and airborne pathogens. Our current air packs were purchased in 1996 and have served the department well, but at 17 years old they are nearing the end of their service life.

Advances in technology have enhanced the safety features of today's air packs. The new style back frame is more streamlined allowing the user more comfort while helping to prevent fatigue. Items such as a visual 'heads up' display allow a firefighter to always be cognizant of how much air they have remaining in their tank. The addition of a drag rescue loop on the pack frames greatly enhances rescue efforts when dealing with an incapacitated firefighter in a burning building. Today's packs also contain 'black box' technology that tracks a firefighter's movements from the time the air valve is turned on.

6

I have spoken with Mayor Hoye and Budget Director Gil Enos about this issue. I believe this purchase to be the best investment the City can make in order to help protect our firefighters from the dangers they encounter daily. I ask you to please consider this transfer so that the men and women of the Taunton Fire Department can feel confident that they are protected by state of the art equipment while they perform their duties serving the citizens of the City.

Sincerely,

Timothy J. Bradshaw Chief of Department



# CITY OF TAUNTON BOARD OF ASSESSORS CITY HALL

141 Oak Summer Street Taunton, Massachusetts 02780 Tel (508) 821-1011 Fax (508) 821-1096

Barry Cooperstein, Chairman Scott DeSantis Kathy Grein, Secretary

March 27, 2012

City Council 141 Oak Street Taunton, MA 02780

Dear Honorable Councilors,

To follow up on Ms. Graves' response regarding betterments, we effectively are distributing the betterments onto the first and second quarter bills through our process of preliminary billing. When we set up the preliminary bills, we take 50% of the total billed for the previous tax year, divide it by 2 and that is the amount due for each on the first two payments. A portion of the previous year's total bill does include the betterment charge.

In speaking with our representative at WTI, we have the option to change the payments of the betterments to be due over the 3<sup>rd</sup> and 4<sup>th</sup> quarter due dates. This would still distribute the total obligation more evenly over the entire year. We will never be able to have four equal payments every year. We would still be in compliance with the statutes regarding the billing of betterments. Attached is a comparison of two current bills, as they were billed this fiscal year and how it would be if we were to split the betterment on the last two payments.

Regards

Kathy Grein, MA

Assessor



# Distribution of Betterment from Q3 to Q3 & Q4

		;	Current	Proposed
Taxpayer A	Qtr. 1	\$	935.41	\$ 935.41
	Qtr. 2		935.41	935.41
	Otr. 3		1979.86	1094.60
	Qtr. 4		209.33	1094.59
Total		\$	4060.01	\$ 4060.01
Taxpayer B	Qtr. 1	\$	827.26	\$ 827.26
	Otr. 2		827.25	827.25
	Otr. 3		1034.66	875.16
	Qtr. 4		714.66	875.16
Total		\$	3430.83	\$ 3403.83



# CITY OF TAUNTON

**MASSACHUSETTS** 

# PARKS, CEMETERIES & PUBLIC GROUNDS

Marilyn A. Greene Commissioner 170 Harris Street
Taunton, MA 02780
(508) 821-1415
FAX (508) 821-1065
E-mail:
pcpgdir@tmlp.net

March 23, 2012

Mayor Thomas C. Hoye Jr. and Members of the Municipal Council Temporary City Hall 141 Oak Street Taunton, MA 02780

Dear Mayor Hoye and Council Members:

I have received two separate communications from the Municipal Council regarding the trash along the Frederick R. Martin Sr. Parkway.

The department is responsible for the general upkeep and maintenance of this site. We have continued to clean this area in the Spring, Summer and Fall months on a weekly basis. I am enclosing the maintenance logs reflecting these dates as well as the recent Winter season.

This area has continued to be an issue due to the homeless population as well as passing pedestrians who toss liter out of their vehicles. We have removed all debris left by the homeless on several occasions however they quickly return to this area.

At this time I am unable to assign more than a weekly cleaning of this area. As most of you are aware, the department is working with a maintenance staff of (7) seven full-time employees.

Sincerely,

Marilyn A. Greene, Commissioner

Maily A. Grue

# <u>Parks, Cemeteries & Public Grounds Dept.</u> <u>Maintenance Report – Martin Parkway</u>

# Weekly Maintenance (April 1, 2011 – October 31, 2011)

- April 29
- May 5, 20, 26
- June 2, 10, 16
- July 7, 15
- August 5, 10, 18
- September 15, 30
- October 6

# **Litter & Trash Collection**

- October 31, 2011
- December 15, 2011
- January 9, 2012

# Fall & Winter Clean-up

- February 3, 6-7, 2012
- March 8, 2012

75 Erin Drive Taunton, MA 02780

Taunton City Council 141 Oak Street Taunton, MA 02780

March 24, 2012

Dear Councilors,

I am writing to you to express my appreciation for allowing me to perform for six years as a member of the Taunton Fire Department. I have felt nothing short of pride in serving the Taunton community. It was a privilege to serve on the TFD for the city I grew up and continue to live in. Its members are highly professional and consider it their duty to serve with honor.

I would like to express my gratitude to the Taunton City Councilors for supporting my family and I in my pursuit to further my career in public service. I sincerely thank you for providing me with leave time necessary to train at the State Police Academy.

As this leave time comes to an end, it has been a struggle for me to reach a decision. In these times of uncertainty and the responsibility of providing security for my family, it is with painstaking consideration that I am respectfully submitting my resignation to the Taunton Fire Department.

I will always hold the Taunton Fire Department, the City of Taunton, and its Council in the highest regard.

Respectfully submitted,

That M. gul

Kurt M. Bourdon

### Rabbi/Cantor Anne Heath

Religious Leader

#### **Board of Directors**

Joyce Antine, President Mija Almeida, Board Chair Gordon Amgott, Treasurer Sharon Cushner, Financial Secretary Lisa Bellardino, Recording Secretary

Dennis Ackerman, Director
Meg Antine, Membership and Dues
Lauren Coelho, Director
Caron Hoder, Religious School Chair
Marsha Nehiley, Director
Kathy Novick, Director
Dr. David Rubin, Director
Phyllis Rubin, Director
Jonathan Sisskind, Director
Sheila Thurman, Director
Ronald Swartz, Director

#### Committees

Marsha Nehiley, Youth Activities Phyllis Rubin, Ways and Means Ronald Swartz, Buildings & Grounds Michael Thurman, Rentals Ronnie Zusman, Adult Education

#### **Centennial Committee**

Kathy Novick, Chair
Dennis Ackerman, Publicity
Mija Almeida, History
Joyce Antine, High Holidays
Meg Antine, Mitzvah Month
Ava Goldstein, Women's Seder
Nancy Marin, Purim Carnival
Phyllis Rubin, Reunion Dinner/Dance
Ronald Swartz, Publicity
Michael Thurman, Booklet
Sheila Thurman, Booklet

#### Sisterhood

Meg Antine, Treasurer Lisa Bellardino, Social Secretary Phyllis Rubin, Corresponding Secretary Sheila Thurman, Recording Secretary

### **Religious School**

Rabbi/Cantor Anne Heath, Principal Stacey Gay, Teacher Gail Nathan, Teacher Alice Nussbaum, Teacher Gail Peckman, Teacher Joshua Sherman, Teacher Jessica Yarman, Teacher

> Linda Marcondes Office Administrator

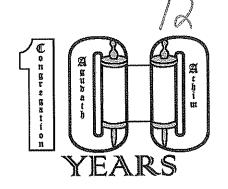
Douglas Michaud
Buildings and Grounds/Custodian

Michael Peckman Webmaster

# Congregation Agudath Achim

P.O. Box 826 Taunton, Massachusetts 02780 508-822-3230

Celebrating 100 Years of Jewish Life in Taunton



Congregation Agudath Achim cordially invites you to attend two special events as a part of the celebration of their Centennial Year:

Rededication of the Synagogue With special guest speakers Shabbat Morning, Saturday, May 5, 2012 9:00 a.m.

and

A morning with Congressman Barney Frank Shabbat Morning, Saturday, June 9, 2012 9:00 a.m.

36 Winthrop Street, Taunton, MA

Kiddush reception to follow

All are welcome

R.S.V.P. to the Synagogue Office at 508-822-3230 Mornings, Monday through Thursday, are best

For May 5: No later than Friday, April 27 For June 9: No later than Friday, June 1

- Join as we celebrate throughout the year beginning September 2011 - Save the Date! Centennial Reunion Dinner/Dance - Saturday, June 30, 2012

# Holy Trinity Holy Ghost Brotherhood of Taunton

29 Winter St., Taunton, MA 02780 Telephone – 508-880-9695

March 26, 2012

Honorable Mayor Hoye:

Please be informed that the Holy Trinity Holy Ghost Brotherhood of Taunton will be having its annual feast on the 22,23, and 24<sup>th</sup> of June on the grounds of the Ward Five Club, 29 Winter Street and the "moving of the crown" procession, the Sunday prior, June 17<sup>th</sup> at 5 pm. This short parade will go from Winter St.to Washington St., and using the same route to return to the Ward Five Grounds.

On Sunday, June 24<sup>th</sup>, there will be a solemn procession that will take place at 10:30 am. The route of the procession will be from Ward Five to School St, Purchase St, Washington St,, and then back to Winter. Following the procession there will be an outdoor mass on the grounds of the Club. A traditional meal of "sopas" will be served from 1-4 PM.

For this event, we have contacted the Taunton Police Dept. for detail work. We do hereby request your permission to hold this religious event. As an addendum to this permit, we have been requesting, for the past six years, that there will be Parking only on one side of Winter St., for the duration of the Feast on Friday and Saturday from 5PM to Midnight, and on Sunday from 10 Am to 10 PM. For the safety of the neighborhood, it is best that the traffic pattern is one that facilitates the passage of emergency vehicles.

We also would like to take this opportunity to invite you and all the Council Members to participate in the procession on Sunday, and be part of a religious community that has strived to enhance their ethnicity in the city of Taunton.

If you have any questions or concerns, please feel free to contact me at 508-821-9970 or my cell at 508-272-4813.

Thank you in advance for your prompt attention to this matter.

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ectfully.



**APRIL 3, 2012** 

HONORABLE THOMAS C. HOYE, JR., MAYOR COUNCIL PRESIDENT RYAN C. COLTON AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, APRIL 3, 2012 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 WITH THE BUDGET DIRECTOR TO REVIEW THE MONTHLY REPORTS FOR CITY DEPARTMENTS
- 4. MEET TO REVIEW MATTERS IN FILE

# THE COMMITTEE ON FIRES AND WIRES

- 1. MEET WITH THE FIRE CHIEF REGARDING HIS REQUEST TO DECOMMISSION AND DISMANTLE ENGINE 21.
- 2. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES