



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

~
FEBRUARY 5, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

- Appointment to the Taunton Airport Commission
- Appointment to the Taunton Cultural Council

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from City Solicitor – Updating on the case of City of Taunton vs. CBI Services, Inc.
- Pg. 2-3 Com. from Water Supervisor – Requesting a transfer of funds
- Pg. 4-5 Com. from Human Resource Director – Requesting a transfer of funds
- Pg. 6-7 Com. from William Frasier– Requesting to come before the Committee on Police and License
- Pg. 8 Com. from Joe Wells – Submitting concerns about the condition of Baker Road West
- Pg. 9 Com. from David Littlefield, 192 Erin Road, East Taunton – Expressing gratitude
- Pg. 10 Com. from Alan Medeiros, 149 Berkley St., Taunton – Requesting assistance to obtain a sewer easement

RECEIVED
CITY CLERK'S OFFICE
2013 FEB - 1 A 11:41
TAUNTON, MA
CITY CLERK

PETITIONS

Constable License

Application submitted by Michelle Pacheco requesting a **NEW** Constable License desiring to serve civil process.

Miscellaneous

Special Permit for entertainment in conjunction with a restaurant, TJ's Diner, at 413 Bay Street located in the Business District submitted by Attorney Nicholas Felici, 127 Cambridge St., Burlington on behalf of his client Antonio Pires, 413 Bay St., Taunton.
(Public Hearing Required)

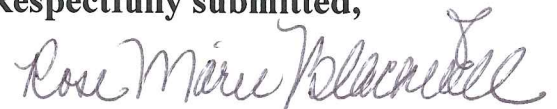
COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**

City of Taunton Office of the Mayor

Thomas C. Hoye, Jr.
Mayor

Alyssa Gracia
Assistant to the Mayor

Gill E. Enos
Budget Director



141 Oak Street
Temporary City Hall
Taunton, MA 02780
Tel. (508) 821-1000
Fax (508) 821-1005

January 31, 2013

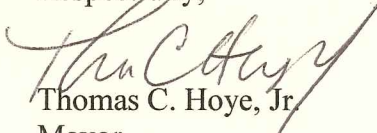
Council President John M. McCaul
Members of the Municipal Council
141 Oak Street
Taunton, MA 02780

Dear Council President McCaul:

Please be advised that I am re-appointing Carolyn Basler of 2285 County Street, East Taunton, MA to the Airport Commission for a term of (3) years. Her term will expire January 2016.

In the meantime, if you have any questions or comments, please feel free to contact me.

Respectfully,


Thomas C. Hoye, Jr.
Mayor



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

January 30, 2013

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

RE: City of Taunton vs. CBI Services, Inc.

Dear Mayor Hoye and Members of the Municipal Council:

As you know, this matter was referred to the Law Department to explore the potential for initiating litigation against this contractor. In this case, the City hired CBI Services, Inc. to build a water storage tank.

The written contract called for CBI Services to finish the project within a certain period of time. The contract also contained a liquidated damages clause in the event the contractor did not meet the timeline. A dispute arose as to whether or not the contractor was late, and if so, by how many days the contractor was late.

I am pleased to report that we were able to successfully negotiate a favorable settlement for the City. As a direct result thereof, the contractor agreed to pay liquidated damages to the City in the amount of \$75,000.00. The Water Enterprise fund will now have these additional funds available to it as a result of this action.

I wish to thank and commend Water Division Supervisor Cathal O'Brien, DPW Commissioner Fred Cornaglia and his team, and Lee Storrs and our water engineering consultants at CDM Smith for bringing this issue to my attention and for all the help they offered to the Law Department in successfully bringing this matter to a resolution. The City of Taunton was well-served by their diligence, hard work, and attention to detail.

Very truly yours,

Jason D. Buffington, Esq.
City Solicitor



2.

City of Taunton, Massachusetts
DEPARTMENT OF PUBLIC WORKS

Fred J. Cornaglia
Commissioner

Anthony Abreau
Assistant Commissioner

Angela C. Santos
Fiscal Agent

January 31, 2013

Honorable Mayor Thomas Hoye, and
Members of the Municipal Council
141 Oak Street – Temporary City Hall
Taunton, MA 02780

RE: Request Funding Transfer – Water Free Cash to Engineering Technical Services and Capital Equipment

Dear Mayor Hoye and Councilors:

This office respectfully request permission to transfer funds in the amount of **\$3,200,000.00**. Please see the following line items to be adjusted and explanation for transfer. Also see the attached Transfer Request Sheet for specific line item numbers and amounts to be transferred.

	From	To	Amount	Explanation
1	Water Free Cash	Water – Engineering Technical Services 60-450-202-5319	\$3,000,000.00	<i>Additional funds needed for a replacement cover for the Prospect Hill Reservoir and multiple water mains to be replaced and or extended.</i>
2	Water Free Cash	Water – Capital Equipment 60-450-203	\$200,000.00	<i>Additional funds needed for two new trucks.</i>

If you should have any questions regarding this explanation please feel free to contact me.

Respectfully,

Cathal O'Brien
Water Supervisor, DPW

COUNCIL ORDER TRANSFER REQUEST

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Date: January 31, 2013

Department Requesting: DPW

Amount Requesting: \$3,200,000.00

Reason For Request: Line Item Adjustment

Please List below the account number/name for the requested transfer.

If requesting monies from AVAILABLE FUNDS check here: X

TRANSFER FROM:

NAME: Water Free Cash

BEGINNING BALANCE: \$ 4,200,000.00

AMOUNT: 3,000,000.00

BALANCE REMAINING: 1,200,000.00

TRANSFER TO: 60 450 202 5319

NAME: Engineering Tech/Services

BEGINNING BALANCE: \$ 174,591.73

AMOUNT: 3,000,000.00

BALANCE REMAINING: 3,174,591.73

TRANSFER FROM:

NAME: Water Free Cash

BEGINNING BALANCE: \$ 1,200,000.00

AMOUNT: 200,000.00

BALANCE REMAINING: 1,000,000.00


TRANSFER TO: 60 450 203

NAME: Equipment and Capital

BEGINNING BALANCE: \$ 0.00

AMOUNT: 200,000.00

BALANCE REMAINING: 200,000.00

DEPARTMENT HEAD SIGNATURE: 

TITLE: DPW WATER SUPERVISOR

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

DATE REFERRED TO COMMITTEE ON FINANCE & SALARIES:

THE ABOVE REQUEST IS HEREBY: APPROVED DENIED

AVAILABLE FUNDS TO BE USED (IF REQUESTED): _____

IF DENIED, REASON FOR DENIAL: _____

COUNCIL ORDER NUMBER ASSIGNED: _____

FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM WITH A FORMAL COVER LETTER REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE FOLLOWING:

- City Clerk - ORIGINAL
- Mayor's Office
- Clerk of Council Committee
- City Auditor



CITY OF TAUNTON
MASSACHUSETTS

HUMAN RESOURCES DEPARTMENT

Maria V. Gomes
Director
Sandra B. Peavey
Office Manager

City Hall
15 Summer Street
Taunton, MA 02780
(508) 821-1060
FAX (508) 821-1066

January 29, 2013

Mayor Thomas C. Hoye, Jr.
City of Taunton
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye:

The Disability Retirement Account (1-919-202-5790) currently has a balance of \$1,083.48 with four more months left of payments in Fiscal year 2013. Monthly payments have been averaging \$5,500.00 a month.

We respectfully request to the amount of \$30,000.00 transferred to the Disability Retirement Account so that we can process the payments that we are required to by MGL Chapter 41, Section 100B.

Thank you for your assistance in this matter.

Sincerely,

Maria V. Gomes, Director
Human Resources

MVG/ns

	FISCAL YEAR 2012		FISCAL YEAR 2013	
	APPROVED FY 12	ESTIMATED	FY 13	FY 13 BUDGET
	BUDGET	EXPENDITURES	REQUEST	ALLOWED BY MAYOR
SALARIES AND WAGES	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
CONTRACTED SERVICES	\$ -	\$ -	\$ -	\$ -
UTILITY CHARGES	\$ -	\$ -	\$ -	\$ -
SUPPLIES/MATERIALS	\$ -	\$ -	\$ -	\$ -
FIXED/OTHER CHARGES	\$ 59,750.00	\$ 79,750.00	\$ 30,000.00	\$ 30,000.00
TOTAL - OTHER EXPENSES	\$ 59,750.00	\$ 79,750.00	\$ 30,000.00	\$ 30,000.00
EQUIPMENT & CAPITAL EXPENSES	\$ -	\$ -	\$ -	\$ -
GRAND TOTAL	\$ 60,250.00	\$ 80,250.00	\$ 30,500.00	\$ 30,500.00

6.

Anthony J. Roma
47 Fremont Street
Taunton, MA 02780
January 30, 2013

Taunton Municipal Council
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye and Municipal Council:

I am writing this letter to request an opportunity to stand before the Police and Licensing committee, at their earliest convenience, and discuss reinstating the dealer license for De-Anth Motors.

I believe there may be some misunderstanding regarding past issues that had been corrected prior to the Municipal Council meeting for license renewal, that I would also like the opportunity to address.

I can be reached at 508-728-3876. I look forward to hearing from you.

Regards,

William Frasier

Anthony J. Roma

7

WILLIAM D. ROUNDS
Attorney at Law

115 BROADWAY
TAUNTON, MASSACHUSETTS 02780

TEL: (508) 880-5444
FAX: (508) 822-3855

January 28, 2013

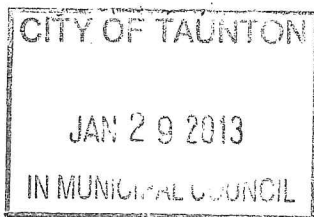
City of Taunton
Municipal Council
City Hall
141 Oak Street
Taunton, MA 02780

RE: Class II Automobile Dealer's License
William Fraser/Anthony Roma (De-Anth Motors Wholesale)
115 Broadway

Dear Council Members"

Please be advised that I represent Anthony Roma regarding his interest in the above-referenced Class II Automobile Dealer's License. It is my understanding that the Council voted not to re-issue this license at its meeting on January 22, 2013. Mr. Roma and I had discussed the possibility of my attending that meeting to represent him, but based upon our understanding that the issue to be discussed was payment of taxes by his landlord, and the fact that those taxes had been paid in full prior to the meeting, it was decided that I would not attend and that he would represent himself. Unfortunately, it seems that we misunderstood the situation.

Therefore, on behalf of my client, I respectfully request that the Council approve a motion to reconsider its action, and then schedule further discussion at a future Council meeting, which my client and I will attend. Unfortunately, I am unable to attend your meeting on January 29, 2013 due to a prior commitment. Thank you for your consideration of this request.



Very truly yours,

A handwritten signature in black ink, appearing to be "W. D. Rounds".

William D. Rounds

refer to next week's agenda.
Jennifer Regan
Asst City Clerk

8.

To: The Honorable Mayor Thomas Hoye 1-28-2013

From: Joe Wells

Re: Concerns regarding Baker RD (West)

CC: Director of the Department of Public Works
Honorable Selectmen, Taunton City Council

Dear Mayor Hoye,

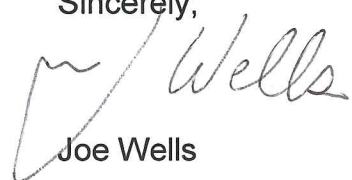
First I would like to wish you and your family a happy, healthy new year. I would like to bring to your attention an issue that I hope we can solve. As you may know all of Taunton just received our new tax bill for the year and we all noticed that our taxes went up again. We all live in a very unsettling economy, but we all do our best to survive.

My issue, along with all the other residents, is that of Baker Rd (West) in Taunton. I have enclosed some pictures for you to look at. I don't mind paying my taxes however I shouldn't have to drive on roads that look like Baker RD West. I have lived on Dighton Ave for approximately 20 years and Bake RD West has never been fixed. This road is used frequently by the residents who live in this area. Baker Rd (West) is beyond fixing. It's also beyond anymore patch work. Continuing to put down patch work is just covering it with a band-aid. This road needs to be dug up and a new road needs to be placed down. The road also needs to be widened. It is too narrow. The road is also a damager for young and old who drive it. It does not have proper lighting and has no sidewalks, as it's a danger to walk on the pothole riddled street. Not to mention all the trash along the roadsides.

I can say that I speak for all the residents on Baker RD West and Dighton Ave on this issue. Also from the end of Baker RD West onto Dighton Ave is starting to look like Baker Rd. That area is in need of fixing also. There has been too much patchwork over and over again.

I would like to thank you for your attention on this matter. Feel free to contact me if you have any thoughts or questions. If you would like to meet and discuss how we can accomplish this goal, please feel free to contact me. My phone number is 774-501-1507.

Sincerely,


Joe Wells

City Clerk's office
HAS 13 pictures with this communication

City Clerk's Office

9.

From: David Littlefield <bodyshop@southshorechrysler.com>
Sent: Friday, February 01, 2013 10:03 AM
To: cityclerk@tmp.net
Subject: east taunton community meeting

to the honorable mayor thomas hoye, and the city of taunton.

I would like to thank councilors Pottier, Barbour, Costa Hanlon, Carr for having what turned out to be a huge East Taunton community meeting last thursday night at the holy family parish center in East Taunton. these councilors at the last minute took the time to group together to sit with our community and hear our concerns. we touched on many very important issues such as crime, new drugs hitting the streets of Taunton, trash, mitigations for the proposed casino, as well as some updates to the chairman of the Mashpee Wampanoags next visit to the council for some clarifications and progress to the proposed casino. representative Keiko Orrall was also present to update us on the state level to the gaming compact.

these councilors support for our community should be commended. Since the casino proposal landed in our neighborhood, most of us have felt severed from the rest of the city, i have felt left behind. Last nights meeting changed a lot of those feelings. I am eager to get involved in a crime watch group in East Taunton. I know the illegal dumping of trash in our neighborhood is on the councils radar, as well as the new drugs that our children can get access to legally, such as bath salts. And to know that these councilors are reaching out to us to help with the real mitigation problems that will come with a proposed casino. These 4 councilors have begun to heal a wound, and begin a path to bringing this city closer together again. i applaud them for that.

Sincerely,

David Littlefield
192 erin rd.
East Taunton

10

Alan B. Medeiros
P.O. Box 488
Taunton, MA 02780

January 30, 2013

Honorable John McCaul, President
Attn: David Pottier, Chairman
Committee on Public Property
Taunton Municipal Council
Temporary City Hall
141 Oak Street
Taunton, MA 02780

Re: 149 Berkley Street, Taunton, MA 02780

Dear Chairman Pottier

I am seeking the assistance of your committee in obtaining a sewer easement from the City for property I own at 149 Berkley Street, Taunton, MA 02780.

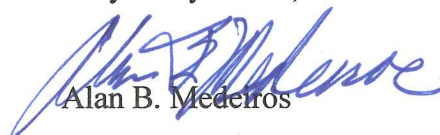
By way of background, 149 Berkley Street abuts the southerly side of the Walker School property. The Walker School property was carved out of the property at 149 Berkley Street in approximately 1890. There is presently no sewer service on the portion of Berkley Street from Agawam Street south to approximately 300 feet before the intersection of Cooper Street. Additionally, I am unaware of any proposals to provide this portion of Berkley Street with sewer service in the intermediate future.

It is my understanding that there is an additional sewer stub for the Walker School property that was never utilized by the School, and the School in fact ties in to the municipal sewer system using a stub on the other side of the property.

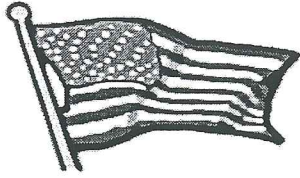
I am requesting an easement 20 feet in width over the Walker School property for the purpose of tying into the Municipal Sewer System. Please advise as to any additional requirements the city may need in terms of any formal application or engineering documents.

Thank you for your attention to this matter.

Very Truly Yours,


Alan B. Medeiros

/ABM



RECEIVED
CITY CLERK'S OFFICE

2013 FEB -1 A 9:59

TAUNTON, MA

CITY CLERK

FEBRUARY 5, 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 TUESDAY, FEBRUARY 5, 2013 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 PM.

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 HUMAN RESOURCE DIRECTOR AND ACTING TREASURER/COLLECTOR TO DISCUSS PROCEDURE FOR HIRING TREASURER/COLLECTOR
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, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

THE COMMITTEE ON POLICE AND LICENSE

1. MEET WITH THE CITY SOLICITOR FOR A PRESENTATION ON TAX STATUS ISSUES
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
 - A. CHARLES ROSE, 10 SHIPS PASSAGE, BOURNE, MA - RENEWAL
 - B. THOMAS CENTOFANTI, 223 BROADWAY, TAUNTON - RENEWAL
 - C. NATHANIEL GREENE, 75 BROW AVENUE, BRAINTREE, MA - RENEWAL
 - D. GEORGE MORSE, 31 MAPLE STREET, MASHPEE, MA - NEW
 - E. BRUCE BURGO, 8 COOPER STREET, TAUNTON - NEW
 - F. ALBERT DESOUSA, 19A WHITE STREET, TAUNTON - RENEWAL
 - G. ROY MITTON, 16 THOMAS ROAD, BERKLEY - RENEWAL

3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR RENEWAL OF CLASS II LICENSES:
 - A. CORRAO MOTOR CARS, INC., 251 BROADWAY
 - B. HAPPY BEAR, INC., 54 COTTAGE STREET
 - C. THOMAS AUTO SALES, 445 WINTHROP STREET
4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. & 4 A.M. AS PER CITY ORDINANCE SECT. 12-2:
 - A. HESS EXPRESS, 943 COUNTY STREET - RENEWAL
 - B. TAUNTON MART (RICK'S MOBILE), 1095 COUNTY STREET - RENEWAL - FOR 2011 AND 2012.
5. 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 PUBLIC PROPERTY

1. MEET WITH THE SUPERINTENDENT OF BUILDINGS FOR A STATUS UPDATE ON CITY HALL
2. MEET WITH THE SUPERINTENDENT OF BUILDINGS TO DISCUSS HIS ANNUAL PUBLIC BUILDING CONDITION REPORT FOR 2013
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