



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, January 14, 2014 at 8:11 o'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were:*

*Councilor's Borges, Carr, Quinn, McCaul, Pottier, Croteau,  
Costa-Hanlon, Marshall, Cleary,*

Record of preceding meeting was read by Title and Approved. So Voted.

**Hearings:**

Hearing came up by assignment on the petition submitted for renewal of Class III Motor Vehicle Licenses:

1. Arthur's Auto Junk Yard, 147 Fremont Street
2. Automotive Recovery Services, Inc., - dba Insurance Auto Auctions, 580 Myricks Street
3. Caramelo's Auto Body, Inc., 2 Porter Street
4. Harry's Auto Wrecking, 68 Whitsborough Street
5. Reynold's Auto Wrecking, Inc., 733 So. Precinct Street
6. Tony's Auto Wrecking, 303 Broadway

**Motion was made to open the hearing. So Voted.** The City Clerk read a letter from the Police Department Licensing Division stating that they found nothing to prevent approval of the above listed Class III Motor Vehicle Licenses. **Motion was made to make part of the hearing. So Voted.** Councilor Costa-Hanlon asked why there was any reason this did not go through the Committee on Police and License. The City Clerk stated that it is a MGL that it comes before the whole Council. At this time, no one present spoke in favor of or in opposition of the petitions. **Motion was made to close the hearing and approve the list as read. So Voted.**

At this time, the Mayor asked that the Council go out of regular order of business for the election of the Council President. **Motion was made to go out of regular order of business. So Voted.** Councilor McCaul stated that he spoke to Councilor Quinn and Borges regarding the Council Presidency and they have informed him that at this time they are waiving the Council Presidency. Based on procedure, the Dean of the Council should be recommended Council President. **Councilor McCaul nominated Councilor Marshall as the next Council President. On a roll call vote, Nine (9) Councilors present, Eight (8) Councilors voting in favor of Councilor Marshall as Council President. So Voted. Councilor Marshall voting present.** Council President Marshall thanked his fellow Councilors and the Mayor. He stated that he looks forward to working

with everyone and moving the agendas and the city forward while working in conjunction with the Mayor. The Mayor stated that the Council President has always been very well prepared and always had the constituent's best interest at heart. He said that he is a credit to the City and to this Council. The Mayor stated that he looks forward to working with him in this upcoming year.

**Appointments:**

**2014 Election of City Officials**

**For a Three-Year Term Expiring January 2017**

City Clerk	Rose Marie Blackwell
City Auditor	Ann Marie Hebert
City Assessor	Barry Cooperstein
Board of Health	C. Nason Burden, M.D.
Board of Health	Dr. Bruce Bodner
Trustees of the Public Library	Joanne M. Uva
Trustees of the Public Library	William F. Hanna, III
Trustees of the Public Library	Edgar A. Gay
Trustees of the Public Library	Dyann Nunes

**On a roll call vote, for Rose Marie Blackwell, City Clerk, nine (9) Councilors present, nine (9) Councilors voting in favor. On a roll call vote, for Ann Marie Hebert, City Auditor, nine (9) Councilors present, nine (9) Councilors voting in favor. On a roll call vote, for Barry Cooperstein, City Assessor, nine (9) Councilors present, eight (8) Councilors voting in favor. Councilor Croteau voting present. On a roll call vote, for C. Nason Burden, M.D., Board of Health, nine (9) Councilors present, nine (9) Councilors voting in favor. On a roll call vote, for Dr. Bruce Bodner, Board of Health, nine (9) Councilors present, nine (9) Councilors voting in favor. On a roll call vote, for Trustees of the Public Library, as listed above, nine (9) Councilors present, nine (9) Councilors voting in favor. At this time, Mr. Barry Cooperstein, City Assessor and Ann Marie Hebert, City Auditor were sworn in by the City Clerk.**

**2014 Election of Fish Wardens**

**For a One-Year Term Expiring January 2015**

James Buffington	503 Burt Street
Frederick Caiozza, Jr.	49 Davenport Street
Dennis Furtado	51 Rosewood Drive
Albert Silvia	1347 Somerset Avenue
Michael DeRosa	15 Middle Street

**Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of the above list as read for a term of one year.**

**Motion was made to revert back to the regular order of business. So Voted.**

**Communications from the Mayor:**

The Mayor welcomed new and returning Councilors and said he looks forward to working with each and every one as they continue on the journey in making Taunton one of the best City's in the Commonwealth.

Meet with Peter Berry concerning the 1144A Contract. **Motion was made to invite into the enclosure, Peter Berry and Marie Gomes, Human Resource Director. So Voted.** Mr. Berry stated that the packet submitted to Council members contain documents with almost two years of negotiations with the employee union for the DPW. The last contract expired in June 2012; therefore, this agreement would be retroactive back to July 1, 2012. The contract meets many of the City's interest with many compromises made, but the City was first interested in ensuring that there was a modern compensation and classification plan in place for the employees of the DPW. The City retained a consultant, Don Jacob, to compare many Cities in the Commonwealth to determine the appropriate wages for the comparable jobs with the similar types of employees and other Department of Public Works. The new compensation plan has six (6) steps with 2% increase in between each step with employees progressing each year on their anniversary date of employment. The current compensation plan has only three (3) steps and with the new plan it allows employees more opportunity to advance and more attractiveness for employees with the confident skills to work at the DPW. The 2% increase begins on February 1, 2013 with a second 2% increase on July 1, 2013 and July 1, 2014. The City provided a \$400 bonus to employees, essentially covering the period from July 1, 2012 to February 1, 2013. The pages in front of the classification plan show where current employees are placed on the new grid. Because there is a 2% increase on July 1, 2013 and July 1, 2014, the steps were frozen for these two years. Essentially, the wage increase in this deal was a basic increase of 6% for the majority with some employees receiving higher increases because the compensation study showed that they had been underpaid and to be comparable with other communities they increases were higher. The contract is a 6% increase for the three year life of the agreement. The City's other interest was in operational efficiencies. Even though the DPW had consolidated the sewer, water and streets departments, the departments over the years still worked in silos (sewer employees only worked on sewer lines, water employees worked only on water projects and the street employees worked only on street projects.) The old contract required that the union had to agree if management wanted to reassign employees where they were needed most rather than work within their own individual department. Under the new contract, language was achieved that said the City management and DPW could reassign employees across those lines to work where they were needed the most rather than work in their own area of specialty. He said this was a major step for the efficiency of the DPW operations. The City was also interested in a more efficient overtime system in the sewer, water and street departments. There was an issue with time clocks and the City is in the process of installing them. Mr. Berry stated that under the law, the Council needs to approve the appropriation of the money needed to pay for the first year of the contract which allows the City to make the obligation to pay the increases. The Mayor thanked Mr. Berry for all his hard work as well as Mr. Rodrigues and his bargaining union. He stated that as difficult as it gets, the City stayed on task for a better deal for both the City and employees side. Councilor Carr thanked Mr. Berry for the explanation of the contract and stated that she spoke to Ms. Gomes this evening regarding a few questions she had. She asked what it was meant by the language in Article #18-Call Back, where it states that "employees shall have use of City vehicles while serving on standby duties." Mr. Berry stated that there is one employee who has a vehicle assigned that was a part of the agreement made when the sewer distribution force was split off from the treatment plant and he came over to the City side. That vehicle will now be located among all working vehicles that will be working on standby. Vehicles are taken

home at night because the employee would need a vehicle when called in at midnight or during the weekend. Councilor Carr asked for clarification on the next paragraph that states "all employees' call back including employees that are on standby should have their hours of work calculated in accordance with past practice, from the time that the employee receives the call." Mr. Berry stated that this is required by Federal Law, from the time the employee receives the call and leaves their home, they would get paid for travel time to the work site rather than from the time that they actually arrive at the work site. Councilor Carr asked about the next paragraph stating that "each working foremen, senior working foreman and general foreman appointed in the water, street and drains departments of the operations division as the affected date of this agreement shall be given an opportunity once each year to choose whether or not they wish to participate in the mandatory weekly standby duty assignment for the following year." On the previous page, it states that each working foremen, senior working foreman and general foreman appointed after the effective date of this agreement shall be required to perform standby duty. She said that it seems contradictory. Mr. Berry stated that the City's interest was to require every foreman to serve on standby duty. The union's position was that it really was not fair for people already in those positions who never worked standby to force them to start to do so because when they bided on those positions and accepted the position, it was not a part of the job. Therefore, as part of the compromise, the City agreed to grandfather the current employees in those positions and not require them to serve standby. Although, anyone hired or promoted into those positions would be required to serve standby. He stated that the union also said that they would like to allow the people currently in those positions to decide if they would do standby or not. It was then agreed upon that once a year they would decide on who wanted to do standby and who did not. This would allow the City the opportunity to know who was on standby for a whole year. Therefore, the employees grandfathered in will have the opportunity once a year to decide if they would like to do standby or not for the upcoming year. Councilor Carr questioned Article #12 "the City will assume the practical after the effective date of the agreement creates a total of four (4) new foreman positions in the water and street departments promote current employees under the Civil Service process. She asked for what reason does the City need four (4) new foremen. Mr. Berry stated that it was the administration of the DPW that proposed this. The Mayor stated that there were a few individuals that are paid out of grade regularly that are serving temporarily in these positions, so the thought was to make these positions permanent. The union had asked for this and the City agreed to it. Councilor Carr stated that she can see making permanent positions, but when you make an individual a foreman, are they in charge of other people. The Mayor stated that the individual would be a working foreman and have some supervisory responsibilities. Councilor Carr stated that when looking at the departments, there are more chiefs than Indians, therefore, she feels that it would behoove the City to get away from this type of thing and have more structure of having a supervisor and less assistants. Mr. Berry stated that during the past six (6) months, the DPW has been staffing up considerably. Therefore, with a lot of new employees, it would be beneficial for them to train the working foremen. The Mayor stated that these are the individuals who are in the rotation for the standby and have the ability of going out on calls as needed. These are the people who have been there for quite some time and have the skills. The total cost of the contract is \$207,403 plus \$59,998.68. Approximately \$97,620.34 is contributed toward the Water Department. Councilor Carr thanked everyone for their work and stated that it was important that the time clock issue

was straightened out because she feels it is important to know when people are working and when they are not. She also stated that she was glad that the three departments were consolidated so that they can help each other out. Councilor Cleary asked for contractual time frame of the contract and an explanation of the steps. Mr. Berry informed that the contract date is July 1, 2012 through June 30, 2015. The steps are shown for each employee as February 1, 2013. Councilor Cleary asked for clarification of the number of foremen. Ms. Gomes stated that the three foremen transferred over from the sewer when the City did the re-organization are actually in the streets and drain departments. Therefore, those three foremen will retain their titles and two working foremen will be added within the Water Division and two additional foremen in the Street Division. Ms. Gomes said that the total contract for the three (3) years is \$328,406.97. The Sewer Enterprise would be \$120,048.59. The Mayor confirmed that there is sufficient funding for the contract. **Councilor Cleary motioned to approve the contract. Councilor Carr asked if the funds were coming from the Reserve Account. The Mayor confirmed that they were. So Voted.** Ms. Gomes commended the clerical and office staff and all the departments involved.

**Motion was made to revert back to the business of Appointments. So Voted.**

**Appointments:**

Appointment of Ryan Colton of 5 Dickenson Drive to the Golf Course Commission to replace Gerald Peterson and his term to expire the last day of January 2017. **Motion was made to move approval. So Voted.** Councilor Pottier requested a letter of accommodation to be forwarded to those members stepping down.

Appointment of Damian "DJ" Martinez of 163 Winthrop Street to the Golf Course Commission to replace Richard Brennan and his term to expire the last day of January 2017. **Motion was made to move approval. So Voted.**

**Communications from City Officers:**

Com. from City Clerk – Appointment of three (3) Full Time Firefighters. **Motion was made to refer to the Committee on Fire and Wires. So Voted.**

Com. from Budget Director – Requesting a transfer of funds in the amount of \$2,500 from the Municipal Council Stipend to the Animal Control Building Maintenance. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.** The Mayor thanked Councilor Carr for the suggestion of the transfer of funds.

Com. from Treasurer/Collector – Notifying of a Land Court Decree assessed to Delzx & Keisha Fleurival of 13 Plain Street. **Motion was made to receive and place on file. So Voted.**

Com. from Treasurer/Collector – Notifying of a Land Court Decree assessed to Boston Financial Trust for property located at 115 Tremont Street. **Motion was made to receive and place on file. So Voted.**

Com. from Director, Human Services – Requesting to apply for a Community Development Block Grant through the Office of Economic and Community Development. **Motion was made to approve. So Voted.**

Com. from City Solicitor – Requesting to meet in executive session regarding Nancy Gero v. City of Taunton. **Motion was made to refer this to the end of the meeting. So Voted.**

Com. from City Solicitor – City of Taunton vs. Boston Financial Trust, Massachusetts Land Court, Docket No 12-TL-144107 for property at 115 Tremont Street, Taunton. By operation of law, the judgment vests title to the property in the City of Taunton. **Motion was made to receive and place on file. So Voted.** The City Solicitor stated that he wanted to let the Council know what was going on with this case. He said that a lot of things that need to be said can be done in open session, but feels that there may be a few things that would not be appropriate for open session. The property is in deployable condition. He stated that the City went out to the property on December 17<sup>th</sup> and a lot of things were accomplished. He informed that on December 18<sup>th</sup>, Mr. O'Donnell testified under oath at the Land Court that there were numerous tenants on the property and that the City was taking away the property on these people. Upon the statement being heard, the Judge put a freeze on things for a while and ordered the City to go to a hearing. The hearing was last Monday and the discussion was to be on the existence of tenants. The City compiled a detailed opposition and filed with the Courts along with exhibits A-R. Mr. O'Donnell's deposition, under oath from December 31<sup>st</sup>, where about the tenants, but could not describe any of the tenants. The Court gave Mr. O'Donnell until yesterday to submit documents. Documents were submitted today to the courts, although the City has not received copies yet. Another issue that the Judge needs to decide on is the statement from the former owner saying that the judgment against him should be vacated. The Mayor thanked Attorney Buffington and his office including Code Enforcement Agents and Chief Walsh on the continued hard work on this deployable property. Councilor Cleary complemented the office of Attorney Buffington on their diligence, thoroughness and initiatives as the City moves forward. The Mayor stated that what is reported or not reported is difficult for residents to get the understanding of the property. **So Voted.**

Com. from Administrator, Taunton Nursing Home – Requesting a transfer of funds in the amount of \$110,000 from Salaries & Wages – Nurses Aides to Expense – Contracted Services. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. Councilor Cleary stated that at the last meeting of Finance and Salaries, there was a request from Mr. Brennan regarding the request for capital expenditures and the use of surplus funds. He said that one of the accounts in the report showed a negative balance; therefore, he suggested that the Mayor and/or the Finance Sub-Committee keep this in mind. So Voted.**

Com. from City Planner – Requesting additional appropriations in the amount of \$2,285.54 to Department Head and \$1,585.25 to Assistant Department Head for the contractual increase reached by COTMA. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Risk Manager – Requesting an additional appropriation in the amount of \$1,834.00 to the Risk Manager’s Account for the contractual increase reached by COTMA. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Com. from Executive Director, MOECD – Requesting additional appropriations in the amount of \$6,706.86 for the contractual increase reached by COTMA. **Motion was made to refer to the Committee on Finance and Salaries and the Mayor’s Office. Councilor Cleary stated that the new Contract was just approved; therefore, should these requests be approved rather than going to the Committee on Finance and Salaries? Councilor Costa-Hanlon stated that it is proper for the request to go to the Committee on Finance and Salaries so that they know where the money is going to. So Voted.**

Com. from Chairman, Taunton Planning Board – Notifying of a meeting scheduled for Tuesday, January 7<sup>th</sup> at 9:30am and again on January 16<sup>th</sup> at 5:30pm regarding the Site Plan Review for property located on Myles Standish Boulevard, Property ID 13-7 for the construction of overflow parking (53 spaces), with associated stormwater management and landscaping on an adjacent lot to service an existing office use. **Motion was made to receive and place on file. So Voted.**

Com. from Executive Director, Retirement Board – Submitting 2014 Retirement Expense Budget. Total for FY 2013 in the amount of \$2,310,000.00 and total for calendar year 2014 in the amount of \$2,306,765.00. **Motion was made to refer to the Committee on Finance and Salaries and the Budget Hearing. So Voted.**

Com. from Chairman, Taunton Planning Board – Notifying of a public hearing scheduled for Thursday, January 16<sup>th</sup> at 5:30pm regarding the proposed Zoning Map Amendment for property located at 777 County Street, Taunton for a change from its present Highway Business District to Urban Residential District. **Motion was made to receive and place on file. So Voted.**

Com. from Treasurer/Collector – Notifying of a Land Court Decree, Parcels #66-378 – 107 Main Street assessed to Michael O’Donnell. **Motion was made to receive and place on file. So Voted.**

Com. from Treasurer/Collector – Notifying of a Land Court Decree, Parcels #125-6 – Railroad Avenue assessed to Michael O’Donnell. **Motion was made to receive and place on file. So Voted.**

Com. from Jennifer Dacey, Superintendent, Bristol County Mosquito Control – Submitting their 2013 Annual Report. **Motion was made to receive and place on file and to place the report on the City’s website. The Mayor stated that the report seems to be new and informed that it is a possibility that the Bristol County Mosquito Control may move out of the City of Taunton. So Voted.**

## PETITIONS

### Constable License

Application submitted by Leilani Cronin requesting a renewal of her Constable License to serve as a Crossing Guard. **Motion was made to refer to the Committee of Police and License and the Police Chief. Councilor Cleary questioned the adoption of a suggestion from City Solicitor for appointments of Constables to go through the Mayor's office. Solicitor Buffington stated that the Committee of Police and License considered it and it would require approval of the Council on a roll call vote to adopt. Councilor Cleary asked that the City Clerk research to see if a vote was taken in full Council for this. So Voted.**

### Hours of Operation License

1. Taunton Mart (Rick's Mobile) located at 1095 County Street, Taunton
  2. Maxi Drug –DBA- Rite Aid located at 237 Broadway, Taunton
- Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

### Hours of Operation License and Name Change

1. Change from Tremont Street Laundry Center to E-Z Clean Laundry Center, Inc. located at 11 Tremont St., Taunton
  2. Change from Broadway Laundry Center of Taunton to E-Z Clean Laundry Center, Inc. located at 173 Rear Broadway
  3. Change from Quick & Clean Car Wash to Broadway Quick & Clean Car Wash located at 175 Broadway, Taunton
- Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

### Claims

Claim submitted by Linda McLaughlin, 523 Tremont St., Taunton requesting reimbursement for damages to her automobile from hitting a pothole on Tremont St. near Crapo St/146 Tremont St., Taunton. **Motion was made to refer to the City Solicitor and DPW Commissioner. So Voted.**

Claim submitted by Gerald Boyar, 29 Anawan St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Tremont Street near 4 Crapo Street, Taunton. **Motion was made to refer to the City Solicitor and DPW Commissioner. So Voted.**

Claim submitted by Kevin Benham, 191 South Street East, Raynham seeking reimbursement for damages to his automobile from hitting a pothole on Tremont Street at the intersection of Tremont Street and Crapo Street, Taunton. **Motion was made to refer to the City Solicitor and DPW Commissioner. So Voted.**

Claim submitted by Alan Keith, 501 Staples St., East Taunton seeking reimbursement for damages to his mailbox which was destroyed by a snowplow. **Motion was made to refer to the City Solicitor and DPW Commissioner. So Voted.**

Miscellaneous

Petition submitted by Jose J. Lopez El Mariachi, 44-47 Taunton Green, Taunton requesting a Special Permit modification for an entertainment use in conjunction with a restaurant located in the Central Business District. **Motion was made to refer to the City Clerk to schedule a public hearing. So Voted.**

Committee Reports:

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

Unfinished Business

**Councilor Cleary motioned for an update on the fire watch at the Whittenton Mills including total amounts due for the fire watch from the Fire Department and Police Department. He said his understanding is that the City is still paying for the fire watch not the owner of the Whittenton Mills. Eventually, the owner will pay the City, but for the scope of the issues, he would like an analysis including what should be the next step. The Mayor stated that there is a potential investor for the property. Solicitor Buffington stated that the amount for the fire watch is significant, over \$400,000 which includes \$130,000 to \$140,000 for taxes. He stated that it is the decision of the Fire Chief to put a fire watch on the location. The City has recorded municipal liens against the property and has committed a portion of the amount on the tax bill. Councilor Cleary stated that he understands that the front part of the building has sprinklers, therefore, the fire watch is really only on the back portion of the building. The Mayor stated that he could not comment on what sprinklers are in the building, but he did say that the investor he met with today would take care of the sprinkler system during the first phase of construction which is estimated at \$200,000-\$300,000. Councilor Cleary stated that he heard there was a potential scheduled auction tomorrow. He asked that if the sale goes through and Mr. Murphy sells it for a million dollars, does the City get the first \$400,000. Solicitor Buffington stated that it would be the current holder of the mortgage that would be foreclosing the property and then selling the property. Once sold, funds would exchange hands and the new owner would accept the property subjected to the City lien for the taxes. So Voted.**

**Councilor Costa-Hanlon motioned to refer to the Committee on Police and License the hiring of two (2) police officers and towing. So Voted.**

Councilor McCaul stated that a few months ago at a Solid Waste Committee meeting there was discussion of the installation of cameras on Caswell Street and it was also brought to the attention of the Committee of Police and License. He has received numerous phone calls regarding trash being dropped on Caswell Street near the airport. Councilor McCaul requested a status update as to when the cameras will be installed in that area where the dumping is taking place. Councilor Carr stated that she had an update under new business on the installation of cameras. The Police Department has installed the cameras although she is not sure how they are being monitored. For classification, he said that there were problems with the camera being fixed and looked at and we had lost contact from there. **Councilor McCaul motioned to refer to the Committee on Police**

and License for an update. Councilor Pottier said that the cameras are under the hospice of the Police Department, therefore, he would refer it to the Police Department too. So Voted.

Councilor Marshall motioned to refer the issue of the Washington Street bridge replacement project to the DPW Commissioner and for the pedestrian traffic in the same area to the City Engineer. So Voted.

Councilor Borges stated that back in October, Councilor Cleary had brought up voting locations and he was looking for a long-term solution regarding the whole issue with Chamberlain School and Holy Rosary. She asked for a possible status from the City Clerk. The City Clerk stated that she is working on this. She informed that the City will have Coyle & Cassidy and St. Jude's for voting locations. The City Clerk stated that St. Anthony's ramp is not handicap accessible. Councilor Costa-Hanlon stated that she would like the possibility of St. Anthony's to be revisited and probably by an outside agency. The City Clerk stated that the State did say no and it has been reviewed. The City Clerk stated that Coyle & Cassidy and Holy Rosary will be very good locations. Councilor Cleary stated that these two precincts have been changed a few times, to the fact that we really need to do it geographically. It should not just be a location, but as to the streets it will be assigned to. He said that he receives phone calls all the time from residents, stating that they live only two streets from Hopewell, but they have to travel to Chamberlain and/or the same for Holy Rosary. The idea of just changing locations tends to cause almost as much problems than finding a location that is handicap accessible. He requested that while doing this, there be a comprehensive re-organization of these precincts. Councilor Borges requested a copy of the statement from the State on the ramp for the use of St. Anthony's. The City Clerk stated that the State did visit Taunton and checked all voting locations. She said that she could also check with the City Engineering on the ramp at St. Anthony's being off. The City Clerk stated that she feels the two locations are within the area. Councilor Cleary stated that once the locations are chosen, he would like to sit down with the City Clerk to look at the street locations so that geographically people are not driving by a polling location to get to another location. Polling locations are very hard to come by. Councilor Marshall stated that changes to wards and precincts happen every ten years following the census. Therefore, the boundaries of the different precincts will not change till the next census is done. The Mayor stated that some of the issues are that polling locations are not in compliance. When changing precincts, districts need to abut each other and this was not happening. The Mayor stated that he knows it has not been easy over the past few years, and that the City needs to collectively address the issue. St. Jude's should work out well. Councilor Carr stated that MGL does state that relocation of a polling location must be within the district or if relocated it should abut the district. It is very difficult to find places especially when they need to be handicap accessible, have enough space and for the use of the location for the entire day and into the evening.

#### New Business

Councilor Pottier stated that there was a communication on their desk from the Executive Office of Public Safety regarding Chief Bradshaw getting some certifications, therefore, he motioned to refer to the Committee on Fire & Wires. So Voted.

**Councilor Pottier motioned to receive and place on file Bristol-Plymouth Regional High School Annual Report. So Voted.**

**Councilor Pottier motioned to refer a letter from Mr. Hoffman to the Committee on Solid Waste for next week. So Voted. (City Clerk never received letter)**

**Councilor Costa-Hanlon motioned to refer to the Committee on Ordinance and Enrolled Bills, Council of the Whole and/or City Solicitor for a review of the City Council Rules. She said that there was an election of a new City Council President, and there was some issues that if the Rules had been changed, it would have made it easier. She said that the Committee should review because there are things that Council does not oblige by. She said that the Council should see what works best and adopt while keeping the integrity of the Rules. With Councilor Cleary being the Chair of the Committee on Ordinance and Enrolled Bills, he seems to be a little reluctant so I would defer to the Council President. The Rules of the Council is an appendix to the Ordinances and is not part of the Charter, so the review can be done at any time. The Mayor stated that the Council may want to review now, so that when the City moves forward with Charter changes, it can all be done at once. So Voted.**

**Councilor McCaul motioned to refer to the Department of Public Works the trash and debris on Caswell Street near the airport to be clean up. So Voted.**

Councilor McCaul invited Council members to participate in the Martin Luther King celebrations on Monday, January 20<sup>th</sup> at St. Thomas Church, 1:00-3:00pm and at the Baptist of all Nations Church at 7:00pm.

**Councilor Carr motioned to refer to the Council President and Committee on the Council as a Whole for an update from MDTC regarding Phase IV of the Industrial Park. So Voted.**

**Councilor Carr motioned to refer to the Committee on Ordinance and Enrolled Bills for the possibility of having some kind of Ordinance controlling where elected officials place signs out and around the City during election time. She said that having 100 signs all over the City for three months is too much and possibly should have a set time of 6 or 8 weeks maximum. Councilor Pottier stated that surrounding communities have Ordinances where signs are erected so many days before and they must be taken down so many days following the elections. So Voted.**

**Councilor Costa-Hanlon asked to be recused from discussions of the Executive Session to follow due to a conflict. Motion was made to recuse Councilor Costa-Hanlon from discussions of the Executive Session to follow. So Voted.**

**Motion was made to enter into Executive Session regarding Nancy Gero vs. City of Taunton. On a roll call vote, nine (9) Councilors present, eight (8) Councilors voting in favor. The Mayor stated that the Council will not be reconvening following Executive Session. So Voted. Councilor Costa-Hanlon was recused. So Voted.**

**One (1) motion was made in executive session.**

**Motion was made to come out of executive session. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor. Councilor Costa-Hanlon was recused. So Voted.**

A true copy:

Attest:

A handwritten signature in cursive script that reads "Rosemarie Blackwell".

City Clerk

RMB/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JANUARY 14, 2014

**THE COMMITTEE ON FINANCE AND SALARES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND  
POTTIER

MEETING CALLED TO ORDER AT 5:40 P.M.

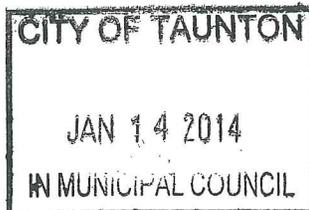
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS

**MOTION:** MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR CITY  
DEPARTMENTS. SO VOTED.

2. MEET TO REVIEW MATTERS IN FILE

IT WAS NOTED THAT THE CITY AUDITOR HAD PROVIDED A LISTING OF ALL DEPARTMENTS RELATIVE TO  
WHAT WAS BUDGETED AND HOW MUCH WAS SPENT TO DATE. THE COMMITTEE WOULD LIKE TO  
RECEIVE A COPY OF THIS REPORT AND DISCUSS IT NEXT WEEK.

MEETING ADJOURNED AT 5:41 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JANUARY 14, 2014

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CROTEAU AND CLEARY. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH AND DETECTIVE DENNIS SMITH

**MEETING CALLED TO ORDER AT 5:48 P.M.**

THE POLICE CHIEF PROVIDED A LETTER DATED 1/14/14 IN WHICH HE STATED THAT THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE PETITION OF FREDERICK KINGSLEY FOR A NAME CHANGE FOR HIS CLASS II LICENSE, PETITION OF DANIEL MACEAN, 333 COUNTY STREET FOR A NEW LIVERY LICENSE, PETITION OF DANIEL DEVITO, 69 ARLINGTON STREET FOR A NEW HACKNEY CARRIAGE LICENSE, PETITIONS OF WORK OUT WORLD, 50 O'CONNELL WAY AND SUNOCO RAPID REFILL, 231 BROADWAY TO OPERATE BETWEEN THE HOURS OF 1:00 A.M. AND 4:00 A.M. AS PER CITY ORDINANCE SEC. 12-2 AND THE APPOINTMENT AS CONSTABLE FOR JOHN DUPONT, 485 SOMERSET AVE., TAUNTON AND ARNOLD SHERMAN, 3 FAIRVIEW AVENUE, TAUNTON.

**MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.**

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF FREDERICK KINGSLEY D/B/A K & L AUTO TO CHANGE CLASS II LICENSE NAME TO PLANET AUTO, 80 COHANNET STREET  
**MOTION: MOVE APPROVAL WITH SAME RESTRICTIONS. 4 VEHICLE LIMIT. SO VOTED.**
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF DANIEL MACEAN 333 COUNTY STREET FOR A NEW LIVERY LICENSE D/B/A D AND P COMMUNITY TRANSPORTATION, 333 COUNTY STREET – 1 VEHICLE  
**MOTION: MOVE APPROVAL – 1 VEHICLE. SO VOTED.**
3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF DANIEL DEVITO, 69 ARLINGTON STREET FOR A NEW HACKNEY CARRIAGE LICENSE D/B/A DANNY'S TAXI SERVICE, 69 ARLINGTON STREET – 1 TAXI  
**MOTION: MOVE APPROVAL – 1 VEHICLE. SO VOTED.**
4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE 12-2:
  - A. WORK OUT WORLD, 50 O'CONNELL WAY  
**MOTION: MOVE APPROVAL. SO VOTED.**
  - B. SUNOCO RAPID REFILL, 231 BROADWAY  
**MOTION: MOVE APPROVAL. SO VOTED.**
5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
  - A. JOHN DUPONT, 485 SOMERSET AVENUE, TAUNTON – RENEWAL – CROSSING GUARD
  - B. ARNOLD SHERMAN, 3 FAIRVIEW AVENUE, TAUNTON – RENEWAL – CROSSING GUARD

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JANUARY 14, 2014

**THE COMMITTEE ON POLICE AND LICENSE - CONTINUED**

THE CHAIRMAN STATED THAT SHE THOUGHT AN ORDINANCE HAD BEEN REFERRED TO THE ORDINANCE AND ENROLLED BILLS COMMITTEE ON THE RECOMMENDATION OF THE CHIEF AND CITY SOLICITOR THAT CONSTABLES WOULD BE APPOINTED BY THE MAYOR. THE CHIEF SAID IT WAS RECOMMENDED THAT THE GENERAL LAWS BE ADOPTED, BUT TO HIS KNOWLEDGE THIS HAS NOT BEEN DONE. COUNCILOR CLEARY SAID THAT IT WAS, AND THE CHIEF WILL CHECK ON THIS AND REPORT BACK TO THE COMMITTEE.

**MOTION: TO TABLE THESE ITEMS FOR TWO WEEKS. SO VOTED.**

**6. MEET TO REVIEW MATTERS IN FILE**

A. THE POLICE CHIEF STATED THAT THERE NEEDS TO BE A DISCUSSION ON TOWING AND TOWING CONTRACTS. AS OF NOW HE HAS 4 LOCAL COMPANIES THAT WANT TO TOW FOR THE DEPARTMENT IN ADDITION TO THE ONES THEY ALREADY HAVE. HE ALSO HAS ONE THAT PROBABLY SHOULDN'T BE TOWING FOR THEM BECAUSE OF ISSUES WITH THEM. THERE ARE NO CONTRACTS WITH THE TOWING COMPANIES, AND HE IS NOT EVEN SURE HOW THEY BECAME TOWING COMPANIES. HE WOULD LIKE TO SET UP A MEETING WITH THIS COMMITTEE, INVITE THE TOW COMPANIES THAT CURRENTLY TOW FOR THEM, AS WELL AS THE PUBLIC AND ANY POTENTIAL TOW COMPANIES THAT WANT TO TOW FOR THEM, AND START SETTING UP RULES AND GOING OUT FOR BID FOR A CONTRACT FOR TOWING FOR THE POLICE DEPARTMENT. HE DOES HAVE A SOME PROPOSALS THAT HE IS LOOKING AT. THE CHIEF WAS ASKED TO PROVIDE THEM TO THE COMMITTEE.

COUNCILOR CROTEAU ASKED IF THE COMPANY THE CHIEF IS NOT GOING TO RECOMMEND HAS BEEN NOTIFIED. THE CHIEF SAID NOT YET. HE ALSO SAID THAT HE HAS NO RECOMMENDATIONS ON THE OTHER COMPANIES. HE HAS ONE COMPANY THAT HAS BEEN PROBLEMATIC FOR THE LAST 7 YEARS, HE IS CONSTANTLY GETTING COMPLAINTS ABOUT THEM.

THE CHAIRMAN ASKED IF ANYONE HAD CHECKED WITH THE CITY CLERK TO SEE IF SHE HAS A LIST OR A PROCESS THAT THE COMMITTEE DOES NOT KNOW ABOUT.

THE CHIEF STATED THAT THEY HAVEN'T CHANGED TOW COMPANIES IN OVER 20 YEARS.

**MOTION: TO REQUEST THAT THE CITY CLERK RESEARCH AS TO WHETHER OR NOT SHE HAS ANY INFORMATION REGARDING THE TOWING COMPANIES. SO VOTED.**

THE CHIEF STATED THAT HE WILL SUBMIT A REPORT IN 2 WEEKS REGARDING THE COMPANY THAT THERE ARE ISSUES WITH.

B. COUNCILOR CLEARY STATED THAT HE RECEIVED COMPLAINTS ABOUT CAR TRAILERS STOPPING ON NORTH WALKER STREET AT THE INTERSECTION WITH WINTHROP STREET CAUSING ISSUES AT AN ALREADY DANGEROUS INTERSECTION. THE CHIEF WILL HAVE THE SAFETY OFFICER CHECK THIS OUT.

C. COUNCILOR CROTEAU STATED THAT HE HAD RECEIVED COMPLAINTS REGARDING THE LIGHT AT PURCHASE STREET AND ROUTE 138. THERE IS AN ISSUE WITH THE TIMING OF THIS LIGHT, AS THE GREEN LIGHT FOR PURCHASE STREET IS VERY QUICK.

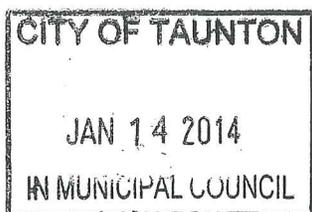
**MOTION: THAT THE T.M.L.P., CHIEF, SAFETY OFFICER AND TRAFFIC BOARD LOOK INTO THE TIMING OF THIS LIGHT. SO VOTED.**

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JANUARY 14, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MEETING ADJOURNED AT 6:02 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Kim Beachwell".

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JANUARY 14, 2014

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES, COSTA-HANLON, CLEARY AND MCCAUL. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU AND JOE FEDERICO OF BETA

MEETING CALLED TO ORDER AT 6:26 P.M.

**1. MEET TO DISCUSS REQUESTS FOR SEWER ABATEMENTS**

THE FIRST APPLICATION WAS ALICE NUNES, 293 WINTHROP STREET. THIS WAS A CONTINUANCE FROM A PREVIOUS DATE AT WHICH A MR. PARKER, SON-IN-LAW OF MRS. NUNES PRESENTED A CHECK FROM THE 1970'S OR 80'S ALLEGING THAT THEY HAD PAID THE SEWER BETTERMENT AT THAT TIME.

MR. FEDERICO STATED THAT THEY DID SOME MORE INVESTIGATING AND FOUND AN OLD BETTERMENT PLAN IN THE CITY ENGINEER'S OFFICE AND THEY HAD ACTUALLY PAID A BETTERMENT OF \$625.00 IN 1970. SO THE RECORD SHOWS IT WAS PAID. THEREFORE, MR. FEDERICO'S OPINION IS TO ABATE THE BETTERMENT.

**MOTION: TO ABATE THE BETTERMENT IN THE AMOUNT OF \$18,966.00 BASED ON THE FACT THAT A \$625.00 SEWER BETTERMENT WAS PAID IN 1970. SO VOTED.**

NEXT WAS JOSEPH AND BALBINA MOITOSO, 100 DONNA TERRACE.

MR. FEDERICO STATED THAT THIS IS A HARDSHIP AND SHOULD BE REFERRED TO THE ASSESSOR.

**MOTION: TO DENY THE ABATEMENT REQUEST AND REFER THE APPLICANT TO THE SENIOR HARDSHIP DEFERRAL PROGRAM. SO VOTED.**

NEXT WAS WILLIAM AND CAROL HANNA, 68 DUFFY DRIVE. MR. FEDERICO READ FROM THEIR APPLICATION WHICH SAID THAT THEIR HOUSE IS A SINGLE FAMILY 1.5 STORY SALT BOX WHICH IS ONE OF ONLY 3 2-BEDROOM HOMES IN THE DUFFY DRIVE COMPLEX. CONSISTENT WITH A FAVORABLE JUDGMENT GRANTED ON 7/23/2013 TO THE OWNERS OF A 2-BEDROOM HOME AT 167 DUFFY DRIVE, THEY RESPECTFULLY REQUEST THAT THEIR SEWER ASSESSMENT SHOULD BE THE SAME AS PUT FORTH FOR A 2-BEDROOM CONDOMINIUM. MR. FEDERICO SAID THAT 167 DUFFY DRIVE WAS ACTUALLY HEARD ON NOVEMBER 19, 2013 AND THE APPLICATION FOR ABATEMENT WAS DENIED.

THE CHAIRMAN NOTED THAT THE COMMITTEE HAD TO RE-HEAR THE APPLICATION FOR 167 DUFFY DRIVE BECAUSE THE COMMITTEE HAD ORIGINALLY PUT IN LANGUAGE THAT IF THEY EVER MADE IT A 3-BEDROOM, THE CITY WOULD RECOUP THE MONEY. THEN IT WAS DETERMINED THAT THE COMMITTEE DID NOT HAVE THE POWER TO DO THIS, SO IT WAS RE-HEARD AND THE APPLICATION WAS DENIED.

MR. FEDERICO STATED THAT THE ORIGINAL READING WAS THE ASSISTANT CITY SOLICITOR STATED THAT THIS IS A SINGLE FAMILY HOUSE AND ACCORDING TO THE FORMULA USED A SINGLE FAMILY HOUSE SHOULD BE VIEWED AS A 1 RESIDENTIAL UNIT REGARDLESS OF THE NUMBER OF BEDROOMS. THE BETTERMENT FOR 1 RESIDENTIAL UNIT IS \$18,966.00.

**MOTION: TO DENY THE ABATEMENT REQUEST. ALL DENIALS ARE TO RECEIVE AN APPLICATION FOR THE SENIOR HARDSHIP DEFERRAL PROGRAM. SO VOTED.**

NEXT WAS ROBERT PETRO, 112 DUFFY DRIVE. THE CLERK OF COMMITTEES REPORTED THAT SHE RECEIVED A CALL FROM THE OWNER OF THIS PROPERTY, EDITH YOUNG, AND THAT THERE IS NO ONE ASSOCIATED WITH THIS PROPERTY BY THE NAME OF ROBERT PETRO.

MR. FEDERICO READ FROM THE APPLICATION WHICH STATED THAT SHE HAS OWNED AND LIVED AT 112 WILLIAMS STREET SINCE 1980. HER HOME IS A ONE STORY BUNGALOW WITH A TOTAL OF 4 ROOMS: 2 BEDROOMS AND 2 BATHROOMS. SHE BELIEVES IT IS ONE OF THE SMALLEST SINGLE FAMILY RESIDENCES INVOLVED IN THIS PARTICULAR SEWER PROJECT. SHE HAS ONLY 1,030 SQUARE FEET OF LIVING AREA COMPARED TO MANY OTHER HOMES IN THE SEWER PROJECT WITH 3 OR 4 BEDROOMS AND MUCH

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

LARGER LIVING AREAS. BASED ON THE INFORMATION AND THE ACCACHED COPY OF THE CITY'S PROPERTY REFERENCE CARD, SHE RESPECTFULLY REQUESTS A REDUCTION OF HER SEWER BETTERMENT ASSESSMENT. SHE FURTHER STATES THAT A FAIR AND EQUITABLE ASSESSMENT SHOULD BE THE SAME ASSESSMENT PUT FORTH FOR 2 BEDROOM CONDOMINIUMS. PRESENTLY, HER COST FOR THE BETTERMENT, BEING APPORTIONED OVER 20 YEARS, WILL BE SUBSTANTIALLY MORE THAN \$18,966.00 WITH THE ACCRUING INTEREST. SHE NOTED THAT THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS, ON 7/23/2013 ALLOWED A SIMILAR REQUEST FOR ABATEMENT OF THIS BETTERMENT ASSESSMENT FOR 167 DUFFY DRIVE. MR. FEDERICO SAID THIS IS NOT TRUE. COUNCILOR COSTA-HANLON ASKED WHO SIGNED THE APPLICATION. MR. FEDERICO SAID EDITH YOUNG. COUNCILOR COSTA-HANLON MADE THE FOLLOWING MOTION:

**MOTION: THAT THE SHEET PROVIDED BY MR. FEDERICO BE ENTERED INTO THE RECORD AND AMEND IT TO REFLECT THE NAME OF EDITH YOUNG RATHER THAN ROBERT PETRO. SO VOTED.**

**MOTION: TO DENY THE ABATEMENT CONSISTENT WITH THE FINDINGS OF 167 DUFFY DRIVE AND CONSISTENT WITH THE PREVIOUS PRACTICE RELATED TO THIS PARTICULAR ARGUMENT. SO VOTED.**

NEXT WAS KIRK MATTESON, 71 DUFFY DRIVE. MR. FEDERICO SAID THE APPLICATION STATES THAT MR. MATTESON IS THE ORIGINAL OWER OF 71 DUFFY DRIVE, TAUNTON, MA. THIS HOUSE WAS BUILT IN THE YEAR 1982 AND CONSISTS OF 2 BEDROOMS, ONE SMALL MIDDLE ROOM, ONE BATHROOM, LIVING ROOM, KITCHEN. BECAUSE HIS HOUSE HAS ONLY 2 BEDROOMS HE REQUESTS A REDUCTION OF THE SEWER BETTERMENT ASSESSMENT.

**MOTION: TO DENY THE ABATEMENT REQUEST. SO VOTED.**

NEXT WAS RICKY COUTO, 96 WILLIAMS STREET. MR. FEDERICO SAID THAT THE APPLICATION READS THAT THE ORIGINAL FIGURE OF \$18,966.00 IS BASED ON A 3 BEDROOM HOME. HIS HOUSE HAS 2 BEDROOMS, THEREFORE A THIRD OF THE BETTERMENT SHOULD BE DISCOUNTED. MR. COUTO STATED THAT HE LIVES AT 96 WILLIAMS STREET, PARCEL #68-11-0 AND IT WAS PURCHASED ON 11/30/12 FROM JOHN CHAVES. MR. CHAVES PURCHASED PARCEL #68-11-0 FROM GEORGE ABREAU, III ON 10/10/12. ON 3/1/13 MR. COUTO RECEIVED A LETTER FROM THE CITY OF TAUNTON BOARD OF ASSESSORS STATING THERE WAS A SEWER BETTERMENT LIEN ON THIS PARCEL IN THE AMOUNT OF \$18,966.00. AFTER RECEIVING THE LETTER HE STARTED RESEARCHING HOW HE BOUGHT THIS PROPERTY BLIND SIDED OF THE BETTERMENT. HE CALLED NUMEROUS CITY OF TAUNTON DEPARTMENTS, JOE FEDERICO, BUYERS, SELLERS, LAWYERS, BANKS, AND REAL ESTATE COMPANIES. HIS CONCLUSION: A SELLER KNOWINGLY UNDISCLOSING THE SEWER BETTERMENT; AND, THE EXPENSIVE BURDEN OF PROOF FOR MYSELF, THE BUYER, IN A COURT OF LAW.

HE FURTHER STATED HE DID MORE RESEARCH, AND THAT MR. FEDERICO LIED TO HIM AND TOLD HIM THAT IT WAS A 2 BEDROOM HOME, AND HE SAID IT WAS BASED ON A 3 BEDROOM RESIDENTIAL UNIT. HE NEVER STATED ANYTHING ABOUT A CONDOMINIUM. MR. FEDERICO TOLD HIM TO FILE AN ABATEMENT. HE ALSO LOOKED ON HIS COMPUTER WHILE HE WAS ON THE PHONE WITH MR. COUTO AND SAW THAT IT WAS A 2 BEDROOM HOME. HE VERIFIED THAT MR. COUTO SHOULD FILE FOR AN ABATEMENT, BECAUSE HIS HOME ONLY HAS 2 BEDROOMS. HE SAID THE CITY DROPPED THE BALL AS THEY SHOULD HAVE ATTACHED LIENS IMMEDIATELY.

ASSISTANT CITY SOLICITOR DEABREU SAID THAT HE WOULD SUGGEST THAT MR. COUTO CONSULT WITH AN ATTORNEY.

IT WAS ALSO NOTED THAT THE CITY HAS SIX MONTHS AFTER THE PROJECT IS COMPLETED TO DO THE LIENS AND THE CITY DID THIS WITHIN THAT TIME.

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

COUNCILOR COSTA-HANLON STATED THAT WHEN THERE IS THAT 6 MONTH PERIOD WHEN THE CITY KNOWS A BETTERMENT IS GOING TO BE ASSESSED, HOW DOES THIS GET NOTED ON A MUNICIPAL LIEN CERTIFICATE, SO THAT A BUYER OF PROPERTY WOULD KNOW. THE ASSISTANT CITY SOLICITOR SAID THAT HE WOULD HAVE TO LOOK INTO THIS, BUT IF THE BETTERMENT HAD NOT YET BEEN IMPOSED, HE DIDN'T SEE THAT IT WOULD BE ON A MUNICIPAL LIEN CERTIFICATE. HE WOULD HAVE TO DETERMINE EXACTLY WHAT IS REQUIRED TO BE ON A MUNICIPAL LIEN CERTIFICATE AND WHAT IS NOT.

COUNCILOR COSTA-HANLON SAID THAT GOING FORWARD, SINCE IT IS ALREADY ASSESSED, IF MR. COUTO WERE TO TRANSFER THE PROPERTY, WOULD IT BE ON THE MUNICIPAL LIEN CERTIFICATE. THE ANSWER WAS YES, IT WOULD NOW BE ON THE LIEN CERTIFICATE.

MR. FEDERICO STATED THAT ONE OF THE ISSUES THEY REALIZED THAT CAME UP THROUGH THIS PROCESS IS THAT IF THEY START ANOTHER CONSTRUCTION PROJECT AND THERE ARE GOING TO BE BETTERMENTS, AND THEY HAVE AN IDEA WHAT THE LOTS ARE, THAT THEY RECORD SOMETHING AT THE REGISTRY OF DEEDS SO EVERYBODY KNOWS THERE IS A CONSTRUCTION PROJECT GOING ON. THIS PRESENT PROJECT WAS RECORDED APRIL 18, 2013, THE LIENS FOR THIS PARTICULAR AREA.

COUNCILOR POTTIER QUESTIONED WHAT COULD BE DONE SO THAT THIS DOESN'T HAPPEN AGAIN IF A PROPERTY IS SOLD AND A BETTERMENT IS GOING TO BE ASSESSED.

THE CHAIRMAN STATED THAT MR. FEDERICO SAID THAT BEFORE WE PUT A SHOVEL IN THE GROUND THERE WILL BE A RECORDING AT THE REGISTRY OF DEEDS SHOWING THE HOUSE LOTS THAT WILL POTENTIALLY BE ASSESSED A BETTERMENT. THIS SHOULD RAISE A FLAG GOING FORWARD.

**MOTION: TO DENY THE ABATEMENT REQUEST. SO VOTED.**

NEXT WAS SANDRA BORRELLO, TRUSTEE OF CHRIS VIN TRUST, 347 WINTHROP STREET. THIS IS WINTHROP STREET MOTORS.

MR. FEDERICO STATED THAT THEY WERE GIVEN 2 SEWER CONNECTIONS BECAUSE THERE ARE 2 LOTS – 76-90 AND 765-371 – IT IS 1 SINGLE BUSINESS THAT IS ON 2 LOTS. THEY HAD LITTLE OR NO INFORMATION ON THE ASSESSOR'S DATA BASE ON PLAT 76-370 WHICH IS ADJACENT TO DEXTER FARMS ROAD. WHAT THEY DID WAS ASSIGN 1 SEWER UNIT TO EACH LOT. THEY ARE SAYING THAT THIS SHOULD ACTUALLY BE JUST 1 LOT. HOWEVER, MR. FEDERICO SAID, BY THE FORMULA, IF IT WAS CONSIDERED TO BE JUST 1 SINGLE LOT, WHICH HE DOES NOT BELIEVE THEY CAN IN THIS CASE, THEY WILL ACTUALLY PAY MORE. MR. FEDERICO RECOMMENDS MAINTAINING THE BETTERMENT OF \$18,966.00.

**MOTION: TO MAINTAIN THE BETTERMENT, BUT ALSO TO EXPLAIN THAT IF WE DID AS THEY REQUESTED, THEY WOULD ACTUALLY BE PAYING MORE. MR. FEDERICO IS TO PUT TOGETHER A CALCULATION TO BE SENT WITH THE LETTER. SO VOTED.**

NEXT IS SARAH AND KAREN FENTON, 94 BAYLIES ROAD.

THE ASSISTANT CITY SOLICITOR PROVIDED A LETTER ON THIS MATTER DATED 1/13/2014 WHICH STATED THAT PETITIONER RELIES ON LANGUAGE IN THE CASE OF DRISCOLL V. NORTHBRIDGE, 210 MASS, 151, 155 (1911) AND ALLEGES THAT THE ASSESSMENT IS SUBSTANTIALLY IN EXCESS OF THE BENEFIT. PETITIONER RELIES ON APPRAISAL REPORTS TO SUBSTANTIATE HER ASSERTION. THE PETITION IS SILENT AS TO THE VALUE OF THE AVAILABILITY OF CITY SEWER AS OPPOSED TO MAINTAINING A PRIVATE SEPTIC TANK AND MEETING TITLE V REQUIREMENTS. BOTH THE FEBRUARY 2013 AND AUGUST 2013 APPARISALS INDICATE THAT THE PROPERTY HAS PRIVATE SEWER, AND BOTH ASSUME THAT THE SYSTEM MEETS TITLE V REQUIREMENTS, SO QUERY WHETHER THE APPRAISAL EVEN TAKES INTO ACCOUNT THE BETTERMENT. MOREOVER, OTHER FACTORS AFFECT THE VALUE OF A PROPERTY IN ADDITION TO THE BETTERMENT, LEAVING THE APPRAISALS STANDING BY THEMSELVES UNPERSUASIVE. PROPERTY VALUES RISE AND FALL IN THE ABSENCE OF BETTERMENTS, AND EVEN A CASUAL OBSERVER OF THE REAL ESTATE MARKET

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JANUARY 14, 2013

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

KNOWS THAT PROPERTY VALUES WERE NEGATIVELY IMPACTED AS PART OF THE FINANCIAL CRISIS OF 2008 OR THEREABOUT. ALSO, THE PROJECT WAS INITIATED IN 2009; THE ASSESSMENT WAS MADE BY THE COMMITTEE ON FEBRUARY 19, 2013; THE NOTICES WENT OUT THEREAFTER. QUERY THE VALUE OF TWO APPRAISALS 6 MONTHS APART, BOTH IN 2013, WHEN PRESUMABLY THE MARKET WOULD HAVE ALREADY TAKEN INTO ACCOUNT THE BETTERMENT. THE APPRAISAL NOTES THAT IT USED AS A RESOURCE THE CITY OF WORCESTER ASSESSOR'S OFFICE. TWO OF THE COMPARABLE SALES FROM THE FEBRUARY AND AUGUST APPRAISALS ARE IDENTICAL. IN SUMMARY, THE APPRAISALS ARE NOT PERSUASIVE. THE COMMITTEE MAY PROPERLY FIND THAT THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE IMPROVEMENT. THE ASSESSMENT WAS MADE BY THE COMMITTEE PURSUANT TO A UNIFORM UNIT METHOD FORMULA IN ACCORDANCE WITH GENERAL LAWS C. 83, SECTION 15. THE ASSESSMENT BY THE TERMS OF THE STATUTE MAY BE "BASED UPON THE AVERAGE COST OF ALL THE SEWERS IN THE SYSTEM, AND THIS MUST BE A MATTER OF ESTIMATION." CHENEY V. BEVERLY, 188 MASS. 81 (1905) (WITH RESPECT TO UNIFORM RATE METHOD). "THERE IS OFTEN DIFFICULTY IN ESTABLISHING A MODE OF ASSESSMENT THAT IS REASONABLE, CONVENIENT, AND PRACTICABLE, WHICH WILL NOT WORK INJUSTICE IN ITS APPLICATION TO INDIVIDUAL CASES. THE BEST THAT CAN BE DONE IS TO REACH A REASONABLE APPROXIMATION TO ACCURACY IN THE DISPOSITION OF SUCH PUBLIC BURDENS, AND MUCH MUST BE LEFT TO THE JUDGMENT OF THE LEGISLATURE WHICH DETERMINES METHODS." ID. CHAPTER 85 SEC. 15 SHOULD BE CONSTRUED AS IF IT CONTAINS THE WORDS "BUT IN NO CASE SHALL AN ASSESSMENT BE MADE THAT EXCEEDS THE SPECIAL BENEFIT RECEIVED BY THE ESTATE ASSESSED." ID. THE COMMITTEE MAY PROPERLY RECOGNIZE THAT THERE IS A VALUE TO THE WORK PERFORMED FOR THE BETTERMENT OF THE PROPERTY, BOTH FROM THE CONSTRUCTION THEREOF AND FROM THE AVAILABILITY OF CITY SEWER AND THEREBY AVOIDANCE OF COSTLY TIVLE V UPGRADES, AND THAT SAID VALUE WOULD BE PROPERLY TAKEN INTO ACCOUNT BY A WILLING BUYER AND SELLER. THE COMMITTEE MAY PROPERLY DETERMINE THAT THE ASSESSMENT IS IN ACCORD WITH THE ENHANCED VALUE OF THE PROPERTY. IN FACT, THE COMMITTEE HAS ALREADY DETERMINED, AT THE TIME OF THE ASSESSMENT, THAT THE ASSESSMENT WAS NOT IN EXCESS OF THE VALUE OF THE BETTERMENT RECEIVED.

THE CITY SOLICITOR'S RECOMMENDATION, PROVIDING THAT THE COMMITTEE DETERMINES THAT THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE IMPROVEMENT, IS TO DENY THE PETITION.

**MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.**

**MOTION: TO DENY THE ABATEMENT REQUEST. SO VOTED.**

NEXT WAS MECHANICS COOPERATIVE BANK, 308 BAY STREET FOR PROPERTY LOCATED AT 554 WINTHROP STREET.

MR. FEDERICO READ A MEMORANDUM DATED 7/1/2013 OF JOHN MCMAHON, VICE PRESIDENT OF MARKETING AND REAL ESTATE FOR MECHANICS COOPERATIVE BANK. IN THE LETTER IT WAS STATED THAT MECHANICS COOPERATIVE BANK IS REQUESTING ABATEMENT OF THE SEWER BETTERMENT ASSESSMENT FOR 554 WINTHROP STREET, IN THE AMOUNT OF \$37,648, FOR THE FOLLOWING REASONS:

1. 554 WINTHROP STREET ALREADY HAS A SEWER CONNECTION. THE SEWER CONNECTION IS FROM WINTHROP HEIGHTS DRIVE, ADJACENT TO THEIR PROPERTY. HE ALSO INCLUDED DETAILED DRAWINGS PROVIDED BY VEOLIA WATER.
2. WHEN THE BANK ORIGINALLY PURCHASED THIS LAND, THE SALES PRICE WAS INCREASED AS A RESULT OF THE SEWER CONNECTIONS INCLUDED. THE BANK HAS ALREADY PAID FOR THEIR SEWER CONNECTION TO THIS PROPERTY.

MR. FEDERICO RECOMMENDS MAINTAINING THE BETTERMENTS BECAUSE THEY WERE NEVER HOOKED UP TO THE SEWER SYSTEM ORIGINALLY. MR. FEDERICO SAID THAT THIS IS ONE LOT, AND THE

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

BETTERMENT AREA WAS CALCULATED, AND THE LOT IS ACTUALLY 1.29 ACRES SO IT COMES OUT TO 1.9 SEWER UNITS. MR. FEDERICO FURTHER STATED THAT THEY DEDUCT 50% OF THE PROPERTY FOR ITEMS THAT THEY MIGHT NOT KNOW ABOUT – WETLANDS, EASEMENTS AND WITH THAT THEY CAME UP WITH 1.9 SEWER UNITS. THEY ARE ALREADY GETTING A CREDIT OF 50% OF THE LOT, LIKE THEY DID FOR EVERYBODY ELSE ON WINTHROP STREET.

MR. BAPTISTE STATED THAT WHEN THEY PURCHASED THE LOT EVERYTHING WAS RAISED AND THEIR PURCHASE PRICE WAS SUBJECT TO HAVING SEWER CONNECTIONS ALONG WITH ALL UNDERGROUND UTILITIES AT THAT LOT. HIS UNDERSTANDING OF THE SEWER BETTERMENT IS THE FACT THAT THE INSTALLATION OF THE SEWER BETTERS THE VALUE OF HIS PROPERTY, WHERE HE ALREADY HAS A SEWER CONNECTION TO THAT PROPERTY THE FACT THAT SEWER CAME DOWN WINTHROP STREET DID NOT BETTER THE VALUE OF 554 WINTHROP STREET. HE FURTHER STATED THAT THEY HAPPEN TO OWN ANOTHER PIECE OF PROPERTY ON WINTHROP STREET ON THE OPPOSITE SIDE OF THE STREET, AND THEY PAID THAT SEWER BETTERMENT BECAUSE IT DID BETTER THEIR PROPERTY. HIS ARGUMENT IS THAT THEY ALREADY HAVE A SEWER CONNECTION ON THIS LOT SO WHY IS HE PAYING FOR ADDITIONAL SEWER CAPACITY WHEN HE ALREADY HAS AN EXISTING SEWER CONNECTION. HE FURTHER NOTED THAT THE CAR WASH NEXT DOOR TO HIS PROPERTY IS ALSO CONNECTED THROUGH WINTHROP HEIGHTS AND THERE WAS NO SEWER BETTERMENT FOR THAT PROPERTY. HE UNDERSTANDS THAT THEY ARE CONNECTED ALREADY TO THE SYSTEM, BUT HIS PROPERTY IS VACANT LAND.

MR. FEDERICO NOTED THAT THEY DID PUT A STUB ON WINTHROP STREET FOR THIS PROPERTY. HE FURTHER STATED THAT THE FORMULA THEY USED HAS NOTHING TO DO WITH THE NUMBER OF STUBS THAT WERE PROVIDED TO THE PROPERTY. SOME PROPERTY OWNERS CAME TO THEM AND ASKED FOR 2 OR 3 STUBS, THEY WERE STILL BEING ASSESSED THE SAME WAY, WHICH WAS BASED ON AREA FORMULA. IF THEY THOUGHT IT WAS REASONABLE TO GIVE SOMEONE 2 OR 3 STUBS AND THEY ASKED FOR IT AND TO ACCOMMODATE THEM IF THEY HAD A LOT OF FRONTAGE, THEY GAVE IT TO THEM. EVERYBODY HAS TO PAY AT LEAST 1 SERVICE CONNECTION CHARGE.

CHAIRMAN MARSHALL STATED THAT THERE IS POTENTIAL TO DIVIDE THE LOT IN 2 AND ADD FUTURE DEVELOPMENT, SO HE FEELS THAT THEY SHOULD NOT PAY A BETTERMENT FOR ALANITA DRIVE, SO THE COMMITTEE COULD GRANT A 50% ABATEMENT.

**MOTION: TO GRANT A 50% ABATEMENT AND REDUCE THE BETTERMENT CHARGE TO \$18,966.00.**

MR. BAPTISTE STATED THAT HIS TWO QUESTIONS WERE IS HE BEING PENALIZED FOR THE FACT THAT THE PROPERTY IS NOT DEVELOPED AS OF YET, BECAUSE IF HE HAD, HE WOULD BE SITTING IN THE SITUATION OF SEVERAL OTHER PROPERTY OWNERS ON HIS SIDE OF WINTHROP STREET THAT WEREN'T ASSESSED THE BETTERMENT, AND SECOND, IS HIS UNDERSTANDING OF A BETTERMENT FLAWED. DOES THAT SEWER LINE BETTER THE VALUE OF HIS PROPERTY WHERE HE ALREADY HAS A SEWER CONNECTION. THE ASSISTANT CITY SOLICITOR STATED THAT HE DOES NOT THINK THE DETERMINATIVE QUESTION SHOULD BE WHETHER OR NOT THE PERSON HAS RECEIVED A SEWER BILL. THE COMMITTEE WOULD HAVE TO DETERMINE THAT THE AMOUNT OF THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE BETTERMENT. SO IF THE COMMITTEE DETERMINES THAT BY HAVING THIS SECOND OPTION FOR A HOOK UP INCREASES THE VALUE OF THE PROPERTY BY THE \$18,966.00 AMOUNT RATHER THAN THE FULL AMOUNT, THEN THE MOTION IS APPROPRIATE,

**THE MOTION WAS VOTED ON AND SO VOTED.**

NEXT WAS MR. RICHARD BERRY, MEETINGHOUSE REALTY INVESTMENTS WITH PROPERTY AT 436 WINTHROP STREET.

MR. DICK BERRY WAS PRESENT AT THIS MEETING.

MR. FEDERICO SAID THAT THIS IS A LARGE PROPERTY WHERE A STORAGE FACILITY IS LOCATED. THEY ARE

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

CLAIMING THAT THEY COULD ONLY GET 2 RESIDENTIAL UNITS WITH THE FRONTAGE THAT THEY HAVE AVAILABLE LEFT. THE BASIS OF THE COMPUTATION WAS BASED ON AREA NOT NECESSARILY WHAT WAS ON THE LOT BUT WHAT IT WAS ZONED FOR, AND WHAT THE PARTICULAR USE WAS AT THE TIME. IT HAD NOTHING TO DO WITH THE SIZE OF THE BUILDINGS OR ANYTHING ELSE. THIS IS THE SAME METHOD USED FOR EVERYONE ELSE. THEY REDUCED THE LOT BY 50%, DIVIDED THAT BY 15,000 SQUARE FEET FOR AN EQUIVALENT RESIDENTIAL UNIT TO COME UP WITH THE NUMBER OF SEWER UNITS FOR THIS PARTICULAR PROPERTY. MR. FEDERICO SAID IT IS 5.4 ACRES, AND STATED IT IS ACTUALLY LARGER THAN THAT, BUT THE RESULTING PARCEL LEFT IS 5.4 ACRES, WHICH WAS DIVIDED BY 2 LEAVING 2.7 ACRES THAT THEY ASSESSED. THE TOTAL PROPERTY IS ACTUALLY 8.32 ACRES, BUT THEY DID THEIR ASSESSMENT BASED ON 2.7 ACRES.

MR. FEDERICO RECOMMENDS MAINTAINING THE BETTERMENT.

MR. BERRY SAID THAT HE IS CONCERNED WITH THE METHODOLOGY USED IN DEVELOPING THIS LIEN CHARGE, AT MAX IS 2 HOUSE LOTS, BUT IS ESSENTIALLY BASED ON THE PREMISE OR THE POSSIBILITY OF AN EVENT HAPPENING IN THE FUTURE, WHICH IS HIGHLY UNLIKELY, IF NOT LEGALLY PROHIBITED. YOU WOULD HAVE TO HAVE THE ZONING CHANGED TO RESIDENTIAL IN ORDER TO DO THIS AND FACE THE NOTION OF HAVING ONLY 2 HOUSE LOTS BEING ALLOWED. AGAIN, HE STATED THAT THIS IS BASED ON THE POSSIBILITY OF SOMETHING HAPPENING THAT FRANKLY WON'T.

THE ASSISTANT CITY SOLICITOR ADDED THAT EACH PROPERTY WAS CONVERTED INTO A RESIDENTIAL EQUIVALENT AS A WAY TO PREPARE EVERY PROPERTY ON THE PROJECT. THE RESIDENTIAL EQUIVALENT IS A TYPE OF MEASURING STICK BY WHICH YOU CAN COMPARE EACH PROPERTY AND DETERMINE THE ASSESSMENT. THAT IN ACTUALITY A RESIDENCE WILL NOT BE BUILT DOES NOT GO TO THE CRUX OF THE ISSUE.

MR. FEDERICO ALSO STATED THAT THERE ARE MANY OTHER USES FOR THIS PROPERTY – IT COULD BE A HOTEL SOMEDAY, ANY OF THESE PROPERTIES ON WINTHROP STREET HAVE ANY NUMBER OF USES. THIS IS A HIGHWAY BUSINESS DISTRICT THAT ARE PERMITTED BY RIGHT TO HAVE, HOTELS, MOTELS, RESTAURANTS, SHOWROOMS, RECYCLING CENTERS, RECREATIONAL CENTERS, RAILROAD PASSENGER TERMINAL, ETC.

**MOTION: TO DENY THE ABATEMENT REQUEST. SO VOTED.**

NEXT WAS PROPERTY OF ROSALIE FRANKS, 595 WINTHROP STREET. MR. ROCCO BEATRICE WAS PRESENT AS HE HAS POWER OF ATTORNEY FOR MS. FRANKS.

MR. FEDERICO STATED THAT THE APPLICATION SAYS THAT THE BETTERMENT ASSESSED IS GREATER THAN ITS SALES/BENEFIT VALUE.

MR. BEATRICE SAID THAT THE APPLICATION SAYS THAT BECAUSE AT THE TIME IT WAS FILED, THEY DID NOT KNOW EXACTLY WHAT THEIR ARGUMENTS WOULD BE. HE FURTHER STATED THAT THIS PIECE OF REAL ESTATE IS 7 ACRES OF LAND 2 OF WHICH ARE COMMITTED TO PRODUCING REVENUE WITH A RADIO STATION. HE ALSO STATED THAT IF MR. FEDERICO LOOKS AT HIS FORMULA, ADJUSTING THE 7 ACRES BY THE 2 ACRES THAT WOULD BE RESTRICTIVE IN ANY KIND OF ADDITIONAL DEVELOPMENT, YOU WILL FIND THAT THERE IS SOME ABATEMENT DUE JUST ON THAT ISSUE. THE SECOND ISSUE ON BETTERMENTS IS THAT IT HAS TO DO WITH WHAT IS THE FAIR MARKET VALUE OF A PIECE OF REAL ESTATE WITH NO BETTERMENT SEWER. HAVING DONE SOME RESEARCH HE HAS FOUND THAT THIS PIECE OF PROPERTY IS BEING ASSESSED AT \$55,000 PER ACRE AND AVAILABLE FOR SALE IS ANOTHER PROPERTY ALREADY PERMITTED FOR SUBSTANTIALLY HALF OF THAT PRICE. MR. BEATRICE PROVIDED SOME DOCUMENTS SHOWING HIS STUDY OF SALES IN THE AREA.

**MOTION: DOCUMENTS TO BE PART OF THE RECORD. SO VOTED.**

MR. BEATRICE STATED THAT THE QUESTION BECOMES HAS THE VALUE OF THE REAL ESTATE IMPROVED BY \$135,000. HE FURTHER STATED THAT THERE ARE RESTRICTIONS ON THE PROPERTY FOR FUTURE

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**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED**

DEVELOPMENT. THERE ARE WETLANDS, AND ALSO THERE ARE 2 ACRES RESTRICTED TO A CELL TOWER. THE OFFICE BUILDING ON THE PROPERTY IS VACANT. THEY DID RECEIVE AN ABATEMENT OF THEIR REAL ESTATE TAXES.

IT WAS NOTED THAT THE WETLANDS MR. BEATRICE SPOKE OF ARE NOT LOCATED ON THIS PIECE OF PROPERTY.

IT WAS NOTED THAT THE TOTAL PARCEL IS 7 ACRES, BUT THE BETTERMENT ASSESSED WAS ON 4.61 ACRES.

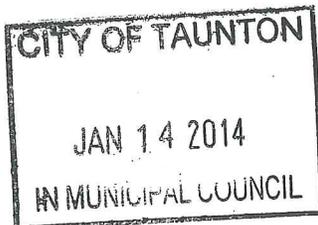
IT WAS FURTHER NOTED THAT THERE ARE 7.12 ACRES, THEY TOOK ONLY THE FIRST 450 FEET BACK FROM THE STREET WHICH REDUCES THE LOT FURTHER TO 4.61 ACRES, REDUCED THAT BY 50% TO 2.3 ACRES THAT THEY ACTUALLY USED FOR THE CALCULATION.

**MOTION: TO DENY THE REQUEST FOR ABATEMENT. SO VOTED.**

NEXT WAS PROPERTY OF NEW ENGLAND AUTO AUCTION, PARCEL 101-18-0, 400 WINTHROP STREET. MR. FEDERICO STATED THAT THEIR TOTAL ASSESSMENT WAS \$687,565.00, BUT AS THE COUNCIL SHOULD REMEMBER WHEN THE PUMP STATIONS WERE BUILT, THEY GRANTED THE CITY AN EASEMENT FOR \$137,404.00. SO SUBTRACTING THAT FROM THEIR ORIGINAL ASSESSMENT, COMES OUT OUT TO \$550,161.00. CHAIRMAN MARSHALL STATED THAT THIS WAS NOT JUST AN EASEMENT ACCESS, THE CITY BUILT A PUMP STATION ON THE CORNER OF WINTHROP AND WILLIAMS STREET. RATHER THAN USE EMINENT DOMAIN, AN AGREEMENT WAS WORKED OUT THAT WHATEVER THE ASSESSED VALUE WAS, THE BETTERMENT WOULD BE REDUCED BY THAT FIGURE.

**MOTION: TO GRANT AN ABATEMENT OF \$137,404.00 WITH A TOTAL ASSESSMENT REMAINING OF \$550,161.00. SO VOTED.**

MEETING ADJOURNED AT 7:48 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Ron Beachwell".

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JANUARY 14, 2014

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

PRESENT WERE: ACTING COUNCIL PRESIDENT ANDREW MARSHALL AND COUNCILORS CLEARY, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL, QUINN, CARR AND BORGES.

**MEETING CALLED TO ORDER AT 7:50 P.M.**

**1. MEET TO DISCUSS COUNCILOR CLEARY'S DRAFT LETTER OF SUPPORT FOR THE MASHPEE WAMPANOAG CASINO PROPOSAL**

COUNCILOR CLEARY STATED THAT IT IS HIS PERSONAL FEELING THAT IF A NUMBER OF THE COUNCILORS BELIEVE THAT THE WAMPANOAG TRIBE'S EFFORTS TO GET A LAND IN TRUST IN ORDER TO BUILD THE CASINO IS IMPORTANT TO THE ECONOMIC DEVELOPMENT OF TAUNTON, THEN HE BELIEVES THAT AS A NEW COUNCIL WE SHOULD TAKE A POSITION AS ENDORSING THEIR CURRENT SUBMISSIONS TO THE SECRETARY OF INTERIOR AND/OR THE BUREAU OF INDIAN AFFAIRS WHERE THEY ARE TRYING TO GET THROUGH SOME OBSTACLES IN WASHINGTON THAT WOULD ALLOW THEM TO HAVE ABOUT 150 ACRES IN THE EAST TAUNTON INDUSTRIAL PARK, SET ASIDE AS RESERVATION PROPERTY.

CLEARLY, THIS HAS POTENTIAL TO BE A SIGNIFICANT ECONOMIC DEVELOPMENT IN TAUNTON. IT COULD STIMULATE A SIGNIFICANT NUMBER OF JOBS. HE WOULD LIKE TO SEE THE COUNCIL GO ON RECORD IN SUPPORT OF THIS PROJECT.

**MOTION: TO SUPPORT COUNCILOR CLEARY'S DRAFT LETTER.**

ON DISCUSSION, COUNCILOR POTTIER STATED THAT THAT THE TIME LINE THAT WAS EXTENDED FROM THE 30<sup>TH</sup> TO JANUARY 17<sup>TH</sup> WAS FOR AN ENVIRONMENTAL IMPACT AND HE DOES NOT SEE ANYTHING IN THE LETTER IN SUPPORT OF THAT. HOWEVER, IF MR. CLEARY WANTS TO HAVE THE COUNCIL SEND A LETTER IN GENERAL SUPPORT OF THE PLAN AS WELL – IF MR. CLEARY WANTS TO SEND SOMETHING IN GENERAL SUPPORT TO THE BUREAU OF INDIAN AFFAIRS FROM THE COUNCIL, AND THE VOTES ARE THERE, THAT'S FINE. THE COMMENT HE DOES HAVE IS THAT EARLY ON IN THE LETTER MR. CLEARY REFERENCES MASHPEE WAMPANOAG AND THEN IT GOES TO WAMPANOAG. THE COMMENT HE HAS IS THAT IT SHOULD CONSISTENTLY SAY MASHPEE WAMPANOAG THROUGHOUT THE LETTER, BECAUSE SOME OTHER TRIBES ARE CONTENDING SOME OF THE CLAIMS.

COUNCILOR POTTIER ALSO SAID THAT ON THE SECOND PAGE, WHERE IT DOES RIGHTFULLY CLAIM THAT THAT THERE ARE GOING TO BE ADDITIONAL FIRE, POLICE, PUBLIC SAFETY, FUNDING FOR SCHOOLS, HE THOUGHT THE ANALYSIS GIVEN BACK IN MAY SPECIFICALLY STATED THAT THESE WERE ONLY FOR INCREMENTAL INCREASES DUE TO THE CASINO COMING. SO IT IS NOT LIKE WE ARE HIRING COPS TO DO DOWNTOWN, FIRE TO DO THE WESTSIDE. NOW CERTAINLY, SOMEONE SPEEDING IN THAT AREA, THESE EXTRA COPS WOULD STOP BUT "THIS PROJECT WILL GENERATE AN INCREMENTAL INCREASE OF \$4.8 MILLION IN THE ANNUAL PUBLIC SERVICE COST, AND THOSE HIRINGS POINTED TO IN THIS LETTER ARE TO DEAL WITH THAT INCREASE. CERTAINLY WITH THE \$8 MILLION THE CITY WILL BE GETTING, THAT COULD BE USED FOR HIRING MORE POLICE OVER AND ABOVE. HE IS NOT ASKING THAT THE LETTER BE CHANGED, BUT FOR THE EDIFICATION OF THE COUNCIL THE EXTRA HIRING IS TO HANDLE THE INCREMENTAL FLOW OF 25% MORE PEOPLE COMING TO TOWN.

MR. CLEARY SAID THAT IT INCLUDES A POLICE SUBSTATION TO BE BUILT IN THAT AREA WHICH WOULD SERVICE EAST TAUNTON AS WELL AS OTHER PARTS OF THE COMMUNITY.

COUNCILOR POTTIER FURTHER STATED THAT HE WANTED TO POINT OUT THAT WHEN YOU THINK BACK TO WHEN THE ORIGINAL COMPACT WAS ESTABLISHED, WE ONLY FOUND OUT THAT THE MALL PROPERTY WAS INVOLVED THAT AFTERNOON, THE COUNCIL DID NOT KNOW ABOUT THAT AHEAD OF TIME. IN LIGHT OF THAT, IN MAY OF LAST YEAR THE COUNCIL ASKED FOR A COPY OF THE LAND IN TRUST APPLICATION, AND THEY HAVE NEVER RECEIVED IT. HE ALSO UNDERSTANDS IT WAS 80% INCOMPLETE

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**THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED**

AND THAT IT WAS 80% INCOMPLETE LAST YEAR. THE REASON WHY THE COUNCIL WANTED TO SEE THAT IS BECAUSE OF WHAT HAPPENED WITH THE COMPACT – THE COUNCIL WANTS TO MAKE SURE WHAT IS IN THERE IS WHAT THEY AGREED TO. AS FAR AS COUNCILOR POTTIER KNOWS, NO ONE FROM THE CITY HAS SEEN A LAND IN TRUST APPLICATION FROM THE TRIBE. FURTHERMORE, WHEN THEY MADE THEIR LAST PRESENTATION IN MAY, THEY MOVED THE HOTEL ABOUT 1000 FEET CLOSER TO STEVENS STREET. THE HOTEL WILL BE 15 STORIES, WHICH IS TWICE THE SIZE OF THE HOLIDAY INN. IT WAS MOVED FROM BEHIND THE CURRENT BUILDING, SET BACK SOME, AND MOVED CLOSER WITHOUT REALLY ASKING. THEY SAID THAT THEY DIDN'T HAVE TO CLEAR IT THROUGH THE COUNCIL BECAUSE THEY DID NOT SEE IT AS A MEANINGFUL CHANGE. HE DOES NOT DISPUTE THE FACT THAT THEY HAD TO MOVE IT BECAUSE OF SUPPOSED WETLAND ISSUES. WE ARE BASICALLY GIVING UP ANY CONTROL OVER THE DEVELOPMENT WHEN IT WAS SIGNED OFF ON. HIS GOAL IS TO MAKE SURE THAT EVERY ASPECT OF THE IGA, THE COMPACT AND/OR THE LAND IN TRUST APPLICATION IS ADHERED TO AND THOSE MITIGATIONS THAT WERE AGREED UPON ARE ADHERED TO. HE DOES NOT KNOW IF THAT'S THE CASE, BECAUSE HE HAS NEVER SEEN THE LAND IN TRUST APPLICATION, AND THE COUNCIL DOES NOT KNOW ABOUT SOME THINGS UNTIL IT IS AFTER THE FACT OR IN THE NEWSPAPERS.

COUNCILOR COSTA-HANLON STATED THAT SHE SUPPORTED THE CASINO AND CONTINUES TO SUPPORT THE CASINO, BUT SHE IS WILLING TO DO A VERY GENERAL LETTER OF SUPPORT OF THIS PROJECT MOVING FORWARD, BUT WITHOUT SEEING THE LAND IN TRUST APPLICATION, SHE IS NOT SURE WHAT SHE IS AGREEING TO SUPPORT. SHE DOES HAVE SOME ENVIRONMENTAL ISSUES SHE HAS CONCERNS WITH THE WETLANDS ON THAT PROPERTY AND ALSO WITH SOME OF THE PROPOSED DEVELOPMENT WHEN IT COMES TO WILDLIFE AND WETLAND HABITAT AND THINGS LIKE THAT. SHE DOES NOT WANT TO HOLD THIS UP, THE LETTER IS A VERY GOOD LETTER, BUT SHE WOULD BE MORE COMFORTABLE WITH IT BEING MORE GENERAL AND NOT NECESSARILY SPECIFICALLY TO THE ACTUAL LAND IN TRUST APPLICATION. COUNCILOR MCCAUL STATED THAT HE WOULD LIKE TO GO ON RECORD AS SUPPORTING THE CASINO AND THAT HE FEELS THE LETTER IS FINE.

COUNCILOR CLEARY SAID THAT HE IS NOT REALLY IN TO WRITING THE LETTER TOO GENERAL BECAUSE HE THINKS THE COUNCIL NEEDS TO COME ACROSS AS THE LEADERS IN THE COMMUNITY AND TO TAKE THE STANDING THAT, YEA OR NAY, IN FAVOR OF THE DEVELOPMENT OF THE CASINO WITHIN OUR COMMUNITY. CLEARLY WE HAVE PAGES OF INFORMATION, WE HAVE THE IGA WHICH IS VERY COMPREHENSIVE AND IT WAS VOTED TO SUPPORT THE IGA. ALSO THE ENVIRONMENTAL IMPACT STUDY IS 800 PAGES LONG WITH DETAILED INFORMATION AND CONTAINING MANY OF THE PROPOSED CONCEPTS. PLUS HE AGREES THAT THE MALL WAS A MISTAKE ON THE PART OF THE WAMPANOAG TRIBE AND SOMEHOW AT THE LAST MINUTE THOUGHT TO INCLUDE THE POSSIBILITY OF THE MALL ACQUISITION. THE MAYOR'S OFFICE AND CITY SOLICITOR JUMPED ON THIS VERY QUICKLY, THEY UNDERSTOOD WHAT WAS IN THE ORIGINAL IGA AND THEY ENFORCED THEIR UNDERSTANDING IN THE IGA AND THE TRIBE BACKED OFF ON THE MALL ISSUE. MR. CLEARY FEELS THAT THE COUNCIL HAS MORE THAN ENOUGH INFORMATION TO SAY THAT THEY EITHER SUPPORT THE TRIBE OBTAINING LAND IN TRUST AND DEVELOPING A CASINO IN TAUNTON, OR NOT..

COUNCILOR CLEARY QUESTIONED WHO WOULD SIGN THIS LETTER, AND AFTER DISCUSSION IT WAS DECIDED THAT THE COUNCIL PRESIDENT, ANDREW MARSHALL, WOULD SIGN IT ON BEHALF OF THE COUNCIL.

THE MOTION WAS AGAIN MADE AS FOLLOWS:

**MOTION: TO SUPPORT COUNCILOR CLEARY'S DRAFT LETTER, WITH THE CHANGES COUNCILOR POTTIER MADE IN MAKING IT CONSISTENLY SAY "MASHPEE WAMPANOAG".**

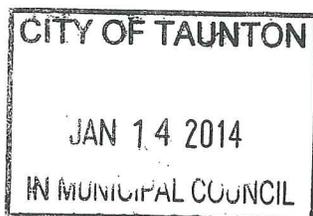
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THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUE

THE MOTION WAS VOTED ON WITH COUNCILORS CLEARY, MARSHALL, COSTA-HANLON, CROTEAU, MCCAUL, QUINN, CARR AND BORGES VOTING IN FAVOR. COUNCILOR POTTIER VOTING IN OPPOSITION. MOTION CARRIES.

MEETING ADJOURNED AT 8:10 P.M.



RESPECTFULLY SUBMITTED, ,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Rm Blackwell".  
CITY CLERK