



**The Tuesday,
December 25, 2012
Committee Meetings and
Municipal Council Meeting**

**will be held on
Monday, December 24, 2012
as follows:**

- **Committee Meetings will begin at 9:00 AM**
- **Municipal Council Meeting will immediately follow**



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

~
DECEMBER 24, 2012 – 9:00 AM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

Pg. 1-7 Com. from City Solicitor – Designation of Taunton Industrial
Development Commission members as Special Municipal Employees

PETITIONS

Class II Licenses

1. Corrao Motor Cars, Inc. located at 251 Broadway, Taunton
2. K&L Auto Sales located at 80 Cohannet St., Taunton
3. Best Price, Inc. located at 13 Cape Rd., Taunton

Constable License

Application submitted by Charles H. Rose requesting a **RENEWAL** of his Constable License desiring to serve Civil Process.

Second Hand Article License

Petition submitted by Steven Fernandes, 23 Glebe Court, Taunton requesting a **RENEWAL** of his Second Hand Article License for The Estate Market Place located at 93-95 Summer Street, Taunton.

Claim

Claim submitted by Saurabh Patel, 5 Everett St., Taunton seeking reimbursement for damages to his automobile from hitting a water cap in the street that was raised on Summer Street (Route 140 South) near West Summer Street.

COMMITTEE REPORTS

UNFINISHED BUSINESS

RECEIVED
BY THE CLERK'S OFFICE
2012 DEC 20 A 8:27
TAUNTON, MA
CITY CLERK

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,

A handwritten signature in cursive script that reads "Rose Marie Blackwell".

**Rose Marie Blackwell
City Clerk**



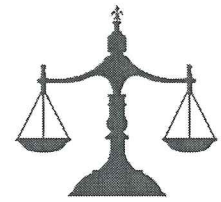
City of Taunton

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

December 17, 2012

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

**RE: Taunton Industrial Development Commission – Designation of Commission
Members as Special Municipal Employees**

Dear Mayor Hoye and Members of the Municipal Council:

The Taunton Industrial Development Commission (TIDC) is a fifteen-member city board created pursuant to § 16-26 of the Revised Ordinances of the City of Taunton and G.L. c. 40, § 8A, copies of which are attached. The TIDC is composed of various business and civic leaders whose members all serve without any compensation. The primary objective of the TIDC is to conduct research into industrial conditions and to investigate and assist in the establishment of educational and commercial projects in Taunton for the purpose of expanding and strengthening our local economy.

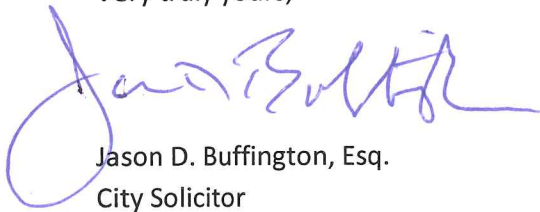
I was recently approached by a TIDC member who wishes to be designated a “special municipal employee” pursuant to G.L. c. 268A so that the TIDC member can represent a client before a city board or agency. Without such a designation, this would not be possible; the general rule is that a municipal employee (even a part-time or unpaid employee) may not represent a client before a city board or agency. Under G.L. c. 268, § 1, it is the position, and not the persons holding the position, that must be classified.

I am told that, in the past, such a designation has in fact been made. However, it also appears that the City Clerk’s office could not locate a record of this having been done.

The City of Taunton is of course grateful for the valuable public service provided by the volunteer members of TIDC. As City leaders, we must endeavor to recruit successful businesspersons to assist us in growing the local economy. At the same time, however, those professionals whose livelihoods depend on representing others before governmental agencies should not be penalized because of their altruism.

It is, therefore, my recommendation that the Municipal Council designate members of the Taunton Industrial Development Commission as "special municipal employees" pursuant to Chapter 268A of the Massachusetts General Laws. If you should have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason D. Buffington". The signature is fluid and cursive, with a large initial "J" and "B".

Jason D. Buffington, Esq.
City Solicitor

- (2) Three (3) members from the community at large. (Ord. of 7-19-94)

Sec. 16-24. Duties.

The duties of the committee shall be as follows:

- (1) Advise the community development on community needs as they evolve over time;
- (2) Review proposals and programs from community groups, agencies and organizations for possible inclusion in Massachusetts Small Cities or entitlement Community Development Block grant applications;
- (3) Assess the department's performance in meeting the stated goals of the Massachusetts Small Cities or entitlement Community Development Block grant application; and
- (4) Assess the department's responsiveness to community needs. (Ord. of 7-19-94)

ARTICLE IV. ECONOMIC DEVELOPMENT PARTNERSHIP COMMITTEE

Sec. 16-25. Establishment; powers.

- (a) *Establishment.* There shall be established an economic development partnership committee.
- (b) *Composition.* The economic development partnership committee will be made up of representatives of economic development agencies and offices in Taunton, such as the Taunton Industrial Development Commission, the Taunton Development Corporation, Taunton Area Chamber of Commerce, Heart of Taunton, and the WEIR Corporation; as well as regional agencies Southeastern Massachusetts Partnership, Southeastern Regional Planning and Economic Development District, and the Southeastern Economic Development Corporation--and local business leaders.
- (c) *Meetings; purpose* This committee will meet regularly to assess the city's ongoing economic development programs and projects, develop new strategies for economic development, and advise the mayor and economic development director concerning, but not limited to, retention and expansion of existing businesses; recruitment of new businesses; review of existing industrial and commercial zoning, marketing programs; business outreach activities, and neighborhood improvement programs.
- (d) *Appointment of members; no authority to set policy.* The economic development partnership committee will have no authority to set policy and its members will be appointed by the mayor.
- (e) *Staff assistance, information.* The industrial development commission will provide staff assistance and necessary information for the committee. (Ord. of 7-19-94)

Sec. 16-26. Taunton Industrial Development Commission.

- (a) *Membership.* There is hereby established under chapter 40 sec 8a of the General Laws an Industrial Development Commission consisting of fifteen (15) members appointed by the mayor.

(b) *Terms of office.* When the commission is first established, the members shall be appointed as follows; 3 members for a one year term, 3 members for a two year term, 3 members for a 3 year term, 3 members for a four year term, and 3 members for a five year term. All successive terms after the first term by all members shall be five year terms. Vacancies shall be filled by the mayor by appointment for the unexpired term

(c) *Duties.* Pursuant to MGL Chapter 40 sec 8a

(d) *Compensation.* All members shall serve without compensation (Ord of 8-15-2000)

Sec 16-30 Conservation Ordinance

Sec 16-30.1 Purpose

The purpose of this ordinance is to protect the wetlands, water resources, and adjoining land areas in the City of Taunton (the "City") by controlling activities deemed by the Taunton Conservation Commission (TCC) likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this ordinance"). This ordinance is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations hereunder (310 CMR 10.00) (the "Act"). The Taunton Conservation Commission is empowered to protect the wetlands including specific interests following and to enforce and remediate damages to said wetlands.

The City of Taunton's location within the Taunton River Watershed requires this ordinance to protect four specific concerns. These concerns, as they relate to the eight interests listed in the Act, are as follows. In keeping with protection of public, private and groundwater supplies, the TCC shall have concern with jurisdictional resources that are in Aquifer Protection Zones, as listed in the Zoning ordinance. In keeping with flood control and storm damage prevention, the TCC shall have concern with jurisdictional resources that are in flood plain districts, including those listed in the Zoning ordinance. In keeping with prevention of pollution, the TCC shall have concern with both point and nonpoint discharges, including all conservation structures connected to jurisdictional resources. In keeping with protection of land containing shellfish, fisheries, and wildlife habitat, the TCC shall have concern with jurisdictional resources found to contain commercially important shellfish; anadromous/ catadromous fish runs, and vernal pool species. The TCC's concern with the above shall be defined as minimizing impact on said resources. (Ord of 5-8-2001)

Sec 16-31. Jurisdiction

Except as permitted by the Conservation Commission pursuant to the Act or as provided in this ordinance, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following protectable resource areas: any freshwater, marshes; wet meadows;

omain purposes. 64
leath resulting from

Streets and Bridges

843, Snow and Ice.
2d 643, Dangerous
of Sidewalk.

compulsory statutes
legislative mandate
to popular vote and
ve statutes or ques-
nce by city or town
y action of appropri-
ng simply by being
uest of voters or by
oloney v. Selectmen
149 N.E. 317, 253

conducting and
prevent automole-
ler the direction

riations, see M.P.S.
d Franklin, § 1421.

accepted corre-
for the enforce-

Library References

Municipal Corporations ⇨860.
C.J.S. Municipal Corporations § 1835 et seq.

Comments.
Power to make appropriations, see M.P.S.
vol. 18B, Randall and Franklin, § 1421.

Notes of Decisions

In general 1

1. In general

St.1906, p. 176, c. 210, provided that every
police officer holding or hereafter appointed to
any office under the civil service rules of the
commonwealth in any city, or appointed for a
definite or stated term, or otherwise, should

hold such office continuously during good be-
havior; the reappointment of an officer to
whom the statute applied was an idle ceremony,
and he continued to hold his office without
giving any new bond as required by a city
ordinance, and, if he could properly have been
required to give a new bond, he could not have
been removed for failure to do so, except as
provided by that statute. Sullivan v. White
(1909) 88 N.E. 9, 201 Mass. 506.

§ 8A. Development and industrial commission; establishment; duties; membership; tenure; removals; vacancies

A city or town which accepts this section may establish a development and industrial commission for the promotion and development of the industrial resources of said city or town. Such commission shall conduct researches into industrial conditions, investigate and assist in the establishment of educational or commercial projects, including projects involving private enterprise, for the purpose of expanding or strengthening the local economy, and shall seek to co-ordinate the activities of unofficial bodies organized for said purposes, and may advertise, prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further the purposes for which it is established. The commission may appoint such clerks and other employees as it may require.

Such commission shall consist of not less than five nor more than fifteen members. The members in cities shall be appointed by the mayor, subject to the provisions of the city charter, except in cities operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the city charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns such appointments shall be made by the town manager. When a commission is first established, the terms of the members shall be for such length, not exceeding five years, and so arranged that the terms of approximately one fifth of the members will expire each year, and their successors shall be appointed for terms of five years each. Any member of a board so appointed in a city may be removed for cause after a public hearing, if requested, by the mayor with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in a city in the same manner as an original appointment, and in a town as provided in section eleven of chapter forty-one.

Added by St.1954, c. 297, § 1. Amended by St.1955, c. 102, § 1; St.1961, c. 291.

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Taunton, Massachusetts

15 Summer St., Taunton, MA 02780
Phone: (508) 821-1000

Industrial Development Commission

Contact: Richard L. Shafer , Economic Development Director
Address: 12 Taunton Green Suite 201
Taunton ,MA 02780-3227
Phone: 508 821-1168
Fax: 508 884-8222

[Meeting Agendas](#)

[Meeting Minutes](#)

Additional Links:

City of Taunton website	Office of Economic and Community Development	Taunton Development Corporation
Southeastern Regional Planning and Economic Development District (srpedd)	Southeastern Economic Development (seed)	Weir Corporation
Taunton Area Chamber of Commerce	Massachusetts Office of Business Development	Massachusetts Alliance for Economic Development
Massachusetts Economic Development Council	Northeast Economic Developers Association	

Commission Members

Name

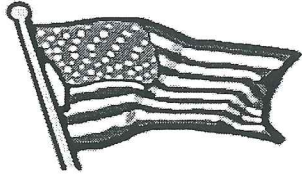
A.J. Andrews
Sergio Bento
John S. White, Chairman
Joseph Amaral, Vice Chairman
Frank Costa
Terrence Dermody
David W. Fenton
Maria Gooch-Smith
Michael Horrigan
Jeffrey Hunt
Stanley Krawec
Harold Rose
Michael Tabak
John White
David St. Yves

MISSION:

The Taunton Industrial Development Commission is part of the Office of Economic and Community Development and is responsible for: liaison services to the City of Taunton, The Commonwealth of Massachusetts and Federal Agencies; retention and expansion of local industry through assisting them to improve competitiveness and efficient operation by introduction to: new means of financing, technological improvements, source of qualified employees, and applicable training resources; Also responsible for the recruitment of new companies through the marketing and promotion of Taunton as a City which is business receptive with available property and services for industrial and

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commercial growth; Maintenance and upgrade of the City Economic and Industrial Development web sites; administrative support by management agreement to the Taunton Development Corporation and by ordinance to the Economic Development Partnership Committee, the Economic Development Incentive Board, the Taunton Industrial Improvement District and the Taunton Industrial Development Finance Authority; continued development and maintenance of City industrial/commercial/professional databases and sitefinder lists for available property and buildings; continual review of City property and services to provide for present and future industrial expansion.



DECEMBER 24, 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, DECEMBER 24, 2012 AT 9:00 A.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS*

9:00 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

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CITY CLERK'S OFFICE
2012 DEC 19 P 1:56
TAUNTON, MA
CITY CLERK