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**The Municipal Council Meeting  
and  
Committee Meetings**

**scheduled for  
Tuesday, August 7, 2012**

~

**Will now be held on  
Monday, August 6, 2012**

**beginning at 7:30 AM**

  
***Rose Marie Blackwell***  
***City Clerk***



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

~  
**AUGUST 6, 2012 - 7:30 AM**

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING: NONE**

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1-5 Com. from City Solicitor – Updating on an Open Meeting Law request
- Pg. 6 Com. from Environmental Compliance Officer, Board of Health – Submitting a response regarding wastewater treatment plant at 35 Mozzone Blvd.
- Pg. 7-10 Com. from Chairman, Taunton Planning Board – Submitting summary of findings for Trinity Taunton Four Limited Partnership’s and Trinity Taunton Nine Limited Partnership’s MGL Chapter 121A Applications – Mason Street and Dewert Avenue
- Pg. 11 Com. from Brenda Hebert, 23 Shore Drive, Taunton – Expressing gratitude

**PETITIONS**

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND ENROLLED BILLS**

**NEW BUSINESS**

RECEIVED  
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2012 AUG -1 P 2:49  
CITY OF TAUNTON  
MA

Respectfully submitted,

*Rose Marie Blackwell*

**Rose Marie Blackwell**

**City Clerk**



# City of Taunton

## LAW DEPARTMENT

141 Oak Street  
Taunton, Massachusetts 02780  
Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

August 1, 2012

The Honorable Ryan C. Colton, President  
Members of the Municipal Council  
141 Oak Street  
Taunton MA 02780

**RE: Open Meeting Law**

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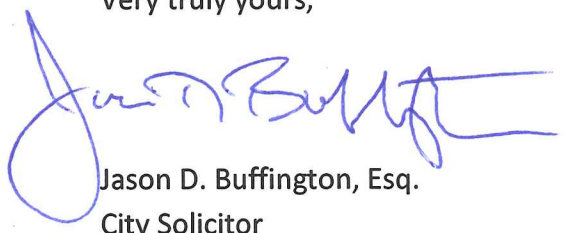
Dear President Colton and Councilors:

I received today a telephone call from Mr. Philip Mantyla whose works for the Division of Open Government within the Office of the Attorney General of Massachusetts. Mr. Mantyla was calling in response to my letter to the AG's office dated July 11, 2012, a copy of which is enclosed herewith.

Mr. Mantyla stated to me that, while it could take a long time to receive a formal written response to my official request, he had spoken with his supervisor(s) and that he was prepared to offer a verbal response. He stated that, while both of the alternatives mentioned in my July 11<sup>th</sup> letter would be acceptable, the AG's office would prefer the first alternative where a special notation would be posted in conjunction with each committee agenda.

As the City has been following this practice and it is acceptable to the Attorney General's office, it would be my recommendation that the Council continue to direct the Clerk of Council Committees to post this language in conjunction with the posting of all committee meetings.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason D. Buffington". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jason D. Buffington, Esq.  
City Solicitor

Enclosure: Letter dated July 11, 2012

cc: Division of Open Government (with enclosure)  
Office of the Attorney General  
One Ashburton Place  
Boston MA 02108



# City of Taunton

## LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

July 11, 2012

Division of Open Government  
Office of the Attorney General  
One Ashburton Place  
Boston MA 02108

**RE: Open Meeting Law Guidance Request**

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Dear Division of Open Government:

This office is legal counsel to the City of Taunton, Massachusetts. This letter is written to you on behalf of and at the request of the Taunton Municipal Council ("Council"), which is the elected nine-member legislative branch of City government.

The members of the Council recently became aware of your decision dated January 24, 2012 in case number OML 2012-6 pertaining to the Marlborough City Council. Taunton's Council members, after having a chance to read this decision, became concerned because the practice of the Marlborough City Council as described in said decision essentially mirrors the longstanding practice of the Council in Taunton. Naturally, the members of the Taunton Council wish to conduct themselves in a manner that is in full compliance with the law.

The Taunton Municipal Council meets every Tuesday at 7:00 p.m. It has a number of committees which also meet, with occasional exception, on Tuesday evenings. On a typical Tuesday, anywhere from two to five committees of the Council will meet separately and consecutively, beginning at 5:30 p.m. All of these meetings are broadcast live on local cable access television.

Upon the conclusion of the evening's last scheduled committee meeting, the Municipal Council will then begin its regular meeting. At every Council meeting, there is an agenda item during which the reports and recommendations of the various committees are considered and acted upon by the Council.

In the past, the traditional practice of the Council committees would be to allow non-committee members to participate in the discussion and ask questions during committee meetings, but not vote. The Council found this practice to be advisory for a number of reasons, not all of them specifically set forth herein.

For example, with very rare exception, action taken by a committee on any one particular matter is merely advisory to the entire Council. The entire Council, as a body, makes the ultimate decision to accept, reject, or alter a committee's recommendation.

Furthermore, because non-committee members would eventually (usually later in the same evening) be entitled to vote on the matter under deliberation by the committee, it makes sense to the Council to have one rigorous public debate on an issue per evening. The alternative, it seems, would be to have one public debate on an issue during the committee portion of the evening and another during the Council meeting when considering what action to take on the recommendations of the committees.

In any event, the Council wishes to achieve a situation where (a) it preserves both the Committee system and the ability of all Council members to participate in committee meetings, and (b) it is in full compliance with the provisions of the Open Meeting Law. The Council is specifically contemplating two possible alternative approaches to the way it conducts its business, and asks that your office provide guidance and commentary on the appropriateness of each alternative vis-à-vis the Open Meeting Law.

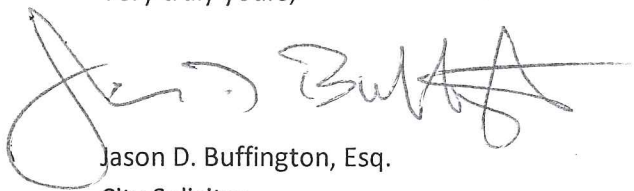
The first alternative would be to post, on the posting of each committee agenda, that a meeting of the entire Municipal Council may occur concurrently with the committee meeting. An example of such additional posting language might be:

**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 second alternative would be to change the composition of all committees so that all members of the Municipal Council become, *ex officio*, members of all committees. However, under this scenario, only certain members of each committee (presumably the same members as currently comprise the committees) would be voting members.

The Council, is of course, open to other alternatives you may suggest as well. Thank you for considering this matter and we look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason D. Buffington". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jason D. Buffington, Esq.  
City Solicitor

Cc: Members of the Municipal Council





# City of Taunton

## Board of Health

45 School Street  
Massachusetts 02780-3212

BOARD MEMBERS  
DR. BRUCE E. BODNER  
DR. C. NASON BURDEN  
DR. JOSEPH F. NATES

HEATHER L. GALLANT, MPH, RS, CHO  
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM  
ASSISTANT EXECUTIVE DIRECTOR

July 26, 2012


Taunton City Council  
141 Oak Street  
Taunton, MA 02780

RE: City Council Questions Regarding the Wastewater Treatment Plant Located at 35 Mozzone Boulevard in Taunton Massachusetts

The Route 24 Water Treatment Facility is owned by Water Solutions Group and operated by Coler and Colantonio. This facility accepts deliveries of septage, treatment plant sludge, and municipal sludge, treats the material then discharges it into the Taunton sewer system. This location does not accept fats, oils, and greases. They hold an industrial discharge permit with the City and are inspected on a routine basis every year with announced site inspections and unannounced sampling inspections by Veolia Water to ensure the sewage being discharged meets the City requirements. Over the years the Board of Health has received sporadic odor complaints regarding this location mainly from the abutting businesses (Independent Nail and Shielding Express). My investigations revealed that the odors occurred when both the receiving and exiting doors of the facility were opened; wind direction was favorable towards abutting properties, and from the transportation of the sludge cake that is shipped out of the facility. A roll-off truck picks up the sludge cake once a day and this can be quite odorous. Water Solutions Group has been very good to work with regarding mitigation of these odors and over the years they made some changes to the operation including opening the doors only when trucks arrive for discharge and opening only one set of doors at a time. The delivery time for the sludge cake is anywhere from 2am - 5am before businesses start opening along Mozzone Boulevard. I conducted an odor inspection on July 26, 2012 and detected no odors in the area and the facility was clean. The Board of Health has not received an odor complaint regarding this location since 2010.

If you have any further questions feel free to contact me.

Sincerely,

  
Kevin M. Duquette  
Environmental Compliance Officer  
Taunton Board of Health



# TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

*Denise J. Paiva, Secretary*

Phone 508-821-1051  
Fax 508-821-1043

July 31, 2012

Honorable Mayor Thomas Hoye & Municipal Council  
141 Oak St., Temp. City Hall  
Taunton, Ma. 02780

**Re: Summary of Findings for Trinity Taunton Four Limited Partnership's and Trinity Taunton Nine Limited Partnership's MGL Chapter 121A Applications – Mason Street (Property I.D. 65-357 Oak St.) and DeWert Avenue (Property I.D. 64-336 Kilmer Ave.)**

Dear Mayor Hoye & Municipal Council:

After a joint public hearing with the Municipal Council and Taunton Planning Board on July 24, 2012 the Planning Board voted to recommend approval of the summary of Findings for Trinity Taunton Four Limited Partnership's and Trinity Taunton Nine Limited Partnership's MGL Chapter 121A applications.

**Planning Board Findings – Trinity Taunton Four Limited Partnership (Parcel 6A-2, Property I.D. 65-357 Oak Street)**

**1. The proposed project area is qualified under the statutory definition of a "blighted open," "decadent" or "substandard" area established in Section 1 of Chapter 121A;**

The Taunton Planning Board has determined that the current use of the HOPE VI site off of Mason Street in Taunton, Massachusetts is no more than that of a vacant lot also considered an urban Brownfield. It has been vacant for want of a developer able to clean up the site's contaminated soils since the late 1960's. Further, the site is currently very overgrown and has a large fence around the perimeter. This fence was erected by the Massachusetts Department of Environmental Protection because of the site's Brownfield classification. The fence collects trash and debris around the edges and its presence negatively affects the surrounding

neighborhood. The site has also been used by the homeless. Therefore, the Taunton Planning Board finds that all of the above factors qualify the project under the statutory definitions of a "blighted open," "decadent" or "substandard" area as a **blighted open area**

**2. The project is not in contravention of any zoning, subdivision, health or building ordinance by-law or the rules and regulations of the City of Taunton (the "City");**

The project received a recommendation from the City's Development Impact Review Board on January 3, 2012 and received permitting approvals from the City's Zoning Board of Appeals in Case # 3011 and Municipal Council on February 14, 2012 and February 28, 2012, respectively. The Taunton Planning Board hereby determines that the project was granted all requested waivers and variances and will fully comply with all applicable City Zoning Ordinances.

**3. The project does not conflict with the City's master plan, or if there is no master plan, with a local or regional plan, as appropriate;**

The Taunton Planning Board finds that the project is in compliance with the City's 5-year consolidated plan. Additionally, the project will assist the City in meeting its goals related to affordable housing. The Taunton HOPE VI project is specifically mentioned in the City's consolidated plan as being one of the City's priorities. The completion of this project will mark a major milestone as it relates to affordable housing in the City.

**4. The project is not detrimental to:**

- a. the best interests of the public or City;**
- b. the best interests of public safety and convenience; or**
- c. consistency with the most suitable development of the City;**

The Taunton Planning Board has determined that the project will further the best interests of the public and the City by providing suitable, safe and decent affordable housing to families, by promoting development of a mixed income neighborhood as opposed to being all low-income, by returning the property to the tax rolls, by developing housing in close proximity to transportation options and other services, and by creating construction and permanent jobs for Taunton residents.

**5. The project constitutes a public use and benefit; and**

The Taunton Planning Board determines that the project meets this criteria by providing affordable housing in a new location of the downtown which will benefit all citizens by providing a new high quality, secure and well-maintained affordable housing option. The project will also provide amenities on site, such as new sidewalks and a children's play area for the families residing in the project.

**6. No relocation of residents is required since the site is currently vacant.**

**Planning Board Findings – Trinity Taunton Nine Limited Partnership (Fairfax Gardens) DeWert Avenue (Property I.D. 64-336, Kilmer Avenue)**

**1. The proposed project area is qualified under the statutory definition of a “blighted open,” “decadent” or “substandard” area established in Section 1 of Chapter 121A;**

The Fairfax Gardens Site currently consists of 150 units of public housing that were constructed in 1951 and are well beyond their repairable useful life. In addition, the existing development has a long history of being crime-ridden and a haven for drug dealing and other illegal activities. Therefore, the physical condition of the buildings and social problems of the existing site pose a danger to the residents and the surrounding neighbors. The Taunton Planning Board finds that all of the above factors qualify the project under the statutory definitions of a “blighted open,” “decadent” or “substandard” area as a **decadent area**.

**2. The project is not in contravention of any zoning, subdivision, health or building ordinance by-law or the rules and regulations of the City;**

The project received a recommendation from the City’s Development Impact Review Board on January 3, 2012 and received permitting approvals from the City’s Zoning Board of Appeals in Case # 3110 , Conservation Commission on March 19, 2012 for an Order of Conditions DEP SE-73-2488 , and Municipal Council on February 14, 2012 and February 28, 2012, respectively. The Taunton Planning Board hereby determines that the project was granted all requested waivers and variances and will fully comply with all applicable City Zoning Ordinances.

**3. The project does not conflict with the City’s master plan, or if there is no master plan, with a local or regional plan, as appropriate;**

The Taunton Planning Board finds that the project is in compliance with the City’s 5-year consolidated plan. Additionally, the project will assist the City in meeting its goals related to affordable housing. The Taunton HOPE VI project is specifically mentioned in the City’s consolidated plan as being one of the City’s priorities. The completion of this project will mark a major milestone as it relates to affordable housing in the City.

**4. The project is not detrimental to:**

- a. the best interests of the public or City;**
- b. the best interests of public safety and convenience; or**
- c. consistency with the most suitable development of the City;**

The Taunton Planning Board has determined that the project will further the best interests of the public and the City by providing suitable, safe and decent affordable housing to families, by promoting development of a mixed income neighborhood as opposed to being all low-income, by reducing the density as compared to the former project, by returning the property to the tax rolls, by eliminating the existing dead end situation which had impeded emergency responses,

and by creating construction and permanent jobs for Taunton residents. The new development approach will also promote a more harmonious atmosphere in the neighborhood.

**5. The project constitutes a public use and benefit; and**

The Taunton Planning Board determines that the project meets this criteria by revitalizing the existing public housing site through de-densification of the site from 150 to 88 units, which will benefit all citizens, and constructing new high quality, secure and well-maintained affordable housing for families. Additionally, the project will create a new road connecting Kilmer Avenue to Shores Street which will improve public safety, and will provide amenities, such as new sidewalks/walking paths, children’s play areas and a community garden for the families residing in the project.

**6. The method of relocation of residents is feasible, where applicable, and housing is available for displaced occupants.**

The Taunton Planning Board has determined that the Taunton Housing Authority (“THA”) has a comprehensive relocation plan as required by the U.S. Department of Housing and Urban Development under its HOPE VI program. This plan requires the THA to maintain relocation files on existing residents for a minimum of 5 years after the project is completed. It is the Taunton Planning Board’s understanding that all 140 existing households have been successfully relocated to comparable housing, and that the original Fairfax Gardens residents will be given the first right to return to the newly-revitalized HOPE VI development upon completion.

Any person aggrieved by the approval or disapproval of the project has sixty (60) days within which to file an appeal for judicial review pursuant to M.G.L. 121 A Section 6C.

Respectfully yours,



Daniel P. Dermody, Chairman  
Taunton Planning Board

DPD/djp

CC: Mike Mattos Dir. Of Real Estate, THA  
Kevin Scanlon, City Planner  
Kevin Shea, Exec. Dir. MOCED

7/30/12

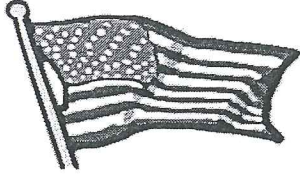
Dear Taunton City Council:

I would like to ~~have~~  
~~you~~ acknowledge an excellent  
employee of yours!  
Ms Kathy Green of the Board  
of Assessors.

I was questioning my property  
tax bill.

She made sure I was properly  
being taxed on my property  
taxes and did an outstanding  
job (being very very patient) explaining  
my bill in layman terms.  
What a pleasure to work with!

Sincerely  
Brenda Hebert  
23 Shore Drive  
Taunton MA  
02780



RECEIVED  
CITY CLERK'S OFFICE

2012 AUG -1 P 2:44

TAUNTON, MA

CITY CLERK

AUGUST 6, 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 **MONDAY, AUGUST 6, 2012 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**

**7:30 A.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***

RESPECTFULLY,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES