

**PLEASE NOTE:**

RECEIVED  
CITY CLERK'S OFFICE  
2013 JUL 31 A 8:29

**THE MUNICIPAL COUNCIL &  
COMMITTEE MEETINGS  
SCHEDULED FOR:**

TAUNTON, MA  
CITY CLERK

**TUESDAY, AUGUST 13, 2013  
WILL BE HELD ON  
MONDAY, AUGUST 12, 2013**

**\* AT 7:30 IN THE MORNING \***

~

**MEETINGS WILL BE**  
**HELD AT TEMPORARY**  
**CITY HALL**  
**MAXHAM SCHOOL**

*pmf*  
7-31-13



**MUNICIPAL COUNCIL AGENDA  
CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS  
141 OAK STREET, TAUNTON, MA 02780**

~  
**AUGUST 12, 2013 – 7:30 AM**

RECEIVED  
CITY CLERK'S OFFICE

2013 AUG 12 P 2:29

TAUNTON, MA

CITY CLERK

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING:**

To consider, in accordance with M.G.L. c. 184 §32, Chester and Dorothy Peirce's request to amend a Conservation Restriction recorded at the Northern Bristol County Registry of Deeds at Book 4611, Page 262. The proposed amendment extinguishes a portion of the area subject to the Conservation Restriction and adds two parcels located along Cotley Street, one located in the City of Taunton and the other in the Town of Berkley submitted by Attorney Ray Lyons, 206 Ayer Road, Suite 4, Harvard, MA 01451.

- Map showing location

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

Pg. 1-2 Com. from Frank Campbell, IWT – Responding to a communication

**PETITIONS**

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND RESOLUTIONS**

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

**\$800,000** is appropriated in addition to the **\$6,000,000** previously appropriated for the purpose of financing the construction, reconstruction, replacement, repair and rehabilitation of sewers and storm water conveyance facilities, including without limitation sewer infiltration and inflow abatement improvements and pumping station



upgrades, including the Phase 8 SSES, for the purposes of eliminating unauthorized sewer connections to the City's drainage system, to eliminate combined sewer overflows and sanitary sewer overflows, to reduce infiltration and inflow within the City's sewer system and to mitigate flooding and surface water contamination; that included are all costs without limitation as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow **\$6,800,000** 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 financing 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.

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

That **\$6,000,000** be appropriated for the purpose of financing the construction, reconstruction, replacement, repair and rehabilitation of sewers and storm water conveyance facilities, including without limitation sewer infiltration and inflow abatement improvements and pumping station upgrades, including the Phase 10 SSES, for the purposes of eliminating unauthorized sewer connections to the City's drainage system, to eliminate combined sewer overflows and sanitary sewer overflows, to reduce infiltration and inflow within the City's sewer system and to mitigate flooding and surface water contamination; that included are all costs without limitation as defined in Section 1 of Chapter 29C of the Massachusetts General Laws; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow **\$6,000,000** 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 financing 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.

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

That \$600,000 be appropriated for the cost of engineering services for the plans and specifications for improvements to the City's wastewater system, consisting of the Phase 10 SSES; that to meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow \$600,000 and issue bonds or notes therefor under Chapter 44 of the General Laws or any other enabling authority; and that the Mayor is authorized to take any other action necessary to carry out this project.

**NEW BUSINESS**

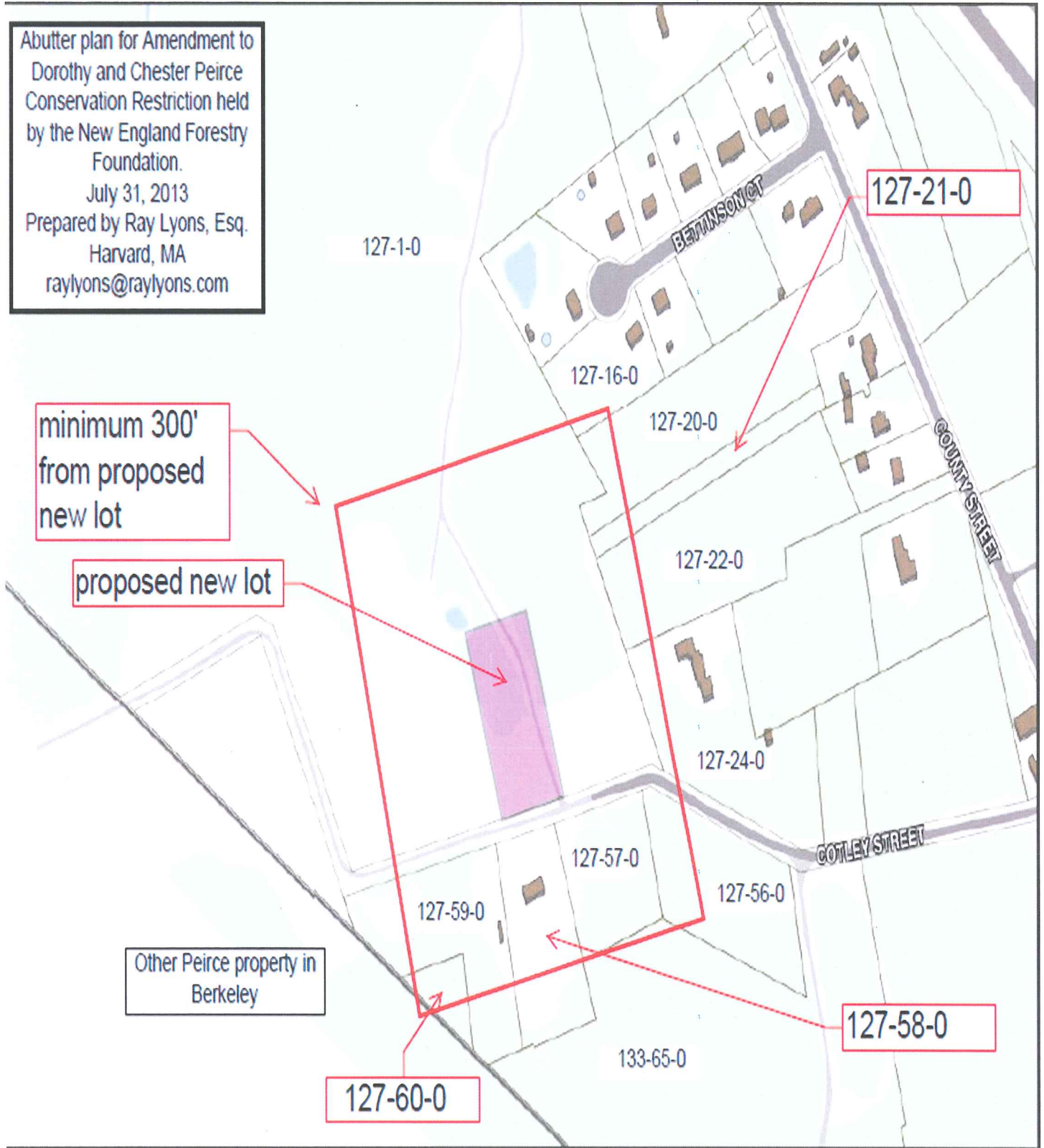
Respectfully submitted,

*Rose Marie Blackwell*

**Rose Marie Blackwell  
City Clerk**

# HEARING

Abutter plan for Amendment to  
Dorothy and Chester Peirce  
Conservation Restriction held  
by the New England Forestry  
Foundation.  
July 31, 2013  
Prepared by Ray Lyons, Esq.  
Harvard, MA  
raylyons@raylyons.com



minimum 300'  
from proposed  
new lot

proposed new lot

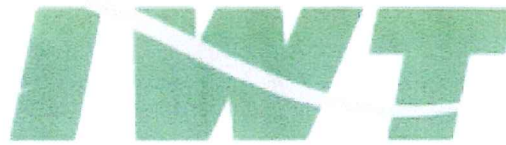
Other Peirce property in  
Berkeley

127-60-0

127-58-0

127-21-0





INTERSTATE WASTE TECHNOLOGIES

401 Knolls Road, West Chester, PA 19382  
610-793-0216 • 484-288-9589

August 7, 2013

Dear Mayor Hoye and Councilor Barbour,

This will acknowledge receipt of City Clerk Blackwell's letter dated August 2, 2013. The attached report from IWT's financial advisor, RLR Consultants, provides the status of TRE's efforts to obtain financing for the Taunton project.

TRE was disappointed to learn that the City might only agree to extend the time for TRE to obtain a financial partner for the project if TRE agreed to be responsible for any additional legal resources and fees that will be incurred by the City.

TRE (and IWT in the past) have spent about five years and \$2.5 million pursuing the Taunton project. TRE is currently incurring costs of about \$50,000 per month to further the project. We have an additional one time payment due later this month of \$50,000 bringing mid-July to mid-August costs to about \$100,000. Delays on the Taunton project have been long and costly. There was a significant delay in negotiating the Agreement followed by delays caused by Mass DEP (the cap issue) followed by the requirement to find a new site for the project which is the City's responsibility. None of these events were due to a lack of timely action by TRE.

With the foregoing in mind, TRE proposes the following:

1. TRE will continue at its own expense to locate a new site for the project. Attached is a confidential LOI with respect to an alternative site for the project.
2. TRE will agree to be responsible for additional legal resources and fees that will be incurred by the City in connection with the requested extension of time.
3. TRE will not be responsible for the City's costs and fees for the project not having to do with the extension of time.
4. The scope of work and costs or fees incurred by the City having to do with the extension of time must be agreed to in advance by TRE whose agreement will not be unreasonably withheld.

- 2.
5. The City and TRE agree that there is currently nothing for the City to do with respect to the extension of time except to grant it in a one paragraph letter from the Mayor to TRE.
  6. The City and TRE agree to put off until the latest possible time any activities by the City and its consultants or advisors that would require TRE to accept responsibility for the City's costs.

For example, there is no point in spending the time and money now to modify the Contract between the City and TRE until TRE determines that it can move forward with the project in Freetown or elsewhere.

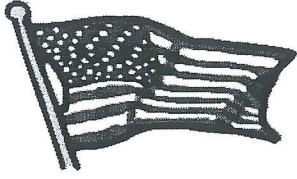
7. Additional City costs and fees agreed to by TRE would increase the \$1.75 million payable to the City at financial closing of the project.
8. TRE and its advisors are concerned about the City requesting a modification to the Agreement for an action that is included in the Agreement. The City is not entitled to additional reimbursement for their expenses in return for granting TRE an extension of time. Our advisors are concerned that this will set a precedent for other issues that may arise. It is not a good practice to give one party control rights over actions that require mutual consent in the Agreement. Any further such unilateral requests would make the project unfinanceable.

TRE requests a meeting at the earliest possible time with the Mayor and City Council in Executive Session to discuss how we and the City would proceed to bring the Taunton project to a successful conclusion.

Best Regards,



Frank Campbell



AUGUST 12, 2013

HONORABLE THOMAS C. HOYE, JR., MAYOR  
COUNCIL PRESIDENT JOHN M. McCAUL  
AND MEMBERS OF THE MUNICIPAL COUNCIL

**PLEASE NOTE:** THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR MONDAY, AUGUST 12, 2013 AT 7:30 A.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

**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

RESPECTFULLY,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

RECEIVED  
CITY CLERK'S OFFICE  
2013 AUG -1 P 2:19  
TAUNTON, MA  
CITY CLERK