



*City of Taunton
Municipal Council Meeting Minutes*

~

*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, March 18, 2014 at 7:10 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 Cleary, Marshall, Costa-Hanlon, Croteau, Pottier, McCaul, Quinn, Carr and Borges.

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

Communication from the Mayor:

The Mayor announced that for the fourth year in a row, the City will be having breakfast with the Easter Bunny on Saturday, April 12th at the Taunton High School Cafeteria. Breakfast will be served from 9:00am to 11:00am and entertainment will begin at 10:00am. Pre-registration is required and the cost will be free for children under the age 8, youths will be \$2 and adults \$5.

The Mayor stated that the Taunton Area Vietnam Veterans are present to discuss the 32nd POW/MIA Remembrance Ceremony which is scheduled for Sunday, March 30th at 12noon on the Church Green. **Motion was made to invite in all the interested parties from the POW/MIA Association. So Voted.** Present were Bob Silvia, Dennis Proulx, Hank Snow, and Lou Demers from the Taunton Area Vietnam Veterans Association. Mr. Demers spoke of his experience as a Vietnam Veteran. He said that soldiers give their all to serve their country. There are a total of 1,642 missing soldiers still in Southeast Asia. Throughout WWI, WWII and Korea there are a total are 88,000 to 90,000 still missing. There is a program through the Government where they go out over seas and search crash sites and is a program that they wish to continue without funding cuts. The Patriot Riders, Chapter 5 is very active and should be present during the ceremony. The guest speaker will be Barbara Grzyb whose brother is a POW/MIA from Vietnam, and Ted Opp, National Lead of Families, Connecticut Chapter. Dog tags representing every missing POW/MIA from Massachusetts will be hung and their names read during the ceremony. Others in attendance will be Mayor Hoye, Senator Pacheco, Representative O'Connell and Representative Orrall. Jane Bengener will be reciting a poem and Michaela Jordan will be singing the National Anthem.

The Mayor stated that he has a Citation for the Taunton Garden Club who will be celebrating their 80th Birthday this year. **Motion was made to invite into the enclosure members of the Taunton Garden Club. So Voted.** Present was the 80th Birthday Chairman Annette Lopes, Vice-President Ms. Ferreira, Secretary Ms. Cornaglia, Junior Gardener Ms. Wallace, senior member Carolyn Doherty, Treasurer Mary Heim and new members Louis Simpson and Jennifer Rod. Ms. Lopes informed that for 80 years the Garden Club has been doing numerous things throughout the City. They plant trees

every year at the Point Cemetery on Arbor Day, they take care of the Welcome to Taunton boxes, work with patients at the Taunton Nursing Home and instruct and teach girls at Girls, Inc. The Mayor stated that following discussion on the disrepair of the window boxes, Fred Cornaglia was contacted and with the assistant from the Department of Correction Commissioner Spencer, the prisoners will be helping with this project along with the DPW Masons and the Building Department. The project should be completed by the summer time and it will be a great addition and a welcoming site. At this time, the Mayor read the Citation to the Taunton Garden Club in recognition of its 80th Birthday. **Motion was made to adopt the Citation. So Voted.**

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

Hearing:

Continued hearing on the Special Permit modification submitted by Jose J. Lopez, 44-47 Taunton Green, Taunton, to allow entertainment use in conjunction with a restaurant (El Mariachi), 44-47 Taunton Green located in the Central Business District. **Motion was made to open the hearing and invite the parties into the enclosure. So Voted.** Present was Jose J. Lopez owner of 44-47 Taunton Green, Taunton. The City Clerk read communication from the Chairman, Taunton Planning Board submitting a positive recommendation along with Department comments. **Motion was made to make it a part of the record. So Voted.** Communication received from Fire Inspector, Captain Robert Bastis, Jr. submitting information for the applicant to review, the Massachusetts Board of Fire Prevention Regulations for crowd manager requirements 527 CMR 10.13 and overcrowding 527 CMR 10.17. **Motion was made to make it a part of the record. So Voted.** Communication received from the Board of Health, Adam S. Vickstrom stating that the Board of Health has no comments on the proposed. **Motion was made to make it a part of the record. So Voted.** Communication received from the Conservation Agent, Michele Restino stating there are no conservation issues regarding the proposed zoning change. **Motion was made to make it a part of the record. So Voted.** Communication from the City Clerk written to the applicant Jose J. Lopez. **Motion was made to make it a part of the record. So Voted.** The City Clerk read a communication from Mr. Lopez stating his position for the Special Permit. The letter stated that he is requesting entertainment in the form of live music. One to two people walking around in the restaurant, Monday through Sunday, 5:00pm to 1:00am. If these people are to stand, they will be located in the back of the building facing the parking lot. A design of the area was presented with the letter. **Motion was made to make it a part of the record. So Voted.** Councilor Carr thanked the applicant for coming in. She said that last week, the Council was not quite sure of exactly what type of entertainment they were proposing. She asked if the entertainment would strictly be one or two individuals walking around in the restaurant, not a band. Mr. Lopez said that it may not be every day of the week and the hours on some days may be 6:00pm-9:00pm or 8:00pm to 10:00pm. The time will not be exactly 5:00pm to 1:00am. Councilor Carr stated that it then could be three or four hours in between the hours of 5:00pm to 1:00am. Mr. Lopez stated that the capacity of the restaurant is 150 seats. There was no one present speaking in favor of or in opposition of the petition. **Councilor Marshall motioned to move that the hearing be closed and grant the Special Permit. So Voted.**

The hearing came up by assignment on the petition of proposed zoning changes to the City of Taunton Ordinance dated November 12, 2013: Section 5.3.5 – Re-construction. **Motion was made to invite into the enclosure Mr. Scanlon City Planner. So Voted.** The City Clerk read a communication from the Chairman, Taunton Planning Board submitting a positive recommendation along with Department comments. **Motion was made to make it a part of the record. So Voted.** Communication received from the Conservation Agent informing that Conservation does not have issues regarding the proposed zoning change. **Motion was made to make it a part of the record. So Voted.** Communication received from Board of Health, Adam S. Vickstrom stating that the Board of Health has no comments on the proposed. **Motion was made to make it a part of the record. So Voted.** Proposed zoning changes to the City of Taunton Ordinance dated November 12, 2013. **Motion was made to make it a part of the record. So Voted.** Mr. Scanlon stated that with the new lending laws through the banks, the City is seeing more and more zoning requests particularly for residential uses, one to three units. The reconstruction section of the whole deals with what happens if something is non-conforming (ie: not allowed in the district) voluntary and involuntary. The issue is for involuntary destruction. If it is commercial (which we are not dealing with tonight) and it is destroyed in a residential district, they either need to go through the Zoning Board of Appeals or rebuild it to conform to use. The same now holds true to residential non-conforming. For instance, if it is zoned residential and it is a two family dwelling that burns down, there can only be a two family put back. The problem with it is that Zoning does not allow for residential use. Therefore, individuals would not be able to go to the Board of Appeals and ask for an exception whereas commercial can. On the residential side, the City has a number of duplexes that have gone through a couple of different owners in suburban and rural districts, now affected by fire and with the current reading, they cannot build a single family home can they go to the Zoning Board of Appeals to ask for a variance. Banks are not willing to refinance and people have not been able to buy because they do not qualify for mortgages. The City needs to look at this section. The proposed will allow those who cannot go back to the ZBA a window for them to rebuild. In researching, Mr. Scanlon said he came up with a 12 month rebuild period. Basically, they could put back exactly what was there and if they don't then they would lose their grandfathering rights. This would apply to one – three unit development. Councilor Costa-Hanlon asked if there are any surrounding communities that have the same wording for reconstruction. Mr. Scanlon stated that he did not find any. Therefore, he came up with one himself. The State law says that cities and towns have the ability to whether or not allow residential use variances to go in front of the Zoning Board of Appeals or not. It is something that can be opted into under the State Law. Taunton does not allow this, it is only commercial rebuilt that is allowed. In some cities and towns, it is not an issue because they may have it in their current law. In other areas, he found the same as Taunton. It may be because they do not have these types of issues in their towns or they may not allow duplexes in those cities. Whether or not this can be done or maybe they do not have these types of issues in their town or they may not allow duplexes in those cities. After reviewing, he came up with the intent of the reconstruction section which allows a window to put it back. Councilor Costa-Hanlon asked if the language in the State statute was similar to what is being proposed. The State allows 40A usage variances which are something that has always been a problem. In most of the case laws that he has seen or dealt with, it is basically the use variances will be dealt with by the ZBA through an open hearing, plus the hardship for a use variance. Councilor Costa-Hanlon asked if it was the intent that if Council did not allow those variances, it was hope

that when people go through this that it would give people the impetus to rebuild quicker so that they do not lose that variance. She said that it sounds like what is being offered is more of an incentive because you are clearly saying that we are allowing this if it is rebuilt in 12 months. The current ordinance allows you to rebuild the structure but only for the allowed use. This would allow you to put back exactly what was there within a 12 month period as long as the building permit is pulled. If it goes beyond that point, then they would need to conform. Councilor Costa-Hanlon stated that it is anticipating help for people to rebuild a little sooner. More importantly, it allows the banks to close and/or refinance because people now are not being allowed because of the wording. Councilor Marshall stated that under the proposed change, if there was a two family dwelling and a tragedy happened, you would be allowed to rebuild a two family within 12 months. Councilor Marshall asked for the language regarding increasing the footprint, square footage, or coverage of the lot. The Ordinance states that the footprint will remain the same. Councilor Marshall stated that if it is mainly a content problem, why then is 1, 2 and 3 being addressed. Mr. Scanlon stated that he wanted to cover the bases on three because there are some triplexes in the city. There are some single families in the Industrial District that would require a Special Permit. This just covers the gamut of three because it is mostly the problem right now. The one family could be excluded if the Council wanted to because they do have recourse. Councilor Marshall stated that he can see how it could be a problem with the content because if you have a duplex and it burns down, who has the right to rebuild. He said he is just trying to think about the logic behind the request for three families because there are very few triplexes in the city. Mr. Scanlon stated that there are very few, but with the way the city use code is, is that 1, 2 and 3's are treated the same. Councilor Marshall asked what other issues could trigger the reuse clause other than fire. Mr. Scanlon stated involuntary means. The language states 12 months for which a building permit would need to be pulled. The building permit would then be good for six months. The Building Inspector can extend once progress is shown and it is up to his discretion as to how many extensions can be given. The 12 months can be shortened, but he said he wanted to give enough time if a fire should occur because individuals need to deal with insurances, blueprints, etc. Councilor Marshall stated that he would like to see burned out structures rebuilt as soon as possible because it could be almost two years before they would receive an occupancy permit. Mr. Scanlon stated that nine months may work too. Councilor Marshall's only concern is that there have been multiple fires and buildings staying vacant for a long time. Most of these people were living in apartment buildings with absentee landlords. If you give them a year they may actually do something. He also asked if there was any language regarding the demolition of the existing structure or if they are going to go down this avenue. Mr. Scanlon informed that there is no language for such because the building code handles this if it is not safe. Councilor Pottier asked why 65 was used as a percentage in the language. Sixty-five percent would be the amount of the physical structure destroyed. Councilor Quinn stated that with respect to the 12 month provision, she agrees with Mr. Scanlon because typically these are people who, if their home burns down, are at their worst and it has been seen where insurance proceedings take forever to get. While she would agree with Councilor Marshall, it would be better to have them rebuilt in six or nine months but it is not always possible. She said that she would leave it as 12 months for the possibility that it may take that long. Councilor Carr asked what classifies these buildings as non-conforming buildings. Most of them were done under the old zoning, pre-1989. For instance, Grace Meadows Drive, East Taunton is one area. The area contains duplexes in a rural area. The Council in 1989 made the rule for the

residential district. Some of these were sold or refinanced just a few years ago. But since the financial crisis in 2008, banks have requested zoning decisions more and more. Mr. Scanlon informed that he is actually writing three per day. Virtually nothing goes through without a zoning decision. Councilor Carr asked if the current ordinance states a time frame to rebuild or to add an additional date to the proposed. Mr. Scanlon stated that he would not add any other date other than what is proposed. If someone is not pursuing the construction, then the building inspection will not issue an extension. Therefore, the worst case would be 18 months from the date of the tragedy. People who are in a single, duplex or triplex want to get back into their homes as soon as possible. Commercial properties are the ones that have given the most problems in the past. Councilor Carr stated that the City has had absentee landlords and have had issues with them. Councilor Cleary stated that this clearly states that if someone owns a three family and it burns down, they cannot rebuild. Mr. Scanlon stated that if it is not zoned properly, that is correct. Councilor Cleary stated that what Mr. Scanlon is doing is to look out for the owner of the building so that he can rebuild their investment properly. Speaking in favor of the petition were Jared and Dana Bullock, 11 Grace Meadows Drive, East Taunton. Mr. Bullock said that they have been trying to refinance their home for the past two years with two to three prominent banks. Each time they have been turned down due to the current standings. He said that they have paid over \$2,000 in assessments that have not been completely filled out because of the current language. Ms. Bullock stated that they live in a townhouse that is connected to one of the houses. She said basically, if something happens to their house, they would not be able to live there especially knowing that the zoning is the way it is. When they purchased their home, the zoning at that time came back fine. The first time they tried to refinance under the Hart Program, the bank said the zoning was not fine but that they could rebuild as it stands. When trying to refinance recently, they were informed that they could not even rebuild the house. No one present speaking in opposition. **Motion was made to approve the zoning change. So Voted. Motion was made to close the hearing. So Voted.**

On the petition of Attorney David T. Gay, Gay & Gay PC 73 Washington Street, Taunton on behalf of his client John Greene, 62 Cliff Street, Plymouth, MA for the issuance of a Special Permit to allow a 46,000 sq. ft. registered Medical Marijuana Dispensary at 30 Mozzone Blvd. located in an Industrial District. Councilor Cleary asked for clarification. He asked if this was for cultivation because several areas in the petition reference dispensary. **Motion was made to invite into the enclosure Attorney Gay and interested parties. So Voted.** Present was Attorney Gay, 73 Washington Street, Taunton, John Greene, 62 Cliff Street, Plymouth, MA and Bob Field, 4 Court Street, Taunton. The City Clerk read communication from Chairman, Taunton Planning Board submitting a positive recommendation for cultivation only with Department comments. **Motion was made to make a part of the record. So Voted.** Communication from the Development Impact Review Board, Kevin Scanlon submitting a recommendation that any approval of this petition by the Planning Board contain eighteen (18) conditions as listed in the letter. **Motion was made to make a part of the record. So Voted.** Communication received from the City Engineer, Mark Slusarz submitting comments on the project. **Motion was made to make a part of the record. So Voted.** Communication received from the Conservation Agent, Michele Restino notifying of a required filing of a Notice of Intent, including approval of the wetland delineation prior to any exterior work on the project. **Motion was made to make a part of the record.**

So Voted. Communication received from the TMLP Distribution Manager, Craig Foley submitting no comment on the proposal. **Motion was made to make a part of the record. So Voted.** Communication received from the Water Department, Cathal O'Brien submitting comments regarding the water main on Mozzone Blvd needing to be replaced and that the TFD and DPW will need to review and approve the proposed fire line and hydrant modification and proper backflow protection installed per MA plumbing code. **Motion was made to make a part of the record. So Voted.** Communication from the Board of Health, Adam Vickstrom submitting notification that if approved the establishment will need to apply and obtain all applicable Board of Health permits. **Motion was made to make a part of the record. So Voted.** To answer Councilor Cleary's question, Attorney Gay stated that the reason why dispensary was used is because when this petition was filed, they did not have any idea about the dispensary licenses. He said they are looking for a license to dispense and cultivate in Taunton and the dispensary was the first part of the program to the DPH regulations that were published in accordance with the statues. He said they are here tonight for a dispensary license and a cultivation license. Attorney Gay said that they did not get a successful vote on the dispensary license in Taunton, but they did get a dispensary license in Cambridge. The applicant applied for a dispensary license in Cambridge, Plymouth and Taunton and Cambridge was the only one who granted the license. It does not mean that ultimately they wouldn't get a dispensary license some place, possibly in Taunton if they do a second one in the area or if the other person who got the license does not go through with it. Councilor Marshall asked if he is willing to amend the petition to say cultivation only. At the moment, Attorney Gay said that they do not have a dispensary license, although they would love to have a vote of approval, but would not be able to use it. Councilor Marshall said that he would not be comfortable in approving something that does not exist. He said he has no problem with going forward with cultivation and would not have a problem with them coming back and going through the process again. Attorney Gay stated that this is what the Planning Board voted so this is what they are asking for. The request would be for a cultivation license. Therefore, Council Marshall asked if they would have any problem with striking out dispensary. **Councilor Marshall motioned to make it a part of the record that Attorney Gay will be going forward with a cultivation license only and non-dispensary at this point. Councilor Cleary asked that where it states dispensary, it be changed to cultivation. Councilor Costa-Hanlon stated that the DIRB conditions state items that are specific to the dispensary. In addition, she requested to remove any references that are specific to a dispensary. Mr. Scanlon stated that he could look through the conditions and let Council know what should be adjusted by the end of the hearing. He said that for the record, they should be specific. He also informed that the Planning Board continued, therefore, will be concluding its own Site Plan Review decision. Councilor McCaul said that they will be cultivating medicine. He asked how this location will be affected by not dispensing the medicine. Mr. Green stated that the one major difference in having your own dispensary is that the fact there will not be cash in the facility itself. Which basically is less motivation for possible theft? Also, there will not be the necessary office space nor will there be customers coming to pick up their prescriptions. In the original petition, two-thirds of the building was going to be cultivation and one-third was going to be office/reception area. Therefore, the facility will have less traffic and fewer issues for security. Councilor Marshall said that he is comfortable moving forward with a cultivation license, but if there is going to be a dispensary license issued through DPH then he would like to**

hear the petition again. Motion passed 8-1. Councilor Carr voting in opposition. Attorney Gay stated that some of the communication read this evening is old and states issues have been resolved. For instance, the Conservation letter stating that an NOI is needed. They actually have already received it. As Mr. Scanlon stated, the Planning Board approved it and that they left it open because they were not sure if they were getting the dispensary license or not. Mr. Field stated that the building is located at the end of Mozzone Blvd. on the south side. There is an existing business in the building conducting a recycling project. They will be upgrading the parking and circulation around the building. The area is adjacent to wetlands and drains into an existing 12" pipe that is overloaded with run-off that heads toward County Street. They are proposing to collect and treat the storm water and connect to unutilized 24" drainage main. Currently, there are two driveway aprons into the site. They will be enhancing one of the aprons and closing the other for better circulation. The loading entrance has a drive-in door for trucks and is blocked from the other entrance in the front near the parking area. Councilor Costa-Hanlon said that it appears from the build-out that the parking still anticipates the dispensary. She asked if the parking toward the right of the building currently exists. Mr. Field stated that they will be cutting it back, because the existing paving abuts the wetlands; therefore creating a smaller area. Councilor Costa-Hanlon asked if this was the original plan submitted to the DIRB or has it been revised due to the fact that the dispensary is not going in. It was informed that the parking will not change. Even though the parking will be less with just the cultivation portion of the business. It has not been changed because additional workers will be added to the facility. Councilor Marshall stated that he visited the area today and asked if there will be anything to stop the flow of traffic from going around the building. Mr. Field informed that there is a fence. Councilor Croteau stated that during discussions earlier on regarding the differences of the facilities, the parking was not mentioned nor the anticipation of additional workers for the cultivation. Therefore, he asked if they would be cultivating additional product. Mr. Field said that they will have the ability to cultivate additional product in the future, so that is why the parking was not changed. With the current market, Councilor Croteau asked what would be the cultivation in pounds. Mr. Field stated that in Cambridge, based on the patients who already have cards with the State, he would have to say about 5-10 pounds a week. Councilor Croteau stated that if this facility cultivates 5-10 pounds a week, how many people will be employed and what would the build-out of the facility be. At first, the facility will employ cultivation. This which would consist of a general manager, an assistant manager and four employees. If the entire building was built out, it would be somewhere around 250-350 pounds a month with that figure going up 20-25% if everything goes perfectly. Although, this is agriculture and a lot of times things do not go perfectly. Councilor McCaul said that what Councilor Croteau is alluding to is based on the square footage of the building and the number of plants that could be grown in that square footage. Mr. Field stated that it would be hard to say, because there is not a plant count limit in the State of Massachusetts. If a plant is vegetated out for two months, and there is a large enough plant that looks like a tree, it could take up a 4x4 square foot area. There could also be a hundred plants grown in a 4x4 square foot area. It actually depends on how many lights you can fit in the building that covers the actual amount of space. Right now, it would cover around 500 flowering lights in the whole entire building at build-out. Councilor Pottier said that the Mayor, in an earlier meeting, alluded to the whole process with cultivation and with distributing facilities that he mentioned he would be negotiating with whoever would be coming to town as to other concessions and/or contributions and/or

goodies for the City. The Mayor stated that he has had some conversations that certainly will be in place before the facility opens. He said he is not sure if this is the proper venue to talk about it, because he does not want the license to be based on that. There have been some meaningful discussions and the end product will be agreeable to the Council and general public. The Mayor said that he would be happy to speak to any Councilor offline. He said that he is confident that an agreement will be reached as it has been seen throughout the process with Mr. Green's commitment to the City of Taunton. Councilor Pottier stated that there is no specific plan for design or layout. Attorney Gay stated that he spoke to a couple of members of the DIRB and at that time they were still thinking about a dispensary. The dispensary would have customers, but the traffic would be minimal. But now without that, traffic will be very minimal; there will be delivery trucks once in a while and they will have their own entrance. He said that they are on a nice road with a traffic light at the intersection. Therefore, it's not an issue that would affect anybody in the area because they are at the end of the road. Councilor Quinn asked if the concerns from the City Engineer have been addressed. Attorney Gay informed that they have. Mr. Green informed that the State regulations only allow for organic pesticides, herbicides and fungicides which are easily broken down very quickly in this oil by oxygen. The fertilizers to be used will be simple nutrients – potassium, nitrogen, phosphates, magnesium, calcium and certain minerals themselves that are all very easily broken down. About 97% of these are organic already. Attorney Gay stated that there will be a discharge into the water, which will happen only about once a month. The nutrients themselves cost quite a bit of money and what they will be doing is re-filtering the actual water. Keeping the nutrient base and feeding it back into the plant. Therefore, very little is flushed and most is utilized by the plant. Councilor Costa-Hanlon asked if the trucks coming in and out will be their own delivery trucks and would there be any type of servicing to these trucks in the building. Also, condition #11 on the DIRB letter states that a hazardous materials plan is required from the Board of Health, and asked if there is an area designated on the plan for such items. Mr. Green informed that it would depend. Probably once or twice a week there will be a delivery going out and not coming back in. There could be trucks going out but not coming back. Also, there will be a delivery truck with soil and various equipment two to four times a week. There will not be any servicing of the trucks in the facility and the operation will only have a van. There is not a single area needed for hazardous materials. Councilor Cleary asked if there are any conditions that would not be necessary because it will only be cultivation or will they be complying with them as written. Attorney Gay informed that the only one would be Condition #13-hours of operation. Councilor Cleary questioned the meaning of Condition #6 and #12. Attorney Gay informed that it is due to vehicles coming into the building. This will only be necessary in that specific area. The closed watering system was just explained by Mr. Green and only once a month the system will be flushed. Councilor Cleary stated that the letter from the Water Department was a little vague because it states that 1,000 linear feet of water main on Mozzone Blvd. needs to be replaced. He asked what this meant. Attorney Gay stated that it was not discussed at the DIRB. There are two water mains located on Mozzone Blvd. Mr. Green informed that they do not have to replace the 1,000 feet because actually they will be connecting to Allison Avenue. At this time, Mr. Scanlon stated that Condition #13 on the DIRB letter should be removed and the reference to dispensaries on Condition #17 should be removed. Attorney Gay informed that as far as all the remaining letters, they were given only as a background to the comments given to the DIRB and Planning Board which formulated the DIRB letter. In the future, there may be a way to section them off so that

you know they are historical letters via current letters. Councilor Costa-Hanlon asked Mr. Scanlon if he had an as-built showing that this project will be using the water line on Allison Avenue. Mr. Scanlon stated that the updated plans have not been received and there is the agreement with the Water Department that will need to be signed. There were comments that needed to be addressed, but when they met with them, there was an alternate resolution. Councilor Costa-Hanlon stated that her concern is the plan. The plan should be updated. She said that she understands the communication between department heads, but when it comes to the Council for a Special Permit which includes all the issues related to the DIRB. Attorney Gay informed that Condition #2 on the DIRB letter states that a set of as-built plans shall be submitted that conforms to all the requirements of this decision before a building permit is issued. Therefore, if a change is needed to be done, they would need to create another set of plans. All requests are incorporated into the decision and before a permit is issued and the as-built plan will be submitted. Councilor Costa-Hanlon stated that the water line is not part of the DIRB decision. Attorney Gay stated that it is a part of the record tonight. Mr. Green informed of the cultivation process. It is very simple as it is a seed to sale operation. As soon as the seed comes up to a sprout, that sprout is barcoded. That barcode lives with the sprout throughout the actual life of the plant itself. The first part of the dispensary is the nursery, where the sprouts remain. As the plant grows into a mature plant, cuttings are taken from the plant and those are rooted and vegetated between 2-4 days. They are then taken out and placed in the next room in a closed container. The container is then dedicated for about 60 days. Every time the plant is moved during the process, it is bar scanned. The information when scanned shows who scanned it, what time it was scanned, when it was moved and where it went. After 60 days, the plant is harvested. The mature plant is then cut, trimmed and dried. The process for drying takes about 48 hours for the curing process. It then sits in a closed container and opened intermittently between 4-7 days. Following this, it is sent to processing, packaging and inventory. The waste part of the plants is utilized to make pure and effective medicine that is added to butter, balm salve and tincture. The flowers or buds are packaged, weighed and sent to the dispensary. The waste product itself will be stored in sealed small containers that will make more pure medicine. There will be a portion of the facility designated as the office/administration. Councilor Costa-Hanlon asked what, if any, consideration was given by the DIRB for odor. In the pre-hearing, it was mentioned that scrubbers were needed, but there is nothing in the DIRB that addresses the mitigation of odors. She feels that needs to be discussed. Also, is there a process for reporting to the Board of Health? Mr. Scanlon stated that it was discussed in the DIRB. Mr. Green informed that the area is a big warehouse space or a box inside a box inside another box. Each box contains all of that mallet smell. The air inside does not connect to the outside. It is necessary to keep the plant quarantined from mold, mice or pesticides. There are actually scrubbers within the box that will clean the air and then blow out clean air in the actual facility itself which is sealed. There are also scrubbers in the facility outside of the boxes that clean the air. Even though there is marijuana growing inside the building, it will never be smelled unless you actually open up a door and enter the facility itself. The scrubbers are industrial powered carbon filters located inside the building. Councilor Costa-Hanlon asked if there was a plan in the event of a failure to the filters. Mr. Green stated that if all fifty rooms were to go down at once, the facility will be equipped with a back-up generator. Also, there will be extra parts in the building if needed for any of the boxes. Councilor Costa-Hanlon asked if the area in which the plants are growing will be petitioned off from the area where the trucks are coming in. There will not be any smell

of marijuana whether you open the doors or not. Councilor Croteau stated that he was looking for a letter of approval from the Chief of Police. The Mayor stated that both the Fire Chief and Chief of Police are here tonight to answer any questions. **Motion was made to invite into the enclosure the Chief of Police for a presentation. So Voted.** The City Clerk read a communication from the Chief of Police submitting a positive recommendation for approval. **Motion was made to make the letter a part of the record. So Voted.** Councilor Carr asked if there could be any issue with having a common wall between the two different operating facilities or securing issues. The Chief of Police stated that he evaluated that and spent time talking with security experts and he has no concerns. The procedures and protocols they have in place are sufficient enough to deter and detect any criminal activity. **Motion was made to invite into the enclosure the Fire Chief. So Voted.** Chief Bradshaw stated that the Fire Department does not have a lot of concerns. There is a significant alarm at the facility, the building owner is aware of the sprinkler upgrade needed in order for the Fire Department to sign-off on the dual facility. This is a new type of industry, there are not many codes written for the facility. On Monday, the Chief will be having a meeting at Fire Services with all the Chiefs and will be reviewing any codes that will need to be enforced to be consistent throughout the Commonwealth. He said that he does not see any problem with the facility with regards to the Fire Protection Law and Code Enforcement. Councilor Costa-Hanlon asked if he felt confident that any recommendations made at this meeting will be able to be incorporated into the permit. The Chief stated that it will all depend on the recommendations. Councilor Carr stated that there were quite a few documents requested, but they do not seem to be present. She said that she requested documentation pertaining to the salaries of the company's corporate individuals. It was informed that they were listed within the application. Attorney Gay stated that he does not personally think or legally think that it is relevant to the case. He said that he has instructed his client that if he feels comfortable, he could give Council a range of the salaries. Councilor Carr stated that this type of information was given in other applications and that is why she asked. Mr. Green informed of the following salaries: COO/CFO - \$60,000-\$80,000 for the first two years, CEO - \$60,000, General Manager and Manager - \$50,000-\$60,000, Horticulturist and Master Grower would be paid a little bit more and Administration and workers would be paid above market with great benefits in a range of \$36,000-\$46,000. The Growers will go through the normal background check that every other individual would within the State if they wanted to work within a medical marijuana facility. This is agricultural, and if you look at this as any other product such as potatoes, the only difference would be that they will be wearing rubber gloves and tie-back suits. He said that he would not hire individuals who have grown marijuana before, but actually someone who has grown tomatoes or potatoes. Someone who understands gardening and understands plants themselves. These individuals would be taught as to the treatment of these plants. Anyone working in a medical marijuana facility needs to be certified by the State. Councilor Carr stated that a student coming out of the agricultural school could apply for a job at the facility then. Councilor Carr previously asked the City Clerk if there was an Ordinance pertaining to marijuana other than the location of the facility. The City Clerk stated that it was not adopted. Once individuals receive their registration cards, they legally cannot be prosecuted, but what stops these people from smoking in public while walking down the street? She stated that she did not see anything regarding this in the general law and asked if there is something that the City should be instituting. Attorney Gay stated that when they decriminalized marijuana, there were a lot of cities that implemented Ordinances that ban people from smoking in

public areas. If there is not one in Taunton, then there should be. Councilor McCaul asked Mr. Green how he sees his business benefiting the City of Taunton. Mr. Green stated that the business will be generating taxes for the City, adding 20-25 jobs for the first nine months with approximately 10-12 new jobs per year with the third year increase to about 30%, water and electricity usage and the facility will be contributing to numerous non-profit organizations such as the Girls & Boys Club. Councilor Costa-Hanlon stated that Mr. Green reached out to her early in the process, therefore she feels very familiar with the process and facility because she had the opportunity to review them a couple of months ahead of time. As a Councilor, she stated that she wrote a letter in support for the application and the DPH. She said the letter was in support of a dispensary and that issue has been addressed here from a Site Plan Review. It seems to have little impact to the physical structure and the running of the business operation, but in her mind, it is important that the citizens have the ability to have a dispensary because the whole point of this law is to provide some type of medical relief for people who are in pain. She realizes that it is out of her control in obtaining a dispensary license which she voiced during the prehearing. During the prehearing, it was discussed that with a dispensary, you have the possibility more or a higher possibility of there being illegal activity or a robbery. There were articles regarding armed robberies in California and Colorado and after hearing that the Chief reviewed the security of the facility that has answered her questions. In the interest of full disclosure, she wanted to make sure everyone understood that. Her letter was drafted to state that this business was a good business that would benefit the City. It did not mean that she would absolutely approve it had it come before the Council. It also did not mean that she wouldn't say no. She thinks it is important that people know that she had a communication and had questions that were answered. She said she is waiting to see what the public has to say because although she has received calls and what have you, she has not heard anything but positive things. There are people who have concerns and people who voted against having medical marijuana and there are people in the community that are still against it. She respects that. But it is a law, and Council took steps to zone for this type of business. Whether or not she agrees is her own personal vote. Regardless as to how she feels, Council sits as basically a judge without a lean for or against. On this particular project, she said that they deserve to be heard. Councilor Pottier stated that he disclosed last week, that he too wrote letters in support of Mr. Green's organization. Speaking in favor of the petition was Richard Costa, 16 Mozzone Blvd., Taunton. Mr. Costa informed that he has the property adjacent to the proposed facility. He said that he does not have any issues with the business being next to him and if there was any odor coming out of the facility, it would be better than the odor coming out of the water treatment plant. No one speaking in opposition. Mr. Dave Littlefield, 192 Erin Road, Taunton stated that he is not speaking in opposition, but just wanted to voice his opinion as far as the City getting some type of deal with this. If the license is granted, then all the bargaining deals are gone. He said he wouldn't want to see what happened with the casino happened again. He asked Council to not make the same mistake again. He is not for or against this, it about the City getting something out of this deal and getting it ahead of time or maybe before it is too late. Therefore, he said he doesn't know what kind of negotiations could be done once it is approved. The Mayor stated that it will be done before opening day as there are several building permits and everything else that will need to be done before they open. He said he is confident that an agreement will be reached that will be satisfactory to everyone. As mentioned before, he does not want to hinge this particular application on this because it is not the intent of the law. But the City will have at least

one additional police officer if not more. Mr. Doug Faber, 103 Hart Street, Taunton stated that he is in favor of the facility and he feels it is time for changes and things to happen. He said that he does not particularly agree with the asking of salaries and monetary values or gains from this because it's not a casino. It is going to do what it is supposed to do for so many months and it is going to level off. Therefore, being concerned about future dollars is a misconception. The facility is generally going to be a garden place, no different from what is on Rt. 44. He said that he does not see attacking these gentlemen monetarily as a golden goose. He said that he does not see it taking place and hopes it is not preceded like that because it is not a good presentation of Taunton and who we are. Councilor Cleary stated that the IGA with the casino was well done and looked out for the interest of the City. The City hired some very talented professionals along with the Mayor and City Solicitor who took extreme measures to look out for the interest of the City. He feels that the City still has potential and that the City did not miss the boat. **Motion was made to approve the Special Permit with the conditions outlined in the DIRB letter of January 28, 2014, with the recommendations to amend wording relative to the dispensary that was given by Mr. Scanlon. Also, to add a condition that the applicant agrees to tap into the water line on Allison Avenue. Mr. Dan DaRosa, owner of 30 Mozzone Blvd. informed that they were recently upgrading the fire depression system and learned that they are tied into Allison Avenue. Councilor Costa-Hanlon asked that this be updated on the plan and that they will wait until the negotiations between the Mayor and Greenway before any final disposition is taken on this. Motion seconded. Councilor Cleary stated that he feels that this is not a legitimate stipulation at this point. He said the job of the Council is to listen to the presentation both pro and con for the facility and to take the information to make a decision. To add that we are going to make a decision that we might want to change our minds if this does not happen is not a good precedence and he would be opposed to that motion. Councilor Croteau stated that he would be opposed to the motion with the last stipulation. Councilor Costa-Hanlon amended her motion and withdrew the added condition relative to negotiations with the Mayor. Vote was 8-1. Councilor Carr voting in opposition. Motion was made to close the hearing. So Voted.**

Motion was made to recess for a five minutes. So Voted.

The Mayor called the Municipal Council meeting back to order.

Communications:

Com. from Superintendent of Buildings responding on DCAMM regulation. Mr. Walkden submitted a copy from the Division of Capital Asset Management and Maintenance an outline for Emergency Waiver Requests by Public Awarding Authorities. Councilor Croteau stated that what he was looking for was the written application that was submitted along with the response approving that the City does not have to go out to bid. He asked if the City submitted something in writing to the Commissioner's Office and if so the response from the Commissioner. The City Solicitor stated that a written request was submitted to the Commissioner of Capital Asset Management and Maintenance accompanied by reports from the City Engineers to inform the State the reason why the building was in such a dangerous condition along with why the City really did not have time to go through the bidding process. DCAMM then sent the request to their General Deputy Council for review and it was returned to the City with their approval. Their approval is in the form of sending back to the City the letter that

was sent to them with a stamp on it stating their approval along with a statement saying that you must go out to competitive bid. The city is still doing the competitive bidding, just not doing the formal advertising. Councilor Croteau requested a copy of the letter with the stamp from DCAMM. City Solicitor stated that the City is expecting to receive the bids from each of the three contractors next week. He is anticipating that by Friday morning he will be able to state that all three bids were reviewed and announce the low bidder who is qualified to perform the job. He said that if he is in the position of doing this, communication will be forwarded to Council members with the three bids and requesting that Council authorize the transfer of funds from wherever the Mayor designates to the Building Fund in order to make this happen as quickly as possible. **Motion was made to receive and place on file. So Voted.**

Com. from City Solicitor – Fire Watch for 437 Whittenton St. The City received a payment from the Jefferson Development in the amount of \$14,297.87. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing scheduled for April 3, 2014 on the proposal of modification of Form J-Waiver of frontage Requirement and Special Permit for Common driveway, 815 Middleboro Avenue – Frenette. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing scheduled for April 3, 2014 and a Development Impact Review Board scheduled for March 25, 2014 for a Site Plan Review of 417 Winthrop street and Property ID 89-195. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing scheduled for April 3, 2014 for Site Plan Review of 17 Oxford Street. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing scheduled for April 3, 2014 for Site Plan Review, lot 19-47 Colton Road. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board notifying of a public hearing scheduled for April 3, 2014 for Site Plan Review, 670, 680, 702 County Street and 137 Hart Street. **Motion was made to receive and place on file. So Voted.**

Com. from Sheri Cohen, Chairperson, Norton Founders Day Picnic and Fireworks Committee, 70 East Main St., Norton requesting use of the portable stage for June 21, 2014, rain date of June 28, 2014, at the Henry Yelle School field at 64 W. Main Street, Norton, MA. **Motion was made to approve and refer to the DPW Commissioner. The Mayor requested communication to be sent back to Ms. Cohen informing her that the City's Fun Night at Hopewell Park will be on June 28, 2014, therefore, the stage would not be available for their rain date. So Voted.**

Com. from Paul Curley, Sporting Events Manager, American Lung Association, 96 Partridge Circle, Taunton requesting approval of the Rocky Woods Mountain Bicycle Event at the Bennett School on North Walker Street, Taunton as a benefit for the ALA on Saturday, April 19th starting at 9:30am and lasting until 3:30pm. **Motion was made to approve. So Voted.**

Councilor Carr read additional communication from the Parker Middle School informing of their Spring Craft Fair to be held on Saturday, April 12, 2014 from 10:00am-2:00pm in the gymnasium.

Councilor Carr read an additional communication from the Safety Officer, Chris Williams regarding the parking issue at Four Kicks. Mr. Williams is recommending no parking zone along both sides of Fremont Street and being zoned residential there will be no need for a City Ordinance. If the Council agrees, it should be posted that “no parking” on both sides of 203 Fremont Street. **Motion was made to move approval on the “no parking” signs. So Voted.**

Councilor Pottier stated that there was a copy on each Council member’s desk regarding a law suit. Therefore, he would refer this to this Law Department. The Mayor stated that it actually came from the Law Department. Councilor Pottier retracted his motion.

Councilor Pottier motioned to refer to the Committee on Police and License and the Safety Officer the request from Edward Simpson, 30 Fifth Street, Taunton requesting the installation of a “blind driveway” sign at the corner of Fifth Street and Somerset Avenue. So Voted.

Councilor Pottier stated that due to being the last Manufactured Home Representative, he received a communication from Mr. Christianson asking for assistance because Colonial Estates is in the process of being sold. **Councilor Pottier motioned to refer this to the new member, Councilor Cleary through the City Clerk. So Voted.**

Hours of Operation License

Hess Express located at 943 County St., Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Joseph Inacio, 10 Birch Circle, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on Plain Street toward Water St. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Kathleen Rusek, 10 Woodview Dr., Lakeville seeking reimbursement for damages to her automobile from hitting a pothole on Danforth St. near Maxwell St. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Joanne Waddell, 10 Thayer Dr., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Whittenton St. near the old Whittenton Mills. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Russell Bruce, 9 Johnson Dr., Lakeville seeking reimbursement for damages to his automobile from hitting a pothole on Rhode Island Road near Matthew Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Aaron Hohos, 3 Lang St., Lakeville seeking reimbursement for damages to his automobile from hitting a pothole in front of 159 North Precinct Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Susan Cowing Paulson, 9 Jeffrey Lane, Assonet seeking reimbursement for damages to her automobile from hitting a pothole on Berkley Street near Mechanic Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Gary Babcock, 19 Josephine Ct., Fall River seeking reimbursement for damages to his automobile from hitting a pothole on Berkley Street near Mechanic Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Melissa Teixeira, 115 Davenport St., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Ingells Street at the intersection of High Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Yvette Beland, 41 Ilana Circle, Taunton seeking reimbursement for damages to her automobile from hitting a pothole in front of 11 Hart Street near the train tracks. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Ryan Fitzgerald, 575 Middleboro Ave., East Taunton seeking reimbursement for damages to his automobile from hitting a pothole on High Street near the intersection of Cushman St. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by David Marcelino, 685 Glebe St., Taunton on behalf of his mother, Celeste Marcelino who is seeking reimbursement for damages to her automobile from hitting a pothole on Tremont Street at the intersection of Clifford St. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Nancy Daley, 25 Stephanie Circle, East Taunton seeking reimbursement for damages to her vehicle from hitting a pothole in front of Precinct Street. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted.**

Claim submitted by Alissa Greene, 217 Washington St. 2R, Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Whittenton Street between Cottage St. and Second Ave. **Motion was made to refer to the Law Department and DPW Commissioner for the pothole. So Voted. Councilor Cleary**

asked for the results from these claims. The Mayor stated that he would need to check with Sue Barber in the Law Department and informed that it is a bit more than in recent years. Councilor Croteau stated that he would like to add to the motion for a report from the DPW Commissioner as to how long it took and how many of these potholes were filled. The Mayor stated that the list of potholes were over three hundred this year. Councilor Croteau stated that he would like to see a comparison between what we paid out for these damages and what it cost to fix the potholes even on overtime. **So Voted.** The Mayor stated that the DPW is looking at a new way for pothole patching which would speed up pothole patching especially with the plants closed during the winter time. He realized that they have been out there on overtime, but this winter has been tough. Councilor Croteau's motion is well taken and we certainly can improve the processes on catching up on the technology. The DPW is definitely doing the best job they can; it just has been a very tough winter.

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 stated that there was a long discussion at the last meeting regarding the additional \$150 fee from the Fire Department for Fire Radio Boxes and at one point, the Safety Officer said there were 500 boxes. **Councilor Cleary motioned for a list of the boxes to see how many people have been affected. So Voted.**

Councilor Costa-Hanlon asked if the Mayor's Office has been updated as to what is going on at Taunton State Hospital and what the thought of process was for the Department of Public Health is and whether the Mayor has heard from the State regarding their intentions for the State Hospital. The Mayor informed that he has not been updated from the Public Health at all, but it should be upcoming within the next several of weeks.

Orders, Ordinances and Resolutions:

Ordered That,

At a regular meeting of the Municipal Council, held on February 25, 2014, the Municipal Council voted to adopt M.G.L. Chapter 40, Section 8J and Allocate and Segregate the Handicapped Parking Violation Funds to a separate account. **Motion was made to approve. On a roll call vote. Nine (9) Councilors present, nine (9) Councilors voting in favor.**

New Business

Councilor Pottier motioned to refer to the Water Department the exposed water conduits on Mockingbird Way, East Taunton. So Voted.

Councilor Pottier stated that last fall he referred issues with a sewer connection in the area of Bluejay Lane and Mockingbird Way to BETA. He would like a report back to Council on the status. Ever since the development was built, there has been a kink in the line and every 4-6 years they need to go out there to make sure everything is working properly. Councilor Pottier motioned to request a report from BETA and/or the DPW as far as this being taken care of. So Voted.

Councilor Costa-Hanlon motioned to refer to the Committee on Police and License a disciplinary matter which will be held in executive session on April 1, 2014. So Voted.

Councilor Costa-Hanlon motioned to refer to the Committee on Ordinance and Enrolled Bills to have a discussion on a question from one of the Committees as to whether or not the chair of the Committee votes on any particular motion. She said she did research and technically because it is not specifically in the rules and procedures for the Municipal Council the matter is referred to Robert's Rules of Orders. According to Roberts Rules of Order newly revised edition on page 476, the Chair or President is supposed to vote. If it is the wishes of the Council and we can refer this to the Committee on Ordinance and Enrolled Bills to make it a part of the code so that it is clear. She stated that it would make more sense that the Chair votes when the Council President is presiding over the Committee to the Council of a Whole and every other committee is an odd number, otherwise there would be the potential of always having a tie. People should understand that when they are chairing any committee whether they should be voting or not. Councilor Croteau said that his understanding is that the chair is only required to vote in case of a tie. Furthermore, his understanding is that the City does not operate under Robert's Rules of Order. He said that they would need to go back to 1864 to figure out what rules the Council does operate on, but Council definitely does not operate under Robert's Rules of Order. As a point of information, Councilor Costa-Hanlon stated that if you look at the City of Taunton's Council Rules of Order, the last item says that any procedural issue not specially outlined will be governed under Robert's Rules of Order which we do. Councilor Croteau stated that they would need an archeologist to look into the history, because he has been here for a few years and Council definitely does not operate under Robert's Rules of Order. It is clear that the chair is only required to vote in the case of a tie. Councilor Pottier respectfully stated that it is not clear at all and that Appendix A of the Ordinances goes through specifics on how Council business is supposed to be operated. However, there are things in there that the Charter Committee is looking at. For example, we are only supposed to talk for three minutes on a specific issue and we are supposed to rise to address the membership. To Councilor Costa-Hanlon's point, if it is not listed specifically, which Councilor Croteau might think that somewhere in there it is, and then we do refer to Robert's Rules of Order. With that said, he does not think there is anything wrong with Councilor's going on record on a particular issue. The danger would be that the difference being referred or assumed being one thing on the floor and voting separately in full Council, which is what happened last week. Anything that lessens the amount of communication or confusion as far as where Council stands on an issue is a good thing and that is why he seconded the motion. Councilor Costa-Hanlon stated that all the minutes from Committees show the chair's voting. Therefore, she said that it should be made clear. Councilor Croteau

stated that the minutes from Committee on Finance and Salaries definitely does not show in the minutes the chair of that particular committee voting. He said he only votes in case of a tie; past practice. The Mayor said he would agree with Councilor Croteau in saying past practices that chairpersons only vote in the case of tie. At least for all the committees the Mayor chaired during the past ten years. The Charter Committee will be recommending that the Council adopt their own or review their own rules and regulations. Therefore, if it is the wishes of the Council to refer it to the Committee on Ordinance and Enrolled Bills or if Councilor Marshall would like to put a committee together, it might be helpful because the Charter Committee will be coming forward with recommendations by the fall. Councilor Cleary said it is difficult to refer it to the Committee on Ordinance and Enrolled Bills because if three people sit were to down and come up with an opinion, it does not mean it will pass Council and then we would have to do it again. Really it is a decision not to be debated three times on the side, but by the Council. Councilor Costa-Hanlon amended the motion to refer it to the Committee of the Council as a Whole. So Voted.

Councilor McCaul reminded the Council that on April 2nd and 3rd, the Committee on Fires and Wires will be meeting with the Fire Committee to interview eight fire fighters for the possibility of three hires.

Councilor Carr motioned to refer to the Committee of the Council as a Whole for discussion on any Ordinances they feel that would protect the citizens from abuse of the new Marijuana Laws, specifically, public smoking of marijuana. Maybe contacting surrounding cities and towns to obtain information because she said she believes there has been nothing set in Ordinances for those types of issues. People need to be cognitive when allowed to have marijuana without any legal consequence. Councilor Croteau stated that the point made by Council Carr is well taken. He said he is not sure if it is connected to whether or not a community is a dispensary or a cultivator because people can purchase this product from dispensaries located somewhere else and come to Taunton to smoke it. He believes every community in the State should have strict regulations. Therefore, he would support it. So Voted.

Councilor Costa-Hanlon invited everyone to the Spin-a-Thon on March 22, 2014 at the Old Colony YMCA.

Motion was made to adjourn at 9:50p.m. So Voted.

A true copy:

Attest:



City Clerk

RMB/dmc

CITY OF TAUNTON
MUNICIPAL COUNCIL
MARCH 18, 2014

THE COMMITTEE ON FINANCE AND SALARIES

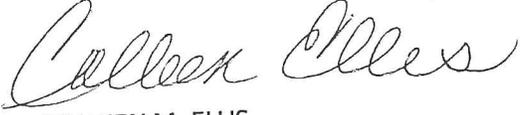
PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER

MEETING CALLED TO ORDER AT 5:50 P.M.

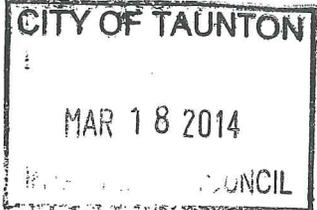
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE PAYROLLS AND VOUCHERS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:51 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MARCH 18, 20145

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, POTTIER AND BORGES. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON AND BRUCE LAFLEUR

MEETING CALLED TO ORDER AT 6:01 P.M.

1. MEET TO DISCUSS LETTER OF ATTORNEY DAVID GAY REGARDING NOTICE OF INTENT TO SELL LAND ON BURT STREET – ASSESSORS MAP 61, LOTS 10 AND 11

A LETTER WAS RECEIVED FROM ATTORNEY DAVID GAY DATED FEBRUARY 20, 2014 IN WHICH HE STATED THAT HE REPRESENTS THE OWNERS OF THE ABOVE REFERENCED PROPERTY, AND THAT THE LETTER SHALL SERVE AS NOTICE PURSUANT TO M.G.L. C. 61A, SECTION 14, THAT MR. AND MRS. BRUCE LAFLEUR HAVE RECEIVED A BONA FIDE OFFER TO PURCHASE THE ABOVE LAND FOR A PURCHASE PRICE OF \$200,000.00. WITH THAT LETTER HE ENCLOSED A CERTIFIED COPY OF THE PURCHASE AND SALE AGREEMENT SETTING FORTH ALL TERMS AND CONDITIONS OF THE PROPOSED SALE, ALONG WITH A MAP PRINTED FROM THE CITY'S GIS SYSTEM SHOWING THE PARCELS OF LAND.

THE LETTER FURTHER STATED THAT THE PROPOSED FUTURE USE OF THE LAND IS AS THE LOCATION OF A CONVENTIONAL SINGLE FAMILY RESIDENTIAL SUBDIVISION.

THE LAND CONSISTS OF A TOTAL OF APPROXIMATELY 17.15 ACRES. THE PORTION OF THE LAND SHOWN AS ASSESSORS MAP 61, LOT 10 CONSISTS OF APPROXIMATELY 16 ACRES; AND THE PORTION OF THE LAND SHOWN AS ASSESSORS MAP 61, LOT 11 CONSISTS OF APPROXIMATELY 1.15 ACRES.

A COPY OF THIS NOTICE WAS ALSO SENT ON THE SAME DATE BY CERTIFIED MAIL TO THE CITY OF TAUNTON BOARD OF ASSESSORS, CITY OF TAUNTON PLANNING BOARD, CITY OF TAUNTON CONSERVATION COMMISSION AND THE STATE FORESTER.

THE CITY SOLICITOR STATED THAT THE COUNCIL RECEIVED THIS LETTER BECAUSE THIS IS CHAPTER 61A LAND WHICH MEANS THE OWNERS PLACED IT IN THAT STATUS SOME TIME AGO AND ESSENTIALLY THEY RECEIVED A PROPERTY TAX BREAK FOR DOING SO. THE CITY SOLICITOR FURTHER STATED THAT WHEN THIS PROPERTY IS GOING TO BE SOLD, THE SELLERS HAVE TO GIVE THE CITY THE RIGHT OF FIRST REFUSAL TO BUY IT. UNDER THE LAW, THE SELLER IS REQUIRED TO GIVE THE CITY NOTICE OF THE INTENT TO SELL AND A COPY OF THE PURCHASE AND SALE AGREEMENT WHICH THEY HAVE DONE. THE CITY HAS THE RIGHT TO A FIRST REFUSAL SO THE CITY HAS THE RIGHT TO BUY THE LAND AT THE PRICE LISTED IN THE PURCHASE AND SALE AGREEMENT. THE CITY HAS 120 DAYS TO DO SO.

COUNCILOR CARR NOTED THAT SHE DID SPEAK WITH THE MAYOR AND HE AT THIS POINT IN TIME DOES NOT HAVE ANY INTEREST IN PURCHASING THIS LAND.

SHE QUESTIONED WHAT MOTION WOULD BE NEEDED TO JUST MOVE THIS FORWARD SO THAT THE SELLER DOES NOT HAVE TO WAIT THE 120 DAYS .

THE CITY SOLICITOR SAID THAT IF IT IS THE CITY'S INTENTION NOT TO PURCHASE THE LAND, HE IS SURE THE SELLER WOULD LIKE TO KNOW THIS SOONER RATHER THAN LATER, SO IT WOULD BE PRUDENT TO MAKE A MOTION TO SAY WE ARE NOT INTERESTED IN PURCHASING THE LAND AND DO NOT INTEND TO EXERCISE THE RIGHT OF FIRST REFUSAL.

COUNCILOR POTTIER ASKED WHAT THE TAX BREAK WAS THAT WAS RECEIVED BY THE LANDOWNERS. THE SOLICITOR STATED THAT THIS IS A QUESTION FOR THE ASSESSORS.

MR. LAFLEUR NOTED THAT THEY ARE RESPONSIBLE TO PAY THE DIFFERENTIAL FOR THE LAST 5 YEARS TAXES, WHICH THE ASSESSORS WILL CALCULATE.

MOTION: TO SEND A COMMUNICATION TO THE SELLER'S ATTORNEY THAT THE CITY IS NOT GOING TO EXERCISE ITS RIGHTFUL OPTION AT THIS TIME.

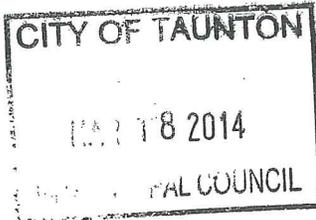
PAGE TWO

MARCH 18, 2014

THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

COUNCILOR QUINN SECONDED THE MOTION ON DISCUSSION.
SHE ASKED CITY SOLICITOR BUFFINGTON IF HIS UNDERSTANDING IS THE SAME, THAT THE CITY
DOES NOT WANT TO EXERCISE ITS OPTION.
THE CITY SOLICITOR SAID THAT HE HAD NOT SPOKEN TO THE MAYOR.
ADD TO THE MOTION: SUBJECT TO THE MAYOR'S APPROVAL. SO VOTED.

MEETING ADJOURNED AT 6:10 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 "R. M. Blackwell".
CITY CLERK