



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, February 12, 2013 at 7:20 o'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

At this time, the Mayor asked for a Moment of Silence for Ronald Swartz.

Prayer was offered by the Mayor

Present at roll call were:

*Councilor's Barbour, Carr, McCaul, Pottier, Medeiros,
Colton, Cleary, and Marshall
Councilor Costa-Hanson was absent.*

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

Hearing:

On the petition submitted by Margaret Boehner, 48 Archer Circle, Taunton and others for the acceptance of Archer Circle as a public way in the City of Taunton. **Motion was made to open the Hearing. So Voted.** Communication received from City Engineer-Submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Communication from Chairman, Taunton Planning Board-submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Speaking in favor was Richard LeBrum Sr., 50 Archer Circle who has lived there for over 39 years. He stated that he as well as many residents of Archer Circle thought their street was a Public Way. Mr. LeBrum is in favor of the acceptance as well as other residents on Archer Circle. No one speaking in opposition. **Motion was made to move approval as recommended by the Planning Board and City Engineer. So Voted. Motion was made to close the Hearing. So Voted.**

Communications from the Mayor:

None

Appointments:

None

Communications:

Com. from Director, Veterans Service Department – Requesting consideration and acceptance of MGL Chapter 59, Section 5N. **Motion was made to refer to the Committee of the Council as a Whole with an update in 2 to 4 weeks as to what would be the ramification of implication for a positive or negative vote. So Voted.**

Com. from Superintendent of Buildings – Updating on renovation schedule. **Motion was made to receive and place on file. So Voted.**

Com. from Building Commissioner – Submitting the Building Permit Record for January 2013. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from City Solicitor - Submitting the Meadowland Estates Subdivision Amended Conservation Restriction to be a Cluster Residential Development under Section 14.1 of the Taunton Zoning Ordinance. **Motion was made to move approval. So Voted.**

Com. from City Solicitor – Recommending a vote of the Council to accept MGL, Chapter 40, Section 57, Enact the attached proposed ordinance which is in proper form for a first reading, and once an ordinance is passed, coordinate with the Treasurer/Collector's Office, the Police Department and Fire Department and other City agencies so that the list called for in the ordinance can be created and maintained, and so the ordinance can otherwise be fully administered. **Motion was made to refer to Committee Reports. So Voted. Motion was made to move approval to accept MGL, Chapter 40, Section 57. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting in favor of. So Voted. Motion was made to pass the Ordinance to a second reading. So Voted.**

Com. from Father Henry Arruda, Pastor, St. Anthony's Church, 126 School St., Taunton – Requesting permission to conduct a walking prayer pilgrimage on March 16, 2013 beginning at 7am. **Motion was made to move approval and to forward to Police, Fire and Ambulance. So Voted.**

Com. from Breno Lima, Breno's Collision & Sales, 408 Winthrop St., Taunton – Expressing thanks. **Motion was made to receive and place on file. So Voted.**

Com. from John McCarthy, Executive Director, Massachusetts School Building Authority, 40 Broad St., Suite 500, Boston – Notifying of approval from MSBA on the submitted Proposed Accelerated Repair Project for the Galligan Elementary School. The Total Facilities Grant to replace the roof is in the amount of \$524,220. **Motion was made to refer to Finance and Salaries and the Mayor's Office. So Voted.**

Com. from Debra Botellio, 49 Fremont St., Taunton – Expressing concerns of De-Anth Motors obtaining renewal of their Class II Automobile License. **Motion was made to refer to Committee on Police and License and to notify Ms. Botellio when the renewal comes in front of Council. So Voted. Motion was made to allow Debra Botellio to speak. So Voted.** Ms. Botellio stated that she along with other neighbors do not want storage or repairs to be conducted at 47 Fremont Street. The application package for De-Anth Motors listed the address of Fremont Street. The area is residential and would like some assurance that it remains that way.

Com. from Treasurer/Collector – Rescind Unissued Debt: \$3,338 Septic; \$127,556 MWPAT98-119; \$75,042 MWPAT; \$76,260 MWPAT CW-01-26; \$522 MWPAT CW-04-21; \$3,170 MWPAT DW-01-24A; \$902 MWPAT DW-06-11; \$143 MWPAT CW-06-06; \$46,130 MWPAT CW 01-26C and \$ 8,331,000 duplicate of 5/14/2009. **Motion was**

made to move approval. Councilor Pottier requested information/clarification on the unissued debit amount of \$8,331,000. So Voted.

Petitions:

Petition submitted by James F. Burke, -DBA- A&B Realty Trust, 288 Broadway, Taunton requesting to transfer his Class II License to Manuel M. Sarmiento, 101 Montaup Street, Somerset, Prestige Auto Mart, Inc. -DBA- Prestige 3 to be located at 288 Broadway, Taunton. **Motion was made to refer to the Committee on Police and License and Police Chief. 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 Barbour informed that the Spelling Bee scheduled for tomorrow has been re-scheduled to February 27, 2013.

Councilor Barbour stated that the Fire and Police Chiefs are still operating without a contract. He motioned to request an update from Ms. Gomes within one month. The Mayor stated that he and City Solicitor Buffington have met with both Chiefs and is in the process of working on the contract within the next month or so. City Solicitor stated that he doesn't see any great urgency in having a contract due to the fact that the Chiefs are under the Civil Service protection.

Orders, Ordinances, and Resolutions:

Ordinance for a second reading to be passed to a third reading

AN ORDINANCE

Chapter 13

Sec 13-82. Prohibited parking places.

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

That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by adding the following:

- North Walker Street, same side as Bennett School extending 75' south and 75' north of the horseshoe driveway.
- Fifth Avenue, each side of Fifth Avenue for 63 feet in front of house #273 to the corner of Whittenton Street.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to pass to a third reading. So Voted.**

New Business:

Councilor Colton motioned to refer the structural stability of the downtown parking deck to the Committee on Public Property to meet with the Building Commissioner, Police Chief, Representative Beta and Parking Commission to discuss. So Voted.

Councilor Pottier motioned to refer issue of current fire watches to Committee on Fires and Wires Sub-Committee as well as the status of unpaid fire watches. So Voted.

Councilor Pottier informed there was a meeting today to discuss the feasibility study of the City Hall. There are three rough proposals to be considered by the Council and community. Currently, there are no dollar figures on the plans, although figures should be available within 5-6 weeks. All information will be forwarded to the Sub-Committee on Public Properties within 5-6 weeks.

Councilor Barbour motioned to refer to the Committee of Solid Waste a request to invite in Kevin Duquette to discuss what the Neighborhood Solid Waste Committee has been doing. He stated that in addition to the three cameras that they have agreed to mount in the different parks in the community, a possible fourth camera may be mounted to assist in some of the areas of the East Taunton Elementary. **So Voted.**

Councilor Barbour informed of the upcoming dates for the Crime Watch meetings: February 20-Shore Street, February 21-Olney Street and February 28-Whittenton Street and the Greater Taunton Resident Meeting is scheduled for March 14.

Meeting adjourned at 7:50pm

A true copy:

Attest:


City Clerk

RMB/dmc

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 12, 2013

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CLEARY AND COLTON. ALSO PRESENT WERE BUDGET DIRECTOR GILL ENOS, ACTING TREASURER/COLLECTOR JAYNE ROSS, CITY AUDITOR ANN HEBERT, DOMENICK COPPOLA, AUDITOR FOR THE CITY, AND BROCK ROMANO OF KPMG

MEETING CALLED TO ORDER AT 5:55 P.M.

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

MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$1,037,258.46. SO VOTED.

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$5,406,779.39. SO VOTED.

2. MEET WITH THE BUDGET DIRECTOR, ACTING TREASURER/COLLECTOR, CITY AUDITOR AND REPRESENTATIVES OF KPMG TO DISCUSS THE 2011 AUDIT.

MR. ROMANO HAD PROVIDED TO THE COMMITTEE THE 2011 FINANCIAL REPORT AND THE INTERNAL CONTROL COMMENTS. MR. ROMANO STATED THAT THE AREAS THAT HE WOULD HIGHLIGHT IN THE 2011 REPORT ARE BASICALLY THE SAME AREAS HE HIGHLIGHTED IN THE 2010 REPORT. HE STATED THAT THE CITY HAS MANY ACCOUNTS THAT HAVE BUILT UP BALANCES. HE REFERRED THE COMMITTEE TO COMMENT 2011-3 IN THE REPORT ENTITLED FUND BALANCES. FOR THE YEAR ENDED JUNE 30, 2011 THE CITY HAD OVER \$11 MILLION OF SPECIAL REVENUE FUND BALANCES. SPECIAL REVENUE FUNDS ARE USED TO ACCOUNT FOR ACTIVITY RELATED TO STATE AND FEDERAL GRANTS AND REVOLVING FUNDS AND ARE DESIGNED TO RECOVER THE COSTS ASSOCIATED WITH RUNNING THESE ACTIVITIES. WHETHER THE REVENUES ARE IN THE FORM OF GRANTS OR USER FEES, THE ACCUMULATION OF FUND BALANCES IN THESE FUNDS IS NOT THE ULTIMATE GOAL OF THE ACTIVITIES. HE RECOMMENDS THAT THE CITY UNDERTAKE A STUDY TO ENSURE THAT THE EXISTING BALANCES ARE PROPER WITH SPECIAL ATTENTION TO PROPER CODING OF ACTIVITY BETWEEN GRANT YEARS AS IT WAS NOTED THAT FOR SEVERAL RECURRING GRANTS THAT SOME GRANT YEARS SHOW LARGE DEFICITS WHILE OTHERS SHOW LARGE SURPLUSES. IN THE REPORT HE HIGHLIGHTED SPECIAL REVENUE FUNDS THAT SEEMED EXCEPTIONALLOY HIGH. THIS IS AN ACCOUNTING ISSUE AND FISCAL MANAGEMENT ISSUE TO BE DEALT WITH.

MR. ROMANO INFORMED THE COMMITTEE THAT THEY HAVE BEGUN THE PLANNING PROCESS FOR THE 2012 AUDIT, AND POSSIBLY IT WILL BE COMPLETED IN 8-9 WEEKS. THIS WOULD BE THE BEST CASE SCENARIO.

COUNCILOR CARR NOTED THAT ONCE AGAIN THE REPORT INDICATES THAT THE CITY SHOULD CREATE A CHIEF FINANCIAL OFFICER POSITION WHICH WOULD ESTABLISH A CLEAR EXECUTIVE LEVEL POSITION CHARGED WITH FINANCIAL REPORTING AS WELL AS OTHER FISCAL RESPONSIBILITIES THEY BELIEVE THE HISTORIC ROADBLOCKS TO TIMELY AND ACCURATE FINANCIAL REPORTING-NAMELY THE LACK OF COOPERATION AND OR COMMUNICATION BETWEEN CITY DEPARTMENTS, ESPECIALLY AS IT RELATES TO PRODUCING FINANCIAL INFORMATION IN ACCORDANCE WITH U.S. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES- COULD BE MITIGATED.

REGARDING ANNUITIES, THE CITY HAS PURCHASED ANNUITIES, HELD IN THE NAME OF THE CITY, FOR THE BENEFIT OF CERTAIN RETIRED EMPLOYEES. THE ANNUITIES ARE DESIGNED TO FUND THE ACCUMULATED SICK (AND IN SOME CASES VACATION) TIME EARNED BY RETIRING EMPLOYEES OVER TIME AS OPPOSED

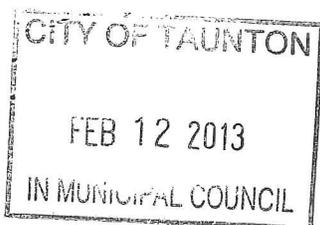
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THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

TO THE CITY PAYING OUT A LUMP SUM TO THE RETIRING EMPLOYEE. THE ANNUITIES ARE NOT RECORDED ON THE CITY BOOKS AND RECORDS. THE CITY PRESENTLY IS UNABLE TO QUANTIFY THE FAIR VALUE OF THE ANNUITIES HELD AT YEAR END BUT EXPECTS THE BALANCE TO BE CLOSE TO \$1 MILLION. THE CITY VIA T.M.L.P. IS ALSO RE-EXAMINING THE TAX IMPLICATIONS OF THESE TRANSACTIONS AS SUCH A REVIEW HAS NOT BEEN UNDERTAKEN SINCE THIS PROGRAM WAS INITIATED SEVERAL YEARS AGO. THEY SUGGEST THAT THE CITY RE-EVALUATE THE POLICY ON CONTINUING SUCH A PROGRAM IN THE FUTURE. MR. ROMANO SUGGESTS THAT THE CITY RE-EVALUATE THIS ANNUITY PROGRAM WHICH WILL NEED TO BE NEGOTIATED WITH THE UNIONS. IT WAS NOTED THAT THE MANAGEMENT RESPONSES WERE NOT INCLUDED IN THE REPORT, BUT THEY WILL BE FORWARDED TO THE COMMITTEE.

MEETING ADJOURNED AT 6:46 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 "Rose Marie Blackwell".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 12, 2013

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT JOHN MCCAUL AND COUNCILORS MARSHALL, CLEARY, COLTON, MEDEIROS, POTTIER, CARR AND BARBOUR. (COUNCILOR COSTA-HANLON ABSENT) ALSO PRESENT WAS CITY SOLICITOR JASON BUFFINGTON.

MEETING CALLED TO ORDER AT 6:50 P.M.

1. MEET WITH THE CITY SOLICITOR TO REVIEW HIS RECOMMENDATIONS AND DRAFT ORDINANCE CONCERNING THE DENIAL, REVOCATION OR SUSPENSION OF LOCAL LICENSES AND PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES.

THE CITY SOLICITOR STATED THAT LAST WEEK HE WAS ASKED TO GIVE A PRESENTATION TO THE COMMITTEE ON POLICE AND LICENSE FOR WHICH HE HAD PUT TOGETHER A WRITTEN OPINION ON THIS ISSUE BY LETTER DATED 2/5/13. AT THE CONCLUSION OF THAT MEETING A MOTION WAS MADE BY THE POLICE AND LICENSE COMMITTEE TO ASK HIM TO COME UP WITH SOME RECOMMENDATIONS AND SOME LANGUAGE FOR A PROPOSED ORDINANCE, WHICH HE DID BY LETTER DATED 2/6/2013 WHICH IS IN THE COUNCIL PACKET THIS EVENING.

COUNCILOR CLEARY QUESTIONED WHY IN SECTION 3 OF THE PROPOSED ORDINANCE IT SAYS *THE FIRST SENTENCE OF SUBSECTION (4) OF SAID SECTION 7-48 OF SAID ARTICLE II OF SAID CHAPTER 7, AS AMENDED, IS HEREBY FURTHER AMENDED BY STRIKING OUT THE WORDS "POLICE DETAILS" AND INSERTING IN PLACE THEREOF THE FOLLOWING WORDS:-- FIRE DETAILS.* MR. BUFFINGTON STATED THAT THIS IS JUST TO CORRECT A TYPOGRAPHICAL ERROR THAT HE FOUND. SECTION 7-48 OF THE ORDINANCES DEALS WITH FIRE DETAILS AND THERE IS A PLACE IN THIS ORDINANCE WHERE IT ACTUALLY SAYS POLICE DETAILS RATHER THAN FIRE DETAILS. THIS IS JUST TO MAKE A CORRECTION.

COUNCILOR CLEARY ALSO ASKED WHERE IN THE PROPOSED ORDINANCE IT STATES THAT IF SOMEONE IS RUNNING A BUSINESS AND PAYS ALL THEIR TAXES BUT THE OWNER OF THE PROPERTY HASN'T PAID THEIRS, THE PERMIT OR LICENSE CAN BE DENIED. THE CITY SOLICITOR STATED THAT THE STATUTE ITSELF, WHICH THE ORDINANCE IS BASED UPON, IS M.G.L. CH. 40, SEC. 57. IT AUTHORIZES LOCAL LICENSING AUTHORITIES TO DENY UNDER CERTAIN CIRCUMSTANCES AND FOLLOWING THE APPROPRIATE PROCEDURE, IT ALLOWS LOCAL LICENSING AUTHORITIES TO DENY A PERMIT TO AN APPLICANT BASED UPON EITHER THE APPLICANT'S DELINQUENCY OF MUNICIPAL CHARGES, OR THE PROPERTY OWNERS, WHERE THAT APPLICANT'S ACTIVITY IS GOING TO TAKE PLACE IF THE APPLICANT DOESN'T OWN THE REAL ESTATE IF THE PROPERTY OWNER IS DELINQUENT. IT GIVES THE CITY THE TOOLS TO BE ABLE TO DO THIS AS WELL. THE SOLICITOR FURTHER STATED THAT SECTION 4 OF THE ORDINANCE BEFORE THE COUNCIL NOW REWRITES THE EXISTING 12-1 THAT IS ON THE BOOKS RIGHT NOW. THE EXISTING SECTION 12-1 CONTAINS NO PROVISION TO DENY A LICENSE IF THE PROPERTY OWNER IS DELINQUENT. THEY ARE REWRITING IT SO THAT IT DOES.

COUNCILOR POTTIER ASKED WHY THE LEGISLATURE WOULD GRANT PEOPLE UP TO A YEAR TO PAY THEIR BACK TAXES BEFORE GETTING A LICENSE RENEWAL. OUR ORDINANCE AT THE TIME IS JUST IF THEY WERE A DAY LATE BY A DOLLAR THE CITY COULD DENY. SO IF SOMEONE DOES OWE TENS OF THOUSANDS OF DOLLARS WHY DOES THE LEGISLATURE GRANT THEM A YEAR BEFORE WE CAN DO ANYTHING ABOUT DENYING THE LICENSES.

THE SOLICITOR STATED THAT THE LAW WAS WRITTEN IN 1985, SO HE DOES NOT KNOW WHAT THEIR RATIONALE WAS. HOWEVER, THE PREVIOUS VERSION OF THE CITY'S ORDINANCES DO NOT COMPLY WITH THE STATE LAW.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

COUNCILOR CARR NOTED THAT PEOPLE HAVE UP TO 1 YEAR TO BE IN ARREARS BEFORE YOU COULD REMOVE THEIR LICENSE. THE CITY SOLICITOR STATED THAT THE STATUTE SAYS IN ORDER TO DENY AN APPLICATION FOR A PERMIT OR TO SUSPEND OR REVOKE A PERMIT OR LICENSE THAT IS ALREADY IN EFFECT – THE FIRST THING THAT HAS TO BE DONE IS THAT THE TREASURER/COLLECTOR HAS TO COMPILE A LIST AND PROVIDE IT TO EACH OF THE LOCAL LICENSING AUTHORITIES. IN ORDER TO BE ON THE LIST A PERSON NEEDS TO BE NOT LESS THAN 12 MONTHS LATE. SO YOU HAVE TO BE AT LEAST ONE YEAR IN ARREARS ON SOME MUNICIPAL CHARGE IN ORDER TO GET ON THE LIST IN THE FIRST PLACE. THEN, AND ONLY THEN, ONCE YOU ARE ON THIS LIST CAN THE LOCAL LICENSING AUTHORITY FOLLOW THE REST OF THE PROCEDURE TO DETERMINE WHETHER OR NOT SOME ADVERSE ACTION WOULD BE TAKEN UPON A LICENSE OR A PERMIT IF IT CHOSE TO DO SO. SO THE FIRST THING THAT NEEDS TO BE DONE IS THE CREATION OF THIS LIST.

COUNCILOR CARR ASKED FOR THAT 12 MONTH TIME PERIOD, DOES THE COUNCIL HAVE ANY WAY TO CHANGE THIS, CAN THE CITY SAY WE DON'T LIKE 12 MONTHS WE WANT TO CHANGE IT TO SOMETHING ELSE. THE SOLICITOR SAID YOU COULD CONTACT YOUR LOCAL LEGISLATORS AND ASK THEM TO CHANGE THE GENERAL LAWS. HE FURTHER STATED THAT THE CITY PASSED ORDINANCES STATING THAT ALL FEES AND CHARGES MUST BE PAID TO THE CITY BEFORE A LICENSE OR PERMIT WOULD BE ISSUED, HOWEVER THOSE ORDINANCES CONFLICT WITH STATE LAW AND YOU CANNOT HAVE AN ORDINANCE THAT CONFLICTS WITH STATE LAW.

COUNCILOR CARR ASKED IF WE HAD TO ACCEPT THIS STATE LAW OR HAVE WE ALREADY ACCEPTED IT. THE CITY SOLICITOR SAID THAT IT IS SORT OF AN OPEN QUESTION AS TO WHETHER WE HAVE ACCEPTED IT OR NOT. HE HAS BEEN PROVIDED WITH SOME EVIDENCE FROM THE CITY CLERK STATING THAT BASICALLY IN 1986 THE CITY ATTEMPTED TO ACCEPT THE PROVISIONS OF CHAPTER 640 OF THE ACTS OF 1985. CLEARLY WHAT THEY INTENDED TO DO BY DOING THIS WAS TO ACCEPT THE PROVISIONS OF CHAPTER 40 SECTION 57, BUT THEY DID NOT SPECIFICALLY DO THAT, SO ONE OF HIS RECOMMENDATIONS IS TO TAKE A VOTE, SO THAT IT IS VERY CLEAR, THAT THE CITY ACCEPTS MASS. GENERAL LAWS CHAPTER 40, SECTION 57.

COUNCILOR CARR ASKED IF WE DO NOT ACCEPT IT CAN WE MAKE OUR OWN RULE. THE CITY SOLICITOR STATED THAT YOU CANNOT MAKE YOUR OWN RULE. ALSO, IF THE CITY DID NOT ACCEPT MASS. GENERAL LAWS CHAPTER 40, SECTION 57, THE CITY WOULD NOT BE ABLE TO TAKE ADVERSE ACTION ON A LICENSE OR A PERMIT FOR FAILURE TO PAY MUNICIPAL CHARGES.

COUNCILOR CARR FURTHER NOTED THAT IN SECTION 'F' IT STATES YOU HAVE TO GIVE THEM SOME TYPE OF A PAYMENT AGREEMENT TO FOLLOW IF THEY ARE BEHIND. IF PARTY A COMES IN FOR A LICENSE RENEWAL AND THEY OVER A YEAR OWED THE CITY MONEY AND THEY OWE FOR EXAMPLE \$50,000. CAN THE PAYMENT AGREEMENT BE ANYTHING THAT THE CITY CHOOSES IT TO BE, HOW DOES THIS PAYMENT AGREEMENT WORK BECAUSE IT DOESN'T SAY IT HAS TO BE OVER A CERTAIN LENGTH OF TIME OR WHATEVER. CAN THE CITY SAY THEY HAVE TO PAY THE \$50,000 BEFORE YOU GET YOUR LICENSE, CAN THE CITY SAY YOU HAVE TO PAY IT IN 2 INSTALLMENTS. IN OTHER WORDS CAN THE COUNCIL MAKE THE PAYMENT PLAN OR ARE THERE REGULATIONS TO THE PAYMENT PLAN AS WELL.

THE CITY SOLICITOR STATES THAT THE LAW IN CHAPTER 40, SECTION 57, SUBSECTION C SAYS THAT ANY PARTY SHALL BE GIVEN AN OPPORTUNITY TO ENTER INTO A PAYMENT AGREEMENT. THAT IS ALL IT SAYS, IT DOESN'T SET FORTH ANY CRITERIA TO GIVE ANY GUIDANCE AS TO WHAT THE PARAMETERS OF ANY SUCH AGREEMENT WOULD BE. THE SOLICITOR STATED THAT HE HAS LOCATED NO APPELLATE CASE LAW THAT FURTHER DELINEATES THIS PROVISION HOWEVER THERE IS A STANDARD OF REASONABLENESS. QUESTIONED WAS WHETHER THERE SHOULD BE SOMETHING PUT IN AN ORDINANCE STATING WHAT THE PAYMENT PLAN SHOULD BE.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

THE CITY SOLICITOR STATED THAT EACH CASE SHOULD BE LOOKED AT INDIVIDUALLY. THE COUNCIL SHOULD LOOK AT THE FACTS AND CIRCUMSTANCES OF EACH CASE AND DETERMINE ON THE TOTALITY OF THE CIRCUMSTANCES WHATS FAIR AND REASONABLE IN EACH SITUATION AND WHAT IS NOT. IT WAS ALSO NOTED THAT SECTION H ALSO LISTS THE LICENSES AND PERMITS TO WHICH THIS ORDINANCE SHALL NOT APPLY, AND THE COUNCIL COULD ADD ANY OTHER LICENSES OR PERMITS TO THIS LIST THAT LOCAL LICENSING AUTHORITIES COULD NOT TAKE ADVERSE ACTION ON. THE SOLICITOR STATED THAT HE DRAFTED UP THE PROPOSED ORDINANCE WITH THE THOUGHT IN MIND THAT THE COUNCIL PROBABLY WOULDN'T WANT TO ADD ANY ADDITIONAL ONES TO THIS LIST, BUT IF THEY DO, HE CAN ADD THEM IN. HE FURTHER STATED TO THE COMMITTEE TO KEEP IN MIND THAT THE MUNICIPAL COUNCIL IS THE LICENSING AUTHORITY FOR A HOST OF LICENSES, BUT THIS ORDINANCE WILL PERTAIN TO ALL THE LOCAL LICENSING AUTHORITIES IN THE CITY.

MOTION: TO ACCEPT MASS. GENERAL LAWS CHAPTER 40, SECTION 57. SO VOTED.

THE CITY SOLICITOR STATED THAT THE COUNCIL MAY WANT TO CHECK WITH THE CITY CLERK, BECAUSE WHEN THIS COMES UP AT THE FULL COUNCIL MEETING IT MAY NEED A ROLL CALL VOTE.

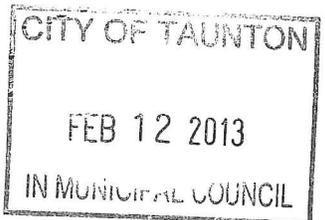
MOTION: TO ENACT THE PROPOSED ORDINANCE AND REFER FOR FIRST READING TONIGHT. SO VOTED.

MEETING ADJOURNED AT 7:11 P.M.

RESPECTFULLY SUBMITTED, 1



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK