



**MUNICIPAL COUNCIL AGENDA  
ELIZABETH POLE SCHOOL - LIBRARY  
215 HARRIS STREET, TAUNTON, MA 02780**

~  
**AUGUST 5, 2014 – 7:00 PM**

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING: NONE**

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1-2 Com. from Building Commissioner – Central Fire Station Hazmat Cleanup Request for Funding Early in FY15
- Pg. 3 Com. from Colleen Simmons, Program Manager, Taunton Business Improvement District & Downtown Taunton Foundation, 8 Trescott St., Suite 1, Taunton – Requesting use of the portable stage
- Pg. 4 Com. from City Solicitor – Request for Executive Session
- Pg. 5 Com. from Bill Strojny, Joe O’Connell and Peter Hebert &, BaHa Brothers Sandbar Grill – Requesting use of the City stage

**PETITIONS**

**Claims**

Claim submitted by Jennifer Ambute, 42 Valentine St., Apt. 1, Fall River seeking reimbursement for damages to her automobile from hitting a pothole on Taunton Depot Drive near Wendy’s Restaurant.

Claim submitted by Laurie Godwin, 549 Florence St., Fall River seeking reimbursement for damages to her automobile from hitting a pothole on Hodges Avenue near Morton Street, Taunton.

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2014 AUG - 11 A 10:59  
TAUNTON, MA  
CITY CLERK

Claim submitted by Russell Luiz, Esquire, Karsner & Meehan, PC, 128 Dean St., Taunton on behalf of his client, Ostin Membreno, 230 Powerhorn Drive, Taunton seeking reimbursement for personal injuries sustained when his motorcycle hit a manhole cover on Route 140 Northbound near the Route 24 exit.

**Flammable Storage Name Change**

Petition submitted by Yehia Alani requesting a name change to Alani's Realty, LLC on a Flammable Storage Permit as the property located at 440 Winthrop St., Taunton was purchased on February 28, 2013.

**Flammable Storage**

Petition submitted by Bruce Thomas, 98 County Street, Taunton, for proposed 28,000 gallons of gasoline and 7,000 gallons of diesel to be stored underground at 137 Hart Street, Taunton (**Public Hearing Required**)

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND RESOLUTIONS**

Pg. 6-7          Com. from City Solicitor – Request for approval of resolution

**NEW BUSINESS**

**Respectfully submitted,**



**Rose Marie Blackwell  
City Clerk**

# CITY OF TAUNTON

MASSACHUSETTS

WAYNE E. WALKDEN  
SUPERINTENDENT OF  
BUILDINGS

DEPARTMENT OF PUBLIC BUILDINGS



TEMPORARY  
GOVERNMENT OFFICES  
141 OAK STREET  
TAUNTON, MA 02780  
(508) 821-1015  
FAX (508) 821-1019

July 31, 2014

Mayor Thomas C. Hoye Jr.,  
Committee on Public Property Chair, Deborah Carr and  
Members of the Committee:  
City Hall

**Re: Superintendent of Buildings – CENTRAL FIRE STATION – HAZMAT CLEANUP –  
REQUEST FOR FUNDING EARLY IN FY15**

Dear Mayor and Councilors:

## Background

In February, 2010, the BETA Group conducted a subsurface investigation of soil and underground conditions within the Central Fire Station basement area. The investigation identified petroleum and polynuclear aromatic hydrocarbon (PAH) concentrations in soil and petroleum concentrations in groundwater above Massachusetts Department of Environmental Protection (MassDEP) standards. On June 1, 2010, I notified the MassDEP of the presence of these compounds in soil and groundwater at the site.

On June 17, 2011, BETA filed a Phase I Initial Site Investigation (ISI) report with MassDEP. In the Phase ISI, BETA classified the site as a Tier II disposal site and outlined a Phase II Comprehensive Site Assessment (CSA) scope of work that included the installation of additional monitoring wells and sampling of the new wells and several existing wells.

Along with the Phase I ISI, BETA also submitted a Release Abatement Measure (RAM) Plan to MassDEP that detailed the excavation and off-site disposal of impacted soils from the basement area. The primary objective of the excavation work is to allow the installation of a concrete floor in the basement. The secondary objective, if possible, is to achieve a Permanent Solution without an Activity and Use Limitation (AUL). In order to implement the RAM plan, the City issued a request for bids in February, 2013 for the contractor work to remove impacted soils from the basement of the Fire Station building. Mill City Environmental of Lowell, Massachusetts was the low bidder for this work.

Currently, the site is out of compliance with applicable MassDEP submittal timelines. By June 10, 2013, a Phase II Comprehensive Site Assessment (CSA) and Phase II Identification, Evaluation, and Selection of Comprehensive Remedial Action Alternatives (IESCRAA) should have been submitted to MassDEP. Additionally, the RAM Plan was submitted to MassDEP on June 17, 2011 and has not been implemented. On March 21, 2014, MassDEP issued a Notice of Noncompliance (NON) for the site due to these issues. In the NON, MassDEP requested a RAM Status report by April 25, 2014 and a Phase II

2.

CSA by September 19, 2014. At any time prior to September 19, 2014, a Permanent Solution may be filed if a condition of No Significant Risk can be achieved.

The RAM Status report was filed by the April 25<sup>th</sup> deadline. It is my intention to file a Permanent Solution by the September 19<sup>th</sup> deadline. To accomplish this it is my recommendation to the Public Property Committee that the most recent BETA Group proposal in the amount of \$92,700 plus \$11,925 to include the installation of a concrete floor for a grand total price of \$104,625 be approved and ready to go, very early in FY15. Should the recommendation be approved, I will follow up with the appropriate transfer request documentation after July 1, 2015.

The following documents are attached for your review:

- 1) BETA Group Authorization Form & Background
- 2) Updated price proposal from Mill City Environmental to the BETA Group
- 3) DEP Notice of Noncompliance dated March 21, 2014

As always, if I can be of further service to you, feel free to contact my office. Thank you.

Respectfully,



Wayne E. Walkden  
Superintendent of Buildings



July 25, 2014

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, I am writing to request the use of the Portable Stage for the 3<sup>rd</sup> annual "Paint the Downtown" event to be held on September 13, 2014. Paint the Downtown is a celebration of Downtown's food, art, and businesses. It is the Downtown Taunton Foundation's biggest fundraiser of the year. Funds generated from the event are used in our various programs and events that promote the economic revitalization of the Downtown. The event will be held at the corner of Main and Trescott streets. We have initiated the process of requesting the street closure. Upon official approval of the street closure, we will need the portable stage to allow better view of the entertainment provided for the event as well as the live auction.

As a non-profit organization, 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](mailto:csimmons@downtowntaunton.org) if you have any questions or would like additional information. Thank you for considering our request.

Sincerely,



Colleen Simmons  
Program Manager

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# City of Taunton

## LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1397



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Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

August 1, 2014

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

**RE: Request for Executive Session**

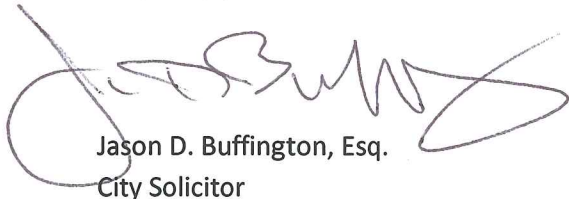
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Dear Mayor Hoye and Members of the Municipal Council:

Pursuant to G.L. c. 30A, §21(a)(6), I respectfully request to meet with you in executive session at the August 5, 2014 Municipal Council meeting. The purpose of the meeting would be to consider the purchase, exchange, lease, or value of real property. It is my opinion that an open meeting on this topic, at this point, may have a detrimental effect on the city's negotiating position.

I would not be requesting or anticipating any votes taken during this proposed executive session. Thank you for your consideration of this request.

Very truly yours,



Jason D. Buffington, Esq.  
City Solicitor

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# The BaHa Brothers' SANDBAR GRILL

Where Summer Never Ends ...

07/31/14

Members of the Municipal Council  
City Hall  
141 Oak Street  
Taunton, MA 02780

Dear Members of the Municipal Council:

In the six-plus years the BaHa Brothers Sandbar Grill has been in business in Taunton, we have always recognized the need to give back to the community. We've supported many charitable causes in the city, both financially and through the use of our facility at 64 Weir Street.

On Saturday September 6, 2014, we plan to host an event outdoors in the parking lot of our restaurant, pending permitting and licensing. This event will be for the benefit of the Taunton Animal Shelter, with all proceeds after expenses being donated directly to the shelter. It will run in the afternoon hours. This will be a family event and people are encouraged to bring their pets. Food and beverages will be served, along with live music all afternoon, donated by the many generous and caring musicians in the city.

We respectfully request use of the city stage as a venue for the musicians and bands to perform on for the afternoon of September 6, 2014. We expect this event to be well attended as the Animal Shelter holds a soft spot in the hearts of many. Use of the city stage would make it all that much better!

We look forward to hearing from you, and seeing you on September 6.

Respectfully Yours,

Pete Hebert  
Joe O'Connell  
Bill Strojny



# 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

July 31, 2014

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

**RE: Request for Approval of Resolution**

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Dear Mayor Hoye and Members of the Municipal Council:

I have been informed that the DPW intends to purchase a new Caterpillar Wheel Loader, Serial Number RHN03337. The transaction will be structured as a lease, with three annual payments of \$53,682.40, followed by a fourth and final payment of one dollar.

Prior to entering into the contract, the seller requires the approval of a governmental resolution, a copy of which is attached. In order to complete this transaction, I respectfully request your approval of the resolution.

Very truly yours,

Jason D. Buffington, Esq.  
City Solicitor

cc: Fred Cornaglia, DPW Commissioner



7.

**GOVERNMENTAL ENTITY RESOLUTION TO LEASE, PURCHASE AND/OR FINANCE**

**WHEREAS**, the laws of the State of Massachusetts (the "State") authorize CITY OF TAUNTON, MA (the "Governmental Entity"), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

the Governmental Entity wants to lease, purchase and/or finance equipment ("Equipment") from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

**RESOLVED**, that: (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the Governmental Entity enter into the Agreement with Caterpillar and (iii) the Agreement is adopted as a binding obligation of the Governmental Entity; and

that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

that the persons listed below, who are the incumbent officers of the Governmental Entity (the "Authorized Persons"):

Name (Print or Type)	Title (Print or Type)
<u>Thomas C. Hoye, Jr.</u>	<u>Mayor</u>
_____	_____
_____	_____

MAYOR

be, and each is, authorized, directed and empowered, on behalf of the Governmental Entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

that the Secretary/Clerk of the Governmental Entity is authorized to attest to these resolutions and affix the seal of the Governmental Entity to the Agreement, these resolutions, and any related documents; and

that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons; and

that the undersigned's certification of the Authorized Persons' signatures shall be binding on the Governmental Entity.

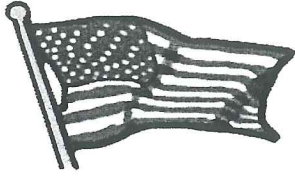
I, Rose Marie Blackwell, City Clerk of CITY OF TAUNTON, MA, certify that the resolutions above are a full, true and correct copy of resolutions of the governing body of the Governmental Entity. I also certify that the resolutions were duly and regularly passed and adopted at a meeting of the governing body of the Governmental Entity. I also certify that such meeting was duly and regularly called and held in all respects as required by law, at the Governmental Entity's office. I also certify that at such meeting, a majority of the governing body of the Governmental Entity was present and voted in favor of these resolutions.

I also certify that these resolutions are still in full force and effect and have not been amended or revoked. Finally, I also certify that the signatures above are the signatures of the officers authorized to sign for the Governmental Entity as a result of these resolutions.

IN WITNESS of these resolutions, the officer named below executes this document on behalf of the Governmental Entity.

Signature: \_\_\_\_\_  
Title: City Clerk  
Date: \_\_\_\_\_





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TAUNTON, MA

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**AUGUST 5, 2014**

**HONORABLE THOMAS C. HOYE, JR., MAYOR  
COUNCIL PRESIDENT ANDREW J. MARSHALL  
AND MEMBERS OF THE MUNICIPAL COUNCIL**

**PLEASE NOTE:**      **THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR  
TUESDAY, AUGUST 5, 2014 AT 5:30 P.M. AT THE ELIZABETH POLE  
SCHOOL, 215 HARRIS STREET, , TAUNTON, MA. 02780**

**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 POLICE AND LICENSE**

1. MEET WITH THE POLICE CHIEF TO DISCUSS FORMALIZING THE PROCESS FOR SELECTION OF TOWING VENDORS FOR THE CITY OF TAUNTON POLICE DEPARTMENT
2. MEET TO REVIEW MATTERS IN FILE
3. PUBLIC INPUT

**PLEASE NOTE:**      **A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS  
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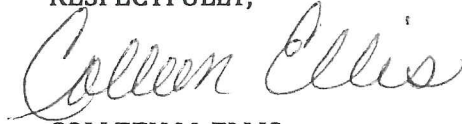
**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

1. MEET WITH THE ASSISTANT CITY SOLICITOR, ASSESSOR KATHY GREIN AND ATTORNEY DAVID GAY TO DISCUSS THE COLUMBIA CULTURAL CENTER
2. 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,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES