

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

~
SEPTEMBER 17, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

- Presentation by Dennis Proulx – POW/MIA Vigil

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1- 4 Com. from City Solicitor – Mayor’s City Charter Advisory Committee
- Pg. 5 Com. from Executive Director, Board of Health – Earth Removal Permit and Pesticide Use
- Pg. 6 Com. from Conservation Agent – Use of pesticides on cranberry bogs
- Pg. 7 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 8 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 9 Com. from City Engineer – Responding regarding a tree at 140 Somerset Avenue
- Pg. 10-11 Com. from Assistant Superintendent for Finance and Operations – Requesting to declare equipment as surplus
- Pg. 12 Com. from City Planner – Master Plan information

RECEIVED
CITY CLERK'S OFFICE
2013 SEP 13 1 A 10:40
TAUNTON, MA
CITY CLERK

PETITIONS

Second Hand Article License

Petition submitted by David Mersten requesting a **NEW** Second Hand Article License for EcoATM, Inc. to have a vending style machine that collects used small electronic equipment and pays cash for the equipment to be located in the Silver City Galleria, 2 Galleria Mall Drive, Taunton. (**SECOND MACHINE #2**)

Temporary Fixed Vendor License

Petition submitted by Gregory F. Rico requesting a **RENEWAL** of his Temporary Fixed Vendor License for Rico's Grille located at 447 Broadway, Taunton to sell hot dogs, foods, cold beverages.

Claim

Claim submitted by Dukins Venord, 120 Eldridge Street, Apt. 3, Taunton seeking reimbursement for damages to his automobile due to damages resulting from construction work on the entire length of Eldridge Street.

Rezoning Petition

Petition submitted by Attorney David Gay on behalf of his clients Steven Koss, Trustee of the Koss Realty Trust and Sally Koss requesting to rezone Assessors Map 55, Lots 756, 757, and 758 which is currently Urban Residential Zone as the petitioners would like to be able to utilize the land that abuts the railroad in a manner consistent with the requirements of the Transit Oriented Development District Zone. (**Public Hearing Required**)

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

- Resolution authorizing the execution and delivery of a master lease agreement of a fire truck.

NEW BUSINESS

Respectfully submitted,



Rose Marie Blackwell
City Clerk



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 12, 2013

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

RE: Mayor's City Charter Advisory Committee

Dear President McCaul and Members of the Municipal Council:

I wanted to take the time to inform you and members of the public at large that the Mayor's City Charter Advisory Committee has begun meeting actively and regularly. The purpose of the committee is to study the existing city charter, the charters of other cities, to investigate other possible forms of a city charter, and to make recommendations to the Mayor as to what changes to the existing charter, if any, should be recommended to the Municipal Council, the state Legislature, and eventually, the people of the City of Taunton.

It is fair to say that the discussion thus far has been lively, spirited, and engaged. Much tedious work goes into this effort, and members of the committee have appeared at meetings fully prepared for each session. Besides me, the members of the Committee are as follows:

- Josephine B. Almeida, Taunton School Committee
- Hon. Joseph L. Amaral, Former Mayor of Taunton and Former Register of Deeds for Northern Bristol County
- Sherry Costa-Hanlon, Esq., Taunton Municipal Council
- Orlando F. de Abreu, Esq., Former City Solicitor
- David T. Gay, Esq., Former City Solicitor
- Kevin C. Martin, Former Municipal Councilor
- William Tranter, Chairman, Board of Registrars of Voters

We have compiled a list of topics that will be reviewed and discussed by the Committee. Among these topics are as follows:

1. Executive Branch
 - Elected or appointed?
 - Term of office
 - Powers and Duties
 - Method of Filling Vacancies

2. Legislative Branch
 - Manner of Election
 - At-large
 - District/Ward
 - Combination of At-Large and District/Ward
 - Number of Seats
 - Term of Office
 - Powers and Duties
 - Frequency of Meetings
 - Quorum/Number of Votes Needed for Passage of Measures
 - Presiding Officer
 - Method of Filling Vacancies

3. Compensation of Executive and Legislative Officers

4. Clear Delineation of Powers and Duties of Executive & Legislative Branches

5. Appointing Authority of Police Officers and Firefighters
 - Executive Branch/Legislative Branch/Chiefs of Department

6. Appointing Authority for City Department Heads and other Employees
 - Executive Branch
 - Legislative Branch

7. School Committee
 - Manner of Election
 - At-Large
 - District/Ward
 - Combination of At-Large and District/Ward
 - Number of Seats
 - Term of Office
 - Method of Filling Vacancies

8. Planning Board and Zoning Board of Appeals

- Appointed or Elected?
- Appointed
 - Appointing Authority and Procedure
 - Terms of Office
 - Minimum Qualifications
- Elected
 - Manner of Election
 - At-Large
 - District/Ward
 - Combination of At-Large and District/Ward
 - Number of Seats
 - Term of Office
 - Method of Filing Vacancies

9. TMLP Commission

10. Board of Health

11. Recall of Elected Officials

12. Term Limits?

13. Election Issues

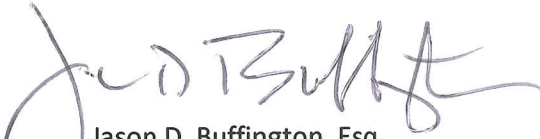
- Ability of a Person to Run for/Hold Multiple Elected Offices
- Scheduling of Preliminary Elections
- Nomination papers
- Number of signatures required to be nominated

There are many other topics that will be discussed by the Committee to be sure. The purpose of this letter is two-fold: (1) to make you aware that the Committee has been meeting and to inform you of the topics under discussion, but also (2) to invite you and indeed everyone in Taunton to submit ideas, comments, and suggestions to the Committee about any of the above topics or about any other topic relating to the governmental structure of our City.

We fully welcome any and all input that can assist us in producing a quality final product. To that end, the Committee has established its own page on the City's website. With the assistance of IT Technical Specialist Matt Burns, we were even able to create a mechanism whereby citizens can submit input electronically that will automatically be emailed to all eight members of the Committee.

On behalf of the entire Committee, I thank you for the opportunity to provide this update. We look forward to completing our task at hand, and we respectfully invite you, and all members of the public, to submit your ideas and suggestions to the Committee at your earliest opportunity.

Very truly yours,



Jason D. Buffington, Esq.
City Solicitor



City of Taunton

Board of Health

45 School Street
Massachusetts 02780-3212

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BOARD MEMBERS
DR. BRUCE E. BODNER
DR. C. NASON BURDEN
DR. JOSEPH F. NATES

HEATHER L. GALLANT, MPH, RS, CHO
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

September 12, 2013

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

RE: Earth Removal Permit and Pesticide Use

Dear Mayor Hoye and Members of the Municipal Council:

This office is in receipt of the communication from the Municipal Council, dated September 9, 2013, regarding an Earth Removal Permit and pesticide use within the City. Pesticide use is regulated by the United States Environmental Protection Agency (EPA) at a Federal Level and by the Massachusetts Department of Agricultural Resources (DAR) at a State Level. The DAR is also the permitting body for pesticide applicators.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) dictates that pesticide use is to be regulated at a State level, or in the case of Massachusetts, by the DAR. Also, the Massachusetts General Law (132B) pertaining to the State Regulation of Pesticide use dictates that the State is the regulating body within Massachusetts in reference to pesticide use.

Sincerely,

Heather L. Gallant, MPH, RS, CHO
Executive Director



City of Taunton, Massachusetts
**DEPARTMENT OF
PLANNING AND CONSERVATION**

*15 Summer Street
Taunton, Massachusetts 02780*

*Kevin R Scanlon, Director/ Planner AICP
Michele Restino, Conservation Agent*

*Phone 508-821-1051
Phone 508-821-1095
Fax 508-821-1665*

September 10, 2013

Honorable Thomas Hoye, Mayor
Members of the Municipal Council
15 Summer Street
Taunton, MA 02780

RE: Use of pesticides on Cranberry Bogs

Dear Mayor Hoye and Members of the Municipal Council,

The use of pesticides in farm applications such as cranberry bogs is regulated at the federal and state level. Under current Massachusetts law, municipalities have little control on the regulation of pesticides.

The USDA, EPA, and Mass Department of Agricultural Resources are the agencies generally in charge of these issues. For further information on the use and regulation of pesticides in Massachusetts see: Massachusetts Pesticide Control Act MGL Chapter 132B.

Federally see: Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Federal Food, Drug, and Cosmetic Act (FFDCA), Food Quality Protection Act of 1996 (FQPA), and the Endangered Species Act of 1973 (ESA).

Respectfully,


Michele Restino
Conservation Agent



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

September 12, 2013

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: Form J – 40, 46 & 56 County St. - Silvia

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board received a Form J Plan – Waiver of Frontage Requirements – for property located at 40, 46 & 56 County Street – to allow the re-configuration of 3 lots into 4 lots, submitted by David & Judith Silvia, 40 County Street, Taunton, Ma.

The Planning Board has scheduled a public hearing on this proposal on **Thursday, October 3, 2013 at 5:30 PM** at Maxham School, 141 Oak St., Taunton, Ma.

Respectfully yours,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1665

September 10, 2013

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 - 19 Kilton Street

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board received a Site Plan Review application for property located at 19 Kilton Street for a change in the number of parking spaces, submitted by **Beta Community Partnership**.

The Planning Board has scheduled a public meeting on this proposal on **Thursday, October 3, 2013 at 5:30 PM** at Maxham School, 141 Oak St., Taunton, Ma.

Respectfully yours,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

9.



CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

90 Ingell Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336, coteng@tmlp.net



Mark B. Slusarz, P.E.
City Engineer

September 10, 2013

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

Re: Tree at 140 Somerset Avenue

Dear Mayor Hoye, and Councilors;

At the request of Mayor Hoye, I visited the site of the large tree in front of no. 140 Somerset Avenue. A review of our records indicates the layout of the roadway extends to the back of sidewalk in this area. The tree in question protrudes into the sidewalk approximately 18 inches, but the majority of the tree, including the main trunk are located on private land. The crown of the tree extends over both travel lanes of Somerset Avenue.

Sincerely,
City of Taunton

Mark B. Slusarz, P.E.
City Engineer



TAUNTON PUBLIC SCHOOLS

Business Office
215 Harris Street
Taunton, Massachusetts 02780
Tel. (508) 821-1100
Fax (508) 821-1274

Julie Hackett, Ed.D.
Superintendent of Schools

Dr. Christopher Scully
Assistant Superintendent

John J. Cabral
Assistant Superintendent for
Finance and Operations

Academic excellence for every student, in every classroom, in every school.

MEMORANDUM

TO: Department Heads

FROM: John J. Cabral, Assistant Superintendent for Finance & Operations

DATE: September 6, 2013

RE: Surplus Industrial Technology Equipment

The attached list of items have been declared surplus by the Taunton School Committee. If you are interested in the items please contact me at 508-821-1216.

Thank you.

JJC/alz

cc: Darla Hartung, Industrial Technology



TAUNTON PUBLIC SCHOOLS

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215 Harris Street
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Julie Hackett, Ed.D.
Superintendent of Schools

Dr. Christopher Scully
Assistant Superintendent

John J. Cabral
Assistant Superintendent for
Finance and Operations

Academic excellence for every student, in every classroom, in every school.

MEMORANDUM

TO: Taunton School Committee

FROM: John J. Cabral, Assistant Superintendent for Finance & Operations

DATE: September 4, 2013

RE: Graphics Offset Printers

Request to have the below list of equipment declared surplus:

<u>Item</u>	<u>Condition</u>	<u>Quantity</u>
Offset printer model # 111105A-002 Serial #: 14033	Fair	1
Offset printer model #: Ryobi 3200CD Serial #: 4972.	Fair	1

Thank you.

JJC/alz

cc: Darla Hartung



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City of Taunton, Massachusetts
**DEPARTMENT OF
PLANNING AND CONSERVATION**

*15 Summer Street
Taunton, Massachusetts 02780*

*Kevin R Scanlon, Director/ Planner AICP
Michele Restino, Conservation Agent*

*Phone 508-821-1051, 508-821-1043
Phone 508-821-1095 Fax 508-821-1665
www.ci.taunton.ma.us*

September 12, 2013

Honorable Thomas C Hoye Jr, Mayor
Municipal Council
141 Oak Street
Taunton, Ma 02780

RE: Master Plan

Dear Mayor Hoye and Members of the Municipal Council,


At the September 3, 2013 meeting of the Municipal Council, I was requested to provide an update on the Master Plan. In looking at the minutes of the meeting and the origins of this request, there was some discussion on grants and the ability to file for grants.

The City did receive a grant to complete the Open Space and Recreation Plan which is now expired. This plan is required in order to file for a variety of grants from the state. The update is being coordinated by the Office of Economic and Community Development and is in the process of being completed.

The Master Plan has no funding of any kind at this point. Rough estimates I have obtained have indicated the completion cost for a new Master Plan will be over \$100,000. The lack of a current Master Plan is factored into the scores given to grant applications but in no way prevents the City from applying for any grants.

If you have any additional questions, please contact me at 508-821-1051.

Sincerely,


Kevin R Scanlon,
Director AICP



RECEIVED
CITY CLERK'S OFFICE

2013 SEP 13 A 9:46

TAUNTON, MA

CITY CLERK

SEPTEMBER 17, 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 17, 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 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

6:00 P.M.

THE COMMITTEE ON DISABILITIES (ADA)

1. MEET TO DISCUSS ISSUE OF POLES BEING PLACED ON SIDEWALKS LEAVING NO SPACE FOR WHEELCHAIRS TO MANEUVER.
2. MEET TO DISCUSS ISSUE OF HANDICAPPED FINES, AMOUNT IN ACCOUNT, HOW FUNDS ARE UTILIZED, AND WHETHER THE CITY ORDINANCE IS IN LINE WITH MA. GENERAL LAW
3. MEET TO DISCUSS THE POSSIBILITY OF DEVELOPING A SYSTEM OF ACCOUNTABILITY IN REGARDS TO HANDICAPPED PARKING ON PRIVATE PROPERTIES
4. MEET TO DISCUSS ISSUES REGARDING APS SYSTEMS, UPGRADES, TIME FACTOR FOR REPAIRS OF PEDESTRIAN LIGHTS/TRAFFIC LIGHTS.

5. MEET TO DISCUSS SIDEWALK/CURB CUT REPAIRS – CITY VS. STATE PROJECTS, AND THE PROCEDURE FOR REQUEST FOR SPECIFIC REPAIRS.
6. MEET TO DISCUSS PROCEDURE FOR REMOVING/INSTALLING PEDESTRIAN LIGHTS.
7. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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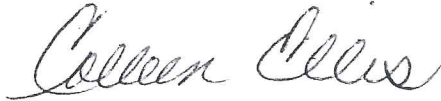
THE COMMITTEE ON POLICE AND LICENSE

1. MEET TO INTERVIEW POLICE CANDIDATE
2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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RESPECTFULLY,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES