



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

~
AUGUST 11, 2015 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg.1-2 Com. from City Solicitor – Cell Tower Litigation – 201 Alfred Lord Boulevard
- Pg.3 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg.4 Com. from City Auditor – Submitting Encumbrances and Transfers for Fiscal Year ended June 30, 2015

COMMUNICATIONS FROM CITIZENS

- Pg.5 Com. from Parents Guild, Our Lady of Lourdes School, 50 First St., Taunton – Requesting the Safety House visit
- Pg.6 Com. from Stan Usovicz, Regional Director, Verizon Government Affairs, Verizon, 63 High Street, Danvers – Responding on Double Poles
- Pg.7 Com. from Laurinda Fonseca, 185 Winthrop St., Taunton – Requesting waiver of 5-year moratorium

PETITIONS

Miscellaneous

Petition submitted by Daryl Crossman, Right of Way Manager, Verizon New England, Inc., 385 Myles Standish Blvd., Taunton and the Taunton Municipal Lighting Plant proposing to place one new push brace against existing pole 144 and to remove two poles, 142S and 144S on Bay Street, Taunton. **(Public Hearing Required)**

RECEIVED
CITY CLERK'S OFFICE
2015 AUG - 11 A 10:33
TAUNTON, MA
CITY CLERK

Claim

Claim submitted by John & Dawn Matthews, 23 Shores St., Taunton seeking reimbursement for damages to the side door of their home as a result of damage during a 911 call in April.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

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

Ordered, That

The City of Taunton appropriate the amount of One Million Seven Hundred Thousand (\$1,700,000) Dollars for the purpose of paying costs of the feasibility study for the James L Mulcahy Elementary School, 28 Clifford Street, Taunton, MA 02780, including the payment of all costs incidental or related thereto, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of City of Taunton's School Building Committee. To meet this appropriation the Treasurer Collector, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project.

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

Ordered, That

The City of Taunton appropriate the amount of Two Million Five Hundred Thousand (**\$2,500,000**) Dollars for the purpose of paying costs of a roof repair/replacement at the Edmund Hatch Bennett Elementary School, 47 No. Walker St, Taunton, MA 02780, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Taunton's Building Committee. To meet this appropriation, the Treasurer Collector with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling

authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project.

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

Ordered, That

The City of Taunton appropriate the amount of Five Million (\$5,000,000) Dollars for the purpose of paying costs of a roof repair/replacement at the Joseph H Martin Middle School, 131 Caswell Street, East Taunton, MA 02718, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Taunton's Building Committee. To meet this appropriation, the Treasurer Collector with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs The City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project.

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

August 5, 2015

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

RE: Cell Tower Litigation – 201 Alfred Lord Boulevard:

Varsity Wireless, LLC v. City of Taunton, City of Taunton Municipal Council, Andrew J. Marshall, David W. Pottier, Donald L. Cleary, Deborah A. Carr, John M. McCaul, Sherry Costa-Hanlon, Jeanne M. Quinn, Estele C. Borges, and Gerald A. Croteau

United States District Court, Dist. of Mass., Civil Action No. 1:15-cv-12853

and

Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless v. City of Taunton, City of Taunton Municipal Council, Andrew J. Marshall, David W. Pottier, Donald L. Cleary, Deborah A. Carr, John M. McCaul, Sherry Costa-Hanlon, Jeanne M. Quinn, Estele C. Borges, and Gerald A. Croteau

United States District Court, Dist. of Mass, Civil Action No. 1:15-cv-12919

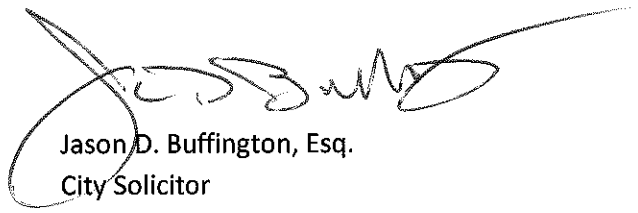
Dear Mayor Hoye and Members of the Municipal Council:

On June 2, 2015, the Municipal Council voted to deny a petition for a special permit to allow a 145-foot wireless communication facility (cell tower) at 201 Alfred Lord Boulevard. As a result thereof, both the petitioner Varsity Wireless (who proposed to erect the tower), and Verizon Wireless (who proposed to located antennas and equipment on the tower) have filed suit against the City, the Municipal Council, and each councilor in federal district court.

2,

I have provided to each councilor via separate packet copies of the plaintiff's pleadings. The Law Department will now proceed to answer the complaints and defend the cases. If you should have any questions pertaining to these matters, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason D. Buffington", with a long horizontal flourish extending to the right.

Jason D. Buffington, Esq.
City Solicitor



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

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

August 4, 2015

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

C/O Rose Marie Blackwell, City Clerk

RE: Form J Plan – No. Walker Street – Property I.D. 63-64 – Lima

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board received a Form J Plan – Waiver of frontage Requirements – for land located on the westerly side of No. Walker Street, known as Property I.D. 63-64, submitted by Antonio Lima, 172 Auburn St., Bridgewater, Ma.

The Taunton Planning Board will hold a public hearing on this proposal on **Thursday, September 3, 2015 at 5:30 PM** in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell (djp)

Robert P. Campbell, Chairman
Taunton Planning Board

RPC/ djp



Ann Marie Hebert, CGA
City Auditor

**CITY OF TAUNTON
AUDITOR'S OFFICE**

141 Oak Street
Taunton, Massachusetts 02780
(508) 821-1012 Fax (508) 821-1088
(e-mail: ahebert@taunton-ma-gov)

TO: City Council Committee on Finance & Salaries

FROM: Ann Marie Hebert
City Auditor

DATE: August 6, 2015

Please find attached the reports regarding the approval of the Encumbrances and Transfers for Fiscal Year ended June 30, 2015, at the August 11, 2015 Meeting of the Council Committee on Finance and Salaries.

The reports include:

FY2015 Encumbrance List.- This report are the expenses from Fiscal Year 2015 that are to be carried forward and paid in Fiscal Year 2016. The funding source for these payments are coming from Fiscal Year 2015 remaining balances.

FY2015 Transfer Report. This report contains the accounts which at year end are in deficit, and the account whose remaining balance is being requested to fund the deficit.

FY2015 Budget to Actual – This report is a snapshot as to how the General Fund, Water, Sewer, Golf, and Nursing Home Enterprises ended their budgeted appropriations as of June 30, 2015.

** City Auditor sent out
the report via e-mail
to City Councilor's
(PMB)*

5.

Our Lady of Lourdes School
Parents Guild
50 First Street
Taunton, MA 02780

July 24, 2015

Taunton City Council
15 Summer Street #2
Taunton, MA 02780

Dear Taunton City Council:

On September 26, 2015 the Parents Guild of Our Lady of Lourdes School would like to request a visit from the Fire Department as part of our Celebrate Our Local Heroes Party. The event will be from 2-4 pm at the school property.

From the Department we would like to have, if possible:

- Fire Truck
- Safety House

Sincerely,

Our Lady of Lourdes School – Parents Guild

Stanley J. Usovicz
Regional Director
External Affairs



63 High Street
Danvers, MA 01923

Phone 978 750-5656
stanley.j.usovicz@verizon.com

July 31, 2015

Ms. Rose Marie Blackwell
City Clerk
Temporary City Hall
141 Oak Street
Taunton, Massachusetts 02780

Dear Ms. Blackwell:

Thank you for your letter regarding the double utility poles in the City of Taunton. I have forwarded the letter and list of poles to our Operations team, who are checking the poles to verify what transfers or removals are needed.

I believe that the Taunton City Council recognizes and appreciates the significant resources and coordination needed by all parties in addressing this issue. While the spreadsheet from Taunton Municipal Lighting Plant (TMLP) of pending pole removals and transfer was referenced, it may not have been reflective of the current status of attachments within the City of Taunton.

To that end, Verizon, TLMP and other entities attached to utility poles have joined the new pole status database (NJUNS), which is the on-line system used across the state to coordinate double pole activity. This system allows all pole owners and those with attachments to enter double pole information, and the system notifies the next party responsible for moving pole attachments when it is their turn to act.

We feel that the NJUNS system is the best and most consistent approach to addressing double poles, and we are exploring updates to the system to improve coordination and communication among those with attachments. We appreciate your interest in improving this process.

Additionally, Verizon continues to review the database and will continue to transfer and/or remove facilities that our within queue – following the existing safety protocols.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stanley J. Usovicz', is written over the typed name and title.

Stan Usovicz
Regional – Director
Verizon Government Affairs

cc: TMLP

7.

Laurinda Fonseca
185 Winthrop St.
Taunton, Ma. 02780
Phone: 774 240 21331

8/4/2015

To: Taunton City Council

R.E: Gas Line to 25 Randall St. Taunton.

Dear sir/madam, I bought the above referenced property in 2011, and I wanted to switch from oil to gas, but Colombia Gas of Massachusetts told me that there was a 5 years moratorium on Randall St, and Department of Public Works confirmed that I had to wait for 4 years, knowing that one year had elapsed since Randall St was fixed.

This year, the moratorium would expire; however, last year, during the Summer months, they started fixing the sidewalk on Randall St. At that time, I went to the Department of Public Works again, and I asked if I could get the permission to do the gas line to the said location

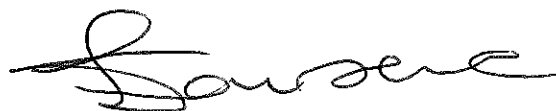
I was told to wait until 2015. I asked if the new sidewalk being constructed was not going to push the moratorium for another 5 years, and was assured that it would not.

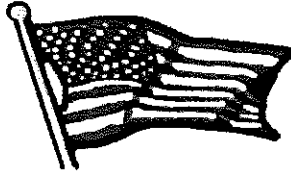
This year, in January, when Colombia Gas Of Massachusetts went to apply for permit to bring the gas line in, it was told to wait to apply in July, because the moratorium would expire at the end of June. In July, when the gas company applied again, it was told that there was another 5 years period moratorium on that sidewalk, and that now, we have to wait until 2019. The Department of Public Works advised me to write a letter to you, asking for a permission because there was nothing they could do for me

Considering that I waited 4 years to have the gas service delivered to the property, and that I did everything that I could to prevent further delays, I am hereby imploring you to grant me a special permit to have the Columbia Gas of Massachusetts bring the gas service to the property in reference.

According to Colombia Gas of Massachusetts, the gas service will be completed this year, if the permit is granted.

Thank you for the anticipated cooperation





AUGUST 11, 2015

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

RECEIVED
CITY CLERK'S OFFICE
2015 AUG - 11 A 10:00
TAUNTON, MA
CITY CLERK

PLEASE NOTE: *The following Committee Meetings have been scheduled for **Tuesday, August 11, 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 with the City Auditor for presentation of final encumbrances and year end transfers for City Departments as of June 30, 2015.
4. 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, Section 18 may occur concurrently with this Committee Meeting***

THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. Meet with representatives of Latin Pass for a presentation.
2. Meet to discuss Sections 6 through 10 of the Rules of the Municipal Council
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, Section 18 may occur concurrently with this Committee Meeting***

Respectfully,

Colleen M. Ellis
Clerk of Council Committees