



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

~
SEPTEMBER 10, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-2 Com. from Mayor Hoye – Requesting approval of a recommendation
- Pg. 3-5 Com. from City Solicitor – Recommending acceptance of MGL Ch. 39, Section 23D
- Pg. 6-8 Com. from Colleen Ellis, Office Services – Requesting to pay a prior year Bill
- Pg. 9 Com. from Deborah Almeida Araujo, Operations Christmas Coordinator, Citizens for Citizens – Requesting to conduct a traffic stop
- Pg. 10 Com. from Paul Allison, Taunton Fire Department MDA Chairman

PETITIONS

Sewer Extension Application

Petition submitted by John Keegan, SITEC, Inc. 449 Faunce Corner Road, Dartmouth on behalf of his client, Edward DeBrosse, to install a 2 inch force main from 10 Ingell Street, 480 feet southerly to a gravity sewer manhole at the intersection of High and Ingell Streets.

Transfer of Class II License Location Transfer

Petition submitted by Michael Barrows, Daniel Goldrick and Joseph Conlon of Northeast Auto Exchange, Inc. located at 577 Winthrop Street, Taunton requesting to transfer their license to a new location at 406 Tremont Street, Taunton.

RECEIVED
CITY CLERK'S OFFICE
2013 SEP - 6 A 10:33
TAUNTON, MA
CITY CLERK

Miscellaneous

Special Permit submitted by Steven J. Callahan, P.O. Box 329, Middleboro, MA requesting to construct a telecommunications tower on his property at 760 County Street, Taunton located in the Rural Residential District. **(Public Hearing Required)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**

1.

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

September 4, 2013

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

Council President McCaul & Members of the Municipal Council,

I received a request from the residents of 142 Whittenton St, specifically, for a child with special needs. I forwarded the request to Safety Officer Chris Williams, who came up with a simple remedy for the situation (see attached letter).

I respectfully request that the Municipal Council approves Officer Williams's recommendation here this evening and refers the matter to the DPW for sign placement.

Thank you for your consideration on this important matter.

Sincerely,



Thomas C. Hoye, Jr.
Mayor

2.

Memorandum

To: Chief Edward Walsh
CC: City of Taunton Municipal Council
From: Chris Williams
Date: 9/4/2013
Re: 142 Whittenton St.



The family residing at 142 Whittenton St. Taunton, Ma. has a student with specific needs requiring drop off and pick up by school transportation being able to access the front walkway. Frequently there are vehicles parked blocking this from occurring.

I am requesting Council consider my recommendation for a NO PARKING HERE TO CORNER sign be installed in front of 142 Whittenton St. This would alleviate the problem and merely require the taking of one parking spot as there is the standard twenty foot restriction from the corner of Washington St. and the location of a fire hydrant within. Additionally, the student's family occupies the entire residence and has made ample adjustments for off street parking in front of their house.

Should Council agree the sign would be located on the south side of Whittenton St. in front of 142 Whittenton St. 58' from the Washington St. intersection and I would coordinate this with the DPW.

Respectfully Submitted
Chris Williams



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

September 6, 2013

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

RE: Recommended Acceptance of Massachusetts General Laws, Chapter 39, Section 23D

Dear Mayor Hoye and Members of the Municipal Council:

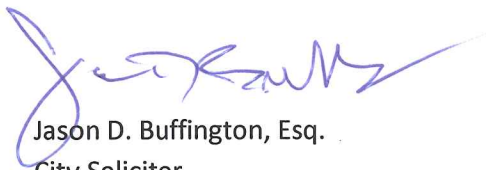
Very recently, a member of an elected city board sought guidance from this office asking whether or not he could vote on a matter at an upcoming meeting, when the public hearing had begun at a previous meeting that he had not been able to attend. The Law Department researched the matter and found that he could not vote.

For adjudicatory or quasi-judicial hearings (as opposed to administrative or legislative matters), the general rule is that all members of a board who are to join in a decision must have attended the hearing. Mullin v. Planning Board of Brewster, 17 Mass. App. Ct. 139 (1983). However, the Legislature in 2006 enacted G.L. c. 39, § 23D, which slightly changes this general rule. A copy of this statute is attached.

G.L. c. 39, § 23D is a local option statute. It provides that a member of any municipal board, when holding an adjudicatory hearing, shall not be disqualified from voting due solely to having missed no more than one session of the hearing at which evidence is received. Before taking such a vote, the member must certify in writing that he has examined all evidence missed, including audio or video recordings.

At my request, the City Clerk has researched her records and could find no record of the City having accepted this statute. It is my recommendation that the Municipal Council vote to accept G.L. c. 39, § 23D, and I respectfully request your consideration of the same.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason D. Buffington". The signature is stylized with a large initial "J" and a long, sweeping underline.

Jason D. Buffington, Esq.
City Solicitor



Effective: August 10, 2006

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

▣ Title VII. Cities, Towns and Districts (Ch. 39-49A)

▣ Chapter 39. Municipal Government (Refs & Annos)

→→ **§ 23D. Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification**

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

CREDIT(S)

Added by St.2006, c. 79, eff. Aug. 10, 2006.

HISTORICAL AND STATUTORY NOTES

2006 Legislation

St.2006, c. 79, was approved May 12, 2006, effective Aug. 10, 2006.

RESEARCH REFERENCES

Treatises and Practice Aids

18 Mass. Prac. Series § 8.2, Governmental Body Decision-Making.

Municipal Council
City of Taunton
MASSACHUSETTS

John M. McCaul
Council President

Colleen M. Ellis
Clerk of Council Committees

CITY HALL
(508) 821-1035
FAX: (508) 821-1338
E-MAIL: tauntoncouncil@tmlp.net



Councilors:

Daniel Mansour Barbour
Deborah A. Carr
Donald L. Cleary
Ryan C. Colton
Sherry Costa-Hanlon
Andrew J. Marshall
John M. McCaul
Alan F. Medeiros
David W. Pottier

August 29, 2013

Mayor Thomas Hoye
& Members of the Municipal Council
City Hall, 141 Oak Street
Taunton, MA 02780

Dear Mayor Hoye and Councilors:

I am requesting permission to pay a prior year bill for W.B. Mason in the amount of \$99.52 from Fiscal Year 2014 funds.

I was unaware that this bill was outstanding prior to my medical leave otherwise I would have placed it on the encumbrance list.

Thank you.

Sincerely,

Colleen M. Ellis
Office Services

COUNCIL ORDER TRANSFER REQUEST

7

DATE: 8-29-13

DEPARTMENT REQUESTING: Office Services

AMOUNT REQUESTING: \$99.52

REASON FOR REQUEST: Error Year

Please list below the account number/name for the requested transfer.
If requesting monies from AVAILABLE FUNDS check here: _____

TRANSFER FROM: 1-159-202-5421

NAME: Paper

BEGINNING BALANCE: \$ _____

AMOUNT: \$ 99.52

BALANCE REMAINING: \$ _____

TRANSFER TO: 1-159-204-5421

NAME: Paper

BEGINNING BALANCE: \$ _____

AMOUNT: \$ 99.52

NEW BALANCE: \$ _____

TRANSFER FROM: _____

NAME: _____

BEGINNING BALANCE: \$ _____

AMOUNT: \$ _____

BALANCE REMAINING: \$ _____

TRANSFER TO: _____

NAME: _____

BEGINNING BALANCE: \$ _____

AMOUNT: \$ _____

NEW BALANCE: \$ _____

DEPARTMENT HEAD SIGNATURE: Colleen Proctor

TITLE: Office Services

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



W.B. MASON CO., INC.
59 Centre St - Brockton, MA 02301
Address Service Requested

888-WB-MASON www.wbmason.com

*13M227711*H0*****SCH*3-DIGIT*028
TAUNTON CLERK OF COMMITTEES
15 SUMMER ST
TAUNTON, MA 02780-3408



Delivery Address	Invoice Number:	112144803
Taunton Clerk Of Committees	Customer Number:	C1110182
55 Weir St	Reference Number:	112144803
Taunton, MA 02780	Invoice Date:	06/21/2013
	Due Date:	07/21/2013
	Order Date:	06/20/2013
	Order Number:	S012270749
	Order Method:	PHONE
	Cost Center:	Taunton Clerk Of Commit

W.B. Mason Federal ID #: 04-2455641

Important Messages

Please send all remittance coupons with your payment to our REMITTANCE ADDRESS:

W.B. Mason Co., Inc.
PO BOX 981101
Boston, MA 02298-1101

ITEM NUMBER	DESCRIPTION	QTY ORDERED	QTY SHIPPED	U/M	UNIT PRICE	EXT PRICE
WBM21200	PAPER,XERO/DUP,WE,LTR,20#	4	4	CT	24.88	99.52

SUBTOTAL: 99.52
TAX & DEPOSITS TOTAL: 0.00
ORDER TOTAL: 99.52

To ensure proper credit, please detach and return below portion with your payment



W.B. MASON CO., INC.
59 Centre St - Brockton, MA 02301

Address Service Requested
888-WB-MASON

TAUNTON CLERK OF COMMITTEES
15 SUMMER ST
TAUNTON, MA 02780-3408

Remittance Section

Customer Number:	C1110182
Invoice Number:	112144803
Reference Number:	112144803
Invoice Date:	06/21/2013
Terms:	Net 30
Total Due:	\$99.52

Amount Enclosed \$ _____

W.B. MASON CO., INC.
PO BOX 981101
BOSTON, MA 02298-1101



C11101821121448031121448030000000099521

JAMES E. DOLIN
PRESIDENT

TAUNTON OFFICE

9

MARK A. SULLIVAN JR.
EXECUTIVE DIRECTOR

CITIZENS FOR CITIZENS

1 TAUNTON GREEN

DAVID A. BILTCLIFFE
ASSOCIATE DIRECTOR

TAUNTON, MASSACHUSETTS 02780

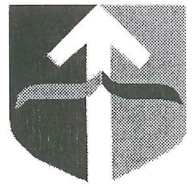
TEL: 508-823-6346 FAX: 508-823-6348

www.cfcinc.org

ELIZABETH M. BERUBE
ASSISTANT DIRECTOR

"An Equal Opportunity Employer"

DEBORAH ARAUJO
OFFICE MANAGER



September 5, 2013

Dear Mayor Hoye and City Council Members:

I hereby request permission to have a Traffic Stop to benefit Operation Christmas on Thursday, October 3, 2013. Firefighter Paul Allison and the Taunton Firefighters have graciously volunteered to coordinate this event. We ask anyone interested in volunteering to please contact Debbie Almeida Araujo @ Citizens For Citizens, Inc. 508-823-6346.

Anyone wishing to make donations prior to the event are welcomed to stop by our offices at One Taunton Green, Monday - Friday between the hours of 9-5.

Thank you for your consideration in the matter. We certainly appreciate the past support we have always received for Operation Christmas from both the Mayor and the City Council.

Sincerely,

Deborah Almeida Araujo
Operation Christmas Coordinator

CITIZENS FOR CITIZENS, INC.

508-679-0041

264 GRIFFIN STREET, FALL RIVER, MASSACHUSETTS 02724

10

3 September 2013

Dear Mayor Hoye and Taunton Municipal Council;

Unfortunately, The Taunton Firefighters had to cancel our Fill the Boot Collection on Labor day due to the threat of inclement weather.

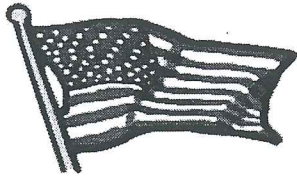
We would like permission to try it again on Sunday September 29th from 8am-4pm.

Thank you,

Paul Allison

Taunton Fire Dept

MDA Chairman



RECEIVED
CITY CLERK'S OFFICE
2013 SEP -6 A 9:37
TAUNTON, MA
CITY CLERK

SEPTEMBER 10, 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, SEPTEMBER 10, 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*

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 ORDINANCES AND ENROLLED BILLS

1. MEET TO DISCUSS SAFETY OFFICER'S REPORT REGARDING HIS INVESTIGATION OF THE SECTION OF BAY STREET NEAR THE DAM, HEADING TOWARD THE CITY TO DETERMINE IF "NO PARKING" SIGNS ARE NEEDED.
2. MEET WITH THE ASSISTANT CITY SOLICITOR TO REVIEW DRAFT ORDINANCE FOR STOP SIGN AT BRIGGS AND COHANNET STREETS
3. MEET WITH THE ASSISTANT CITY SOLICITOR TO REVIEW DRAFT ORDINANCE FOR NO PARKING SIGNS ON MONICA STREET
4. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS THE SURPLUS EQUIPMENT ORDINANCE
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*

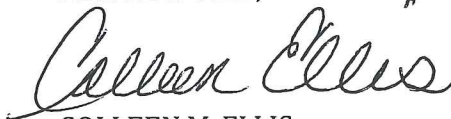
THE COMMITTEE ON POLICE AND LICENSE

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR APPOINTMENT AS CONSTABLE OF TEX HOLLOWAY, 237 MILTON ST., FALL RIVER – RENEWAL
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF KATHLEEN CAMPANIRIO, 110 NORTH WALKER STREET D/B/A K & L AUTO SALES, 78-80 COHANNET STREET TO TRANSFER CLASS II LICENSE TO FREDERICK KINGSLEY, 4 NORTHWAY, TAUNTON D/B/A K & L AUTO SALES AT 78-80 COHANNET STREET
3. MEET WITH THE POLICE CHIEF ON THE FOLLOWING PETITIONS FOR NEW SECOND HAND ARTICLE LICENSES:
 - A. SYLVIA HOLMES, 52 FREMONT ST., D/B/A SHOP AT ERIKAS, 52 FREMONT STREET.
 - B. JOHN ANDERSON FOR RECORD TOWN, INC. D/B/A FYE #1594, 2 GALLERIA MALL DRIVE, SUITE 104
4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF BILLIARD TABLE LICENSES:
 - A. TAUNTON EAGLES SOCCER CLUB, 29 OAK ST., - ONE TABLE
 - B. ITALIAN SOCIAL CLUB OF TAUNTON, 2 COLUMBUS BOULEVARD – ONE TABLE
5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF TEMPORARY FIXED VENDOR LICENSES:
 - A. HUMBERTO PEREIRA, 152 GRINNELL ST., FALL RIVER D/B/A TOP QUALITY SEAFOOD, 3 CAPE ROAD (GLOBE LIQUORS)
 - B. JOE SILVA, 316 MIDDLEBORO AVE., D/B/A JOE'S FRESH SEAFOOD, 255 CAPE HIGHWAY (PARKING LOT OF FARMERS MARKET)
6. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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RESPECTFULLY,



COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES