

OCTOBER 26, 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 FÖR MONDAY, OCTOBER 26, 2015 AT 5:00 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

5:00 P.M. - 7:00 P.M.

THE COMMITTEE ON POLICE AND LICENSE

- 1. MEET TO INTERVIEW POLICE CANDIDATES
- 2. MEET TO REVIEW MATTERS IN FILE
- 3. 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

RESPECTFULLY,

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES



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

OCTOBER 27, 2015 - 7:00 PM

INVOCATION ROLL CALL RECORDS

HEARING:

On the petition of Ginsberg Taunton Properties, LLC (NOTE: owner of land will change during a future hearing to 555 Constitution LLC) represented by William Baird, President, WEB Engineering Associates, Inc., 104 Longwater Drive, Norwell, MA for the storage of the following:

Total of 750,000 gallons of indoor petroleum storage and a total of 350,000 gallons of outdoor petroleum storage at the location of 555 Constitution Drive, Taunton.

• Com. from Conservation Agent – Submitting recommendation

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

- Appointment of poll workers (Separate Packet)
- Reappointment of Marilyn Greene, Parks, Cemeteries, and Public Grounds Commissioner for a term of three (3) years expiring October 2018.
- Re-Appointment of William Manganiello, 100 Princess Kate Circle, Taunton to the Taunton Airport Commission for a term of three (3) years expiring October 2018.

COMMUNICATIONS FROM CITY OFFICERS

Pg. 1 Com. from City Clerk - Requesting approval of Disclosure Forms
(Separate Packet)

Pg. 2-4 Com. from City Solicitor – Barbara Burgo v. Taunton Municipal Council and City of Taunton Massachusetts Commission Against Discrimination

Pg. 5 Com. from City Auditor – Appointment of Assistant City Auditor

Pg. 6	Com. from Chairman, Taunton Planning Board – Notifying of a Site Plan Review
Pg. 7	Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
Pg. 8	Com. from Chairman, Taunton Planning Board – Notifying of a Site Plan Review
Pg. 9	Com. from Kevin Duquette, Environmental Compliance Officer, Board of Health – Responding to odor complaints
Pg. 10	Com. from Assessor – Submitting anticipated timeline for Tax Classification Hearing

COMMUNICATIONS FROM CITIZENS

Pg. 11 Com. from Alberto Rivas – Spanish-Speaking Police Officer

PETITIONS

Class II Name Change

Petition submitted by Nafez Salem, 5 Tyler Ct., Warren, RI requesting a change of his Class II license from Walt's Auto Specialty, Inc. to Walt's Auto Specialty, Inc. –DBA Walt's Motors located at 287-289 Broadway, Taunton.

Fortune Teller License

Petition submitted by Bissie Mitchell, 262 Taunton Ave., Seekonk requesting a RENEWAL of her Fortune Teller License –DBA- Sonia's Palm Reading located at 396 Winthrop St., Taunton.

Claim

Claim submitted by Katherine Beether, 16 Powderhorn Dr., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Crane Avenue South between Forge Drive and Checkerberry Lane.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,

Rose Marie Blackwell

City Clerk

HEARING



City of Taunton, Massachusetts
CONSERVATION
COMMISSION

15 Summer Street
Annex Building
Taunton, Massachusetts 02780

Phone 508-821-1095 Fax 508-821-1665

Conservation Commissioners

Steven Turner, Chair Neil Kelly. Vice Chair Debbie Botellio Renwick Chapman, PE Ernest Enos Luis Freitas Marla Isaac

August 21, 2015

Robert Campbell, Chair Members of Taunton Planning Board 15 Summer Street Taunton, MA 02780

RE: Special Permit – 555 Constitution Drive. Petroleum Products Storage

Dear Mr. Campbell and Members of the Taunton Planning Board,

This lot does not fall within a wetlands buffer zone and is therefore outside Conservation jurisdiction. There are no conservation issues regarding this request as long as groundwater is protected through current hazardous materials regulations.

If you have any questions, please call me or email me at mrestino@taunton-ma.gov.

Sincerely,

Michele Restino

Conservation Agent

APPOINTMENT



CITY OF TAUNTON

MASSACHUSETTS

PARKS, CEMETERIES & PUBLIC GROUNDS

Marilyn A. Greene
Commissioner

170 Harris Street
Taunton, MA 02780
(508) 821-1415
FAX (508) 821-1065
E-mail:
mgreene@taunton-ma.gov

October 20, 2015

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

Dear Mayor Hoye and Council Members:

The Parks, Cemeteries & Public Grounds Commission is pleased to notify you that it has voted to re-appoint Marilyn A. Greene as Commissioner of Parks, Cemeteries & Public Grounds for a term of three years.

This re-appointment is subject to the approval of the Mayor and Municipal Council. We are confident she will continue to serve the Department in an efficient and professional manner.

Sincerely,

Lawrence E. Newman, Chairman

City of Taunton Office of the Mayor

Thomas C. Hoye, Jr. Mayor

Alyssa Haggerty Chief of Staff

Gill E. Enos Budget Director



141 Oak Street Temporary City Hall Taunton, MA 02780 Tel. (508) 821-1000 Fax (508) 821-1005

October 13, 2015

Council President Estele Borges Members of the Taunton Municipal Council 141 Oak Street Taunton, MA 02780

Dear Council President Borges:

Please be advised that I am re-appointing William Manganiello of 100 Princess Kate Circle, Taunton, MA to the Taunton Airport Commission for a term of (3) years. His term will expire October 2018.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

Thomas C. Hoye, Jr.

Mayor



City Clerk's Office

City of Taunton

Temporary City Hall 141 Oak Street Massachusetts 02780, U.S.A. Telephone 508–821–1024 Fax 508–821–1098 Cityclerk@tmlp.net

Rose Marie Blackwell City Clerk Jennifer L. Leger Assistant City Clerk

October 23, 2015

Mayor Thomas C. Hoye, Jr. Council President Estele Borges members of the Municipal Council

Dear Mayor Hoye, Council President Borges and Members of the Municipal Council:

In accordance with Massachusetts General Law Chapter 268A, Section 20B of the Conflict of Interest Law, a full-time Municipal Employee who participates in working as a closer for the 2015 City Election must file a Disclosure Form with their Municipality and said form must be approved by the Municipal Council.

A public posting was advertised on the City's Job Opportunity Board and the City's website. We received a number of candidates that we have hired for these positions. However, once we exhausted the list, we were still in need of individuals and therefore, hired ten (10) City employees.

Enclosed, please find ten (10) completed MGL c. 268A, Section 20B Disclosure Forms for your approval.

Sincerely,

Rose Marie Blackwell

City Clerk

Enclosures



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780 Phone (508) 821-1036 Facsimile (508) 821-1397

Thomas C. Hoye, Jr.



Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu ASST. CITY SOLICITOR

October 21, 2015

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

RE: Barbara Burgo v. Taunton Municipal Council and City of Taunton

Massachusetts Commission Against Discrimination, Docket No. 11NPA02813

Dear Mayor Hoye and Members of the Municipal Council:

As you will recall, I have written to you each of the previous two times that the City has prevailed in this case. Following the *second* finding of Lack of Probable Cause, the Complainant again appealed, and the Commission decided to *sua sponte* amend the complaint to include an additional claim against the City that the Complainant herself did not allege.

The Law Department then decided it was in the City's legal interest to expend the time and resources to take the Complainant's deposition. Following this nearly day-long deposition, we transmitted the transcript of the deposition to the Commission.

The investigating commissioner has reviewed this additional evidence and has concluded that the last remaining claim against the City "is not sustainable on the merits." Accordingly, the City has prevailed on this case for a *third* time. Enclosed herewith you will find the MCAD's Order dismissing the Complainant's case.

Very truly yours,

Jason D. Buffington, Esq.

City Solicitor

COMMONWEALTH OF MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

, , , , , , , , , , , , , , , , , , , ,		
Barbara Burgo, Complainant,	ý ,)	
v)	MCAD Docket No. 11NPA02813
City of Taunton, Respondent))	

ORDER

WHEREAS, Barbara Burgo ("Complainant") filed a Complaint against City of Taunton ("Respondent") on October 26, 2011, alleging discrimination in public accommodation on the basis of sex, race, and color in violation of M.G.L. c. 272, §98, the Commission hereby makes the following findings and issues the following Order.

- (1) The Complaint was duly investigated in accordance with the Commission's practices and procedures.
- (2) On May 20, 2012, a Finding of Lack of Probable Cause was issued to the Complaint. Complainant appealed the determination. On September 26, 2012, the Complaint was remanded for further investigation.
- (3) On December 31, 2012, the Commission again issued a Finding of Lack of Probable Cause. On January 25, 2013, Complainant appealed the determination.
- (4) On May 10, 2013, the Commission sua sponte amended the Complaint to include a claim of retaliation in violation of G.L. c. 272, §98A, and issued a Finding of Split Decision. The decision affirmed the Finding of Lack of Probable Cause as to race and sex discrimination. The decision issued a Finding of Probable Cause as to the narrow question of whether Respondent retaliated against Complainant for having engaged in conduct protected by G.L. c. 272 when she was not permitted to speak at an October 25, 2011 City Council meeting.
- (5) After the matter failed to settle at conciliation, Respondent took Complainant's deposition on January 16, 2014.
- (6) Complainant's testimony admits that, while she submitted a letter to the City Clerk dated October 21, 2015, which she wished to be put on the agenda for

the meeting, she did not request in writing to speak at the City Council meeting on October 25, 2011.

- (7) Complainant's testimony further indicates that, in order for a member of the public to speak at a City Council meeting, procedural rules require that a City Council member make a motion that the person be allowed to speak, and that the motion must be seconded.
- (8) While Complainant alleges that she asked a City Council member to make such motion, and that the City Council member declined to do so, Complainant admitted in her deposition that she did not ask any other City Council member to make such motion. Further, no evidence was found that the City Council member's refusal to make such motion was motivated by retaliatory animus for Complainant's exercise of her rights under G.L. c. 272.
- (9) Pursuant to 804 CMR 1.15(5), the Investigating Commissioner may administratively close a claim if the public interest so requires.
- (10) As evidence developed after the Finding of Split Decision indicates that Complainant's claim for discrimination in public accommodation on the basis of retaliation is not sustainable on the merits, the public interest requires that the claim be closed.
- (11) For the reasons set forth above, I hereby determine that the Complaint should be closed pursuant to 804 CMR 1.15(5).

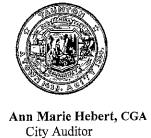
THEREFORE, the Commission hereby orders that the case be DISMISSED.

So Ordered this

day of October, 2015.

Sunila Thomas-George

Investigating Commissioner



CITY OF TAUNTON AUDITOR'S OFFICE

141 Oak Street

Taunton, Massachusetts 02780 (508) 821-1012 Fax (508) 821-1088

October 20, 2015

Mayor Thomas Hoye, and Members of the Municipal Council City of Taunton Taunton, MA 02780

Dear Mayor and Councilors:

Please be advised that I am appointing Ian D. Fortes to the position of Assistant City Auditor. The appointment will officially begin upon confirmation of the City Council, and upon satisfactory completion of the required physical and CORI.

Mr. Fortes graduated from Bridgewater State University with a Bachelor of Science degree in Accounting and Finance with a concentration in Accounting. Mr. Fortes works at CVS Pharmacy, where he has worked since July 2000, where he is a Shift Supervisor. He also served in the US Navy from August 1995 to January 1999.

I feel that Mr. Fortes will be an asset to this office, and that his ability and work ethics will complement the City of Taunton within the City Auditor's Office, both now and in the future.

Thank you in advance for your consideration in this matter.

Dune Hebert (SK

Respectfully,

Ann Marie Hebert City Auditor



Denise J. Paiva, Secretary

TAUNTON PLANNING BOARD

City Hall 15 Summer Street Taunton, Massachusetts 02780

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

October 20, 2015

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 - 775 John Quincy Adams Road

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that the Taunton Planning Board received a Site Plan Review for property at 775 John Quincy Adams Road for a 4,782 square foot addition and site renovations submitted by Taunton Lodge of Elks #150.

The DIRB will be meet to review this petition on <u>Tuesday</u>, <u>November 17, 2015 at 9:00 AM in the Taunton Planning Board Office</u>, 15 Summer St., Annex Bldg., and the Taunton Planning Board will meet to review petition on <u>Thursday</u>, <u>December 3, 2015 at 5:30 PM in the Chester R Martin Municipal Council Chambers</u>, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell, Chairman Taunton Planning Board

Robert P. Campbell (Ogp)

RPC/ djp



Denise J. Paiva, Secretary

TAUNTON PLANNING BOARD

City Hall 15 Summer Street Taunton, Massachusetts 02780

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

October 15, 2015

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-405 Richmond St.

Dear Mayor Hoye and Members of the Municipal Council:

sportf. Campbell (OJP)

Please be advised that the Taunton Planning Board received a Form J Plan – Waiver of Frontage Requirements – to divide one lot into two lots – submitted by Deanna Lee, 405 Richmond St, E. Taunton, Ma.

The Taunton Planning will hold a public hearing on this proposal on **Thursday**, **November 5, 2015 at 5:30 PM** at Maxham School, 141 Oak St., in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell, Chairman Taunton Planning Board

RPC/ djp



Denise J. Paiva, Secretary

TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

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

October 22, 2015

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 - Silver City Galleria Mall

Dear Mayor Hoye and Members of the Municipal Council:

Campbell Capp

Please be advised that the Taunton Planning Board received a Site Plan Review for property at Silver City Galleria Mall for parking lot revisions and landscaping as part of the proposed Bristol Community College and Round 1 Entertainment facilities, submitted by Kenneth Darling, Operation Manager.

The DIRB will be meet to review this petition on <u>Tuesday</u>, <u>November 17, 2015 at 9:30 AM in the Taunton Planning Board Office</u>, 15 Summer St., Annex Bldg., and the Taunton Planning Board will meet to review petition on <u>Thursday</u>, <u>December 3, 2015</u> at 5:30 PM in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Robert P. Campbell, Chairman

Taunton Planning Board

. RPC/ djp



City of Taunton

Board of Health

45 School Street Massachusetts 02780-3212 BOARD MEMBERS DR. BRUCE E. BODNER DR. THADDEUS A. FIGLOCK DR. JOSEPH F. NATES

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

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

October 19, 2015

Members of the Committee on Solid Waste,

The odor complaints received by this office are nuisance odor complaints ranging from operational odors, sludge truck odors, and the occasional landfill gas odor. The question regarding if these odors are a public health concern was brought up earlier this year. I contacted some colleagues and the Massachusetts Department of Environmental Protection (MA DEP) regarding this question and it resulted in following:

- Air quality testing requires expensive equipment and in order to conduct a test you must select a
 specific contaminant, VOC, or the like to test for. There is not a single test to determine the
 presence of every contaminant dangerous to public health.
- The Taunton Landfill does not produce any gases that would be a threat to public health and is not required to conduct air quality tests.

Based on the guidance from the MA DEP the Board of Health has not required Waste Management to conduct air quality testing nor has the Board hired a 3rd party to conduct these tests on behalf of the City.

One test that is done periodically is a surface scan. This is a test performed by a 3rd party engineering company to identify areas of the landfill that may be emitting methane. This is a tool used by the operators of the gas collection system (Fortistar Methane Group) to improve the gas collection system and generate power. MA DEP does not require surface scans be done as part of their permit because this landfill does not produce enough gas to warrant it.

Waste Haulers:

Every year the Board of Health permits all trash haulers that drive through the City of Taunton. These trucks are issued a permit sticker that is required to be placed on the driver's side door of the truck so they are easily identified.

If you have any further questions please contact me.

Regards,

Kevin M. Duquette, RS, CP-FS Environmental Compliance Officer Taunton Board of Health

Kduquette@Taunton-Ma.gov

508-821-1400



CITY OF TAUNTON

BOARD OF ASSESSORS CITY HALL

141 Oak Street Taunton, Massachusetts 02780 Tel (508) 821-1011 Fax (508) 821-1096

SCOTT DESANTIS LISA LABELLE RICHARD CONT

> The Honorable Thomas C. Hoye, Jr., Mayor Council President Estele C. Borges Members of the Municipal Council 141 Oak Street Taunton, MA 02780

Dear Mayor and Councilors:

The Assessors want to inform you as to the anticipated timeline for the upcoming annual Tax Classification Hearing, typically held in the month of November.

We have submitted all our data to the Department of Revenue for review, analysis and certification, including new growth.

At this time we anticipate receiving preliminary certification by Thanksgiving, and setting the date for the Classification Hearing early in December.

We attribute this slight delay simply to a staffing shortage at the state level.

Thank You,

Scott DeSantis

Assessor

Via e-mail

October 23, 2015

Sherry Costa Hanlon Esq. Chair Police and License Committee

Taunton City Council

Oak Street

Taunton MA

In early August, Taunton residents, who are also members of the Latin Community and Latin Pass, requested the City hire a Spanish-speaking Police Officer. As you may recall, there were many members of our Community at the Taunton City Council Meeting in early August when a vote was taken to call for the Spanish-speaking Police Officer list. We were proud to feel as if our Council and Mayor were willing to hear us and act on our request. We all left that meeting feeling as if our voices were heard and that you would begin interviewing for a Spanish-speaking Police Officer in a timely manner. The two (2) non-Spanish speaking positions that were approved that night are already being hired. We know the Taunton Police Department has been understaffed for some time now. Because of this understaffing, we reasonably expected to have the third (3rd) position, designated as a Spanish-speaking Police Officer, be hired during the same Civil Service list term, which expires on November 1st, 2015.

Since that motion, we have followed the City's progress in hiring a Spanish-speaking Police Officer. It is our understanding that Jorge Vernal is at the top of the list for the Spanish-speaking Police Officers. Many of us know him, as he has grown up in our City. He and his wife are raising their family here in Taunton.

Last week, we were extremely disappointed to find that the City has not taken the actions necessary to hire a Spanish-speaking Police Officer. Because of this delay, the City may lose its best opportunity to hire a highly qualified Spanish-speaking Police Officer, who actually grew up her in Taunton.

Every other Public Safety hire in this City has a Taunton residency requirement and we believe that it is extremely important and deserves to be supported. We are asking the City to take action in preserving the current Spanish-speaking Police Officer list, which will include Mr. Vernal and provide the City the best opportunity to hire a highly qualified Spanish-speaking Police Officer who is also one of our own. We understand the city has taken steps to preserve a civil service list in the past 3 or 4 years.

We trust that you will take all steps necessary to preserve this list, so that Mr. Vernal and the City of Taunton do not miss this important opportunity.

Alberto Rivas



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2015 DCT 22 P 3: 20

OCTOBER 27, 2015

CHA CLERK

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 27, 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:

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THE COMMITTEE ON POLICE AND LICENSE

- 1. MEET TO MAKE RECOMMENDATION OF POLICE CANDIDATES TO FULL COUNCIL
- 2. MEET WITH DETECTIVE SMITH AND THE CITY SOLICITOR FOR A STATUS ON PROPOSED NEW APPLICATION FOR CLASS II LICENSES
- 3. MEET TO REVIEW MATTERS IN FILE
- 4. PUBLIC INPUT

PLEASE NOTE:

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DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH
THIS COMMITTEE MEETING

THE COMMITTEE OF THE COUNCIL AS A WHOLE

- 1. MEET TO REVIEW RFQ FOR COMPREHENSIVE ENERGY MANAGEMENT SERVICES
- 2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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THIS COMMITTEE MEETING

RESPECTFULLY.

COLLEEN M. ELLIS

CLERK OF COUNCIL COMMITTEES