



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

~
JULY 31, 2012 - 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Joseph Pacheco, Executive Director, Pro-Home, Inc., 40 Summer St., Taunton – Providing an update on Pro-Home’s HOME program for FY2012
- Pg. 2-5 Com. from City Engineer – Updating on Joseph Warner Blvd. Speed Study
- Pg. 6-7 Com. from Chairman, Taunton Planning Board – Submitting information on Open Space relative to donation of land on Field Street

PETITIONS

Second Hand Article License

Petition submitted by Drew Spaventa requesting a NEW Second Hand Article License for ECOATM, Inc., 10515 Vista Sorrento Parkway, San Diego, CA to have a vending style machine that collects used small electronic equipment and pays cash for the equipment in the Silver City Galleria, 2 Galleria Mall Drive, Taunton.

Miscellaneous

Petition for a special permit for a 30,734 Sq. ft. addition to the existing hospital at 88 Washington Street located in the Office District submitted by Theodore J. Aleixo and William D. Rounds, 115 Broadway, Taunton on behalf of their client, Matthew Cipriani, Project Manager, Morton Hospital, A Steward Family Hospital, Inc., 88 Washington St., Taunton for an addition. **(Public Hearing Required)**

COMMITTEE REPORTS

RECEIVED
CITY CLERK'S OFFICE
2012 JUL 26 P 2:05
JUL 26 2012
JUL 26 2012

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND ENROLLED BILLS

Order for a third reading to be ordained on a roll call vote

AN ORDINANCE

Chapter 2 ADMINISTRATION

ARTICLE XIX DESIGNER SELECTION PROCEDURES

Section 2-371 Designer Selection Procedures

Be it ordained by the Municipal Council of the City of Taunton as follows:

That the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding thereto the following under a newly created Article XIX, Section 2-371:

1. **These procedures govern the selection of designers for each City of Taunton ("Awarding Authority") building project that is subject to the Commonwealth's designer selection law. (See G.L. c. 7 §38K). These procedures are intended to comply with the purpose and intent of G.L. c. 7 §§38A½ through 38O, inclusive. Any other local law governing the procurement of services will be inapplicable to these procurements.**
2. **For each such project, the Mayor has the authority to conduct the designer selection process for the Awarding Authority and make the selection. The Mayor may delegate any duties described herein to the extent such delegation is permissible by law.**
3. **For each such project, the Mayor shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process. The purpose of the Committee is to assist and advise the Mayor in making the selection. The Mayor shall appoint the Chair of the Committee on Public Property to the Committee. The Mayor may appoint himself to the Committee. The Mayor shall notify the Municipal Council in writing of the individual or individuals so designated. No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:**
 - a. **has a direct or indirect financial interest in the award of the design contract to any applicant;**
 - b. **is currently employed by, or is a consultant to or under contract to, any applicant;**
 - c. **is negotiating or has an arrangement concerning future employment or contracting with any applicant; or**
 - d. **has an ownership interest in, or is an officer or director of, any applicant.**

4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Mayor, at least two weeks before the deadline for filing applications.
5. The advertisement shall contain the following information:
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
 - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
 - c. when and where a briefing session (if any) will be held;
 - d. the qualifications required of applicants;
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - g. when and where the RFQ can be obtained and the applications must be delivered.
6. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at [Procedures for Municipalities and Public Agencies not within DSB Jurisdiction](#) The Application Form may be amended to include additional information on a project-specific basis.
7. The Committee shall evaluate applicants based on the following criteria:
 - a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the project; and
 - e. any other criteria that the Committee considers relevant to the project.
8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Mayor. No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list.
 - a. The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written

explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

10. If the fee was set prior to the selection process, the Mayor shall select a designer from the list of finalists. If the Mayor selects a designer other than the one ranked first by the Committee, the Mayor shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Mayor shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Mayor shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Mayor is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Mayor prior to selection of finalists. Nothing herein should be construed as prohibiting the Mayor from delegating the designer selection and negotiating functions, subject to final approval by the Mayor.
12. If the Mayor is unable to negotiate a satisfactory fee with any of the finalists, the Mayor shall recommend that the Committee select additional finalists.
13. The Awarding Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Awarding Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Awarding Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in G.L. c. 7, §38K.
14. Every contract for design services shall include the following:
 - a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
 - c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to

solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and

- d. certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R(d).
 - e. All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.
15. The Awarding Authority shall not enter into a contract for design services unless the Awarding Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Awarding Authority may require, for the applicable period of limitations. A designer required by the Awarding Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Awarding Authority prior to the award of the contract.
16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Mayor may elect to authorize expedited procedures to address the emergency. The Mayor shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.
- a. The Mayor may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Mayor shall rank the finalists in order of qualification and select the designer for the emergency work.
18. The Awarding Authority shall publish the name of any designer awarded a contract in the *Central Register*.
19. The following records shall be kept by the Awarding Authority:

- a. all information supplied by or obtained about each applicant;
 - b. all actions taken relating to the project; and
 - c. any other records related to designer selection.
 - d. All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.
20. The Awarding Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and the Commonwealth division of capital asset management as required by G.L. c. 7, §38E(g).
21. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.
22. If applicable, the Awarding Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

Chapter 13 MOTOR VEHICLES & TRAFFIC

ARTICLE II OPERATION OF VEHICLES

Section 13.56. Speed zones designated.

Be it ordained by the Municipal Council of the City of Taunton as follows:

That Section 13-56 of the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding thereto the following:

Twenty (20) miles per hour

Barnum Street, from a point 155 feet east of Harrison Avenue, 90 feet easterly, school zone, between the hours of 8:30 am and 9:30 am and 2:45 pm and 3:45 pm during school hours.

Monroe Street, from a point 230 feet east of Bay Street easterly, 260 feet, school zone, between the hours of 8:30 am and 9:30 am and 2:45 pm and 3:45 pm during school hours.

Clifford Street, from a point 600 feet north of Shores Street northerly, 900 feet, school zone, between the hours of 8:00 am and 9:00 am and 2:00 pm and 3:00 pm during school hours.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

NEW BUSINESS

Respectfully submitted,

A handwritten signature in cursive script that reads "Rm Blackwell".

**Rose Marie Blackwell
City Clerk**

Pro-Home, Inc.

Dedicated to the production and protection of affordable housing.



Phone: 508-821-2514 • 40 Summer Street, Taunton, Massachusetts 02780 • www.prohomeinc.org • Fax: 508-967-7446

JOSEPH R. PACHECO

*Executive Director
Selectman, Town of Raynham*

July 18, 2012

City of Taunton
15 Summer Street
Taunton, MA 02780

Dear Community Officials:

In an effort to bring greater awareness to the programs and services Pro-Home provides to your community, I wanted to take this opportunity to provide you a brief update on Pro-Home's HOME program for fiscal year 2012.

For fiscal year 2012, Pro-Home was awarded \$80,000 to be allocated to eligible first-time homebuyers within our 13-community service area.

During FY12, six clients of Pro-Home purchased their first home in Taunton and were awarded **\$30,932.28** in grant assistance towards down-payment and closing costs.

For more information on Pro-Home we encourage your residents to visit us on the web at www.ProHomeInc.org or by calling us at 508-821-2514.

Sincerely,

JOSEPH R. PACHECO
Executive Director

2.



CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

15 Summer Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336

Mark B. Slusarz, P.E.
City Engineer



July 26, 2012

Taunton Municipal Council
141 Oak Street
Taunton, MA 02780

Re: Speed Study, Joseph Warner Blvd

Dear Council Members;

The Engineering Department has completed the speed study for Joseph Warner Blvd. and has submitted the data to MassDOT. I've attached their response, essentially approving the study's recommendations. In order for the speed limit signs to be legally installed and speeds to be radar enforced, the City must incorporate this Special Speed Regulation (No. 7915) into the City's ordinances. I've attached a copy of the speed regulation and communication from MassDOT for your reference.

Sincerely,

Mark B. Slusarz, P.E.
City Engineer

Cc: Chris Williams, Safety Officer

Attachments



Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator



July 19, 2012

Mr. Mark B. Slusarz, P.E.
Assistant City Engineer
Taunton DPW/Engineering Division
15 Summer Street
Taunton, MA 02780-3430

Dear Mr. Slusarz:

Attached are two copies of Special Speed Regulation No.7915.

Please be advised that in addition to the necessary speed limit signage required upon the anticipated approval of this regulation, MassDOT recommends the following additional signage to be erected on Joseph E. Warner Boulevard:

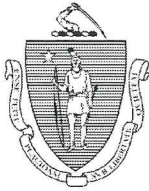
- A W3-5(35) sign should be erected in the northbound direction at least 250 feet in advance of the beginning of the 35 mile per hour zone, as site conditions allow.
- An "END SPEED ZONE" sign must be erected at the Dighton Town Line facing southbound traffic.

Please have each copy of this Regulation signed by the Municipal Council, attested by the City Clerk and returned to the Massachusetts Department of Transportation, Traffic Design and Operations, 10 Park Plaza, Boston, Massachusetts 02116-3973, Room 7210 for further processing.

Sincerely,

Neil E. Boudreau
State Traffic Engineer

RFW/
Att.



4

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

CITY OF TAUNTON
SPECIAL SPEED REGULATION # 7915

Highway Location: TAUNTON
Authority In Control: CITY OF TAUNTON
Name of Highway (s): JOSEPH E. WARNER BOULEVARD

In accordance with M.G.L. c. 90, § 18, the following Special Speed Regulation is

Hereby Adopted

by the Municipal Council

of the City of Taunton

That the following speed limits are established at which motor vehicles may be operated in the areas described:

JOSEPH E. WARNER BOULEVARD - NORTHBOUND

Beginning at the Dighton Town Line, thence northerly on Joseph E. Warner Boulevard
1.20 miles at 45 miles per hour
0.34 miles at 35 miles per hour ending at the junction Route 44 (Winthrop Street);
the total distance being 1.54 miles.

JOSEPH E. WARNER BOULEVARD - SOUTHBOUND

Beginning at the junction of Route 44 (Winthrop Street), thence southerly on Joseph E. Warner Boulevard
0.27 miles at 35 miles per hour
1.27 miles at 45 miles per hour ending at the Dighton Town Line; the total distance being 1.54 miles.

Operation of a motor vehicle at a rate of speed in excess of these limits shall be prima facie evidence that such speed is greater than is reasonable and proper.

The provisions of this regulation shall not, however, abrogate M.G.L. c. 90, § 14

The City of Boston Transportation Department does hereby certify that this regulation is consistent with the public interest.

Date of Passage: _____

MUNICIPAL COUNCIL

Attest _____
CITY CLERK

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
SPECIAL SPEED REGULATION NO. 7915

The Massachusetts Department of Transportation does hereby certify that this regulation is consistent with the public interest.

Standard signs must be erected at the beginning of each zone.

REGISTRY OF MOTOR VEHICLES
DIVISION

HIGHWAY DIVISION

BY: _____
Registrar

BY: _____
State Traffic Engineer

DATE:



Denise J. Paiva, Secretary

TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Phone 508-821-1051

Fax 508-821-1043

July 26, 2012

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

RE: Open Space

Dear Mayor Hoye & Municipal Council:

At their regular meeting held on Thursday, July 19, 2012 the Planning Board was in receipt of correspondence from the Committee on Public Property relative to the donation of land on Field Street.

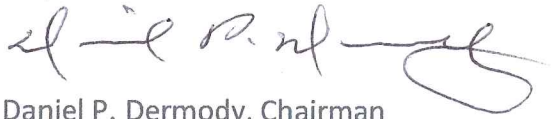
The Municipal Council had previously requested the Planning Board's input on the land on Field Street as to whether or not to accept it as open space or conservation land and was now questioning our response.

During the initial public hearing on the project, the Board felt strongly that this is was sensitive land that should be preserved in its natural state. The proposal before the Board was to convey the land to the Wildlands Trust or the Audubon Society or similar private trust. When informed by the proponents that they could not come to an agreement with a private trust and that the Conservation Commission had expressed an interest in the land, the Planning Board agreed that, though not our top choice, acceptance by the Conservation Commission would satisfy the condition of the Special Permit.

After the Council's subsequent inquiry and after meeting with the Conservation Agent, the Board went on record re-affirming that the Conservation Commission's vote to accept the gift of 32 acres as "conservation" land conformed to the Planning Board's stated intent. This does not appear to be a Council Committee on Public Property issue, as the Special Permit was the

purview of the Planning Board and the acceptance of the land was in the Conservation Commission's jurisdiction.

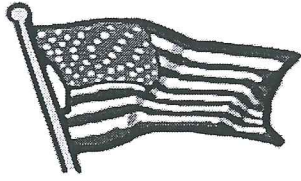
Respectfully,



Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

Cc: ZBA
Conservation Commission
Kevin Scanlon



JULY 31, 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 **TUESDAY, JULY 31, 2012 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 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 ON APPLICATION FOR RENEWAL OF CONSTABLE FOR LOUIS BORGES, JR., 123 HART STREET, TAUNTON -CIVIL PROCESS ONLY
2. MEET WITH THE POLICE CHIEF ON PETITION OF BARBARA GENDREAU, 1359 SOMERSET AVE., DIGHTON FOR NEW TEMPORARY FIXED VENDOR LICENSE D/B/A MR. G'S HOTDOG CONNECTION LOCATED AT 408 WINTHROP STREET, TAUNTON
3. MEET WITH THE POLICE CHIEF FOR AN UPDATE ON COMPLAINTS OF SPEEDING ON WILLIAMS STREET
4. MEET WITH THE POLICE CHIEF TO DISCUSS THE ISSUE OF THE ASSESSMENT CENTER
5. MEET TO DISCUSS UNPAID POLICE DETAILS INCLUDING WHAT IS OWED TO THE CITY BY GAFF'S THIRD BASE
6. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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2012 JUL 26 P.M.

RECEIVED
CITY CLERK'S OFFICE

PAGE TWO

MUNICIPAL COUNCIL COMMITTEE AGENDA - CONTINUED

THE COMMITTEE ON PUBLIC PROPERTY

1. MEET WITH THE BUILDING SUPERINTENDENT TO DISCUSS THE RECOMMENDATIONS OF THE DESIGNER SELECTION COMMITTEE TO THE COUNCIL AND MAYOR REGARDING THE FEASIBILITY STUDY COSTS FOR CITY HALL
2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH KEVIN SCANLON, CITY PLANNER TO DISCUSS COMMUNICATION RECEIVED FROM ATTORNEY GAY REGARDING THE PROSPECT HILL PRESERVE CONSERVATION RESTRICTION DOCUMENTS
2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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RESPECTFULLY,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES