



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

OCTOBER 13, 2015 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING:

On the petition submitted by Joseph H. Rose and Melinda Castle, 377 Tremont St., Taunton for an Earth Removal Permit for the removal of non-native materials (trash) located on the parcel of land on School Street, Pit No. 87, Assessor's Reference Map 47, Lot 204, Taunton in order to construct a residential dwelling.

- Com. from City Engineer submitting recommendation and conditions

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Animal Control Officer – Equipment purchase
- Pg. 2 Com. from Director, Human Services – Requesting to apply for a grant
- Pg. 3-5 Com. from City Solicitor – John F. Parker Golf Course – Water withdrawal permit application in connection with possible expansion
- Pg. 6-7 Com. from Kenneth Goulart, General Manager, TMLP – Double pole status within the Taunton City Limits as of September 30, 2015

COMMUNICATIONS FROM CITIZENS

PETITIONS

Claim

Claim submitted by John Masterson, 26 Tucker Terrace, Raynham requesting reimbursement for damages to his automobile from hitting a pothole on Old Colony Avenue near the River Bend Condominiums.

RECEIVED
CITY CLERK'S OFFICE
2015 OCT - 8 P 3:14
TAUNTON, MA
CITY CLERK

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

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

Chapter 12

Licenses and Miscellaneous Business Regulations

Article V HAWKERS AND PEDDLERS

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

SECTION 1. Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating Section 12-82 as follows:

Sec. 12-82 Regulation of Drop Boxes

A. Purpose:

The purpose of this ordinance is to promote the maintenance of outdoor “drop boxes” to protect the health, safety, and wellbeing of the community and to maintain the community in an aesthetically pleasing manner.

B. Definitions:

“Drop box” as used in this section shall mean any container or device used by the owner thereof for the purpose of the collection and temporary storage of any item, including but not limited to clothing, placed therein by a member of the public. Trash receptacles and dumpsters are not included in the definition of drop box for the purposes of this ordinance.

“Person” shall include natural person, corporation, limited liability company and any other legal entity.

C. Permit Required

The owner of any drop box must secure a permit. The permit will be valid for up to one calendar year beginning on January 1st of each year and expiring on December 31st of each year. The owner of the drop box must provide on the permit application the name, address and telephone number of the owner of the drop box. In addition, the application must contain the name, address and telephone number of the property owner. The application must be signed by both the owner of the box and the property owner. This ordinance may be enforced against the owner of the box, the property owner, or both. The owner of the drop box must notify the City Clerk of any changes in the information

provided on the permit application. The annual permit fee is \$25.00. The City Clerk shall be responsible for issuance of permits. The Zoning Enforcement Officer and/or the Trash Enforcement Officer shall be responsible for enforcing this ordinance.

D. Requirements:

- (1) The drop box shall be properly maintained in a clean and neat condition and in reasonably good repair at all times.
- (2) The drop box shall be emptied on a regular basis to prevent overflow, but in any event not less than once monthly.
- (3) Neither the owner of the drop box nor the property owner shall permit or suffer items to accumulate in the vicinity of the drop box.
- (4) The name, address and telephone number of the owner of the drop box shall be clearly indicated on the outside of the drop box.

E. Violation and Penalties

Operation of a drop box without a permit, or, failure to abide by any requirements of this ordinance, or, failure to keep the information provided on the permit application current, shall be a violation of this ordinance and grounds for revocation or denial of a permit. Any person in violation of this ordinance shall be punished by a fine of \$50. Each day a violation exists may be considered a separate violation. The United States of America, the Commonwealth of Massachusetts and its subdivisions are exempt from this ordinance.

In addition to the fine, a violation of this ordinance may be deemed to constitute a public nuisance. The city may, after reasonable notice to the owner of the drop box and property owner, enter the property and remove or cause to be removed the nuisance and destroy any drop box or personal property removed. The costs and charges incurred shall constitute a debt due to the City and may be enforced in an action of contract. Said fine, costs, and charges shall constitute local charges for the purposes of General Laws chapter 40 section 58.

The remedies provided herein are in addition to any other lawful remedy available to the City.

F. Severability

If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective on January 1, 2016.

NEW BUSINESS

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RM Blackwell". The signature is written in a cursive, flowing style.

Rose Marie Blackwell

City Clerk

EARTH REMOVAL PERMIT HEARING



CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

90 Ingell Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336

Mark B. Slusarz, P.E., City Engineer
msslusarz@taunton-ma.gov



August 18, 2015

Mayor Hoye, and the
Taunton Municipal Council
141 Oak Street
Taunton, MA 02780

Re: Earth Removal Permit, Pit No. 87 (Rose)

Dear Mayor Hoye, and Councilors;

The Earth Removal Board received an application for earth removal from Mr. Joseph Rose on July 7, 2015. The purpose of the permit is to remove non-native materials (trash) on the parcel of land on School Street, shown on the Assessors Map 47, Lot 204. The lot is small (5,000 sq. ft.), and the quantity of earth removal is correspondingly small (850 cu. Yds.) as well. It is anticipated that the duration of the work will not exceed one week.

The application was forwarded to the Safety Officer and the Planning Board for their comments.

A Subsurface Investigation was conducted by a *qualified Environmental Professional* (§312.10 of 40 CFR 312), and no hazardous materials were discovered.

The applicant filed a Notice of Intent with the Taunton Conservation Commission, and has received an Order of Conditions for the proposed work. There are no other permits required at this time.

The Earth Removal Board met with the applicant on site on August 18th, at which time the board voted to recommend approval of the application with the following conditions.

STANDARD CONDITIONS

1. That a three (3) year limit is allowed for the removal of materials and reclamation. If incomplete, an application for a new earth removal permit must be filed at least 6 months prior to expiration of this permit. An "As-built" plan must be filed with the new application to allow for proper inspection of the site and again upon completion of the work, prior to release of the bond;
2. That no disturbance of existing topography is allowed within 100 feet of the bordering vegetated wetlands, or within 200 feet of a river or perennial stream unless permitted in the Order of Conditions of the Taunton Conservation Commission or a superseding order by DEP;
3. That permission is granted to members of the Earth Removal Board to enter the site for observation purposes;

4. That permission is granted to City crews and/or to the City's contractor to enter the property through its driveway for the purpose of eliminating any nuisance caused by the grantee's violation of these conditions;
5. That dust control measures be employed at all times;
6. That the permit be subject to stop work orders, calling of the bond, or fines or any combination of the three for any violation of the above conditions. Any violation of the TCC or superseding Order of Conditions shall also constitute a violation of the conditions of this permit.
7. That any stump disposal on-site be by methods approved by the Board of Health.

ADDITIONAL CONDITIONS

1. Earth removal operations shall be limited to the hours between 7:00 AM and 7:00 PM, Monday thru Friday, excluding holidays*. No earth removal operations shall be conducted on Saturdays, Sundays or holidays.
2. Excavation shall be limited to non-native materials only.
3. Excavated materials shall be replaced by clean fill, brought to the original line and grade of the site. Excavated areas shall be backfilled as soon as practicable. There shall be no holes left open overnight.
4. No materials of any kind shall be brought on site except for clean fill, erosion controls, and finished landscaping.
5. Access to the site shall be via School Street north of the site.
6. There shall be no staging of materials or equipment on School Street or Freitas Avenue. The contractor may utilize Harrington Avenue (a paper street) for this purpose, but return the property to its original or better condition when finished.
7. The access drive shall be pitched away from School Street for a short distance, to prevent runoff from the site entering the City Street. The entrance drive shall have a stone cleaning area for the first 50 feet. This work shall be completed prior to any earth removal operations.
8. The applicant shall notify the Earth Removal Board at least 24 hrs. in advance of the commencement of earth removal operations.
9. A trench permit will be required.
10. A bond, in the amount of \$10,000 shall be posted for possible roadway repairs and cleanup, to be called in part or as a whole.

*Note: The following shall be considered "holidays" in the City of Taunton as that term is used in an Earth Removal Permit:

New Years Day
Martin Luther King Day
Presidents' Day (AKA Washington's Birthday)
Thanksgiving Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veterans Day
Patriots Day
Christmas Day

Sincerely,
City of Taunton



Mark B. Slusarz, P.E.
City Engineer

CC: Earth Removal Board
Attachments.



CITY OF TAUNTON

Office of Animal Control
821 West Water Street
Taunton, MA 02780
(508) 822-2150

Manuel D. Massa, A.C.O

To: Members of the City Council
From: Manuel Massa, Animal Control Officer
Date: October 5, 2015
Regarding: Equipment Replacement

Taunton Animal Control offers the City of Taunton a valued service. In order to do so we depend on our facility and equipment to be in good repair. I am looking for your aide in acquiring the funds needed to purchase a New Industrial Washer & Dryer. Cost of the equipment is \$6045.00

Manuel Massa



2.

City of Taunton
Department of Human Services

DEPARTMENT OF HUMAN SERVICES
30 OLNEY STREET
TAUNTON, MASSACHUSETTS 02780
Telephone (508) 821-1420
Fax (508) 821-1444

ANNE C. BISSON
DIRECTOR

COUNCIL ON AGING
30 OLNEY STREET
TAUNTON, MASSACHUSETTS 02780
Telephone (508) 821-1425
Fax (508) 821-1444

October 5, 2015

Mayor Thomas C. Hoye, Jr. and
Members of the City Council
Temporary City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye and Members of the City Council:

The Department of Human Services/Taunton Council on Aging has the opportunity to apply for a grant through the Executive Office of Elder Affairs/Service Incentive Grant Program. The proposal for the FY 16 Service Incentive Grant will include funding to employ a part-time Elder Community Crisis Intervention Team Coordinator to assist our office and the community with elder mental health crises and to provide elder mental health education opportunities.

At this time, I respectfully request your permission to apply for the above grant.

Sincerely,

Anne C. Bisson
Director



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1397



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

October 6, 2015

Estele C. Borges, Council President
Members of the Municipal Council
Temporary City Hall
141 Oak Street
Taunton, MA 02780

**RE: John F. Parker Golf Course – Water Withdrawal Permit
Application in Connection with Possible Expansion**

Dear Council President Borges and Members of the Municipal Council:

As you know, the City has contemplated for many years the possibility of expanding the city-owned John F. Parker Municipal Golf Course from nine to eighteen holes. In connection with the same, the City has recently applied with Mass DEP for a water withdrawal permit.

As part of that process, DEP regulations require that certain neighbors of the Golf Course receive a notice via certified mail. A copy of that notice, mailed to 156 property owners, is enclosed herewith, along with a copy of the required newspaper advertisement. Finally, I also enclose for your review a copy of the actual water withdrawal permit application. Thank you for your attention to this matter.

Very truly yours,


Jason D. Buffington, Esq.
City Solicitor

JDB/smv

Enclosures



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1397



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

October 9, 2015

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**RE: DEP – Water Management Act Program
Water Withdrawal Permit Application – 17 Fisher Street, Taunton, MA**

Dear Neighbor of the John F. Parker Municipal Golf Course:

As you may have heard, the City of Taunton is exploring the possibility of expanding the City-owned John F. Parker Golf Course from nine to eighteen holes. If that were to happen, a permit to withdraw water from the Three Mile River would have to be obtained from the Massachusetts Department of Environmental Protection.

In conjunction with the same, enclosed with this letter you will find a copy of the public notice that was published in the *Taunton Daily Gazette* on October 8, 2015. Pursuant to 310 CMR 36.23 (1)(c), primary and secondary abutters of the subject property where the proposed withdrawal point is located must be sent a copy of this notice via certified mail. A copy of the application may be reviewed in the City Clerk's office at 141 Oak Street in Taunton. Written comments on the granting of a permit may be submitted within 30 days of the publication date to the Chief Elected Official or the Local Water Resources Management Official at: Mayor of the City of Taunton; 141 Oak Street, Taunton, MA 02780.

Very truly yours,

Jason D. Buffington, Esq.
City Solicitor

DEP – Water Management Act Program
Water Withdrawal Permit Application

The City of Taunton has applied to the Commonwealth of Massachusetts – Department of Environmental Protection (DEP) – Water Management Act Program for a permit to withdraw 0.157 million gallons per day of water (an annual average) from the surface water of the Three Mile River in Taunton over twenty (20) years. The location of the withdrawal point is 17 Fisher Street Taunton, Massachusetts; for John F. Parker Municipal Golf Course.

A copy of this application is available for review on Monday-Thursday 8 a.m. – 4 p.m. at the office of the Mayor of the City of Taunton c/o City Clerk's Office, 141 Oak Street, Taunton, or the appointed Local Water Resources Management Official at DPW Office on Ingell Street.

Written comments on the granting of a DEP permit for this withdrawal are required to be filed within thirty (30) days of publication of this Public Notice. Written comments must be submitted to the Chief Elected Official or the Local Water Resources Management Official at: Mayor of the City of Taunton; 141 Oak Street Taunton, MA 02780.

Also, written comments can be filed within 30 days of publication to:

Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive, Route 105
Lakeville, MA 02347



Serving a Public Power Community

60

October 5, 2015

Ms. Rose Marie Blackwell
City Clerk
City of Taunton
City Hall
141 Oak St.
Taunton, MA 02780

Re: Double-Pole Status within the Taunton City Limits as of September 30, 2015

Ms. Blackwell,

This letter is in response to the request of the Taunton City Council on September 1, 2015 for Taunton Municipal Lighting Plant (TMLP) to review the Verizon double-pole letter dated August 19, 2015.

The attached document provides a summary, transfer status and respective party responsible for the transfer of double-poles as of September 30, 2015 (as compiled by TMLP).

In short, the responsible parties (Verizon, Comcast, TMLP) are now using a new database system (NJUNS) that greatly assists in the management of the double-poles. Coordination between the respective parties has improved. As you would expect, double-pole status changes on a daily basis but we are all working together to expedite the removal of double-poles.

Please let me know if you have any questions or need any additional information.

Very truly yours,

MUNICIPAL LIGHT COMMISSION
OF THE CITY OF TAUNTON

A handwritten signature in black ink that reads "Kenneth Goulart". The signature is written in a cursive, flowing style.

KENNETH GOULART
GENERAL MANAGER

dmt

Attachment

7.

TAUNTON MUNICIPAL LIGHTING PLANT

INTER-OFFICE COMMUNICATION

To: Kenneth Goulart
From: Craig Foley *CF*
Date: 10/1/2015
Subject: Double Pole Update

A status report regarding double-poles was last provided to you on June 26, 2015. Since then there have been a number of improvements in the notification of newly installed or re-set poles and how these respective facts are reported. Previously, poles were placed into a database system called Pole Lifecycle Management (PLM). The private utilities, i.e. Eversource, National Grid and Verizon, recently worked together with a different database company called National Joint Utilities Notification system (NJUNS). Consequently, TMLP joined NJUNS in early July. We have entered all new and re-set poles along with Verizon into this system. We have found the new system to provide much better communication between Verizon, Comcast and the TMLP.

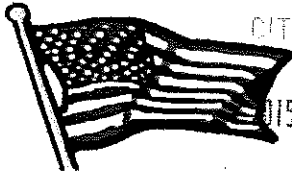
As of July 1st 2015, there have been 83 double poles removed. This is thanks to the new and improved process of sharing information. We now have a better view of all the double poles in Taunton or previously termed "known poles".

Below is the up-to-date total of double poles in Taunton:

- Total Open Tickets – 278
 - Total Open Tickets waiting on Comcast – 52
 - Total Open Tickets waiting on Verizon - 116
 - Total Open Tickets waiting on TMLP – 110
 - 34 are from Floral & Washington Streets (15 KV Conversion)
 - 21 are from Railroad Ave. (Major reconductoring)

TMLP and Verizon have over 14,500 poles in Taunton. The 278 double pole open tickets represent less than 2% of the total poles in Taunton. The life expectancy of a pole is approximately 30 years. To maintain all 14,500 poles we need to replace an average of 2 poles per day, so this information changes from day to day.

Please let me know if you need anything else, or have any questions or comments.



RECEIVED
CITY CLERK'S OFFICE

2015 OCT -8 P 2:31

TAUNTON, MA

CITY CLERK

OCTOBER 13, 2015

**HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT ESTELE BORGES
AND MEMBERS OF THE MUNICIPAL COUNCIL**

PLEASE NOTE: *THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, OCTOBER 13, 2015 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 AND DETECTIVE SMITH ON PETITION OF MICHAEL FLIBOTTE OF BUZZARDS BAY TO WITHDRAW FROM CLASS II LICENSE D/B/A RTE 44 TIRE SHACK, 585 RICHMOND STREET CURRENTLY HELD IN PARTNERSHIP WITH PATRICK E. FLIBOTTE AND THAT PATRICK E. FLIBOTTE BE THE SOLE OWNER OF ROUTE 44 TIRE SHACK LLC D/B/A RTE 44 TIRE SHACK.
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF SYLVIA HOLMES FOR RENEWAL OF SECOND HAND ARTICLE LICENSE D/B/A SHOP AT ERIKA'S, 52 FREMONT STREET, TAUNTON
3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF KEISHA AUGUSTE OF 242 WEIR STREET FOR RENEWAL OF SECOND HAND ARTICLE LICENSE FOR KBT (PREVIOUSLY BEAUTY PARTY & A CLOSET), 24 WEIR STREET

4. MEET WITH THE POLICE CHIEF, DETECTIVE SMITH AND DENNIS BORGES ON APPLICATION FOR CLASS II LICENSE FOR DENNIS BORGES, D/B/A BORGES AUTO CENTER, INC., 157 DEAN STREET, TAUNTON.
5. MEET WITH THE POLICE CHIEF FOR DISCUSSION OF NEW HIRES
6. MEET TO REVIEW MATTERS IN FILE
7. PUBLIC INPUT

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 TO REVIEW OPTION D FOR CITY HALL
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