

**IN OBSERVANCE OF
VETERAN'S DAY,**



CITY CLERK

FAUNTON, MA

2014 NOV -6 1 P 2:03

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**THE MUNICIPAL COUNCIL &
COMMITTEE MEETINGS
SCHEDULED FOR**

**Tuesday, November 11, 2014
will be held**

Monday, November 10, 2014

****BEGINNING AT 5:30 PM****

**Meetings will be held in the
Chester R. Martin
Municipal Council Chambers**

A handwritten signature in black ink, appearing to be "JMB", enclosed within a large, hand-drawn oval scribble.



**MUNICIPAL COUNCIL AGENDA
TEMPORARY CITY HALL
141 OAK STREET, TAUNTON, MA 02780**

~
NOVEMBER 10, 2014 – 7:00 PM

CITY CLERK

TAUNTON, MA

2014 NOV -6 1 P 2:03

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**INVOCATION
ROLL CALL
RECORDS**

HEARING: Board of Assessors FY2015 Classification Hearing

- Com. from Kerrie Babin, President, Taunton Area Chamber of Commerce – Requesting consideration to maintain the current commercial tax rate for businesses
- Com. from Colleen Simmons, Taunton Business Improvement District – Requesting the Council maintain the current commercial tax rate for businesses

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

TABLED FROM NOVEMBER 3, 2014:

- Reappointment of Wayne Walkden, Superintendent of Public Buildings for a term of three (3) years. **(Council Appointment)**
- Reappointment of Mark Slusarz, City Engineer for a term of three (3) years. **(Council Appointment)**

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Chairman, Taunton Planning Board – Notifying of a public meeting
- Pg. 2 Com. from Superintendent of Buildings – Responding on animal shelter
- Pg. 3-4 Com. from Attorney Gregory Koldys, Koldys & Kelleher PC, 449A Faunce Corner Road, Dartmouth – Notifying of a defect in sidewalk at 60 Weir St.
- Pg. 5 Com. from Carmen Maldonado, Community Relations Facilitator, Taunton Public Schools – Notifying of the 2014 Thanksgiving Food Drive

PETITIONS

Hours of Operation License

1. The Picture People located at 2 Galleria Mall Drive, E. Taunton
2. Charlotte Russe located at 2 Galleria Mall Drive, E. Taunton
3. Justice for Girls located at 2 Galleria Mall Drive, E. Taunton
4. Torrid, located at 2 Galleria Mall Drive, E. Taunton
5. D'Angelo's located at 2 Galleria Mall Drive, E. Taunton
6. KJM Restaurant "Tex Barry's" located at 15 Main St., Taunton
7. Hess Corporation #21237 located at 943 County St., Taunton
8. Hess Express located at 23 Cape Road, Taunton

Claim

Claim submitted by Janice DeStefano, 211 Ferris Lane, Taunton seeking reimbursement for damages to her automobile from paint splashing onto her car and wheel wells from a walkway that was painted on Lowell Street.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

Ordinance for a second reading to be passed to a third reading

AN ORDINANCE

Chapter 8

Garbage, Trash, and Refuse

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

SECTION 1. Chapter 8, Section 8-28 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended as follows:

1. In paragraph (d), delete the words "Litter shall be defined for the purposes of section (a)" and replace with " 'Litter' shall be defined for the purposes of this section";
2. In paragraph (e)(2) after the word "property" insert "within 100 feet of a residence";
3. In paragraph (f) delete the word "sections" and replace with "paragraphs";
4. In paragraph (f) add "trash enforcement officer, " after the word "The" and before "Building Commissioner";
5. In paragraph (f) delete the word "shall" after "Police Chief" and replace with "may";

6. In paragraph (g)(1) delete the words “section (f) the city” and replace with “paragraph (f) any of the officials listed in paragraph (f), along with other persons as may reasonably be required to provide sufficient aid, and after obtaining lawful authorization,”;
7. In paragraph (g)(2) add “,with or without the declaration of nuisance and notice provisions in paragraph (f),” after the word “enforced” and before the word “by”;
8. In paragraph (h), under the definition of *Nuisance*, delete the word “section” and replace with “paragraph”;
9. In paragraph (h), under the definition of *Owner*, add “or its agents” after the word “mortgagee”;
10. In paragraph (h), under the definition of *Property*, delete the word “of” and replace with “or”;
11. Insert “i)” before “Severability” in order to delineate a new paragraph.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**



November 5, 2014

The Honorable Mayor Thomas Hoye
President Andrew Marshall and Members of the City Council
City of Taunton
City Hall – Maxham School, 141 Oak Street
Taunton, MA 02780

Dear Mayor and City Councilors:


I am writing on behalf of the Taunton Area Chamber of Commerce members and Board of Directors to urge you to maintain the current commercial tax rate for businesses in the City of Taunton. The Taunton Area Chamber of Commerce is the leading business organization in the area representing over 500 member businesses.

The Taunton Area Chamber of Commerce supports fiscal policy that will reduce the overall tax burdens on business to encourage economic growth and investment. Continuing to maintain a lower tax rate will help attract new businesses, retain existing businesses, increases job opportunities, and ultimately raises additional business property tax revenue and create new jobs for the community.

If the current commercial tax rate is maintained, it shows Taunton as a pro-business community and one that encourages growth and profitability. With Myles Standish and Liberty and Union Industrial Parks almost at capacity, our focus should be helping the small business owners. There is still much work left to be done in downtown and maintaining a lower commercial tax rate will help attract the kind of businesses we would all like to see. If we work together to improve the business climate, we will strengthen the community.

On behalf of the Board of Directors and its members in Taunton, the Chamber urges you to consider maintaining the current commercial tax rate for businesses in 2015. We are more than happy to discuss this issue with you further and look forward to working with you to ensure the economic advancement in Taunton.

Sincerely,


Kerrie L. Babin
President

November 6, 2014

The Honorable Mayor Thomas Hoyer, Jr.
Council President A.J. Marshall
Members of the City Council
141 Oak Street
Taunton, MA 02780

Dear Mayor and City Councilors:

I am writing on behalf of the Taunton Business Improvement District Board of Directors and Members to respectfully request you to maintain the current commercial tax rate for businesses in the City. The Taunton Business Improvement District is comprised of over sixty Downtown property and business owners, with a mission of revitalizing our crucial Downtown Business District.

The BID supports measures that will reduce the overall tax burdens on business to encourage economic growth and investment in our community. Increasing the commercial tax rate will only serve to force businesses out of the community and discourage new business from starting here, given our surrounding towns and cities have lower commercial tax rates. We need to promote Taunton as pro-business, as this only stands to benefit the city as a whole. Our city has recently invested in infrastructure improvement and targeted revitalization projects, let's not counter effect those improvements with increasing the commercial tax burden on new and existing business.

Again, on behalf of the Business Improvement District Board of Directors and BID members, we urge you not to increase the commercial tax rate for businesses. We look forward to working with the Council to increase the economic growth in Downtown.

Sincerely,

Colleen Simmons
Taunton Business Improvement District



TAUNTON PLANNING BOARD

City Hall

15 Summer Street

Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 10, 2014

Honorable Thomas Hoye, Mayor
Members of the Municipal Council
141 Oak St., Maxham School
Taunton, Ma. 02780

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review – 350 ½ Winthrop Street

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of a Site Plan Review for property located at 350 ½ Winthrop Street, for the addition of Auto Sales at the Existing of Auto Repair facility, submitted by Leonard Shani, Leo's Auto Repair.

The next scheduled meeting for this petition will be on Tuesday, November 18, 2014 at 9:30 AM in the Taunton Planning Board Office, 15 Summer St., Annex Bldg., at which time the application shall be reviewed by the DIRB and again on Thursday, December 4, 2014 at 5:30 PM at Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma. at which this petition will be reviewed by the Planning Board.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

CITY OF TAUNTON

MASSACHUSETTS

WAYNE E. WALKDEN,
MCPPO, CBO
SUPERINTENDENT OF
BUILDINGS

DEPARTMENT OF PUBLIC BUILDINGS



2.

TEMPORARY
GOVERNMENT OFFICES
141 Oak Street
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019
Email: wwalkden@taunton-ma.gov

October 30, 2014

Honorable Mayor Thomas C. Hoye Jr.
Council President Andrew J. Marshall
And Members of the Municipal Council

Dear Mayor and Councilors:

At a regular meeting of the Municipal Council held on Tuesday, October 14, 2014, the Municipal Council motioned that I provide a list of City owned property in the vicinity of the Taunton Animal Shelter that would be suitable for the shelter to relocate.

Please be advised that I have reviewed the current listing of Public Buildings and property in that area and have determined that the City does not possess building space that could be easily converted for an Animal Shelter. The Shelter is currently on City land which may allow for expansion of the existing facility.

Before we look at any type of capital improvements for the Animal Shelter, typical program analysis should be done to determine the current and future needs of the facility. I have no documentation or communication from the operators of the facility expressing a need for expansion. Recent complaints made to a City Councilor about a lack of space need to be investigated further to understand whether this is a short term or long term issue. The operators should provide some communication to this office, explaining their current and long term issues. Other questions that come to mind: How much additional space is needed? Can we add to the existing space in its current location? Do we need to upgrade plumbing, electrical, heating, waste removal, and safety systems? Should we abandon the facility and simply build a new facility? Should the City look at regionalization? Once these questions are answered, I can provide further information to the Public Property Committee and recommendations on where we go from here.

Regards,

Wayne E. Walkden

Wayne E. Walkden
Superintendent of Buildings

Cc: Manny Massa

KOLDYS & KELLEHER P.C.

449A Faunce Corner Road

Dartmouth, MA 02747

Ph. (508) 998-0000

Fax (508) 998-0300

Gregory J. Koldys, Esq.*

Mary E. Kelleher, Esq.

Virginia C. Beams, Esq. of Counsel**

Jay L. Horowitz, Esq. of Counsel

Also Admitted To Practice In

*** Connecticut**

**** Florida**

CERTIFIED MAIL RRR and REGULAR MAIL

October 31, 2014

Fred Cornaglia, Commissioner
Department of Public Works
City of Taunton
90 Ingell Street
Taunton, MA 02780

Re: Notice of defect in sidewalk at 60 Weir Street

Dear Commissioner Cornaglia:

I represent Bobby's Place, Inc., and Robert Asack, Trustee of the Plain Street Realty Trust, the owner of property at 60-62 Weir Street in Taunton (the "Property").

Mr. Asack has informed me that the sidewalk fronting the Property has partially sunk creating a defect in the sidewalk and a dangerous condition for pedestrians. Mr. Asack is concerned about the safety of the patrons of Bobby's Place and the general public in walking over what appears to be an unsafe area of the sidewalk.

Mr. Asack further informs me that the City recently had substantial work performed in the area which may be the cause of the current condition of the sidewalk.

Please make arrangements for the immediately repair of this problem before someone suffers an injury.

Thank you for your prompt attention to this matter.

Very truly yours,

KOLDYS & KELLEHER P.C.



Gregory J. Koldys
GJK@kklawpc.com

GJK/gt

cc: By regular mail only:

Rose Marie Blackwell, City Clerk
City of Taunton
141 Oak Street
Taunton, MA 02780

Tom Hoye, Mayor
City of Taunton
141 Oak Street
Taunton, MA 02780

Jason D. Buffington, City Solicitor
City of Taunton
141 Oak Street
Taunton, MA 02780

2014 THANKSGIVING DRIVE

For the 14th consecutive year, Carmen Maldonado, Community Relations Facilitator for the Taunton Public Schools is collecting food, in order to assure a better Thanksgiving Day to many families of this great community.

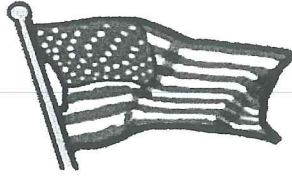
If you would like to sponsor* a family of a Taunton Public Schools student, please call 508-738-0289 or e-mail cmaldonado@tauntonschoools.org

Alternatively, you could bring non-perishable items to Ms. Maldonado's office:
PARKER MIDDLE SCHOOL
60 Williams St., Taunton, MA on or before
Monday, November 24th, 2014

Suggested Items:

- | | | | |
|----------|------------|----------------|-----------------|
| Turkey | Cake Mix | Fruit cans | Pie Mix |
| Stuffing | Seasonings | Vegetables | Cranberry Sauce |
| Potatoes | Gravy | Sweet Potatoes | Corn |

****TO SPONSOR A FAMILY: Supply all what a family would need for a Thanksgiving dinner (frozen turkey would be fine) and deliver it between 8:30 – 2:00 PM to the address listed above. Gift cards from local supermarkets are also accepted. Please leave your name and mailing address with your donation. Thank you!***



NOVEMBER 10, 2014

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

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TAUNTON, MA
CITY CLERK

PLEASE NOTE: *THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR **MONDAY, NOVEMBER 10, 2014 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 DISCUSS CANDIDATES FOR ASSESSOR POSITION AND TO MAKE A RECOMMENDATION TO THE FULL COUNCIL
 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**

- 6:00 P.M.** **THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**
1. SEWER EXTENSION HEARING

In accordance with Chapter 19-1 of the City of Taunton Ordinance and on the Petition of Eric Andrade and Linda Andrade of 565 North Street, Somerset, MA, a hearing will be held on Monday, November 10, 2014 at 6:00 p.m. in the Chester R. Martin Municipal Council Chambers, Temporary City Hall, 141 Oak Street, Taunton, MA for a proposed sewer extension on Summer Street.

The proposal is to install a 2" forced main beginning at 115 Summer Street, A.P. 66 Lot 221 and extending easterly to the existing 2" forced main in Summer Street.

There will be no betterment assessments since no City funding is involved.

Plans and specifications for the project can be viewed in the Office of the Department of Public Works, 90 Ingell Street, Taunton, MA.

2. SEWER EXTENSION HEARING

In accordance with Chapter 19-1 of the City of Taunton Ordinance and on the Petition of Taunton Development/Mass Development Corporation, a hearing will be held on Monday, November 10, 2014 at 6:00 p.m. in the Chester R. Martin Municipal Council Chambers, Temporary City Hall, 141 Oak Street, Taunton, MA for a proposed sewer extension to service the Dever Drive section of the Phase IV Expansion area of the Myles Standish Industrial Park.

The proposed sewer extension is intended to service a redevelopment of a portion of the former Dever School property located off of Bay Street in the Myles Standish Industrial Park. The wastewater collection system will service seven (7) proposed mixed office/industrial lots in addition to six (6) existing multi-residential dwellings adjacent to the subject property.

The proposed system will involve the construction of approximately 3,300 linear feet of 8 inch gravity sewer, 1,200 linear feet of 6 inch force main sewer and sewage pumping station to be located in part within the new Dever Drive roadway right of way and partially cross country within dedicated access and utility easements on the Dever property.

There will be no betterment assessments since no City funding is involved.

Plans and specifications for the project can be viewed in the Office of the Department of Public Works, 90 Ingell Street, Taunton, MA.

3. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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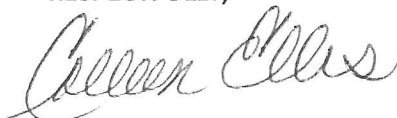
THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH THE CITY ASSESSORS FOR A DISCUSSION ON HOW REAL ESTATE PROPERTY VALUATIONS ARE DETERMINED.
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