



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, February 19, 2013 at 9:30 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 Barbour, Carr, McCaul, Pottier, Costa-Hanlon,  
Medeiros, Colton, Cleary and Marshall*

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

*Hearings:*

None

*Communications from the Mayor:*

The Mayor thanked the DPW team for a job well done during the recent storm over this past weekend especially to the individuals working endless hours over the past few weeks with the storms.

*Appointments:*

None

*Communications:*

Com. from Assistant Director of Retirement – Notifying of a retirement for Superannuation Kenneth Rose, an employee of the Fire Department on February 28, 2013 under the provision set forth in Section #5 of Chapter 32 of the General Laws of Massachusetts. **Motion was made to move approval and to send the appropriate scroll. So Voted.**

Com. brought up by Councilor Pottier from Chief Bradshaw requesting a current Civil Service List to fill two Fire Fighters open position created by the retirement of Private Smith and Private Rose who are scheduled to retire by the end of this month. **Councilor Pottier motioned to move approval and to refer to the City Clerk's Office for a list. So Voted.**

Com. from Human Resource Director – Submitting a Memorandum of Agreement between the City of Taunton and the American Federation of State, County and Municipal Employees, Council 93 AFL-CIO, Local 1701 Library Union. **Motion was made to move approval. So Voted.**

Com. from Chairman, Taunton Planning Board – Notifying of a Public Hearing for a Site Plan Review for property located at 225 John Hancock Road on Tuesday, February 26, 2013 at 10am. **Motion was made to receive and place on file. So Voted.**

Com. from Teri Bernert, Director of the Downtown Taunton BID and Downtown Taunton Foundation – Requesting a waiver or reduction of permit fees, water and sewer fees associated with the project. **Motion was made to refer to Committee on Public Properties and the City Solicitors Office for information on the organization - private or non-profit. Furthermore, information on what is the approximate amount of fees to be waived and to refer to the Committee of the Council as a Whole to explain real estate taxes.** The Mayor stated that he would recommend approving to get more serious with the revitalization of Downtown. He said this is the kind of projects we need to get behind and support. **Councilor Marshall motioned to refer to Mr. Scanlon's Office and the DPW for any fees associated with this project. So Voted.** *The City Clerk spoke to Teri Bernert. Ms. Bernert's contractor will go to Department Heads to obtain the approximate fees.*

**Petitions:**

Application submitted by Desmond Chow requesting a renewal of his constable license desiring to serve civil process. **Motion was made to refer to Police and License and Police Chief. So Voted.**

Site Plan Review for property located at 225 John Hancock Road for a 24,613 sq. ft. warehouse addition to the existing warehouse/distribution facility submitted by Kurt Roemer, Treas./Lone Oak-Taunton, 6250 North River Road, Suite 9000, Rosemont, IL. **Motion was made to receive and place on file. So Voted.**

**Committee Reports:**

Motion was made for Committee reports to be read by Title and Approved except for Committee on Police and License. So Voted. Councilor Medeiros voted present on Committee of Public Property. So Voted.

Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted. Committee of Police and License - **Councilor Costa-Hanlon motioned to move approval on Agenda Item #1, 2, and 4. So Voted.** Councilor Cleary informed that he voted in the negative on Agenda Item #3 based on the recommendation from the Police Chief and Detective Smith's not to renew the Constable License for William Garcia. During the Police and Licensing Meeting, Mr. Garcia had the opportunity to testify and was able to tell his side of the story. Councilor Cleary felt that the recommendation from the Police Chief and Detective Smith along with the evidence/information provided was appropriate, therefore, rather than going to the Sub-Committee Report, he requested it come to the Full Committee for a Council vote. **Councilor Costa-Hanlon motioned to affirm the vote of reviewing William Garcia Constable License as he requested. Councilor Medeiros stated there were numerous police reports available through Mrs. Ellis's Office, therefore, to allow Council time to review reports he motioned to table for one week with discussion under Unfinished Business. Councilor Pottier motioned to invite Mr. Garcia to the meeting next week as well as the Police Chief. So Voted.**

**Unfinished Business:**

Councilor Barbour requested an update on the casino. The Mayor informed that a meeting is scheduled for February 27, 2013; no formal update yet. Councilor Pottier stated that the Tribal Election was postponed due to the recent storm and if Chairman Cromwell is re-elected, the Council could invite him in for a presentation. The Mayor stated that Chairman Cromwell is willing to set-up a field trip to Queens if anyone is interested in seeing that facility in NY.

**Orders, Ordinances, and Resolutions****Ordinance for a third reading to be ordained on a roll call vote****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.**

SECTION 6. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

**New Business:**

**Councilor Pottier motioned that the Committee on Finance and Salaries discuss snow and ice removal with Mr. Enos. Additionally, Mr. Enos is to explain the process for any FEMA reimbursement monies the City is eligible for. So Voted.** The Mayor informed that the current snow and ice removal cost is approximately \$469,000 and the City budgeted \$500,000.

Councilor Costa-Hanlon asked if the City would be reimbursed for the Special Elections. The Mayor stated that he would make some inquiries; unfortunately it is an unfunded mandate.

Councilor Medeiros had a conversation with a business owner downtown inquiring about snow removal on the sidewalks. The Mayor stated that what snow was removed was done by the City. It actually becomes a budget item and the snow that the City did remove cost approximately \$35,000. The Mayor stated that most of our trucks have sanders and the City really needs to purchase additional equipment to get the job done properly.

Councilor Cleary stated that at a recent meeting of the Landlords Association there was discussion of the \$50.00 annual dumpster permit fee. The landlords stated that the \$73.00 annual fee for single family homes was eliminated, but the \$50.00 fee was not and they would like to see this fee eliminated. They stated that their tenants do not have access to city trash collecting or recycling, landlords are paying contractors hundreds of dollars to remove trash, the dumpster companies have to pay the Board of Health a \$150.00 annual permit fee, and on top of that, they are required to pay a \$50.00 annual dumpster permit fee. **Councilor Cleary motioned to refer to the Board of Health a consideration for elimination of this dumpster fee for landlords. So Voted.**

Meeting adjourned at 10:00pm.

A true copy:

Attest:

  
City Clerk

RMB/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 19, 2013

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CLEARY AND COLTON

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

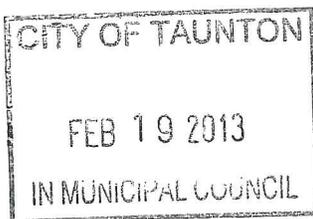
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$833,073.51. SO VOTED.  
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$2,506,090.43. SO VOTED.

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  
FEBRUARY 19, 2013

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND BARBOUR. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH, ATTORNEY WILLIAM ROUNDS, WILLIAM FRASER OF DE-ANTH MOTORS AND WILLIAM GARCIA OF 28 ½ WORCESTER STREET, TAUNTON

**MEETING CALLED TO ORDER AT 6:18 P.M.**

LETTER DATED 2/19/2013 OF POLICE CHIEF EDWARD WALSH WAS READ. THE LETTER STATED THAT THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE FOLLOWING PETITIONS FOR RENEWAL OF THE FOLLOWING SECOND HAND ARTICLE LICENSES:

- A. STEVEN FERNANDES D/B/A THE ESTATE MARKET PLACE, 93-95 SUMMER STREET, TAUNTON
- B. JOSH MUIR, GENERAL MANAGER OF BEST BUY, 2 GALLERIA MALL DRIVE, TAUNTON

THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE PETITION OF EDWIN DEBRUM, 57 STEVENS STREET D/B/A DEBRUM SALVAGE FOR RENEWAL OF HIS JUNK COLLECTORS LICENSE

IN REGARDS TO THE APPLICATION OF WILLIAM GARCIA FOR RENEWAL AS A CONSTABLE, SEE COMMUNICATION OF CHIEF WALSH.

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

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF SECOND HAND ARTICLE LICENSES:

- A. STEVEN FERNANDES D/B/A THE ESTATE MARKET PLACE, 93-95 SUMMER ST., TAUNTON.

**MOTION: MOVE APPROVAL. SO VOTED.**

- B. JOSH MUIR, GENERAL MANAGER OF BEST BUY, 2 GALLERIA MALL DRIVE, TAUNTON

**MOTION: MOVE APPROVAL. SO VOTED.**

2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF EDWIN DEBRUM, 57 STEVENS STREET, EAST TAUNTON FOR RENEWAL OF JUNK COLLECTOR'S LICENSE D/B/A DEBRUM SALVAGE. 57 STEVENS STREET.

**MOTION: MOVE APPROVAL. SO VOTED.**

3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION OF WILLIAM GARCIA, 28 ½ WORCESTER STREET – RENEWAL

LETTER DATED 2/19/2013 OF POLICE CHIEF EDWARD WALSH WAS READ IN WHICH HE STATED THAT HE HAD AN OPPORTUNITY TO REVIEW THE CONSTABLE RENEWAL APPLICATION OF WILLIAM GARCIA. AFTER A LENGTHY REVIEW AND MUCH THOUGHT ON THIS MATTER, HE CANNOT IN GOOD CONSCIOUS SUPPORT THIS RENEWAL. IF YOU WISH TO GO INTO SPECIFICS ON HIS REASONING AND WHY HE REACHED THIS CONCLUSION, OR WHETHER YOU WOULD LIKE TO SCHEDULE A MEETING OR HEARING ON THIS MATTER PLEASE LET HIM KNOW.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

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

**MOTION:** MOVE TO APPROVE RENEWAL OF CONSTABLE APPLICATION OF WILLIAM GARCIA.

**MOTION WAS MADE BY COUNCILOR BARBOUR AND SECONDED BY COUNCILOR COSTA-HANLON.**

ON DISCUSSION, COUNCILOR BARBOUR ASKED THE CHIEF TO STATE HIS REASONS FOR NOT RECOMMENDING THE RENEWAL OF THIS CONSTABLE LICENSE.

THE CHIEF STATED THAT THERE HAS BEEN A NUMBER OF EVENTS OVER THE LAST SEVERAL YEARS INVOLVING MR. GARCIA. THE CHIEF STATED THAT HE QUESTIONS HIS JUDGMENT AND HIS APPLICATION OF THE LAW IN SEVERAL OF THE INCIDENTS. THERE HAVE BEEN SOME COMPLAINTS OVER THE LAST COUPLE OF YEARS AND THERE WERE A COUPLE OF INCIDENCES THAT THE CHIEF PROVIDED THE COMMITTEE INFORMATION ON. BASED ON THESE INSTANCES AND SOME OTHER STUFF THAT HAS BEEN BROUGHT TO THE CHIEF'S ATTENTION, THE CHIEF HAS VERY SERIOUS CONCERNS ABOUT MR. GARCIA'S UNDERSTANDING OF HIS ROLE AS A CONSTABLE AND HOW HE IS PERFORMING HIS ROLE AS A CONSTABLE. THE CHIEF FURTHER STATED THAT HE HAS PUT A LOT OF THOUGHT INTO THIS OVER THE LAST COUPLE OF WEEKS AND AN APPROPRIATE RESPONSE WOULD BE JUST TO LIMIT HIM TO CIVIL PROCESS ONLY, MAYBE CIVIL PROCESS WITHOUT THE AUTHORITY TO SERVE A CAPIUS. THE INCIDENT IN MANSFIELD WAS A CAPIUS, THE CHIEF HAS RESERVATIONS AND IT IS JUST A QUESTION OF TIME BEFORE IT IS GOING TO BE PROBLEMATIC - BEFORE HE GETS HIMSELF INTO SOME SERIOUS TROUBLE SERVING AS A CONSTABLE - AND AS A RESULT GET THE CITY IN SERIOUS TROUBLE BECAUSE THE CITY IS ULTIMATELY RESPONSIBLE, HE IS AN OFFICIAL OF THE CITY AND THE CITY IS LIABLE FOR HIS ACTIONS.

COUNCILOR BARBOUR STATED THAT HE READ THOROUGHLY WHAT THE CHIEF HAD PROVIDED A COUPLE OF WEEKS AGO, AND NOTED THE INCIDENT IN MANSFIELD ACCORDING TO HIS READING STATES THAT THE PERSON FIRST STATED THAT HE DID NOT HAVE A WARRANT OUT FOR HIM THEN RECANTED HIS STATEMENT. HE STATED THAT HE IS NOT GOING TO MAKE HIS DECISION BASED ON THE COMMUNICATIONS PROVIDED TO THE COMMITTEE. IF SOMEONE CAME IN AND COMPLAINED ABOUT ONE OF US, DOES THAT NECESSARILY MEAN THAT WE SHOULD TAKE IT BIBLICALLY. THERE ARE TWO SIDES TO EVERY STORY.

THE CHIEF NOTED THAT MR. GARCIA WAS SERVING A DOCUMENT IN MANSFIELD AND HE IS NOT A CONSTABLE IN MANSFIELD. HIS JURISDICTION LIMITS TO THE CITY OF TAUNTON UNLESS HE IS APPOINTED A PROCESS SERVER BY A COURT. THE COURT HERE WAS BOSTON HOUSING COURT AND HE HAS NO BUSINESS IN MANSFIELD SERVING CIVIL PROCESS. HE ALSO NOTED THAT THE CLERK MAGISTRATE FOUND PROBABLY CAUSE FOR A COMPLAINT.

COUNCILOR CLEARLY STATED THAT WE HAVE A WRITTEN RECOMMENDATION FROM THE CHIEF EXPRESSING CONCERNS ABOUT THE QUALIFICATIONS OF THE INDIVIDUAL. CLEARLY THE TWO OR THREE INCIDENTS THAT REPORTS HAVE BEEN GIVEN TO THE COMMITTEE WERE SITUATIONS THAT CLEARLY EVOLVED OUT OF PROPORTION. A MAJOR FUNCTION OF A POLICE OFFICER, A CONSTABLE OR ANYBODY DEALING WITH THE PUBLIC IS THE ABILITY TO DE-ESCALATE. YOU NEED TO DO YOUR JOB BUT NOT ESCALATE THE SITUATION TO THE POINT WHERE IT ENDS UP WITH TWO ADULTS WRESTLING IN A ROOM, WHEN IT ENDS UP WITH A GRANDFATHER PICKING UP A CHILD FROM THE BUS STOP AND GETS THREATENED WITH BEING ARRESTED AND THREATENED TO BE THROWN ON THE GROUND IN FRONT OF THE GRANDCHILD AND HANDCUFFED – IT IS A TOTAL OUT OF CONTROL USE OF CONSTABLE POWERS. THERE IS A RED FLAG THERE AND HE WILL NOT SUPPORT THIS APPLICATION.

COUNCILOR COSTA-HANLON STATED THAT THE INVESTIGATING OFFICER IN MANSFIELD CITED PROBABLE CAUSE THAT MR. SILVA DID RESIST ARREST.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

THE CHIEF STATED THAT HE CAN BRING IN ALL PARTIES FOR A HEARING IF THE COMMITTEE WISHES. THE CHAIRMAN REFERENCED THE APPLICATION OF MR. GARCIA ALONG WITH ALL OF THE ATTACHED DOCUMENTS.

COUNCILOR COSTA-HANLON STATED THAT SHE KNOWS CONSTABLE GARCIA AND HAS USED HIM HERSELF PERSONALLY MANY TIMES. SHE STATED THAT SHE HAS HER OWN OPINION ABOUT HIS PROFESSIONALISM. SHE HAS NEVER HEARD ABOUT ANY OF THE INCIDENTS THAT THE CHIEF PRESENTED, SO SHE IS LOOKING AT THESE AS THE CHIEF PRESENTED THEM TO THE COMMITTEE.

**MOTION: THAT THE APPLICATION AND ALL RELATED DOCUMENTS BE MADE PART OF THE RECORD. SO VOTED.**

THERE WAS ALSO AN INCIDENT AT POLE SCHOOL. SOMEONE CALLED THE POLICE AND STATED THAT MR. GARCIA HAD A GUN ON SCHOOL PROPERTY. WITH THIS PARTICULAR INCIDENT, IT WAS DETERMINED THAT MR. GARCIA DID NOT HAVE A GUN ON HIM.

THERE WAS ALSO AN INCIDENT INVOLVING A MR. GOSLING AT 419 BAY STREET. ULTIMATELY THE PARTIES WERE ASKED TO DISBURSE, BUT, AS WAS STATED IN THE POLICE REPORT, MR. GARCIA WAS AGITATED AND FELT THAT MR. GOSLING SHOULD HAVE BEEN ARRESTED. COUNCILOR COSTA-HANLON NOTED THAT THERE WERE 2 REPORTS ON AN INCIDENT FOR PEOPLE PICKING UP CHILDREN AT A BUS STOP. THEN A MONTH LATER ANOTHER REPORT WAS DONE BY CAPTAIN WARISH. THIS REPORT WAS WRITTEN BASED UPON A COMPLAINT FILED BY THOMAS GOSLING IN REFERENCE TO THE INCIDENT AT 419 BAY STREET ON MARCH 23, 2012. SHE STATED THAT IT SEEMS LIKE THE GOSLINGS SHOULD BE HERE MAKING THE REPORT. IN THE 3<sup>RD</sup> REPORT IT SEEMS LIKE THE SON IS THE ONE WHO WAS ALLEGEDLY THREATENED AND IT IS THE GRANDFATHER OR THE FATHER COMING IN. SHE STATED THAT IT SEEMS LIKE PEOPLE WERE DISPERSED, NO ONE WAS HURT, THERE WAS NO ARRESTS MADE AT THE SCENE, A MONTH LATER SOMEBODY ELSE CAME IN FILED ANOTHER REPORT THAT PROMPTED THIS.

DETECTIVE SMITH STATED THAT HOW THE POLICE DEPARTMENT WORKS IS THEY CAN GO TO A CALL LIKE THIS AS A UNIFORMED OFFICER, HANDLE IT, AND GO ON THEIR WAY, AND RECORD THAT THEY WERE THERE. "A" WAS THERE, "B" WAS THERE, EVERYBODY WAS ADVISED AND WE MOVE ON. IF THEY WROTE 3 REPORTS, 9 PAGES OF REPORTS FOR EVERY CALL THEY WENT ON, THEY WOULD DO ABOUT 3 CALLS A DAY INSTEAD OF THE 35 A DAY THAT THEY ARE DOING. WHAT HAPPENED HERE IS THIS IS HOW IT PROBABLY WENT, IT WAS JUST A BLOTTER ENTRY, THEN A COMPLAINT WAS FILED WITH THE CHIEF. OFFICER NO. 1 WAS THE FIRST GUY THERE, A COMPLAINT WAS LODGED, SO HE HAS TO WRITE DOWN EVERYTHING HE DID THAT DAY IN REGARDS TO THAT INCIDENT. THEN THE CHIEF ASKED WHO ELSE WAS THERE, SGT. SKWARTO WAS THERE, SO THE CHIEF HAD HIM WRITE A REPORT. THE CHIEF THEN TAKES THE CIVILIAN COMPLAINT AND ASSIGNS IT TO INTERNAL AFFAIRS AND THAT IS CAPTAIN WARISH. CAPTAIN WARISH HAS TO REVIEW THE REPORTS, HE HAS TO CONTACT THE PEOPLE, THEN HE MUST WRITE HIS REPORT.

COUNCILOR BARBOUR STATED THAT HIS CONCERN WAS NOT THE DATES ON THE REPORTS. HE ASKED THAT CONSTABLE GARCIA BE ALLOWED TO ADDRESS THE COMMITTEE.

MR. GARCIA STATED THAT HE WAS TRAINED BY THE U.S. ARMY MILITARY POLICE CORPS CURRENTLY SERVING IN THE SAME CAPACITY TRAINED BY THE NATIONAL TRAINING SCHOOL.

MR. GARCIA WAS ASKED IF HE HAD BEEN A CONSTABLE ANYWHERE ELSE. HE SAID NO.

MR. GARCIA STATED THAT HE HAS BEEN A MILITARY POLICE OFFICER SINCE 1996 AND SERVED TWO TOURS OVERSEES.

MR. GARCIA STATED THAT AS FAR AS THE GUN INCIDENT AT THE SCHOOL, HE ATTENDED ONE AFTER SCHOOL HOURS MEETING AND HE HAD JUST GOTTON DONE WITH WORK. THERE WAS A PARENT MEETING TO ADDRESS SOME MAJOR CONCERNS GOING ON AT THE SCHOOL. HIS DAUGHTER ATTENDED POLE SCHOOL. HE WENT TO THAT MEETING AND AT THAT MEETING, BECAUSE HE RUSHED OVER THERE,

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

DID HAVE HIS SIDE ARM, BUT NOT DURING SCHOOL HOURS. THIS WAS THE ONLY TIME HE WAS IN THE SCHOOL WITH HIS SIDE ARM. THE REASON WHY HE WAS GOING TO POLE SCHOOL WAS THAT HE WAS A PARENT VOLUNTEER ONCE OR TWICE A WEEK. EACH TIME HE ENTERED THE SCHOOL HE DID NOT HAVE HIS FIREARM. THE PARENTS THAT WERE COMPLAINING ABOUT HIM HAD SOME ISSUES AND MR. GARCIA WAS ADVISED ON HIS HARASSMENT PREVENTION RIGHTS AND AN HBO ORDER.

HE FURTHER STATED THAT THE INCIDENT AT 419 BAY STREET STEMS FROM MR. GOSLINGS DAUGHTER ON WHO HE HAD TO SERVE PROCESS ON. HE HAD RECEIVED THREATS FROM THE GOSLING FAMILY. HE ALSO SAID AT THAT HOUSE THE FIRST FLOOR HAD BEEN EMPTY FOR A WHILE AND PEOPLE HAD BEEN TRYING TO BREAK IN AND ON THAT DAY HE SAW A STRANGE VEHICLE AND ASKED THEM WHAT WAS GOING ON. HE FURTHER STATED THAT MR. GOSLING WAS THE ONE THAT STARTED SAYING TO MR. GARCIA THAT HE WAS SETTING HIM UP BY BEING THERE WAITING FOR HIM TO COME IN THERE AND START WITH HIM. HE ALSO SAID THAT MR. GOSLING'S SON THREATENED HIM IN FRONT OF THE POLICE OFFICER AT THIS INCIDENT.

MR. GARCIA STATED THAT HE HAD A NOTICE TO BE SERVED IN MANSFIELD. HE ALSO STATED THAT THERE ARE CERTAIN THINGS THAT CAN BE SERVED ANYWHERE IN THE STATE. THIS PERSON WAS ALREADY IN CONTEMPT AND WAS FOUND GUILTY BY THE COURT. THIS WAS A MATTER OF A JUDGMENT THAT HE WAS SUPPOSED TO PAY. MR. SILVA OF MANSFIELD HAD MR. GARCIA IN A CHOKEHOLD AND SLAMMED A DOOR ON HIS FOOT. THERE WAS A STRUGGLE AND THE POLICE CAME. MR. GARCIA REQUIRED SOME STITCHES AS A RESULT OF FALLING ON SOME POTTERY. MR. GARCIA FILED A COMPLAINT AND MR. SILVA IN TURN ALSO FILED A COMPLAINT. IT DID GO TO A PRE-TRIAL BUT IT WAS EVENTUALLY DROPPED. THE CHIEF AGAIN STATED THAT HE HAS DIFFICULTY WITH A CLEAN CONSCIENCE RECOMMENDING RENEWAL OF THIS APPLICATION. THE COMMITTEE MAY DO AS IT WISHES, BUT IF IT CHOOSES NOT TO ACCEPT HIS RECOMMENDATIONS HE WOULD HOPE THAT THE COMMITTEE WOULD LIMIT HIM IN HIS ABILITY TO SERVE CERTAIN PROCESS INCLUDING ANYTHING THAT INVOLVES AN ARREST, CRIMINAL AND CIVIL. THE CHIEF STATED THAT HE HAS SERIOUS CONCERNS ABOUT THE LIABILITY OF THE CITY. HE DOES NOT KNOW WHY A TAUNTON CONSTABLE WOULD BE IN THE TOWN OF MANSFIELD SERVING A CAPIUS WHICH IS BASICALLY TRYING TO MAKE AN ARREST, AND THIS IS WHAT THE MANSFIELD POLICE DEPARTMENT INDICATES. MR. GARCIA GETS INTO A FISTFIGHT WITH A 63 YEAR OLD RETIRED FIREFIGHTER OVER AN ISSUE IN BOSTON HOUSING COURT BECAUSE HE TURNS SOMEONES WATER OFF. THE CHIEF DOES NOT WANT TO BE A DEFENDANT IN FEDERAL DISTRICT COURT BECAUSE OF SOMETHING MR. GARCIA DOES.

COUNCILOR CLEARY STATED THAT IF THIS APPLICATION IS APPROVED AND ANOTHER INCIDENT OCCURS, PEOPLE WOULD QUESTION THE JUDGMENT OF THIS COMMITTEE. HE WILL VOTE TO SUPPORT THE CHIEF'S RECOMMENDATION.

**ON THE MOTION TO APPROVE, COUNCILORS BARBOUR AND COSTA-HANLON VOTING IN FAVOR. COUNCILOR CLEARY VOTING IN OPPOSITION. MOTION CARRIES.**

THE CLERK WAS ASKED TO PROVIDE TO ALL COUNCILORS COPIES OF THE REPORTS THAT HAD BEEN PROVIDED BY THE POLICE CHIEF ON THIS ISSUE.

COUNCILOR CLEARY STATED WHEN THIS COMMITTEE REPORT GETS TO THE FULL COUNCIL HE WOULD LIKE TO PULL THIS OUT SEPARATELY.

**4. MEET TO DISCUSS LETTER OF ATTORNEY WILLIAM ROUNDS REGARDING DE-ANTH MOTORS WHOLESALE CLASS II LICENSE**

ATTORNEY ROUNDS STATED THAT THERE WERE 3 ISSUES REGARDING THIS LICENSE. FIRST WAS AN ISSUE WITH A BOND IN PLACE. HE REPORTED THAT MR. FRASER DOES HAVE A BOND. SECOND WAS THE TIMELINESS OF THE RENEWAL APPLICATION. IT WAS NOT RENEWED FOR LAST YEAR, APPARENTLY IT WAS

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

NOT RECEIVED IN THE MAIL, BUT THE FEE WAS PAID, THE CHECK WAS CASHED, AND THEY WERE NOT NOTIFIED THAT THE LICENSE WAS NOT RENEWED. THE REASON WAS THAT THERE WAS A TAX ISSUE ON THE PROPERTY WHERE THE LICENSE IS, NAMELY 115 BROADWAY. AGAIN FOR THIS YEAR, THERE WAS A TAX ISSUE ON THE PROPERTY WHICH HAS BEEN CORRECTED. BASICALLY ALL 3 ISSUES HAVE BEEN CORRECTED. IT TOOK THEM ALL OF LAST YEAR AND UP UNTIL NOW TO GET THE LANDLORD TO PAY ALL OF THE OUTSTANDING TAX ISSUES. REGARDING THE INACTIVITY OF THE LICENSE, THE APPLICANT WAS TOLD NOT TO USE THE LICENSE BECAUSE OF IT NOT BEING RENEWED DUE TO THE TAX ISSUES. THEY WERE DOING WHAT THEY WERE TOLD, BY NOT USING THIS LICENSE.

COUNCILOR BARBOUR STATED THAT A LETTER SENT BY DEBRA BOTELLIO OF 49 FREMONT STREET HAD BEEN REFERRED TO THIS COMMITTEE RELATIVE TO THIS LICENSE. HER CONCERN IS THAT IF THIS LICENSE IS GRANTED THAT NO VEHICLES BE STORED, REPAIRED, DELIVERED – NO BUSINESS BE CONDUCTED WHATSOEVER – AT MR. ROMA'S RESIDENCE ON FREMONT STREET.

THE LETTER DATED 2/7/13 OF DEBRA BOTELLIO WAS READ. THE LETTER STATED THAT IT HAD COME TO HER ATTENTION THAT DE-ANTH MOTORS OWNED BY WILLIAM FRASIER AND ANTHONY ROMA WISHED TO RENEWAL THEIR CLASS II AUTOMOBILE LICENSE. IF SALES, REPAIRS, STORAGE, DROPPING OFF OF CARS OR ANY OTHER ACTIVITIES RELATED TO A CLASS II AUTOMOBILE LICENSE ARE TO BE CONDUCTED AT 47 FREMONT STREET, TAUNTON, MA, SHE AS WELL AS SEVERAL OF THE OTHER NEIGHBORS, HAVE STRONG OBJECTIONS TO THE ISSUANCE OF THIS LICENSE. THIS AREA IS A RESIDENTIAL NEIGHBORHOOD NOT ZONED FOR THIS TYPE OF BUSINESS.

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

MR. ROUNDS NOTED THAT THEY HAVE NO PROBLEM WITH THE UNDERSTANDING THAT NOTHING WILL HAPPEN ON FREMONT STREET.

IT WAS NOTED THAT WITH THIS LICENSE THERE MUST BE AN OFFICE AND A SIGN. THERE IS NO SIGN. COUNCILOR CLEARY STATED THAT THIS LICENSE HAS BEEN INACTIVE FOR ALMOST 3 YEARS. HE STATED THAT HE VOTED TO DENY THIS LICENSE BECAUSE OF IT BEING INACTIVE.

ATTORNEY ROUNDS STATED THAT HIS CLIENTS WERE TOLD NOT TO USE THE LICENSE.

QUESTIONED WAS WHETHER IT IS REQUIRED BY LAW THAT THE LICENSE MUST BE USED. THE CHIEF STATED THAT IF THE PARTIES ARE NOT DOING ANYTHING WITH THE LICENSE IT IS INACTIVE.

DETECTIVE SMITH STATED THAT THERE IS STILL GOING TO BE A LITTLE BIT OF A PROBLEM, BUT HE WILL HAVE TO GO BACK AND RESEARCH BECAUSE THERE IS NO SUCH THING AS A WHOLESALE LICENSE. THAT'S A RESTRICTION PUT ON BY THE BOARD, AND THAT IS WHAT MR. FRASER IS ASKING FOR. HE CALLED THE RESISTRY OF MOTOR VEHICLES SEVERAL TIMES AND GOT THE SAME ANSWER – THERE IS NO WHOLESALE LICENSE, BUT THE COMMITTEE CAN PUT THAT ON IF THEY WANT, AND IT HAS BEEN THIS WAY FOR MANY YEARS. THERE ARE 2 IN TAUNTON. HE FURTHER STATED THAT THE LAW SAYS IF HE DOES NOT OWN THE BUILDING, HE HAS TO HAVE A SEPARATE ENTRANCE AND A SEPARATE OFFICE. HE NEEDS TO DO MORE RESEARCH REGARDING THIS WHOLESALE RESTRICTION AND WHAT THEY HAVE TO DO.

**MOTION: CONTINUE THIS MATTER FOR TWO WEEKS. SO VOTED.**

COUNCILOR CARR ASKED THE COMMITTEE TO LOOK AT THE TIME FRAME REGARDING ISSUING LICENSES. FROM NOW ON, IF THEY ARE NOT APPLIED FOR BY THE DUE DATE, CAN THE COMMITTEE DENY THE APPLICATION. IF THE APPLICATION IS NOT COMPLETE, CAN IT NOT BE ACCEPTED. SHE WOULD LIKE TO SEE CONCRETE DEADLINES, AND ASKED THE CHIEF TO LOOK INTO THIS.

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THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

MEETING ADJOURNED AT 7:52 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED. ITEM #3, WILLIAM GARCIA TABLED TO FULL COUNCIL FOR NEXT WEEK.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 19, 2013

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MARSHALL, BARBOUR, CARR AND COSTA-HANLON. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DAN DEABREU, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU, ATTORNEY ALAN MEDEIROS AND BUILDING SUPERINTENDENT WAYNE WALKDEN

MEETING CALLED TO ORDER AT 7:55 P.M.

**1. MEET TO REVIEW REQUEST OF ATTY. ALAN MEDEIROS TO OBTAIN SEWER EASEMENT FOR PROPERTY AT 149 BERKLEY STREET**

ATTORNEY MEDEIROS STATED THAT HE OWNS THE PROPERTY ADJACENT TO THE WALKER SCHOOL. IT DOES NOT HAVE MUNICIPAL SEWER AND MUNICIPAL SEWER IS NOT AVAILABLE. HOWEVER, SEWER IS AVAILABLE TO THE REAR OF THE WALKER SCHOOL BUILDING. HE IS REQUESTING A 20 FOOT WIDE EASEMENT OVER THE CORNER OF THE WALKER SCHOOL PROPERTY PURELY FOR THE PURPOSE OF TAPPING IN TO AN EXISTING SEWER OUTLET WHICH IS NOT BEING USED AT THE PRESENT TIME. THE SCHOOL ITSELF USES ANOTHER LOCATION FURTHER DOWN SO THERE WILL BE NO IMPINGEMENT ON THE CITY'S TIE IN FROM THE SCHOOL BUILDING TO THE SEWER LINE.

COUNCILOR CARR ASKED IF THERE WAS AN IMMEDIATE NEED FOR THIS TO BE DONE, IS THERE A FAILING SEPTIC SYSTEM.

ATTORNEY MEDEIROS STATED THAT HE KNOWS THE SEPTIC SYSTEM ON HIS PROPERTY WILL NOT PASS. HE CANNOT TIE IN ON THE BERKLEY STREET SIDE, IT WOULD HAVE TO BE ON EITHER THE RIVERVIEW OR EAST WATER STREET SIDE. THE EAST WATER STREET SIDE WOULD BE MUCH LONGER.

COUNCILOR CARR NOTED THAT THE CITY IS TRYING TO SELL THE WALKER SCHOOL PROPERTY AND HER FEELING IS THAT WE SHOULDN'T PUT AN EASEMENT ON THAT PROPERTY. IF THIS IS NOT AN IMMEDIATE NEED, SHE FEELS THAT MR. MEDEIROS SHOULD DEAL WITH THE NEIGHBORHOOD CORP. WHO WAS THE ONLY BIDDER ON THIS PROPERTY. SHE WOULD FEEL MORE COMFORTABLE WITH ATTORNEY MEDEIROS DEALING WITH THEM ONCE THEY OWN THE PROPERTY.

ATTORNEY MEDEIROS SAID THAT HE DOES NOT OBJECT TO DEALING WITH THE NEIGHBORHOOD CORP, BUT HE DOES FEEL THAT THIS PROPOSAL WILL ALLOW ACCESS TO MUNICIPAL SEWER FOR HIM AT THE PRESENT TIME. ALSO, THERE IS AN EXISTING EASEMENT THAT IS OVER THIS PROPERTY THAT HE ALREADY HAS THAT GOES BACK ALMOST 90 YEARS, AND HE WOULD BE VERY HAPPY AND HE IS SURE THE PEOPLE BUYING THIS PROPERTY WOULD BE VERY HAPPY IF HE WAS WILLING TO EXPUNGE THAT EASEMENT. IT WOULD BE TO THEIR ADVANTAGE. IT IS JUST MORE STRAIGHT FORWARD RIGHT NOW IF HE COULD GET THE EASEMENT OVER THIS PROPERTY. THE BUILDING IS TO THE FRONT, AND THE REAR PART HAS TRADITIONALLY BEEN USED FOR PARKING AND THE PLAYGROUND. WHOEVER DEVELOPS THIS BUILDING IN ALL LIKELIHOOD IS GOING TO KEEP THE SAME AREA FOR PARKING, SO IT IS NOT GOING TO HAVE ANY NEGATIVE IMPACT. IT WILL BE ONE LINE, UNDERGROUND. ATTORNEY MEDEIROS ALSO POINTED OUT THAT IT IS ADJACENT TO THE CORNER OF THE LOT. THE PIPE IS NOT GOING TO HAVE ANY IMPACT ON THE REMAINDER OF THE PROPERTY.

COUNCILOR CARR STATED THAT TO HER THE MOST PRUDENT WAY TO DO THIS WOULD BE TO WAIT UNTIL THE PROPERTY CHANGES HANDS AND THEN HAVE ATTORNEY MEDEIROS DEAL WITH WHO EVER OWNS THE PROPERTY. SHE SUGGESTED THAT THE COMMITTEE COULD TAKE THIS UNDER ADVISEMENT FOR A WEEK TO ALLOW ATTORNEY MEDEIROS TO SPEAK WITH THE NEIGHBORHOOD CORP.

COUNCILOR COSTA-HANLON ASKED HOW LONG IT WOULD BE BEFORE THIS PROPERTY CHANGES HANDS. SHE FURTHER STATED THAT THIS REQUEST ONLY EFFECTS THE CORNER OF THE PROPERTY AND THAT

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**THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED**

ATTORNEY MEDEIROS WILL EXPUNGE THE CURRENT EASEMENT. SHE SEES NO REASON TO DELAY THIS AS IT IS NOT A MAJOR DEAL.

COUNCILOR BARBOUR STATED THAT THE CURRENT EASEMENT IS FOR DRAINAGE PURPOSES AND IT COULD BE OVER THE ENTIRE PROPERTY. ATTORNEY MEDEIROS STATED THAT HE DOESN'T NEED IT ANY LONGER AND WOULD EXPUNGE IT IN EXCHANGE FOR THE 20 FOOT EASEMENT. HOWEVER, HE WOULD LIKE TO HAVE A DISCUSSION WITH THE BUILDING SUPERINTENDENT BEFORE VOTING.

THE BUILDING SUPERINTENDENT WAS INVITED IN.

MR. WALKDEN REPORTED THAT THE CITY RECEIVED ONE PROPOSAL AND IT IS A GOOD ONE. THEY MUST HAVE AN APPRAISAL AND HE SHOULD HAVE IT MONDAY. HE STATED THAT BECAUSE THE CITY ONLY RECEIVED ONE BID, IT SHOULDN'T DO ANYTHING TO IMPEDE THE PROCESS. HE DID SAY THE NEIGHBORHOOD CORP. IS THE BUYER, BUT HE IS NOT SURE THE AMOUNT IS PUBLIC YET. THERE IS A \$75,000 BID ON THE PROPERTY, BUT IT COULD BE LET GO IMMEDIATELY FOR \$1.00.

COUNCILOR BARBOUR STATED THAT THE CURRENT EASEMENT COULD BE BOTHERSOME AND HE HAS NO ISSUE WITH EXPUNGING THE CURRENT EASEMENT NOR WITH THE REQUESTED EASEMENT.

QUESTIONED WAS WHETHER ATTORNEY MEDEIROS WOULD HAVE AN ISSUE WITH GETTING THE AGREEMENT OF THE NEW OWNER.

**MOTION: MR. WALKDEN IS TO CONTACT NEIGHBORHOOD CORP. WITH THE EXPLANATION OF THE EASEMENT THAT THE PETITIONER IS REQUESTING OF THE MUNICIPAL COUNCIL AND AS PART OF THAT AGREEMENT HE WILL EXPUNGE HIS CURRENT EASEMENT AND GET THEIR THOUGHTS ON THIS MATTER.**

ON DISCUSSION, COUNCILOR CARR ASKED IF IT WAS LEGAL TO JUST GIVE PUBLIC LAND FOR NO MONEY VALUE. ATTORNEY DEABREU SAID THAT THIS IS GOVERNED BY CHAPTER 30B AND THE VALUE WOULD HAVE TO BE DETERMINED USING APPRAISAL METHODS. HE FURTHER SAID GRANTING OF AN EASEMENT WOULD BE CONSIDERED DISPOSING OF PUBLIC PROPERTY, AN EASEMENT IS AN INTEREST IN REAL PROPERTY. IT CAN BE DONE, BUT WE WOULD HAVE TO COMPLY WITH CHAPTER 30B.

IT WAS NOTED THAT IT IS TO THE CITY'S ADVANTAGE TO HAVE THE CURRENT EASEMENT EXPUNGED. THE PROSPECTIVE PURCHASERS DO NOT KNOW THERE IS AN EASEMENT ON THIS PROPERTY. MR. WALKDEN DID NOT KNOW THERE WAS AN EASEMENT, BUT IT WOULD BE UP TO THE BUYER TO DO THE RESEARCH.

COUNCILOR MARSHALL STATED THAT HE HAS NO PROBLEM WAITING A WEEK SO THAT ATTORNEY MEDEIROS CAN SPEAK TO NEIGHBORHOOD CORP. IT IS NOT A HUGE ISSUE TO WAIT ONE WEEK, AND ALSO TO GET THE VALUE OF THE 20 FOOT EASEMENT. HE ALSO STATED THAT HE DOES NOT NEED TO WAIT FOR THE NEIGHBORHOOD CORP. TO TAKE TITLE BECAUSE YOU NEVER KNOW WHAT IS GOING TO HAPPEN. IT IS GOOD FOR THE CITY TO EXPUNGE THE OTHER EASEMENT AND GIVE THIS ONE. YOU ARE TALKING ABOUT A PIPE UNDERGROUND AND THE ONLY RESTRICTION IS THAT YOU CANNOT PUT A PERMANENT STRUCTURE OVER THIS 20 FOOT WIDE EASEMENT.

COUNCILOR MARSHALL ALSO ASKED ATTORNEY MEDEIROS THAT IF HE GETS SEWER AT 149 BERKLEY STREET, IT IS A VERY LARGE LOT, DOES HE HAVE PLANS TO SUBDIVIDE IT.

ATTORNEY MEDEIROS SAID NO, THAT THE PROPERTY HAS BEEN IN HIS FAMILY FOR A VERY LONG TIME AND HE HAS NO PLANS TO SUBDIVIDE THE PROPERTY.

QUESTIONED WAS IF ATTORNEY MEDEIROS CAN PROVIDE SOMETHING IN WRITING FROM THE NEIGHBORHOOD CORP. WOULD THE COMMITTEE GRANT THE EASEMENT. THE ANSWER WAS THAT THEY WOULD CONSIDER IT.

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

**2. MEET TO DISCUSS REQUEST FOR EASEMENT FOR 147 SOMERSET AVENUE**

THE CHAIRMAN INFORMED THE COMMITTEE THAT THIS PROPERTY IS BANK OWNED AND THE DRIVEWAY IS ON CITY OWNED PROPERTY – MEMORIAL PARK.

ATTORNEY DEABREU STATED THAT ORIGINALLY THE ATTORNEY FOR THE BANK HAD WRITTEN REQUESTING THAT THE CITY GRANT AN EASEMENT TO HIS CLIENT GIVING THEM ACCESS TO THE DRIVEWAY. ATTORNEY DEABREU STATED THAT THERE ARE A COUPLE OF CONSIDERATIONS THAT NEED TO BE TAKEN INTO ACCOUNT AND HE DID SPEAK TO THE ATTORNEY ON THOSE. NUMBER 1 IS THAT THIS WOULD BE A CONVEYANCE OF PUBLIC LAND SO 30B WOULD HAVE TO BE COMPLIED WITH INCLUDING DETERMINING THE VALUE OF THE EASEMENT AND HAVING IT SURVEYED SO THAT A PROPER DESCRIPTION COULD BE MADE. THE SECOND ISSUE THAT WOULD NEED TO BE CONSIDERED IS WHERE THIS IS PARK LAND, IT MIGHT ACTUALLY COME UNDER THE MASSACHUSETTS CONSTITUTION THAT THERE IS A PROVISION REGARDING DISPOSING OF PARK LAND AND THE BANK MIGHT ACTUALLY REQUIRE SPECIAL LEGISLATION PASSED BY A 2/3 VOTE OF THE LEGISLATURE TO MAKE THIS HAPPEN.

COUNCILOR MARSHALL ASKED IF THERE WAS ROOM ON THE PROPERTY FOR THE BANK TO RECONSTRUCT THE DRIVEWAY ON THE PROPERTY.

ATTORNEY DEABREU STATED THAT IT COULD POTENTIALLY REQUIRE THE MOVING OF A TELEPHONE POLE. IT WOULD STILL BE RATHER TIGHT AGAINST THE SIDE OF THE HOUSE.

COUNCILOR MARSHALL NOTED THAT THIS PROPERTY IS A FORECLOSURE, SO IT IS NOT A PRIVATE CITIZEN, IT'S A BANK, SO HE FEELS THAT THEY SHOULD FIX THE PROBLEM ONCE AND FOR ALL SO THAT THE PROBLEM GOES AWAY AND PUT THE DRIVEWAY ON THEIR OWN PROPERTY. HE FURTHER STATED THAT MUCH TIME HAS BEEN SPENT ON THIS MATTER WHEN THE BANK CAN POTENTIALLY FIX THE PROBLEM THEMSELVES.

COUNCILOR BARBOUR NOTED THAT IT IS A GRAVEL DRIVEWAY AND ASKED HOW MANY FEET FROM THE HOUSE LEFT TO THE PARK BELONGS TO THE BANK AND HOW MANY FEET BELONGS TO THE PARK.

ATTORNEY DEABREU STATED THAT THIS IS ONE OF THE ISSUES AS THEY DO NOT HAVE AN ACTUAL SURVEYOR PLAN, THEY JUST HAVE A MORTGAGE PLAN. IT SEEMS THAT THERE IS A SIGNIFICANT PORTION OF THE DRIVEWAY ON PARK LAND.

COUNCILOR COSTA-HANLON STATED THAT HER INCLINATION IS TO SAY NO.

COUNCILOR MARSHALL STATED THAT THEIR PAVED DRIVEWAY IS ON OUR PROPERTY. THEY HAVE APPROXIMATELY 30 FEET TO THE NEAREST POINT OF THE HOUSE. 12 FEET WIDE FOR A SINGLE CAR DRIVEWAY IS MORE THAN ADEQUATE TO PUT A DRIVEWAY THERE. HE DOES NOT SEE ANY REASON WHY THEY CAN'T PUT A DRIVEWAY ON THEIR OWN PROPERTY. BEFORE HE WOULD CONSIDER THE EASEMENT, THEY WOULD HAVE TO EXHAUST ALL REMEDIES FIRST. THERE IS PLENTY OF ROOM TO MOVE THE DRIVEWAY OVER.

ATTORNEY DEABREU STATED THAT HE WILL COMMUNICATE THIS BACK TO THE ATTORNEY FOR THE BANK, AND ATTORNEY DEABREU HAD NOTIFIED THAT ATTORNEY THAT HE SAW SOME OBSTACLES FOR WHAT HE WAS TRYING TO DO. THE ATTORNEY WAS GOING TO CONSIDER THE ISSUES THAT ATTORNEY DEABREU HAD RAISED AND GET BACK TO HIM WITH SOME POSSIBLE SOLUTIONS. ATTORNEY DEABREU SAID HE COULD CERTAINLY FOLLOW UP WITH A LETTER INFORMING HIM THAT THERE APPEAR TO BE A REMEDY TO HIS CLIENT SHORT OF ANY ACTION BY THE CITY. THAT REMEDY BEING BUILDING A NEW DRIVEWAY. ATTORNEY DEABREU STATED THAT HE THINKS THE FEELING OF THE ATTORNEY FOR THE OWNER OF THE PROPERTY WAS IF IT WAS A DEFINITE NO HE WASN'T GOING TO BE INCLINED TO GO THROUGH THE EXPENSE OF HAVING IT SURVEYED, BUT IF THERE WAS A POSSIBILITY THEN HE WOULD GO DOWN THAT ROAD.

**MOTION: TO NOT GRANT THE EASEMENT. SO VOTED.**

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THE COMMITTEE ON PUBLIC PROPERTY – CONTINUED

**3. MEET WITH THE BUILDING SUPERINTENDENT TO DISCUSS ANNUAL PUBLIC BUILDING CONDITION REPORT FOR 2013**

THE CHAIRMAN STATED THAT HE WOULD LIKE TO TABLE THIS DISCUSSION DUE TO TIME RESTRAINTS. COUNCILOR BARBOUR ASKED IF DISCUSSION ON THE WALKER SCHOOL BUILDING COULD TAKE PLACE. MR. WALKDEN REPORTED THAT THE RFP WENT OUT AND ONE BID WAS RECEIVED FOR \$75,000.00. THE QUESTION WAS BY THE PERSPECTIVE BIDDER WAS WHETHER OR NOT THE CITY WOULD ACCEPT \$1.00 IF THEY WERE TO MOVE FORWARD WITH THIS QUICKLY, AS OPPOSED TO THE \$75,000. THEY FELT THAT THEY WOULD NEED MORE TIME TO MAKE THE TRANSFER. HE DID NOT RECALL HOW MANY MONTHS THEY WERE LOOKING FOR, BUT HE KNOWS THAT AFTER DISCUSSION WITH THE MAYOR AND THE ASSISTANT CITY SOLICITOR, IT MIGHT MAKE SOME SENSE TO RELIEVE THE CITY OF ITS LIABILITY ON THAT BUILDING AND TO LET THAT BUILDING GO QUICKER FOR THE \$1.00, KNOWING THAT IT WOULD GO BACK ON THE TAX ROLLS SOONER. MR. WALKDEN'S RECOMMENDATION WOULD BE TO GO AHEAD AND RELIEVE OURSELVES OF THE BUILDING AS SOON AS WE CAN.

THE NEIGHBORHOOD CORP. HAS A GOOD PLAN TO MOVE FORWARD. THERE WILL BE HOUSING THERE, IT WILL BE A COMPLETE REHAB, THERE WILL BE AN ELEVATOR, AND IT WILL BE DONE ATTRACTIVELY. THEY HAVE A GOOD SOUND PLAN. THEY HAVE THE FUNDING IN PLACE ALSO. THE APPRAISAL COMPANY WILL HAVE SOMETHING TO MR. WALKDEN EITHER FRIDAY OR MONDAY.

COUNCILOR BARBOUR ASKED IF THE CITY HOLDS OUT FOR THE \$75,000, WHAT ARE THE CONTINGENCIES. MR. WALKDEN ANSWERED THAT IT HAD BEEN A WHILE SINCE HE READ THE PROPOSAL, SO HE WOULD RATHER JUST SHOW THE COMMITTEE THE PROPOSAL.

COUNCILOR BARBOUR STATED THAT HE WOULD LIKE TO SEE THE PROPOSAL AND THE BID FIRST.

**MOTION: TO CONTINUE THIS MATTER FOR ONE WEEK.**

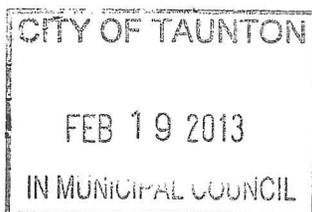
THE MOTION WAS SECONDED BY COUNCILOR COSTA-HANLON AND ON DISCUSSION SHE ASKED THAT IT BE VERIFIED WITH THE LAW DEPARTMENT THAT WE ARE ON SOLID GROUND BECAUSE WE SENT OUT AN RFP THAT ASKED FOR MONEY AND WE GOT A BID, AND NOW WE ARE ALSO CONSIDERING AN OPTION FOR SOMEONE TO JUST TAKE IT FOR \$1.00 FOR A SHORT AMOUNT OF TIME. SHE WANTS TO MAKE SURE THAT WE WERE NOT REQUIRED TO OFFER THAT TO EVERYONE IN THE OPEN BID.

IT WAS NOTED THAT WE ONLY GOT ONE BID.

COUNCILOR COSTA-HANLON ASKED THAT IT BE **ADDED TO THE MOTION TO GET A LEGAL OPINION ON THIS ISSUE.. SO VOTED.**

COUNCILOR COSTA-HANLON ASKED THAT MR. WALKDEN PROVIDE THE COUNCILORS WITH AN UPDATED REPORT.

MEETING ADJOURNED AT 8:45 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. \*COUNCILOR MEDEIROS VOTING PRESENT ON

ITEM #1.

CITY CLERK

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

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 19, 2013

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

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS COLTON, MCCAUL, MEDEIROS AND BARBOUR. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU, ASSISTANT D.P.W. COMMISSIONER TONY ABREAU AND JOE FEDERICO OF BETA GROUP

**MEETING CALLED TO ORDER AT 8:50 P.M.**

**1. MEET WITH THE ASSISTANT D.P.W. COMMISSIONER AND JOSEPH FEDERICO OF BETA TO DISCUSS ASSESSMENTS FOR SEWER BETTERMENTS FOR RECENTLY COMPLETED SEWER PROJECTS**

MR. FEDERICO OF BETA PROVIDED A POWER POINT PRESENTATION TO THE COMMITTEE AND ALSO PROVIDED DOCUMENTS TITLED BETTERMENT ASSESSMENT SUMMARY TABLE, WINTHROP ST., DAVENPORT TERRACE, WILLIAMS ST., MATTHEWS LANDING, TAUNTON CONTRACT S-2009-3, CWSRF NO. 3264 AND BETTERMENT ASSESSMENT SUMMARY TABLE, WINTHROP STREET, RANGE AVENUE, HAROLD STREET, TAUNTON CONTRACT S-2010-2, CWSRF NO. 3474.

**MOTION: DOCUMENTS TO BE PART OF THE RECORD**

MR. FEDERICO INFORMED THE COMMITTEE THAT THE WINTHROP-DUFFY PROJECT INCLUDED DUFFY DRIVE, BAYLIES ROAD, DAVENPORT TERRACE, DONNA TERRACE, ELLEN ROAD, MARILYN DRIVE, MARY DRIVE, PHYLLIS ROAD, WILLIAMS STREET, WINTHROP STREET FROM TAYLOR RENTAL TO JOSEPH WARNER BLVD. THE WINTHROP-RANGE AVE PROJECT INCLUDED WINTHROP STREET FROM THE DIGHTON TOWN LINE TO NORTH WALKER STREET, RANGE AVENUE, PINE RIDGE CIRCLE, OVERLOOK DRIVE AND HAROLD STREET. THESE PROJECTS ARE LISTED AS NEEDS AREAS IN THE CITY'S COMPREHENSIVE WASTEWATER MANAGEMENT PLAN WHICH WAS COMPLETED AND ACCEPTED IN JULY, 2005 BY MASS. D.E.P. AND THE DRAFT ENVIRONMENTAL IMPACT REPORT PUBLISHED JULY, 2009 ALSO ACCEPTED BY MASS. D.E.P. THE SUBJECT TONIGHT IS REALLY THE BETTERMENT ASSESSMENTS AND HOW THEY CAME UP WITH THE METHODOLOGY FOR THE BETTERMENT ASSESSMENTS. THIS FALLS UNDER THE GENERAL LAWS OF MASSACHUSETTS.

THE ASSESSING BOARD MAY ADOPT ANY METHOD THAT IS REASONABLY CALCULATED TO DETERMINE THE BENEFITS RECEIVED SO LONG AS IT DOES NOT RESULT IN THE ASSESSMENTS BEING SUBSTANTIALLY IN EXCESS OF OR DISPROPORTIONATE TO THE BENEFITS. THERE ARE 2 METHODS PRESCRIBED IN THE STATUTES WHICH ARE THE FIXED UNIFORM RATE METHOD, ALSO KNOWN AS THE FRONTAGE METHOD, AND THE UNIFORM UNIT METHOD, ALSO KNOWN AS SEWER UNIT METHOD.

THE FRONTAGE METHOD TAKES INTO CONSIDERATION THE AMOUNT OF FRONTAGE YOU HAVE IN FRONT OF YOUR PARCEL, AND THE MONEY IS APPROPRIATED THAT WAY. THE UNIT METHOD, WHICH IS WHAT HAS BEEN DONE IN THE PAST, IS WHERE IF YOU HAVE A SINGLE FAMILY HOUSE, THAT WOULD BE CONSIDERED ONE SEWER UNIT. IN THE FRONTAGE METHOD, THE COST DISTRIBUTION IS BY LOT SIZE, FRONTAGE LINEAR FEET OR AN AREA WITHIN A FIXED DEPTH OR WAY FROM THE PROPERTY LINE OF THE STREET OR A COMBINATION OF THESE TWO METHODS. SOME OF THE PROBLEMS WITH THIS ARE THAT IT REQUIRES DETAILED DRAWINGS. CURRENTLY THE CITY'S ASSESSOR'S RECORDS DO NOT HAVE FRONTAGES FOR ALL LOTS, IT REQUIRES INVESTIGATION OF DEEDS, SURVEY OF EXACT FRONTAGE IS REQUIRED AND THE EFFORT IS TIME CONSUMING AND EXPENSIVE

ONE OF THE PROBLEMS WITH THE FIXED UNIFORM RATE OR THE FRONTAGE METHOD IS THAT THERE ARE LARGE LOTS ON WINTHROP STREET WITH SMALL FRONTAGES AND THIS METHOD DOES NOT FAIRLY ADDRESS CONDOMINIUMS WHERE YOU HAVE 29 OR SO COMDOMINIUMS WITH A SMALL FRONTAGE. THEY WOULD PAY A VERY SMALL BETTERMENT ASSESSMENT FOR THE BENEFIT OF RECEIVING SEWER. IN

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

THE UNIFORM UNIT METHOD OR THE SEWER UNITS, THE COST IS DISTRIBUTED BY UTILIZING EITHER EXISTING OR POTENTIAL WATER USAGE BY THE LOT, AND YOU DEVELOP THE NUMBER OF EXISTING AND POTENTIAL RESIDENTIAL UNITS SUCH AS 1 RESIDENTIAL PARCEL = 1 SEWER UNIT. THIS TYPE OF METHOD HAS BEEN USED RECENTLY BY A NUMBER OF COMMUNITIES. IT IS EASIER TO UTILIZE THE TAX ASSESSOR'S DATABASE BECAUSE THE ACREAGES ARE IN THE TAX ASSESSOR'S DATA BASE. THE UNIFORM UNIT METHOD WAS USED FOR THE LAST 2 SEWER EXTENSION PROJECTS ON RAILROAD AVENUE AND GARDEN STREET

THE RULES FOR THE UNIFORM UNIT METHOD ARE A RESIDENTIAL SINGLE FAMILY PARCEL = 1 SEWER UNIT WHETHER THAT PARCEL IS ON 1 ACRE, 1.5 ACRES OR 15,000 SQUARE FEET, IT IS CONSIDERED ONE RESIDENTIAL UNIT. A MINIMUM BETTERMENT FOR ANY LOT IS CONSIDERED ONE SEWER UNIT NO MATTER WHAT THE SIZE, NO MATTER HOW THE CALCULATIONS WERE DONE. SO EVERYBODY IS PAYING FOR AT LEAST 1 SEWER UNIT. SEWER UNITS FOR CONDOMINIUM UNITS SHALL BE BASED ON THE NUMBER OF BEDROOMS. 3 BEDROOMS = 1 SEWER UNIT, 2 BEDROOMS = 2/3 SEWER UNIT AND 1 BEDROOM 1/3 SEWER UNIT. TWO FAMILY HOUSES SHALL BE CONSIDERED 2 SEWER UNITS.

MR. FEDERICO SAID THAT THE PROBLEM THEY HAD HERE WAS TRYING TO CONVERT THE LOTS ON WINTHROP STREET, WHICH ARE LARGE COMMERCIAL LOTS IN A RESIDENTIAL BUSINESS DISTRICT. THEY HAD TO DETERMINE A WAY TO MAKE THEM INTO EQUIVALENT RESIDENTIAL UNITS WHICH IS WHAT THE OTHER TOWNS AND CITIES THAT HAVE USED THIS METHOD HAVE DONE. TO MAKE THESE EQUIVALENT UNITS, FOR EXAMPLE, IN A HIGHWAY BUSINESS DISTRICT, WHICH IS ALL OF WINTHROP STREET, WHICH IS THE ONLY THING THEY ARE REALLY CONCERNED WITH HERE, A RESIDENTIAL UNIT IS CONSIDERED 15,000 SQUARE FEET TO BUILD ONE RESIDENTIAL UNIT.

THE OTHER THING THEY DID IN THE HIGHWAY BUSINESS DISTRICT FOR THE VACANT LOTS AND ANY OF THE OTHER LOTS WAS IN THE HIGHWAY BUSINESS DISTRICT IN WINTHROP STREET IS ACTUALLY 900 FEET WIDE, IT IS 450 FEET BACK FROM THE FRONT LINE OF THE STREET. THEY CHOSE 450 FEET AS THE MAXIMUM DEPTH THAT THEY WOULD USE FOR ACREAGE FOR CALCULATING THE BETTERMENT. THE OTHER THING THEY DID WAS LOT SIZE IS APPLICABLE TO BETTERMENT ASSESSMENT SHALL HAVE A LOT UTILIZATION FACTOR OF 50%. THIS ACCOUNTS FOR EASEMENTS, WETLANDS AND BUFFERS, ETC. NO LOT SHALL BE ASSESSED LESS THAN 1 SEWER UNIT UNLESS IT IS RECORDED IN THE TAX ASSESSORS OFFICE OF IF THERE IS A DEED RESTRICTION. THERE WERE SOME PARCELS WITH LOW PRESSURE SEWER SYSTEMS WHICH WERE GIVE A 1 ¼ INCH CONNECTION, OFF THE LOW PRESSURE SEWER AND TYPICALLY YOU CAN'T GET MORE THAN 4 HOUSES ON A 1 ¼ INCH CONNECTION SO IN THOSE PARTICULAR CASES THEY WOULD ONLY BE ASSESSED 4 UNITS. SO, IF THEY CAME UP WITH A CALCULATION FOR 6 SEWER UNITS BUT THEY ONLY HAD 1 OF THOSE 1 ¼ INCH CONNECTIONS, THEY WOULD ONLY BE ASSESSED FOR 4 SEWER UNITS. A SAMPLE CALCULATION WAS PROVIDED IN THE POWER POINT PRESENTATION. ALSO CONTAINED IN THE PRESENTATION WERE COPIES OF LETTERS THAT WERE SENT TO ALL RESIDENTS BEFORE THE PROJECTS WERE DONE. THE LETTERS STATED THAT THEY ESTIMATED THE BETTERMENT CHARGE WAS GOING TO BE \$25,000 PER RESIDENTIAL LOT. THE \$25,000 WAS USED FOR BOTH THE WINTHROP STREET AND DUFFY DRIVE PROJECTS.

WITH THE DUFFY DRIVE PROJECT THEY ACTUALLY GOT 18 BIDDERS AND IT WAS VERY AGGRESSIVE. THEY GOT A VERY GOOD CONSTRUCTION PRICE AND THEY ALSO GOT ARRA FUNDING ON THE PROJECT WHICH REDUCED THE CONSTRUCTION COSTS. THE WINTHROP STREET DUFFY DRIVE PROJECT'S FIRST ESTIMATE WAS \$25,000, THEIR SECOND ESTIMATE WAS \$19,500 BUT THE FINAL ASSESSED COST IS \$18,966.00. THIS INCLUDES MATTHEWS LANDING.

WITH THE WINTHROP STREET RANGE AVENUE PROJECT THE ESTIMATE WAS \$25,000 BUT THE FINAL ASSESSED COST WAS \$19,741.

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THE ASSESSMENT WILL BE ON THE LAST TWO QUARTERLY REAL ESTATE BILLS. RESIDENTS HAVE PAYMENT OPTIONS OF 5, 10, 15 OR 20 YEARS. SO, FOR EXAMPLE TO PAY \$18,966 ASSESSMENT OVER 20 YEARS WOULD BE \$767 TWICE EACH YEAR.

COUNCILOR BARBOUR NOTED THAT SOMETIME LAST YEAR A MOTION WAS MADE THAT THE ASSESSMENTS BE CARRIED OVER ALL 4 QUARTERS OF THE TAX BILL. MR. FEDERICO SAID THIS IS UP TO THE TAX ASSESSOR. IT WAS NOTED THAT THE ISSUE WAS WHETHER IT COULD BE PUT ON THE PRELIMINARY TAX BILLS. COUNCILOR BARBOUR STATED HE WOULD LIKE TO SEE THIS DONE AS IT WOULD MAKE IT A LITTLE EASIER FOR RESIDENTS BE ASSESSED THE BETTERMENTS.

COUNCILOR MARSHALL STATED THAT HE WOULD LIKE TO HAVE ASSISTANT CITY SOLICITOR DEABREU WEIGH IN AND GIVE HIS OPINION ON THIS PRESENTATION. HE HAS WORKED ON THIS PRESENTATION PREVIOUS TO TONIGHT WITH MR. FEDERICO AND THE TEAM AND HE HAS LOOKED IT OVER, BECAUSE THE COUNCIL KNOWS THAT THIS HAS BEEN THE SUBJECT OF A COUPLE OF LITIGATION ISSUES AGAINST THE CITY THAT HAVE BEEN WORKED THROUGH. COUNCILOR MARSHALL WOULD LIKE TO HAVE ATTORNEY DEABREU FOR THE RECORD TO MAKE SURE THAT THE PRESENTATION AND THE ASSESSMENT IS IN COMPLIANCE WITH NOT ONLY THE COURT CASES AND THE JUDGMENT THAT WAS ENTERED IN OUR FAVOR, BUT ALSO COMPLIES WITH MASS. GENERAL LAWS.

ATTORNEY DEABREU STATED THAT HE IS OF THE OPINION THAT IT IS IN COMPLIANCE WITH MASS. GENERAL LAWS AND WITH THE STIPULATION FILED WITH THE COURT EARLIER THIS YEAR. IT IS A RATIONAL METHOD FOR MAKING THE BETTERMENT DETERMINATION.

IT WAS AGAIN NOTED THAT A RESIDENT CAN CHOOSE TO PAY THE ASSESSMENT OVER 5, 10, 15 OR 20 YEARS OR IT CAN BE PAID ALL AT ONCE.

COUNCILOR MEDEIROS ASKED MR. FEDERICO TO EXPLAIN THE OPTIONS AVAILABLE TO VACANT PROPERTY OWNERS. MR. FEDERICO STATED THAT THE OPTIONS ARE, AND HE BELIEVES THIS IS UP TO THE COUNCIL TO DECIDE, BUT WHAT THEY WOULD DO IF THEY WANTED TO DEFER IT WOULD BE TO COME TO THE BOARD, AND THIS COMMITTEE IS THE BOARD, ASK FOR A DEFERMENT, BUT THEY WOULD HAVE TO PAY THE 4% INTEREST, AND HE BELIEVES THE BOARD HAS TO DETERMINE THE AMOUNT OF TIME FOR THE DEFERMENT. IT IS UP TO EACH PARCEL OWNER TO REQUEST A DEFERMENT.

A PARCEL OWNER HAS 6 MONTHS TO ASK FOR AN ABATEMENT. IF THE COUNCIL WANTS, THEY CAN GO TO THE D.P.W.'S OFFICE AND THEY WILL MAKE RECOMMENDATIONS TO THE D.P.W. COMMITTEE FOR ACTION BY THE COMMITTEE.

COUNCILOR MARSHALL STATED THAT NO ONE WANTS TO HAVE TO PAY THESE BILLS, BUT THE PROJECTS WERE DONE IN RESPONSE TO PETITIONS FROM HOMEOWNERS WHO WANTED OR NEEDED SEWER. HE THANKED THE D.P.W. TEAM FOR BEING THE LEADERSHIP ON THESE TWO PROJECTS. NOT OFTEN DO PUBLIC WORKS PROJECTS COME IN UNDER BUDGET AND ON TIME. ESTIMATES WERE SENT OUT TO HOMEOWNERS, AND THE ACTUAL BILLS ARE COMING IN LESS THAN THE ESTIMATES AND THIS IS A CREDIT TO THE LEADERSHIP TEAM. THE PROJECTS WERE DONE WITH SOME STIMULUS MONEY. IT IS NOT AN EASY ISSUE, THE COUNCIL HAS WORKED ON THIS LONG AND HARD, MUCH WORK WAS DONE ON THIS, THE CONCERNS AND QUESTIONS HAVE BEEN ANSWERED AND THIS IS THE BEST COMPROMISED SOLUTION TO THE ISSUE.

**MOTION: THAT IT IS DETERMINED BY THIS COMMITTEE AS THE SEWER BOARD THAT THE ASSESSMENT IS NOT IN EXCESS OF OR DISPROPORTIONATE TO THE BENEFITS. SO VOTED.**

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FEBRUARY 19, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

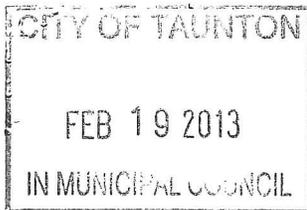
**MOTION:** TO ACCEPT AND ADOPT THE BETTERMENTS AS ASSESSED IN THE SPREAD SHEET TITLED BETTERMENT ASSESSMENT SUMMARY TABLE, WINTHROP STREET, RANGE AVENUE, HAROLD STREET FOR CONTRACT NO. S-2010-2, CWSRF 3474. SO VOTED.

ON DISCUSSION, COUNCILOR CLEARY ASKED THAT A LETTER WILL TO EACH HOMEONWER EXPLAINING THE APPEAL PROCESS. **THIS WAS ADDED TO THE ABOVE MOTION.**

**MOTION:** TO ACCEPT AND ADOPT THE BETTERMENTS AS ASSESSED IN THE SPREAD SHEET TITLED BETTERMENT ASSESSMENT SUMMARY TABLE, WINTHROP STREET, DAVENPORT TERRACE, WILLIAMS STREET, MATTHEWS LANDING FOR CONTRACT NO. S-2009-3, CWSRF 3264. SO VOTED.

**MOTION:** TO NOTIFY THE ASSESSOR'S OFFICE THAT IT IS THE WILL OF THIS COMMITTEE TO ASSESS THE BETTERMENTS ON THE 4 QUARTERLY TAX BILLS IF ALLOWABLE UNDER THE LAW. THAT THE ASSESSMENTS BE CERTIFIED TO THE ASSESSOR'S OFFICE. SO VOTED.

MEETING ADJOURNED AT 9:25 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK