



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, May 19, 2015 at 9:00 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

A moment of silence was observed in memory of Arthur Logge who passed away yesterday; he was a member of and part of the Taunton Literacy for many years.

Prayer was offered by the Mayor

Present at roll call were: Councilors Cleary, Marshall, Costa-Hanson, Croteau, Pottier, McCaul, Quinn, Carr, and Borges

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

Motion was made to go out of regular order of business to Communications from the Mayor. So Voted.

Communications from the Mayor:

Mayor Hoye stated that the Boston Globe has in fact purchased the former Chadwick's building for just over \$20M. It brings the vacancy rate at the Myles Standish Industrial Park to fewer than 5% which is the best it has ever been. He stated that in addition to Martignetti, Sullivan Tire and the rest of Phases IV & V, we are certainly on the right track. He stated that the budget presentation is scheduled for next week and asked that the agenda be kept light because he plans on starting the presentation sharply at 7PM.

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

Hearing:

On the petition submitted by Attorney David T. Gay, Gay & Gay PC, 73 Washington St., P.O. Box 988, Taunton on behalf of his client, Dr. James T. Kurnick, President, MassMedicum Corp., Inc. 102 Island Avenue, Quincy, MA for the issuance of a Special Permit to allow: A registered Medical Marijuana Dispensary on lot 65-119 Revolutionary Drive located in an Industrial District pursuant to Section 5.2 of the Zoning Ordinance. The Assistant City Clerk stated that there are the following communications. Com. from City Engineer submitting comments, Com. from Det. Lt. Daniel McCabe submitting concerns, Com. from Assistant Executive Director, Board of Health submitting comments, Com. from Chairman, Taunton Planning Board submitting recommendation, Com. from Conservation Agent submitting comments, Com. from Chairman, DIRB submitting conditions, Com. from Anicet Teves, Sanitary Sewer Collections System Supervisor, Veolia Water North America, Northeast, LLC, 825 West Water St., Taunton

submitting concerns and Com. from David Fenton, Business Manager/Financial Secretary, International Brotherhood of Electrical Workers Local Union No. 223, 475 Myles Standish Blvd., Taunton expressing support. **Motion was made to make all of the above communications part of the record. So Voted.** Council President Borges stated that they have all been heard through Planning, Zoning and DIRB. **Motion was made to open the hearing. So Voted. Motion was made to invite the parties into the enclosure. So Voted.** Councilor Quinn stated that she wanted to make a point of information that the lot should be 119-65. The people present at the hearing were Dr. James Kurnick, Quincy, MA; Brian Anderson, Anderson Porter Design, 875 Main Street, Cambridge, MA; Philip Silverman, 14 Rollins Road, S. Easton, MA; Matthew Costa, Law Office of Gay & Gay PC, 73 Washington Street, Taunton, MA; Rich Ricchio, Field Engineering, 4 Court Street, Taunton, MA. Atty. Costa stated that he will make some initial comments and also has a few items to pass out to the Council. The items are 1. A decision from the Planning Board; 2. A one page summary of MassMedicum Corp.; and 3. A portion of the Department of Public Health documents including the resumes of MassMedicum's corporate officers. Atty. Costa stated that he will make some introductory comments and then he will turn the presentation over to some of the other individuals that are present at the table. He stated that this application is for a special permit pursuant to the Taunton Zoning ordinance for a registered medical marijuana dispensary in an industrial district. The proposed site is on Revolutionary Drive, part of the Industrial Park. The applicant is MassMedicum Corp. which is a non-profit organization organized under Massachusetts Law in accordance with the requirements of the Department of Public Health for registered medical marijuana dispensaries. The resumes of the corporate officers that have been submitted to the Department of Public Health have been provided to help understand their backgrounds, expertise and competence in this area. He stated that the Zoning Ordinance required two items for this proposed use. A Site Plan Review is required by the Planning Board and a Special Permit is required from the Municipal Council. The applications for those items were submitted simultaneously. The Planning Board has completed its process which entails a review by the DIRB and the Council has that letter making its recommendations on its Site Plan Review. The Planning Board met and adopted the recommendations of the DIRB. He stated that both of those decisions contain the same conditions on the Site Plan. He stated that Mr. Ricchio will go through the details about the site, the parking requirements, the layout of the building, etc. Atty. Costa stated that among the Planning Board and the DIRB's recommendations are several that he will mention because he anticipates that there may be questions. Many of the conditions are basically standard conditions that are imposed on most applications. He stated that condition #8 states that a hazardous materials permit from the Board of Health is required. He stated that this question arose previously and it is a standard condition. There are many different types of materials at any retail type establishment that may be considered hazardous. For example, if there is a soda machine, the CO2 that supplies that machine is a hazardous material, etc. There are several conditions that relate to the meeting with the Police Chief and reviewing security details. The security plan is not considered to be a public record, for good reason and it has been reviewed by the Police Chief, who is present at this hearing. The conditions in the Planning Board decisions that relate to safety and security, the petitioner has no issues with any of those and is prepared to comply with all of the requirements. He stated that it is including condition #21, there is a security issue with the foundation of the building. The applicant is fine with installing a cement foundation.

He stated that the last condition is that they comply with the Department of Public Health's requirements, which goes without saying. He stated that Mr. Silverman is the CFO and General Manager of MassMedicum and will speak about the operation of this facility and how it is organized. Dr. James Kurnick is the CEO and Chief Medical Officer of MassMedicum. He stated that he has a very extensive resume and will bring a large degree of clinical and medical expertise to this operation and is here to answer any questions or concerns that relate specifically to that area. Mr. Ricchio is the Project Engineer from Field Engineering, who will provide details about the site. Mr. Anderson from Anderson Cooper Design is the architect for the project who will address some of the architectural details. For example, there were some conditions that related to the construction of the doors and that the building is designed in a safe and secure way. The Police Chief was invited into the enclosure by Council President Borges. Phil Silverman, general manager of MassMedicum stated that it is a Massachusetts based non-profit business dedicated to producing and dispensing medical grade cannabis, which is marijuana derived products which are dispensed to patients suffering from debilitating diseases. The vision for the company has come from Dr. James Kurnick, who has spent more than 30 years at Mass General Hospital and Harvard Medical School. He has pioneered the production of successful therapy for Inflammatory Bowel Disease and founded two biotechnology companies committed to develop better treatments for cancer. Dr. Kurnick's vision is to put into effect what Massachusetts voters voted for on the 2013 ballot question. He stated that this is not about the distribution of pot; it is about the dispensing of medicine. MassMedicum will treat the dispensing of medicine under a pharmacy model. The staff will be headed by a licensed pharmacist and will guide patients through the various available options for their treatment. Patients will be counseled on whether to use a vaporizer, edible products, oils, salves, whatever is required to administer the medicine or even the less preferred smoke able delivery methods that are more traditionally used with the drug. The staff will understand the various strains of the plant and the combinations of the cannabinoids within the plant, THC, CBD and others. The staff will be able to provide the patients as to which combination is most apt to provide relief for their condition. Medical marijuana is emerging across the country now; MassMedicum intends to go above and beyond what other dispensers are doing to have a truly medical dispensary. He stated that the most famous example is out in Colorado. Colorado does not require that a dispensary be headed by a pharmacist. Rhode Island and Massachusetts also do not require that a dispensary be headed by a pharmacist. MassMedicum will have a staff pharmacist. He stated that a doctor's recommendation to a patient to use medical marijuana does not have to suggest the proper blend of the medicine, dosage or the number of times a day. He stated that his staff will be ready to help. It isn't truly medicine if the patient doesn't have any guidance to manage their care under the drug and MassMedicum will be able to provide that like no other dispensary. Security is undoubtedly a big issue for everyone in the community. MassMedicum has hired Paul Oxford, the retired head of investigations for the Commonwealth of Massachusetts Department of Corrections to help them develop a robust security plan. They will be operating two facilities, a cultivation and processing facility in Holbrook and the dispensary in Taunton. Security for the Taunton facility will involve both a large security guard at the Taunton site during business hours and a large security guard at the Holbrook site monitoring both Holbrook and Taunton after business hours. The facility in Taunton will be covered by an integrated camera, motion sensor, and access control system to ensure that the personnel have full

surveillance of the facility and the ability to deter access to high value areas of the facility. The facility will feature a vault which the entire product in the facility gets shifted to at night. The company has a banking relationship with Century Bank and cash will be transported from the business to the bank with armored car service. As mandated by the Mass Department of Public Health, the business will have its alarms connected directly to the city's Police Department. This facility is not open to the general public. He stated that while the medical care model is that of a pharmacy, anyone from the general public can walk into a pharmacy, that is not so in this facility. In this facility, a patient needs to actually go to a doctor, get a recommendation, take the recommendation to the Department of Public Health and get an identification card. They do not get to step one foot in the facility before they show their ID card to the camera outside and being buzzed in. Once they get in, they do not go in any further until that card is checked against the State database to ensure this person is supposed to be there and has not exceeded the 60 day purchase amount. He stated that he has met with Police Chief Walsh on two occasions and have provided him with copies of written security plans. The Chief has not been shy about expressing his concerns and has provided guidance about ways that MassMedicum can cooperate with his department. He has also provided some awareness of some potential problems. He stated that they have another meeting with the Chief and the security design team within the next few weeks to tailor a plan that will meet his goals and they will continue to work with him until the facility is open and thereafter. He stated that MassMedicum also intends to show a commitment to the City, the company has just worked out the final details of a host agreement with the Mayor. It will result in a payment to the City of a percentage of its annual gross revenues to assist the City in pursuing its revenue and public safety goals. He stated that as the company becomes more entrenched within the community, it intends to seek out other deserving local causes to help fulfill its goal as a non-profit business. He stated that medical marijuana is in a very early stage as an industry in this country. When the ballot question passed in Massachusetts in 2013, a wave of out of state companies from Colorado, California, and Arizona came to Massachusetts seeking to bring their brand of medical marijuana here and the profits that they were sure were coming. He stated that most of the other 14 dispensaries in Massachusetts involve either out of state operators or out of state funding. MassMedicum is not one of those companies. He discussed how members of the company are from the area and they are sensitive to the community's feelings on this issue. They understand that there will be concerns and people will be nervous. He stated that they owe it to the City to do this the right way and they would like to work with us. They are not looking to take short cuts, what they are looking to do is provide people who have a recommendation from a doctor with the professional help that they need. He stated that it is what the City voted for and that is what they should get. Rich Ricchio stated that this site is on Revolutionary Drive and is one of the remaining vacant parcels on the road. The site was previously permitted for large office use for the IBEW who currently owns the property. It has gone through the Site Plan Review process with the Planning Board with their recommended conditions of approval. The site has a 2,880 square foot dispensary building with a 24x24 secure garage to the rear. The rear paved portion of the parcel, will be a fenced, secure area for employee entrance and access to the building. This will be where the vehicles will enter the garage to transfer the products. He stated that Zoning requires 13 spaces for that size building. He stated that they are providing 29 total spaces, 21 spaces for patients and 8 spaces for employees. He stated that they understand all of the conditions put forth by the DIRB and have no issues with

any of those. A question that had come up with regards to the location itself in relation to sensitive areas, child congregation areas. He stated that he did prepare an aerial photograph that shows the location of this facility in relation to the Jordan's Furniture facility baseball field. He stated that the DPH requires a 500 foot radius around the facility and the Jordan's facility is 1500 feet at its closest point away from the building. He stated that they contacted companies in the vicinity to confirm that they have no childcare facilities in those buildings and that is in fact the case. He stated that the site itself has been previously permitted; the storm water management system has been reviewed and approved by the Planning Board and the City Engineer. He stated that they do have a valid order of conditions through the Conservation Commission for a much larger site. Brian Anderson stated that the plans have been presented to the DIRB and have been reviewed with the City Planner. He stated that they are proposing a one story building on the site as described. The site will be under surveillance with cameras. He discussed how an ID has to be shown to enter into the waiting area as requested. The waiting area will be secure from the other dispensary facilities with an impact resistant wall design to separate it from the sales area. When someone comes in, they come in through a sally port which is essentially two locking doors; one cannot open without the other one being open before it. In the reception area, there is a security officer in a secure booth with a window to communicate with the customers who then can be let in through the sally port into the dispensary sales area. The customers can then meet with the pharmacist and consult over the products. The other operations that are designed to be in this facility are office space, bathrooms, and a vault which all products will go into at the end of the day. There will be a secure entry in the back for all deliveries. He stated that the DPH will allow for home delivery of the product to patients and he would like the vehicles that transfer the packages to be secure. He stated that it happens in a secure area in the back which is garaged to keep eyes off the vehicles. He stated that it is a very simple 2,800 square foot, one story structure with a concrete foundation. Chief Walsh stated that he has met with Mr. Silverman twice. The plan is not finalized yet because they are still hiring personnel to help them with some of the issues that have been identified. He doesn't have any problems with their security plan and thinks that it is a work in progress and time will dictate what the final plan will be. He stated that they have been easy to work with and willing to take our suggestions. Councilor Cleary stated that he appreciates the information that has been provided this evening. He asked about the security related to the delivery of products to the facility and who will be delivering the products. Mr. Silverman stated that the product gets grown in Holbrook and it will be in non-descript vehicles with two people in them at all times equipped with GPS and cameras. The individuals will have cell phones and will be closely monitored. The times and routes used will be randomized. He stated that there will randomly be a tail car behind the delivery car just out of an abundance of caution. They are trying to take as many precautions as they can to keep an eye on their surroundings. Councilor Cleary stated that when looking at the structure, it does not look like it has an overly secure delivery area. Mr. Silverman stated that that there is a garage in the back for delivery. A car will drive in and a door will come down. He stated that nobody outside of their personnel will be able to get into it. The garage will be in a gated, fenced area. He stated that there won't be a guard at the gate but access will be controlled. Councilor Marshall asked if there is a floor plan layout. Mr. Kurnick stated that there is a layout but for security reasons he is not sure that it should be in a public forum. If that is something that he would like to see he is sure that there is a way that he can get that to him. He stated

that there are secure places in the security plan that should not be made public. The more public spaces such as the waiting room and the sales floor plans are okay to show. Councilor Marshall asked if there are any other services being offered at this site. Mr. Anderson stated that there is nothing in the plan. He stated that they have received guidance from the DPH and this is supposed to be a pretty focused plan. Councilor Marshall asked if the DPH requires home delivery. Mr. Silverman stated that the DPH wants them to do home delivery. He prefers patients to come to the dispensary versus delivering to their homes. Councilor Marshall asked if home delivery is something that they can opt out of. Mr. Silverman stated that he doesn't think that they can. He stated that they have had discussions about that and the potential problems and have a good understanding on how to address many of those issues. He stated that the DPH is concerned about hardships and do not want people out there growing it in their own home. Once the dispensary is open and home delivery is available, the DPH will be able to shut down home grown products. One of their goals is to allow patients who are housebound to get their products without having to grow it themselves. Councilor Marshall asked if there are certain regulations that people have to meet in order to receive home delivery. Mr. Silverman stated that there are no regulations yet. He stated that from a security stand point home delivery is their biggest concern. Once you start getting away from the controlled area of the dispensary it creates more issues. He stated that there may be financial incentives to come in as opposed to staying at home. He stated that they may have a shuttle that could pick up customers at a bus stop or a train station if they use public transportation. He stated that they prefer that they visit the dispensary and they will try to do what they can. Councilor Marshall asked what their target area is. Mr. Silverman stated that what they are trying to do is to ensure that every county in the state has at least one dispensary. He stated that it has not been accomplished and some counties have more coverage than others. He stated that last Friday, a new license process came out. It is not strictly following the counties, it is more like if you want to put an application in for a place, put it in when you want after June 29th and it will be considered. He stated that it is hard to tell who they will be serving because he doesn't know what other additional licenses will be granted in the area. He stated that the only dispensaries that are near us are in Brockton, Quincy and New Bedford. To find the next one you would have to go up to Milford, Boston, Newton and Brookline. Councilor Marshall asked for an executive summary of the host agreement. Mr. Silverman stated that it is understood that this type of business has an impact on a community. It may be because there are additional security services, police, fire, etc. There are numerous impacts and in recognition of that, companies like theirs are asked to mitigate those types of impacts and the way that they do it is financially. He stated that they have agreed that 2.5% of the company's revenues up to \$4M on an annual basis come to the City and above \$4M is 3.75%. The minimum that they will pay to the City is \$130,000.00 per year. He stated that they will pay \$65,000.00 up front which will be credited towards the 2.5% or the 3.75%. Mayor Hoye stated that Councilor Carr made the suggestion to use the \$65,000.00 to hire two additional police officers. Councilor Marshall asked if they are a non-profit and if they would be exempt from local real estate taxes. Mr. Silverman stated that they are non-profit and he does not believe that it is the case because they are not a charitable organization. Councilor Costa-Hanlon stated that she has spent a lot of time on the phone with Mr. Silverman and a lot of time with their application. She stated that they have had another applicant before the Council and is not sure whether he was discussing a dispensary or the cultivating process but at one point they were told that the

products will have a barcode and the ability for you to trace it. She asked if the Police Department finds a lot of their product in the hands of people that don't have the cards, what are the repercussions. Also, what will they be willing to do in that case and what policy and procedure can the Police Chief and the City Council rely on. Mr. Silverman stated that if you know what marijuana looks like, you can't identify necessarily who got it from where. He stated that there is a lot of marijuana out there and what they are trying to do is urge patients not to use the flower or the bud that people see. He stated that it is a horrible way to deliver medicine. They are encouraging them to use a vaporizer pen where the medicine has been extracted from the leaf, put into the cartridge, and goes into a pen. He stated that the nice thing about the cartridge is that it can be numbered. He stated that if that is what is found out there, they know who they dispensed it to. He stated that the pen is a much better way to ingest the medicine and control the dosage. He stated that pharmacies have the same exact problem, how do you ensure that what you are dispensing isn't getting into the wrong hands. If within the confines of patient confidentiality, we can help the Police because they find out it is being diverted, that patient gets cut off immediately. They are obligated to do that by the DPH. Councilor Costa-Hanlon stated that she understands the difficulty of the flowers, but if there is something that the Police find on the street, will the list that is used to check people in be available to be utilized without compromising patient confidentiality. Mr. Silverman stated that he doesn't have the answer to that but he can find out. The Police Chief stated that he doesn't think that their drugs will be found on the street. The medical marijuana drugs are probably higher grade marijuana and the cost is more money than the street marijuana. He stated that most of the states that have legalized it that he has looked into still have an illegal drug trade going on. He stated that they have systems and protocols in place and should not have any shrinkage from the inside. He stated that the amount of marijuana that a patient will get isn't going to be substantial enough to have an issue. He stated that we have had marijuana in our community for a long time but it is really not a high issue as far as crime. He discussed how he does a lot of research on medical marijuana and the legalization of marijuana in other states. He doesn't see it as a big issue impacting the community as far as it being diverted from lawful people utilizing it or from the facility itself. Councilor Costa-Hanlon asked him if he was comfortable with the access that he has. He said yes, that they have had discussions about access and scenarios about the access to the facility. The major two issues could be a diversion issue inside, which they have protocols for, or by a patient redistributing it on the outside. The amount that a patient would be getting is probably not sufficient enough to impact the community at all. Councilor Costa-Hanlon asked if there would be a set policy and protocol to continue the cooperation with the Police Chief. Mr. Silverman stated that he would have no problems setting up periodic meetings on whatever schedule works for him. Councilor Costa-Hanlon asked if they have a policy in place if they become hugely successful and there is a ton of traffic going to the facility. He stated that at some point if it is too much it becomes very difficult to operate. He stated that what other places have done when volume gets to be too high is to they do it by scheduling appointments. He stated that they would rather not do that in order to leave flexibility for people. He stated that it is not out of the question, demand is expected to be fairly high and they may have to limit amounts that certain people can get and set up appointments for when they come so they don't have a backlog of people lining up. Councilor Costa-Hanlon stated that all she needed to know was that they have thought about that and have a contingent plan. She stated that she is just trying to anticipate the phone calls that the Council could be

getting. She discussed how if they get phone calls then the Chief will get phone calls, and then they will be getting calls. She asked them if they have reviewed every recommendation for the departments that the City has. She wanted to confirm that they have no issue with any recommendations made by the City of Taunton's Police Department's March 20th letter with 8 recommendations. Mr. Silverman stated that they have agreed with them all. She discussed the Board of Health, Planning Board, DIRB and Conservation recommendations and asked if they had any issues with any of them. He stated that all the recommendations were perfectly reasonable. Atty. Costa stated that there is a letter in the packet from Veolia Water. He called the manager today and he confirmed that it relates to a different property located at 30 Mozzone Blvd. He stated that it is one recommendation that they will not agree to because it is a different property. He stated that the property has public sewer and water. When he spoke to them on the phone, they said that they did not have an issue. The property that the letter described was in front of the Planning Board at the same time as this application. Councilor Costa-Hanlon stated that the letter is dated April 6th. He stated that it was related to a site that was previously permitted for a medical marijuana cultivation center, so that may have been the reason for their confusion. Councilor Croteau stated that he has a concern that was generated this evening with home delivery. He asked if the DPH is aware of the number of assaults on home delivery people or how many people will get hurt or may be killed. He stated that you can control this at the site because they have a card but how can they control a bogus call. He asked how they will assess whether they have a card. He asked if the DPH and its ruling tell them how to do that. Mr. Silverman stated that there is a name and address associated with the phone call and they can check with the state database whether those match up. Councilor Croteau asked how they would know that they are talking to that individual. Mr. Silverman stated that he understands. Councilor Croteau stated that he would vote against the dispensary for that very reason. He stated that somebody needs to do something. Mr. Silverman stated that the difficulty is that there is a group of people who you could be denying medicine if you don't try this. Councilor Croteau stated that he is as great of a proponent of the disabled as anybody but he is not looking to put other people's lives at stake. Atty. Costa suggested that the DPH on a statewide basis has reviewed this policy question. They looked at it and apparently have made a determination on a statewide basis that the safety risks associated with home delivery are outweighed by the medical benefits and needs of the individuals who are homebound and are not able to travel. He stated that the petitioner is aware of the risks and will make every effort to minimize them. He stated that the best that they can say is that they are going to try to do what the DPH wants them to do. He stated that if it results in what Councilor Croteau believes it may result in then they will go back to the DPH and say that it is unacceptable and they can't do it anymore. He is trying to comply with the regulations and provide the medicine that they are supposed to provide. They are hoping that it doesn't turn into what he is concerned with and do the best they can with precautions. The Police Chief stated that he and Mr. Silverman had a lengthy discussion about this about a week and a half ago, particularly talking about the series of armed robberies that the City had on Route 140 about a year ago. He stated that there are some things that can be done to address those issues. The least of which is having the prescription holder with a registered phone number that they have to call from with caller ID and other mechanisms. He stated that they have discussed other security mechanisms that could happen. He stated that there is a risk; they are not sure what it is yet. It is an issue that they have discussed and they will take it seriously. If he thinks that it is an

issue, they will try to work it one way or another. Dr. Kurnick stated that they are concerned about their employees because they are the individuals that will be at the greatest risk. He stated that one of the things that they are doing is not allowing financial transactions to occur at the site of delivery. They would have to have the prescription prepaid at the dispensary so the product would be the only item of value that would be transmitted from the delivery to the patient. There will be at least two people in each vehicle that will be on camera. He stated that it is a risky situation when you have things away from the secure facility. He stated that they are going to take every precaution for the staff and not have them carry any money. They will only be taking that patient's material to that one individual so there won't be a lot of product being delivered. He stated that all of the material will be prepaid. Councilor Croteau stated that the people will be assaulted for the product. Councilor Pottier stated that he would be more concerned about people following someone that purchased the product home. He stated that if you are going to get someone's card with their name that is on file and have to be at their house because it is going to be delivered, it would be a lot easier just to follow someone home and rob them when they got there. He stated that it sounds like a more likely opportunity for a perpetrator. He asked if this was their only dispensary in Mass. Mr. Silverman stated that you can have up to three and there is a likelihood that they will apply for more. Councilor Pottier asked if the cultivation facility in Holbrook is a go because he thought it was up in the air a couple of weeks ago. Mr. Silverman stated that it is dependent on the Council and the Building Inspector in Holbrook. Councilor Pottier asked how much inventory they will have at the site at any one time. He stated that they do not want to divulge that information. Councilor Pottier asked if they would have a consistent variety of a single product for sale. Mr. Silverman stated that there are two main components; THC makes people high and CBD is great for pain. He stated that you may want to blend it so that a person who has a particular ailment only gets all CBD or someone with a different ailment gets all THC or some combination of both. He stated that there will be numerous different products in numerous different forms. Councilor Pottier asked if they are not being regulated by the FDA, who they are being regulated by. Mr. Silverman stated that the DPH regulates it and they are required to have their product tested by independent laboratories. They will do their own testing as well. Councilor Pottier stated that there was an issue when it was legalized in CO. He asked if there are no federal preventions of them doing banking or transactions based on the marijuana trade. He stated that it is a completely legal product and asked if they can go through insured banking institutions. Mr. Silverman stated that banking is a problem and places have found difficulty with getting a bank to work with them in a lot of instances because they are federally chartered and have their own federal regulations. The indication from the FBI and the federal government is that they have been telling the DEA and various other agencies that they want them to leave this alone. This should not be a high priority to be enforcing the laws providing that they are in compliance with their own state regulations. It just so happens that there is a local bank, Century Bank that is willing to work with the industry and they have an arrangement with them. Councilor Pottier asked if their actual license to operate is with the State not with the City and asked when their renewal is. Mr. Silverman stated that it is an annual renewal. Councilor Pottier stated that the host agreement is ongoing as long as they operate there. Councilor Pottier asked what the average customer purchase would be. Mr. Silverman would hesitate to answer because it may vary between different areas, but his assumption would be an average of \$100-\$200. Councilor Pottier asked what their operating hours

would be. He stated that it would be open seven days a week from 11AM-7PM. Councilor Pottier discussed the amount of sales per year trying to figure out a traffic pattern. He stated that they are looking at about 16 people per hour when going by their \$4.8M gross figure. Mr. Silverman stated that realistically, they are looking at about 7-8 people per hour. Councilor Pottier asked Mayor Hoyer and the City Solicitor if the host community agreement will be approved along with their application, or will it be approved on a separate night. Mayor Hoyer stated that it is up to the Council, there will be time because they will not be opening until they get final permission and the Police Chief has to approve their security plan. Councilor Pottier stated that he would prefer to have a week to look it over as a Council. Councilor McCaul stated that he found it interesting when they mentioned about dispensing cartridges, he thinks that people at home must have thought that there were bags of marijuana going out the door. Mr. Silverman stated that some patients choose that method but it is not one that they encourage, there are better ways. Councilor McCaul asked if they are going to be distributing only to Massachusetts residents. Mr. Silverman confirmed that out of state residents cannot obtain a Massachusetts ID to receive medical marijuana. Councilor McCaul asked if they would be taking credit cards. Mr. Silverman stated that they would love to take credit cards, but as of right now it is one of the issues with the federal bank and they can't. He stated that it may be changing, they are hearing more and more that there are places where that is a possibility and there are ways to do that. Mr. Anderson stated that there have been some states that have had some success with cashless ATM's. It debits their account but no cash changes hands. It would take the money out of their account and it would go directly into the dispensary account so no cash would change hands. Councilor McCaul wanted to confirm that most of the security will not be carrying weapons. Mr. Silverman confirmed. Councilor Quinn asked if people can pick up for others. Mr. Silverman stated that you can, but you must get a caregiver ID card. He stated that anyone who enters the facility must have an ID card. She asked if someone could come in with a cardholder. He stated that they are not allowed in without a card. Councilor Quinn asked if home delivery is a work in progress with the DPH. He stated that the department has received a lot of criticism in the past two years and if they start to see further criticism on issues like this because it is creating a wave of crime, he is guessing that it won't be hard to get them to back off on that. Councilor Quinn stated that her biggest concern is other forms of marijuana, in the forms of candy. Mr. Silverman stated that there are vaporizers, sprays and they will look into other areas. He stated that some patients would prefer to take the medicine in a way that feels better for them. There is a requirement that they must ensure that the product cannot be mistaken. He stated that candy and brownies are not on the agenda when they open and if they do get to that area, these are the types of issues that they have to concern themselves with. Councilor Quinn stated that part of that is a marketing thing and she thinks that's where we see more problems with it getting into the hands of people that it shouldn't be in. She asked if they are to obtain this special permit, how far away would the ground breaking be. Mr. Silverman stated that being optimistic, it should be within the next two months and they cannot start planting the product in Holbrook until the facility is completed. He stated that they are aiming to have it completed by December 1, 2015 and start planting at that time and open by April 1, 2016. Councilor Carr asked why they chose Taunton. Mr. Silverman stated that the way the process works, initially they applied in Norfolk County and the DPH looked at their application and said that they think they are qualified but we have chosen two other Norfolk County applicants. They stated that they would like them

to look in a county that does not presently have an approved applicant. The DPH had already disqualified some of the applicants that had applied here. He stated that when he saw that, he lives down this way and it is a central location. The industrial park is a nice place to run a business like this and they like the community. Councilor Carr asked if DPH lead them to this area. Mr. Silverman stated that they looked at Boston, and they decided to look at the best place where there would be access to a large patient population where there isn't someone presently located. Councilor Carr asked if they have expected revenue for the first year. Mr. Silverman stated that they projected \$4M for the first year; it could be lower or higher than that. They don't know how many recommendations the doctors will give out, how quickly the DPH hands out the cards, or how many other dispensaries will be opening at the same time competing. Councilor Carr stated that she got a list of abutters from the Assessor's Office that has 14 people on it. She sees two on their map. Mr. Ricchio stated that he has four people on his list. Councilor Carr asked if they got their abutter's list within 500'. He stated 300'. Councilor Carr stated that the regulations require 500'. Atty. Costa stated that he thinks that under the Taunton Zoning Ordinance it is a 300' abutter's list requirement for a special permit application. He stated that the petition under Mass General Law is a 300' requirement. Councilor Carr stated that the DPH regulations require 500' unless it is specifically stated by the City or Town or The City Solicitor. The City Solicitor stated that he doesn't believe what Councilor Carr just said is accurate. He stated that the State regulations require a 500' buffer zone from certain areas for the location of such a facility. It is a totally separate analysis as to how many feet away abutters who have to be notified of this hearing. Councilor Carr stated that she was not talking about abutters that have to be notified. She stated that she was talking about abutters who are within the 500' range for activities with children. She brought this up at the pre-review last week to make sure that none of those people ran or had daycares. The City Solicitor stated that the Taunton Ordinance is more stringent than the state regulation, our ordinance says 750'. Councilor Carr stated that it would put more people into that zone, she would like to have verification that they don't have anything going on in their particular areas or if there are any other businesses that fall into that area. She stated that federally it is still a crime to sell marijuana and if there is a new president or attorney general, could they come in and decide to change rules. Mr. Silverman stated that they could, he can't say that it is not the case. He stated that with over a 65% national approval rating for medical marijuana, it would not be a politically popular thing to do. Councilor Carr asked that as part of the application process they had to get letters of support, who gave letters of support from the City of Taunton. Mr. Silverman stated IBEW gave a letter. Mayor Hoye stated that he gave a letter of non-opposition like he did for the other applicants as well, given the voters of Taunton supported this overwhelmingly as did the voters of Massachusetts. Councilor Carr stated that it would have been nice if the City Council who represents the people of Taunton got a vote in it as well. Councilor Carr asked if they have any idea of how much marijuana they will have to give away free of charge. Mr. Silverman stated that if you include discounts, it should be in the 10-15% range but is not sure exactly what would be free. He stated that there is no health insurance coverage for this medicine so you want to make sure people have access to it. He will try to make sure the claims that people make about their hardships are legitimate. Councilor Carr asked if anyone from any place in the state can come here. Mr. Silverman confirmed. Councilor Carr stated that she has a letter with lots of issues from the Police Department and is wondering why there are no issues now. She stated that one of the issues was that the building is proposed to be of

modular construction, but it will have no tow hitch or wheels attached after set on its pilings. Notwithstanding the false façade to dress up the front, in their opinion, this type of building does not lend itself to being a secure facility. The Police Chief stated that the facility that they are using is being utilized as a bank right now. He stated that it is not a double wide. Mr. Silverman stated that it is a Citizens Bank right now. It is a modular building, not a trailer. It is constructed elsewhere and is brought to the facility and placed on a concrete slab. She asked what it is built out of. Mr. Anderson stated that it is made out of wood and steel and has a 2x4 ceiling grid. The walls are made out of wood and the foundation is made out of steel. He stated that the zones which are relegated to the public, the waiting room, bathroom and sales area will have plywood behind the drywall so that one cannot kick through it. He stated that they are looking at delaying time by slowing someone down. They can't just kick through a wall to gain access. Councilor Carr asked if the product is kept in a steel vault. Mr. Anderson confirmed. Councilor Carr stated that the second issue on the letter was the Site Security Outline which indicates the company is considering erecting a fenced security area behind the building for employee access. Section 1(a)(ii)(7) states that employees will park in a rear, fenced area. The Site Layout submitted on page 3, shows a proposed fenced area. The Police Department strongly recommends that this be required. She asked how big and how tall the fence will be in that area. Mr. Anderson stated that the fence will be between 6-8 feet high and will not have barbed wire. He stated that they are trying to comply with security issues without appearing to be a correctional facility. The purpose of that is a trap, so if a vehicle is taken hostage the gate is locked behind you. The second point of entry is the garage. The drivers have to get out of the car in this trapped area, identify themselves, and flash their security badge in order to be let into the garage. It is a fundamental part of the security plan of the building. There is an ID required gate which opens to allow the vehicle into the rear area. Councilor Carr asked the Police Chief if he has any issue with the employee at the security gate being accessed through the regular patient parking lot. The Chief said he does not. Councilor Carr stated that the third issue on the letter is the dual alarm system reference on page 6 of the Security Plan which indicates that a panic alarm will be connected to local law enforcement. The police department has no direct alarms, and they would like more information on this aspect of the Security Plan. Moreover, the Taunton Site Security Outline, section 1(a)(ii)(3) indicated that the two alarms will use different alarm companies. She asked what the resolution of that was and if they don't have direct alarms and the state regulations require it. The Police Chief stated that they are working with the vendor right now; a security vendor has just been hired for that. He stated that he has had conversations with his IT people on different mechanisms to provide a second direct line. He stated that it is an internal discussion which is probably not appropriate for a public discussion. Councilor Carr stated that State regulations require it to go to the Police Station and we are not paying for it to go there. The Police Chief stated that he met with Mr. Silverman and is confident that they will reach a resolution on that. Councilor Carr stated that the next issue was in the event the petitioner cannot meet one of the security provisions, the general manager must provide other adequate substitute safeguards. The paragraph references 105 CMR 725.110(B) to the extent that the petitioner cannot meet any security provisions, the Chief would like specific information on those provisions and the alternatives. The Police Chief stated that they discussed the security plan with them and doesn't remember what that particular section was and he doesn't have it in front of him but it was a question of how they handle that internally. Mr. Silverman stated that he thinks that was a catch all

that if there was something that they couldn't comply with they would have to find another way to accomplish the same goal. Councilor Carr stated that since they don't have the plan she has no idea what that was referring to on page 6. She didn't know if it was the security guard calls in sick or something. She stated that at night there will be a security guard somewhere else not even in the building. She asked if the Police Chief was okay with this. He stated that there are multiple reasons why you may not want that, including potential for theft internally and also if someone breaks in you have a potential hostage situation. He stated that with electronic devices, they should be there within 2-3 minutes. Mr. Silverman stated that is about life safety to them and people trying to get into the facility at night may be able to access it, which will take a while to do. They will still have to get through a vault; it will be quite a while before that happens and meanwhile he doesn't have someone working for him that is in danger. He stated that they will know about it very quickly and the police will get out there in plenty of time but nobody is in danger. The Police Chief stated that is the reason they don't have armed guards delivering the stuff. He stated that nobody's life is worth that stuff. The goal is not to put anyone's life in jeopardy. Councilor Carr had a question about their purchase and sales agreement, there is a section stating that part of the things that must be approved is a 25,000 foot addition for cultivation. She asked if that is what they are planning. Mr. Silverman stated not at this time and they would have to come before the Council if they were planning on doing that. They won't rule it out for the future but it is not something that they are contemplating at this time. Councilor Carr stated that marijuana is not medicine approved by the FDA. Mr. Silverman stated that the issue is that there have not been enough studies done to determine everything that needs to be determined about it. It hasn't been legal to do the studies. There is a lot of evidence that it in fact does have very positive therapeutic effect on a lot of different ailments. He stated that until you have the studies that will prove it then there will be people that will be skeptical. Dr. Kurnick discussed how marinol, which is pure THC, is available at your local pharmacies and has been since the 1980's. It has been approved by the FDA and continues to be available. He stated that patients often don't like it because it takes a long time to take effect after it is ingested. Councilor Carr asked about the building inspectors, DPH Architectural application, and the growing of product. Mr. Slusarz has conditions but he is not present, the department heads are also not present. Councilor Carr stated that she agrees with Councilor Pottier that the Council needs a week to look over the Host Community Agreement. Council President Borges stated that other medications are home delivered such as methadone. The City Solicitor wanted to clarify the 500' and 750' buffer zone. He stated that the 750' zone was proposed but not adopted in February 2013. He stated that the 500' rule is from the State DPH. Councilor Carr stated that there are no childcare activities within 500'. She stated that the DPH said the City can make it any distance that it wants. Councilor Croteau stated that there is a huge difference in the safety of the delivery drivers between delivering to a nursing home vs. delivering to the second floor of a private residence. Councilor Costa-Hanlon discussed the landscape and the signage. She stated that she agrees with the Zoning Ordinance of the 40' radius. She also discussed the signage and outward indicator of the dispensary and how it will be extremely discrete with the company name and street number. The Police Chief stated that he has never heard of a marijuana addiction. JP Marcoux, 40 Summer Street spoke in favor of the dispensary. It was discussed how the identification cards will expire annually. David Fenton, 16 Arthur Street, IBEW Secretary discussed how his organization is selling the property to them and spoke in

favor of the dispensary. David Littlefield of East Taunton spoke in favor and stated that he wants to make sure that things are done right. He discussed how they had a meeting earlier and if anything changes he asked if the City has a safety net. There was nobody present to speak in opposition. Council President Borges wanted to add to what Councilor Croteau discussed about comparing the process not the drugs. **Councilor Pottier motioned to grant the petition and close the hearing. On a roll call vote, nine (9) Councilors present, eight (8) Councilors voting in favor, Councilor Carr voting in opposition. Councilor Pottier motioned to have the Host Community Agreement referred to the Council in two weeks. So Voted.** Councilor Marshall stated that he likes the proposal but still has security concerns. He stated that it is okay to wait on the Host Community Agreement and that it be put on the agenda in two weeks. **Councilor Costa-Hanlon motioned to have the concerns of the Engineer, Police, Board of Health, Conservation all sent to the DIRB and incorporated into the approval. Also, that part of the motion is to be part of the special permit. So Voted.** Councilor McCaul spoke in support but has reservations about the home delivery. **Motion was made to send a letter to the DPH and State Delegation. So Voted.** Councilor Carr stated that she has no faith in the DPH and will vote no. The Police Chief was very reserved. Councilor Croteau spoke in support but he is extremely concerned about home delivery. He stated that he hopes he is wrong, but he is afraid that someone will be hurt. **Councilor Marshall motioned that a letter be sent to the DPH and the State Legislation with concerns about home delivery. He stated that he will make a draft letter for everyone to look at. Councilor Croteau motioned to give a copy of the letter to the Governor. So Voted. Motion was made to excuse the parties. So Voted.**

Motion was made to recess at 11:15 PM.

Motion was made to return at 11:18 PM.

Communications from City Officers:

Com. from City Engineer stating that McCabe Sand and Gravel on Berkley Street does not currently have an active earth removal permit. The last of the site's three permits expired in September of 1981, presumably when they stopped excavation operations. Com. from City Planner regarding 120R Berkley Street. He stated that the operation has been in existence since 1917 and pre-dates zoning so it is considered a pre-existing non-conforming use. The site was expanded in 1987 in ZBA case#1382 but there were no conditions placed on the operation with regards to hours or noise. Zoning does not have specific rules dealing with noise and/or hours of operation. These restrictions would be placed on a specific project as conditions of approval and listed in the decision. From a zoning perspective, there are no restrictions that would be enforceable with regards to noise or hours of operation for this site. **Councilor Carr motioned to refer to the Law Department to meet with Kevin Scanlon, Zoning and refer to Mary Jane in the Building Department to investigate if the expansion of use was since 1987 and return in two weeks with a recommendation. So Voted.**

Com. from Pat Rogers, Secretary, Taunton Airport Association, Inc. PO Box 521 E. Taunton – Extending an invitation to the Mayor and Municipal Council to the annual summer cookout at the Taunton Airport on Sunday, June 14th at noon. **Motion was made to receive and place on file. So Voted.**

Com. from Treasurer/Collector requesting for a transfer of funds for Hopewell Park Complex. The funding source for this project included a \$200,000.00 grant from Common Backyards and an appropriation of \$70,250.00. The grant required a \$50,000.00 match which is included in the amount to be appropriated. The project is now complete and the City has received the \$200,000.00 reimbursement from the grant. The total amount expended to complete the project is \$254,698.14, which is under budget by \$15,551.86. The only remaining action is to appropriate the funds necessary for the City's share of the cost. Therefore, she requests that the Council authorize a transfer in the amount of \$54,698.14 from the Reserve Account to the City Capital Project account. **Motion was made to approve. So Voted.**

Com. from Treasurer/Collector requesting that the Council consider rescind the Authorized and Unissued balances on the following loan orders. \$15,551.86 for the Hopewell Park Complex and \$1,996,927.00 for the Walker/E Pole Schools. The rescinding of unissued authorizations frees up debt limit capacity and properly states debt on the City's financial statements. The Hopewell project was complete during Fiscal 2015. The Walker and E. Pole School projects are complete and the unused authorization may not be utilized for other purposes. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Communications from Citizens:

Com. from Michael Borges, President, Taunton Eagles Soccer Club, Inc., 29 Oak St., Taunton requesting permission to hold their annual procession as part of the annual Holy Ghost Festa on Sunday, June 7th. **Motion was made to approve and notify the Police, Fire and Ambulance. So Voted.**

Petitions:

Petition submitted by Armen Tenkarian, 2 Arcade Ave., Seekonk and Michael Keene, 28 Bayview Ave., Berkley requesting a renewal of their Antique Dealers License for Taunton Antiques Center, Inc. located at 19 Main Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claims

Claim submitted by Joanne Perra, 878R Bay St., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Norton Avenue heading north just past the intersection of Country Way. **Motion was made to refer to the Law Department and the DPW. So Voted.**

Claim submitted by George McGlynn, 26 Pine Ridge Circle, Taunton seeking reimbursement for damages to his automobile when a large chunk of asphalt in the road hit his automobile while driving on Fremont Street at the corner of Dunbar Street. **Motion was made to refer to the Law Department and the DPW. So Voted.**

Committee Reports:

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

Orders, Ordinances, and Resolutions**Ordinance for a second reading to be passed to a third reading**

AN ORDINANCE

Chapter 13

ARTICLE III. STOPPING, STANDING AND PARKING

Sec 13-82. Prohibited parking places.

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

SECTION 1: That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby is further amended as follows:

Insert: “Whittenton Street, north side, between Warren Street and Second Avenue”

Insert: “Bay Street, west side, across from the fire station and between the entrance way to parcel 38-423 (348 Bay Street) and entrance way to parcel 39-310 (314 Bay Street), a distance of 33.6 feet.”

SECTION 2: All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to approve the second reading and move to a third reading. So Voted.**

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

AN ORDINANCE

ARTICLE V. SIGNS, SIGNALS AND MARKINGS

Section 13-171. Same – Designation of Intersections

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

Section 1: That Section 13.171 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Insert: “Olney Street at Wales Street.”

Insert: “Reed Street at Wales Street.”

Insert: “Round Street at Tremont Street.”

Insert: “Terrienne Drive at Field Street.”

Section 2: All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to approve the second reading and move to a third reading. So Voted.**

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

AN ORDINANCE

CHAPTER 20

STREETS AND SIDEWALKS

ARTICLE III. EXCAVATIONS AND OBSTRUCTIONS

Sec. 20-69

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

SECTION 1. Article III of Chapter 20 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking out existing Section 20-69 and inserting the following Section 20-69 in its place.

Sec. 20-69 Same-Bond required.

- (a) No permit required for excavation in any street or way, including sidewalks and state highways located within the boundaries of the city, shall be granted unless and until the applicant has deposited with the city Treasurer/Collector an amount calculated by the Department of Public Works sufficient to complete any work related to the excavation not done to the satisfaction of the Department of Public Works. The amount shall be calculated by the Department of Public Works for each permit application. The applicant shall then cause the application to be brought to the Treasurer/Collector, who shall sign each permit application for which the required deposit is received. The applicant shall then return the application to the Department of Public Works for approval or denial of the application. The deposit shall be held by the treasurer/collector for not less than nine months following the completion of the project and shall not be released without written authorization from the Department of Public Works. If the City of Taunton is the permit applicant, and City of Taunton personnel are to perform the work, no deposit is required.

- (b) As an alternative to the deposit, an applicant may provide the treasurer/collector with a bond, which bond shall be kept current. A bond provided in accordance with this paragraph shall be deemed to be the deposit for the purposes of paragraph (a). The applicant shall cause the application to be brought to the Treasurer/Collector, who shall verify that a sufficient bond is in place and shall sign each permit application for which there is sufficient capacity under a bond to serve as surety. The applicant shall then return the application to the Department of Public Works for approval or denial of the application. Any such bond shall by its terms remain effective and in full form for a period of time sufficient to provide surety, but in any event not less than nine months following the completion of the project. The surety shall not be released sooner than nine months following the completion of the project and shall not be released without written authorization from the Department of Public Works. Whenever such a bond shall re-issue or renew, said applicant shall cause same to be forwarded to the Treasurer/Collector.
- (c) This paragraph shall apply to Columbia Gas of Massachusetts and any successor (hereinafter Columbia Gas), the above paragraphs (a) and (b) notwithstanding. Columbia Gas is unique, in part, because of its status as a public utility governed by the Department of Public Utilities. No permit required for excavation in any street or way, including sidewalks and state highways located within the boundaries of the city, shall be granted to Columbia Gas unless and until Columbia Gas shall have provided the Treasurer/Collector with a bond, which bond shall be kept current. Whenever such a bond shall issue or renew, Columbia Gas shall cause same to be forwarded to the Treasurer/Collector. Columbia Gas shall submit each permit application to the Department of Public Works (DPW), who shall before issuing any permit cause each application to be forwarded to the Treasurer/Collector. The treasurer/collector shall verify that a sufficient bond is in place and shall sign each permit application for which there is sufficient capacity under a bond. Any such bond shall by its terms remain effective and in full form for a period of time sufficient to provide surety, but in any event not less than nine months following the completion of the project. The DPW shall cause each application to be returned to it from the Treasurer/Collector for approval or denial of the application. The bond shall remain in place for at least nine months following the completion of the work and shall not be released without written authorization from the Commissioner of the Department of Public Works or the Commissioner's designee.
- (d) When used in this section, Department of Public Works shall mean the Commissioner or Commissioner's designee and Treasurer/Collector shall mean the Treasurer/Collector or the Treasurer/Collector's designee.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to approve the second reading and move to a third reading. So Voted.**

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

AN ORDINANCE

Chapter 7
Article II

FIRE DEPARTMENT

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

SECTION 1. Article II of Chapter 7, Section 7-46 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by replacing the fee schedule therein with the fee schedule appended to this document.

SECTION 2. The following shall be added to Section 7-46 after the word "department": "however, any institution or school that is publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the commonwealth or federal authority or both, is exempt from fee number (34), Annual Radio Box Monitoring".

SECTION 3. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

Permits/Inspections	Fees
(1) Oil burner permits	\$ 30.00
Inspect Installation	\$ 20.00
Re-inspect Installation	\$ 25.00
(2) Propane permits	\$ 30.00
Inspect Installation	\$ 20.00
Re-inspect Installation	\$ 25.00
(3) Tank installations, per tank	\$ 200.00
Inspect installation	\$ 100.00
(4) Tank removal, per tank	\$ 200.00
Inspect Removal	\$ 100.00
(5) Tank registration, per tank	\$ 40.00
(6) Tank truck inspection	\$ 80.00
(7) Flammable permit	\$ 50.00
(8) Blasting permit	\$ 50.00
(9) Black powder, gunpowder	\$ 25.00
Commercial permit	\$ 50.00
(10) Fireworks permit	\$ 50.00
Inspect Site and Display	\$ 50.00
(11) Rocket permit	\$ 10.00
(12) Burning permit	\$ 5.00
(13) Sprinkler & fire alarm inspection commercial/industrial/business	\$ 300.00
(14) Re-inspection of number (13), each re-inspection	\$ 150.00
(15) Fire reports	\$ 10.00
(16) Smoke detectors, MGL c. 148 s 26C, 26E, 26F, 26F1/2	
a) One Family	\$ 50.00
b) Two Family	\$ 100.00
c) Three to Six Family	\$ 150.00
d) Seven Families & Above	\$ 500.00
(17) Re-inspect #16	\$ 30.00
(18) Hotel/Motel Function (per room)	\$ 60.00
(19) Fire Warning, New Dwellings	\$ 40.00
(20) Quarterly Inspections	\$ 150.00
Hospitals/Nursing Homes	\$ 150.00
Group Homes	\$ 150.00
Day Care Homes	\$ 150.00
Hotels/Motels	\$ 150.00
Theaters	\$ 150.00
(21) Annual Inspections	\$ 150.00
(22) New Commercial Occupancy Inspections	\$ 150.00

(23) Board/Rooming House (per unit)	\$ 30.00
(24) Re-inspect #21 (per unit)	\$ 30.00
(25) Suppression System	\$ 200.00
Kitchen Hood Systems	\$ 200.00
Explosion Proof Rooms	\$ 200.00
Re-inspect	\$ 100.00
(26) Cutting & Welding Permit	\$ 50.00
(27) Tar Kettle Permit	\$ 50.00
(28) Tire Storage Permit	\$ 50.00
Inspect Tire Storage	\$ 50.00
(29) Salamander Permit	\$ 50.00
(30) Fire Alarm/Sprinklr Maint. Permit	\$ 50.00
(31) Rubbish Container Permit	\$ 50.00
(32) Environmental Reports--21E	\$ 150.00
(33) Hazardous Materials Processing	\$ 50.00
(34) Annual Radio Box Monitoring	\$ 150.00
(35) Work Performed Without Permit	
Residential	Triple Fee
Commercial	Triple Fee

Motion was made to approve the second reading and move to a third reading. So Voted.

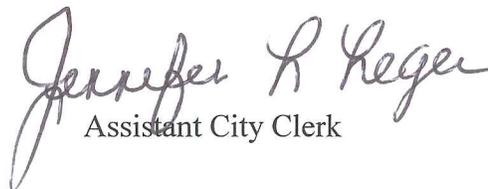
New Business:

Councilor Carr motioned to refer to the Safety Officer and the Zoning Enforcement Officer to investigate the issue of a tractor trailer parked overnight on Hodges Avenue at Morton Street. So Voted.

Meeting adjourned at 11:45 P.M.

A true copy:

Attest:


Assistant City Clerk

JLL/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 19, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR POTTIER

MEETING CALLED TO ORDER AT 6:02 P.M.

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

- 2. **MEET TO REVIEW REQUESTS FOR FUNDING**
MOTION: MOVE APPROVAL OF REQUEST OF BUILDING DEPARTMENT TO TRANSFER \$6,000.00 FROM PUBLIC BUILDING REPAIRS EXPENSES ACCOUNT NO. 01-493-5200-5269 AS FOLLOWS:
\$5,000.00 TO ACCOUNT NO. 01-192-5200-5212 – GAS
\$600.00 TO ACCOUNT NO. 01-192-5200-5230 – WATER/SEWER
\$400.00 TO ACCOUNT NO. 01-192-5200-5211 – ELECTRICITY
SO VOTED.

MOTION: MOVE APPROVAL OF REQUEST TO TRANSFER \$91,353.18 FROM RESERVE ACCOUNT NO. 1-132-202-5784 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5134 – PATROLMEN – SALARIES AND WAGES. SO VOTED.

MOTION: MOVE APPROVAL OF REQUEST TO TRANSFER \$93,851.59 FROM RESERVE ACCOUNT NO. 1-132-5200-5784 AS FOLLOWS:
\$13,139.00 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5131 – CAPTAINS
\$34,725.00 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5132 – LIEUTENANTS
\$45,987.59 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5133 – SERGEANTS. SO VOTED.

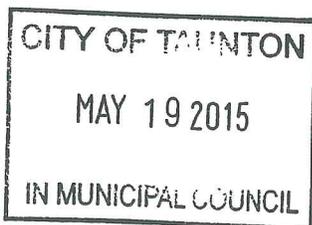
THE BUDGET DIRECTOR REPORTED THAT THE BALANCE IN THE RESERVE ACCOUNT AFTER THESE TRANSFERS IS \$244,545.10

MEETING ADJOURNED AT 6:07 P.M.

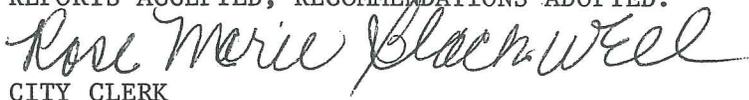
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE

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

MEETING CALLED TO ORDER AT 6:15 P.M.

THE POLICE CHIEF PROVIDED A LETTER DATED 5/19/2015 WHICH STATED THAT THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE PETITIONS AND LICENSES LISTED IN THE AGENDA.

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF OLD GOLD LICENSES:**
 - A. **KAY JEWELERS, 2 GALLERIA MALL DRIVE**
MOTION: MOVE APPROVAL. SO VOTED.
 - B. **PERRY JEWELERS, 410 BROADWAY**
MOTION: MOVE APPROVAL. SO VOTED.

2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF ANTIQUE DEALER'S LICENSE FOR EANTIQUEBROKER CONSULTING SERVICE, 4 OXFORD STREET**
MOTION: MOVE APPROVAL. SO VOTED.

3. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF LIVERY LICENSES:**
 - A. **A & D ENTERPRISES D/B/A PEGASUS AIRPORT SERVICE, 48 WORCESTER STREET (2 VANS, 1 SEDAN)**
MOTION: MOVE APPROVAL. SO VOTED.
 - B. **LINK TRANSPORT SYSTEMS, INC., 447 BROADWAY (7 VEHICLES)**
MOTION: MOVE APPROVAL. SO VOTED.

4. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF NEWS RACK LICENSES:**
 - A. **GATEHOUSE MEDIA MASSACHUSETTS II, INC., D/B/A ENTERPRISE PUBLISHING COMPANY, LLC, 5 COHANNET STREET (7 LOCATIONS: 123 WEST WATER STREET (MCGRATH'S), 37 TAUNTON GREEN (POST OFFICE), 45 MAIN STREET (EASTERN MUSIC), 37 TAUNTON GREEN (SIDE OF POST OFFICE), 15 MAIN STREET (TEX BARRY'S HOT DOGS), 122 SCHOOL STREET (ST. ANTHONY'S CHURCH) AND 73 MAIN STREET (CAFÉ))**
MOTION: MOVE APPROVAL. SO VOTED.
 - B. **SEVENTH DAY ADVENTIST CHURCH, 109 WINTHROP STREET – (1 NEWS RACK LOCATED IN FRONT OF POST OFFICE)**
MOTION: MOVE APPROVAL. SO VOTED.

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

- C. SPECTRUM MARKETING GROUP LLC D/B/A THE REAL ESTATE BOOK (LOCATIONS ARE CITY HALL, 15 SUMMER ST., POST OFFICE, 2 LOCATIONS AND SIDEWALK AT COURT STREET PARKING LOT)
MOTION: MOVE APPROVAL. SO VOTED.
5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF TEMPORARY FIXED VENDORS LICENSES:
- A. ARTHUR'S FLOWERS SHOP, 16 WASHINGTON STREET
MOTION: MOVE APPROVAL. SO VOTED.
- B. DANDI-LYONS, 649 COUNTY STREET
MOTION: MOVE APPROVAL. SO VOTED.
- C. MARK'S BAY STREET TAKE-OUT, 314 BAY STREET
MOTION: MOVE APPROVAL. SO VOTED.
- D. GEORGE'S CHRISTMAS TREES, 1940 BAY STREET
MOTION: MOVE APPROVAL. SO VOTED.
- E. TAUNTON SCHOOL TO CAREER INC., 45 BROADWAY (ALSO REQUESTING THAT THE FEE BE WAIVED AS THEY ARE A NON-PROFIT)
MOTION: MOVE APPROVAL AND WAIVE THE FEE. SO VOTED.
6. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR RENEWAL OF JUNK COLLECTOR'S LICENSES:
- A. ARTHUR PIMENTA, JR., D/B/A ARTHUR PIMENTA JR. JUNK COLLECTOR, 147 FREMONT STREET
MOTION: MOVE APPROVAL. SO VOTED.
- B. AUTOMOTIVE RECOVERY SERVICES. INC. D/B/A INSURANCE AUTO AUCTIONS, 580 MYRICKS STREET
MOTION: MOVE APPROVAL. SO VOTED.
- C. DEBRUM'S SALVAGE, 57 STEVENS STREET
MOTION: MOVE APPROVAL. SO VOTED.
- D. WILLIAM BUTLER, 195 FIELD STREET
MOTION: MOVE APPROVAL. SO VOTED.
7. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF SECOND HAND ARTICLE LICENSE:
- A. BARGAIN BAZAAR THRIFT SHOP INC., 320 BAY STREET (ALSO REQUESTING THAT THE FEE BE WAIVED AS THEY ARE A NON-PROFIT)
MOTION: MOVE APPROVAL AND WAIVE THE FEE. SO VOTED.
- B. BEAUVAIS BICYCLE SHOP, 181 WHITTENTON STREET
MOTION: MOVE APPROVAL. SO VOTED.
- C. BEST BUY STORES, 2 GALLERIA MALL DRIVE
MOTION: MOVE APPROVAL. SO VOTED.

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

D. COLLECTOR'S CORNER, 1 SAINT MARY'S SQUARE

MOTION: MOVE APPROVAL. SO VOTED.

E. COLLECTOR'S EMPORIUM INC., 388 BAY STREET

MOTION: MOVE APPROVAL. SO VOTED.

F. ECO ATM, 2 GALLERIA MALL DRIVE

MOTION: MOVE APPROVAL. SO VOTED.

G. ESTATE MARKET PLACE, 93-95 SUMMER STREET

MOTION: MOVE APPROVAL. SO VOTED.

H. RECORD TOWN, INC. D/B/A FYE #1594, 2 GALLERIA MALL DRIVE

MOTION: MOVE APPROVAL. SO VOTED.

I. SOCIETY OF SAINT VINCENT DEPAUL, TAUNTON DISTRICT INC. D/B/A PENNIES FROM HEAVEN, 141 WASHINGTON STREET (ALSO REQUESTING THAT THE FEE BE WAIVED AS THEY ARE A NON-PROFIT)

MOTION: MOVE APPROVAL AND WAIVE THE FEE. SO VOTED.

8. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF BILLIARD TABLE LICENSES:

A. ATLANTIC CAFÉ, 10 PLAIN STREET – 2 TABLES

MOTION: MOVE APPROVAL. SO VOTED.

B. BAHA BROS. PUB & RESTAURANT, INC. D/B/A SANDBAR GRILL, 64 WEIR STREET – 2 TABLES

MOTION: MOVE APPROVAL. SO VOTED.

C. BOBBY'S PLACE, INC., 62 WEIR STREET – 2 TABLES

MOTION: MOVE APPROVAL. SO VOTED.

D. DAVID F. ADAMS POST #611 ATHLETIC ASSOCIATION, INC., 82 INGELL STREET – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

E. FRANK'S GOOD TIMES, INC., 381 WINTHROP STREET – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

F. ITALIAN NATURALIZATION CLUB OF TAUNTON, 46 WALES STREET – 2 TABLES

MOTION: MOVE APPROVAL. SO VOTED.

G. ITALIAN SOCIAL CLUB OF TAUNTON, INC., 2 COLUMBUS BLVD. – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

H. PIONEER FLYING CLUB, INC., 330 WHITTENTON STREET – 2 TABLES

MOTION: MOVE APPROVAL. SO VOTED.

I. SMITTY'S SPORTS PUB, 445 BAY STREET – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

J. TAUNTON EAGLES SOCCER CLUB, 29 OAK STREET – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

K. TAUNTON PORTUGUESE AMERICAN CIVIC CLUB, 175 SCHOOL STREET – 1 TABLE

MOTION: MOVE APPROVAL. SO VOTED.

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

- L. TAUNTON SPORTS CLUB, INC., 33 BAKER ROAD – 1 TABLE**
MOTION: MOVE APPROVAL. SO VOTED.
- M. WEIR ASSOCIATES, INC. D/B/A MCGRATH'S CAFÉ, 125 WEST WATER STREET – 1 TABLE**
MOTION: MOVE APPROVAL. SO VOTED.
- 9. MEET WITH THE POLICE CHIEF ON PETITION FOR RENEWAL OF OLD GOLD LICENSE, PAWN BROKER LICENSE AND SECOND HAND ARTICLE LICENSE FOR TETRAULT ENTERPRISES, INC. D/B/A FALL RIVER PAWN BROKERS, 48 TAUNTON GREEN**
MOTION: MOVE APPROVAL. SO VOTED.
- 10. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF JUNK DEALER'S LICENSE AND JUNK COLLECTOR'S LICENSE FOR SONE ALLOYS, INC. D/B/A ENOS METALS, 18-28 DANA STREET**
MOTION: MOVE APPROVAL. SO VOTED.
- 11. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF MCDONALD'S RESTAURANT, 282 WINTHROP STREET TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE SEC. 12-2**
MOTION: MOVE APPROVAL. SO VOTED.
- 12. MEET WITH THE POLICE CHIEF TO DISCUSS THE TOWN OF EASTON REGULATIONS FOR CLASS II LICENSES**
 DETECTIVE SMITH STATED THAT HE NEEDS ANOTHER WEEK ON THIS MATTER, SO THAT HE CAN PROVIDE A SUMMARY FOR COUNCILOR CROTEAU.
 COUNCILOR COSTA-HANLON NOTED THAT THE DRAFT HAD BEEN REVIEWEED BY THE CITY CLERK, BUT SHE IS NOT SURE IF THE CITY SOLICITOR'S OFFICE HAD LOOKED AT IT YET. SHE WOULD LIKE THEIR INPUT ON THAT, AND SPECIFICALLY, SHE WOULD LIKE THEIR INPUT AS TO IT RELATES TO HOW WE ARE OPERATING OUR CURRENT, OR WHAT WE CALL THE "WAITING LIST".
MOTION: TO POSTPONE DISCUSSION ON THIS MATTER FOR 3 WEEKS – JUNE 9, 2015. SO VOTED.
- 13. MEET WITH THE POLICE CHIEF AND LT. MCCABE TO DISCUSS THE PROPOSED TOW CONTRACT**
 THE CHAIRMAN NOTED THAT AS A RECAP, THE 6 TOW COMPANIES ARE ON 2 WEEK ROTATIONS. WHEN A VEHICLE IS TOWED, THE PERSON HAS TO GO TO THE POLICE STATION AND PAY A \$20.00 FEE, THEN TO THE TOW COMPANY OPERATOR WHERE THEY PAY THEIR FEE AND OTHER CHARGES.
 LT. MCCABE SAID THAT MOST OF THE CHARGES, EXCEPT FOR EXTRAORDINARY FOR EXCESS MILEAGE, FUEL SURCHARGE OR HAVING TO DO ADDITIONAL LABOR, ARE FAIRLY STRAIGHT FORWARD. IT IS \$90 PER VEHICLE, \$35 FOR EVERY 24 HOUR PERIOD THEY ARE ON THE LOT. THE QUESTION OF WHETHER OR NOT THERE ARE OTHER CHARGES, THEY ALL CLAIM THAT THEY DO NOT HAVE OTHER CHARGES, AND LT. MCCABE HAS NOTHING TO SAY THAT THEY DO. THEY ALL REPORT TO THE STATE ALLEGEDLY THAT THEY HAD NO ADDITIONAL CHARGES OTHER THEN WHAT THEY SAID ON THEIR PAPERWORK.
 THE CHAIRMAN NOTED THAT THERE IS A REQUIREMENT TO REPORT TO THE DPU EVERY YEAR SHOWING HOW MANY VEHICLES WERE TOWED.

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

IT WAS NOTED THAT LT. MCCABE IS CONCERNED THAT WHAT HE HAS INTERNALLY FOR THE NUMBER OF TOWS THAT WERE SENT OUT AND PAID, DOES NOT MATCH WITH WHAT SOME OF THE TOW CONTRACTORS HAVE REPORTED TO THE STATE.

LT. MCCABE SAID THIS IS CORRECT, AND CONCERNING THE ONE THAT HE WAS CONCERNED ABOUT, HE CALLED AROUND TO SEE IF ANYONE ELSE USED THEM, AND THEY DO NOT, BUT THEN HE SPOKE WITH THE OWNER OF THE TOW COMPANY AND HE SAID THAT ONE OF THE OTHER COMPANIES ONLY HAS ONE TRUCK, SO THEY SOMETIMES HELP THEM OUT.

COUNCILOR COSTA-HANLON SAID THAT WHEN THE TOW COMPANIES WERE HERE, THEY DID TESTIFY THAT THEY HELP EACH OTHER OUT.

LT. MCCABE SAID THAT THEN THEY DO NOT KNOW WHERE THE CAR IS OR WHO TO CHASE AFTER IF THEY NEED TO IF THEY GET A COMPLAINT OR CALLS FROM THE INSURANCE COMPANY.

THE CHAIRMAN NOTED THAT THE COMMITTEE WAS NOT COMFORTABLE WITH GOING WITH JUST 1 VENDOR WHICH IS THE WAY THE CITY OF ATTLEBORO HAS GONE. SHE ALSO NOTED THAT THE BIGGEST CONCERN WAS THEY FELT THAT THEY NEEDED A CONTRACT TO PROTECT THE CITY AS WELL AS THE TOW CONTRACTORS.

LT. MCCABE SAID THAT WITH THE DRAFT, THEY BORROWED HEAVILY FROM OTHER TOWING CONTRACTS. THE APPLICATION FEE IS A SLIDING SCALE FEE DEPENDING ON THE NUMBER OF CONTRACTS APPROVED. THIS AMOUNT COULD BE WHATEVER THE COUNCIL WOULD WANT. RIGHT NOW THERE IS NO FEE, NOR APPLICATION. ALSO THE COMPANIES DO NOT HAVE A PERFORMANCE BOND NOW, BUT THIS IS IMPORTANT.

COUNCILOR CLEARY ASKED IF IT WAS A REQUIREMENT THAT THE TOW VEHICLES BE REGISTERED IN TAUNTON. LT. MCCABE SAID IT IS NOT, BUT IT CAN BE MADE A REQUIREMENT.

COUNCILOR CLEARY SAID IF THEY ARE WORKING WITH A TAUNTON CONTRACT HE WOULD LIKE TO SEE THE VEHICLES REGISTERED IN TAUNTON.

LT. MCCABE SAID THAT ANOTHER THING IS THAT WE DO NOT REGULATE THEIR INSURANCE, IF THEY HAVE INSURANCE OR NOT HAVE INSURANCE. THE ISSUE BECOMES DO THEY HAVE GENERAL LIABILITY INSURANCE OR PERSONAL INJURY INSURANCE IF THEY HURT SOMEBODY WHILE THEY ARE WORKING ON THE CITY'S BEHALF. WORKMEN'S COMP. IS STATUTORY SO THAT IS IN THERE.

COUNCILOR CROTEAU SAID THERE SHOULD BE A REQUIREMENT THAT THEY HAVE INSURANCE.

LT. MCCABE SAID THEY WENT WITH, IN THIS DRAFT, \$500,000 IN LIABILITY AND \$500,000 IN PERSONAL INJURY AND PROPERTY DAMAGE. COUNCILOR CROTEAU SAID THIS NUMBER SHOULD BE LOOKED AT. COUNCILOR COSTA-HANLON ALSO SAID THAT THIS SHOULD BE RUN BY THE LAW DEPARTMENT AS WELL. REGARDING WORKMEN'S COMPENSATION, LT. MCCABE SAID THAT ONLY 1 OF THE 6 COMPANIES HAS EMPLOYEES. THEY MUST ALL BE INDEPENDENT CONTRACTORS. THERE ARE CORPORATIONS WITH NO EMPLOYEES.

COUNCILOR CLEARY ASKED IF THE RESPONSE TIME WAS STANDARD. LT. MCCABE SAID 15-20 MINUTES IS REASONABLE.

LT. MCCABE CONTINUED GOING THROUGH THE DRAFT CONTRACT.

COUNCILOR COSTA-HANLON SAID THAT THIS IS BASICALLY THE BLUE PRINT FOR THE APPLICATION. SHE ASKED IF THERE WAS ANYTHING IN THE DRAFT THAT SAID THEY HAVE TO HAVE A SITE IN TAUNTON WHERE THEY OPERATE. LT. MCCABE SAID THEY DO TALK ABOUT WHERE THE SITE IS AND HE DOES BELIEVE THAT SOMEWHERE IN THERE IT SAYS THAT THE STORAGE SHALL BE IN THE CITY OF TAUNTON. COUNCILOR COSTA-HANLON SAID SHE THOUGHT THE BUSINESS ITSELF HAD TO BE IN TAUNTON.

COUNCILOR CROTEAU SAID THAT AS WE GO THROUGH THIS PROCESS, WE CURRENTLY HAVE 6 COMPANIES PROVIDING TOWING. THEY HAVE BEEN PROVIDING THIS SERVICE FOR A LONG TIME. IF WE HAVE 12

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

PEOPLE APPLY – IF WE DECIDE TO HAVE 6 COMPANIES AND 12 APPLY – HOW DO WE END UP WITH THE 6 WE PRESENTLY HAVE. LT. MCCABE SAID IT WOULD BE UP TO THE CITY. AS LONG AS THEY MEET THE CRITERIA. BUT THE WAY IT IS WRITTEN YOU CAN AWARD OR NOT AWARD A CONTRACT IF IT IS IN THE BEST INTEREST OF THE CITY, SO AS LONG AS THE COMMITTEE FEELS IT IS IN THE BEST INTEREST OF THE CITY TO KEEP THE 6 COMPANIES THAT WE HAVE, THEN HE DOES NOT SEE AN ISSUE.

COUNCILOR COSTA-HANLON ALSO NOTED THAT IT WAS DISCUSSED HAVING A JANUARY 1ST APPLICATION TIME FOR PEOPLE WHO ARE EXISTING CONTRACTORS, AND THEN OPENING IT UP FOR EVERYONE ELSE AFTER THAT.

COUNCILOR CROTEAU STATED THAT THIS NEEDS TO BE LOOKED AT IN THE EVENT THERE IS A CHALLENGE FROM SOMEONE WHO IS NOT ONE OF THE CURRENT 6 COMPANIES. HE IS NOT LOOKING TO DISPLACE ANY OF THE CURRENT 6, HOWEVER SOMEONE WHO IS NOT ONE OF THE CURRENT 6 MAY TAKE EXCEPTION TO THAT, SO HE WANTS TO BE SURE WE ARE ON LEGAL GROUND.

MOTION: THAT THE LAW DEPARTMENT REVIEW HOW THE COMMITTEE CAN LEGALLY GO THROUGH THIS PROCESS AND GIVE THE 6 COMPANIES WHO HAVE BEEN SERVING THE CITY HIGHER CONSIDERATION THROUGH THE APPLICATION PROCESS.

COUNCILOR CLEARY SECONDED THE MOTION ON DISCUSSION. COUNCILOR CLEARY SAID THIS WOULD BE AN ISSUE IF WE WENT OUT TO BID. IF WE JUST HAVE A RENEWAL PROCESS, WHICH IS WHAT WE ARE TALKING ABOUT HERE. WE ARE GONG TO HAVE THESE PEOPLE FILL OUT APPLICATONS.

COUNCILOR CROTEAU UNDERSTANDS THIS, HOWEVER HE WANTS TO BE SURE THAT THE 6 COMPANIES – AND WE CANNOT USE THE WORD RENEWAL BECAUSE THERE IS NO APPLICATION, YOU CANNOT RENEW SOMETHING THAT DOES NOT EXIST – HE WANTS TO PROTECT THESE 6 PEOPLE.

COUNCILOR COSTA-HANLON SAID COUNCILOR CROTEAU WAS CORRECT. THIS WILL BE A NEW APPLICATION PROCESS, BUT SHE THOUGHT ONE OF THE DISCUSSIONS WAS ALLOWING THE 6 COMPANIES TO APPLY FIRST. SHE FURTHER SAID THAT THE REASON THE COMMITTEE HAS WHAT IT DOES HAVE IN FRONT OF THEM IS BECAUSE THIS COMMITTEE AGREED THAT IT WOULD NOT BE A BIDDING PROCESS IT WOULD BE AN APPLICATION PROCESS.

COUNCILOR CROTEAU SAID HE WANTS IT ON THE RECORD THAT HE IS OPPOSED TO GOING OUT TO BID IN ANY FORM AND THAT HE WISHES TO PROTECT THE 6 COMPANIES THAT ALREADY PROVIDE THE TOWING SERVICES FOR THE CITY.

COUNCILOR CLEARY SAID HE DID NOT WANT TO VOTE ON THE MOTION AS IT SEEMS THAT IT WOULD BE CONSPIRING TO ELIMINATE PEOPLE. HE DOES NOT WANT TO DO THAT. HE WISHES TO CONTINUE WITH THE REVIEW OF THE APPLICATION.

COUNCILOR CROTEAU SAID THAT IS MR. CLEARY'S PEROGATIVE AND HE DOES NOT KNOW IF THIS REQUIRES A MOTION. SOMEONE CAN MAKE A REQUEST TO INCLUDE CERTAIN LANGUAGE IN THE MINUTES.

COUNCILOR CLEARY SAID THE CHAIRMAN WANTS TO VOTE ON THE MOTON AND HE DOES NOT WANT TO VOTE ON IT.

COUNCILOR CROTEAU SAID HE WANTS IT IN THE MINUTES.

COUNCILOR MARSHALL SAID THIS IS JUST A DRAFT, AND THAT THIS IS FOR THE 6 COMPANIES THAT WE CURRENTLY USE AND IT IS NOT BEING OPENED UP TO NEW APPLICATIONS AT THIS TIME. HE ASKED WHERE THE NUMBERS CAME FROM?

COUNCILOR COSTA-HANLON SAID SHE THINKS IT CAME FROM THE CITY OF ATTLEBORO, AS THEY WENT OUT TO BID AND ASKED FOR A MINIMUM OF \$35,000 AND THEY ENDED UP GETTING THAT FIRST YEAR \$100,000.

COUNCILOR MARSHALL THEN STATED THAT THE POLICE DEPARTMENT IS PROPOSING THAT WE NEED TO

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MAKE MONEY ON THIS DEAL. WITH THE APPLICATION FEE IS THE CITY STILL GOING TO RECEIVE THE \$20.00 ADMINISTRATIVE FEE FOR EVERY VEHICLE?

LT. MCCABE SAID THAT FEE IS BY ORDINANCE, BUT COUNCILOR COSTA-HANLON SAID THEY COULD REIND THAT \$20.00 FEE IF THEY GO WITH THE \$50,000 APPLICATION FEE.

COUNCILOR MARSHALL SAID THAT ALL OF THIS IS JUST GOING TO BE PASSED ON TO TAUNTONIANS. WHETHER YOU WANT TO AGREE WITH IT OR NOT, THAT \$50,000 IS GOING TO BE PASSED ON TO EVERYONE WHO GETS THEIR VEHICLE TOWED. THE COUNCIL NEEDS TO THINK ABOUT THIS AS A GOVERNING BODY.

COUNCILOR CROTEAU SAID THEY HAD A LONG DISCUSSION ABOUT THIS. SOME OF THE FEES ARE SET BY STATUTE.

COUNCILOR POTTIER ASKED WHAT THE CITY GOT TOTAL IN THE \$20.00 FEES. LT. MCCABE SAID THAT IF EVERY CAR HAD GOTTEN PICKED UP, IN THEORY THEY WOULD HAVE MADE \$24,000.00. SOME CARS ARE NEVER PICKED UP. THE OTHER QUESTION COUNCILOR POTTIER ASKED WAS WHETHER THIS HAS BEEN VETTED WITH M.G.L. THAT WE DO NOT HAVE TO GO OUT TO BID?

THE POLICE CHIEF SAID THAT THIS IS EXEMPT FROM THE BID PROCESS. HE ALSO NOTED THAT ONE OF THE PROBLEMS THEY HAVE HAD IS THAT THEY HAVE HAD A COMPANY CHANGE HANDS AND THE CITY DOES NOT KNOW. HE ALSO SAID THAT HE IS NOT SURE, WHEN YOU SAY THAT THE RESIDENTS OF TAUNTON ARE GOING TO PAY FOR THIS APPLICATION FEE, MOST OF THE FEES ARE SET BY STATUTE. WHAT HAS HAPPENED IS THAT THEY HAVE THESE VENDORS TOWING FOR THE CITY FOR FREE, THE CITY HAS A DEGREE OF LIABILITY BECAUSE OF IT, BUT THE CITY DOES NOT SEE ANY OF THE REVENUE. THEY ARE ACTUALLY TOWING FOR THE CITY, THEY ARE SUB-CONTRACTORS FOR THE CITY.

COUNCILOR CROTEAU SAID THAT THEY WERE TOLD THE TOW COMPANIES HAVE A RIGHT TO ESTABLISH AN ADMINISTRATIVE FEE, SO THEY CAN COME UP WITH A FEE. HE DOES NOT HAVE A PROBLEM WITH THAT, BUT WANTS EVERYONE TO KNOW THAT IT COULD HAPPEN. RIGHT NOW NONE OF THEM HAVE IT.

COUNCILOR CLEARY SAID THAT THE REASON THIS IS BEING DISCUSSED IS THAT THERE IS NO LEGAL CONTRACT WITH ANY OF THE TOWING CONTRACTORS. THERE IS NOTHING IN WRITING THAT THEY SIGNED SAYING THEY

WOULD BE A TOWER FOR TAUNTON. WE HAVE A TRADITION, A PRACTICE WHERE WE HAVE THESE COMPANIES ON A ROTATING BASIS, BUT IN THIS WORLD OF LITIGATION, TO RUN THAT LOOSELY, IS VERY PRECARIOUS. ALSO, WE ARE TALKING ABOUT A SIGNIFICANT AMOUNT OF MONEY AND BUSINESS THAT THE CITY OF TAUNTON IS GIVING PEOPLE. THIS DOES NOT COUNT THE STORAGE FEE THEY CHARGE WHEN YOUR CAR IS THERE. THERE IS A LOT OF MONEY INVOLVED. IT WAS BROUGHT TO THE COMMITTEE'S ATTENTION THAT ONE, WE DO NOT HAVE A CONTRACT, AND TWO THAT OTHER COMMUNICIES WERE LOOKING AT THIS AND PROTECTING THEMSELVES WITH CONTRACTS. ALL THE COMMITTEE IS LOOKING FOR IS THAT IF WE ARE OFFERING THIS OPPORTUNITY TO MAKE A LIVING, THAT THERE OUGHT TO BE SOME SORT OF FEE ASSOCIATED WITH IT, NOT A FEE THAT IS GOING TO HURT ANY BUSINESS. THE FACT IS THAT THE COMMITTEE IS UNDER OBLIGATION TO GET SOMETHING IN WRITING. COUNCILOR QUINN SAID THAT SHE THINKS SHE WOULD HAVE TO KNOW HOW MANY WOULD BE ALLOWED TO APPLY, SO THAT THE APPLICATION FEE WOULD BE KNOWN.

THE CHIEF SAID THIS IS NOT A POLICE DEPARTMENT DECISION, IT IS A COUNCIL DECISION. THERE ARE OTHER CONTRACTORS AND OR COMPANIES THAT WANT TO APPLY. HE ALSO NOTED THAT THE FEE WOULD NOT BE DUE UNTIL THE CONTRACT IS SIGNED, SO THEY DO NOT HAVE TO HAVE IT UP FRONT. THE COUNCIL WOULD HAVE TO DETERMINE HOW MANY CONTRACTORS THEY WANT.

COUNCILOR CROTEAU SAID HE WANTS TO SEE THE CONTRACT BE NON TRANSFERRABLE. IT WAS NOTED THAT IT IS IN THERE.

LT. MCCABE SAID THAT RATHER THEN CALL THEM CONTRACTORS, YOU COULD CALL THEM LICENSEES.

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MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

YOU COULD CALL THIS A LICENSE INSTEAD OF A CONTRACT. IT GIVES MORE POWER TO THE CITY IF THEY ARE A LICENSEE RATHER THAN A CONTRACTOR.

LT. MCCABE NOTED THAT EXHIBIT A OF THE DRAFT REITERATES THE APPLICATION FEE, WHICH INCLUDES LANGUAGE FROM THE LATE DETAIL FEE REGARDING INTEREST, THE ROTATION WILL BE DETERMINED DEPENDING ON THE NUMBER OF TOW COMPANIES THE CITY GOES WITH, AND ALSO ADDRESSES THE INSURANCE ISSUE. IT ALSO ADDRESSS HOURS OF OPERATION. THEY HAVE TO BE AVAILABLE TO THE POLICE DEPARTMENT WHEN THEY ARE ON CALL, THE STORAGE FACILITY MUST BE IN THE CITY OF TAUNTON. IF THE COUNCIL WANTS THE BUSINESS TO BE IN TAUNTON THEY CAN ADJUST THE LANGUAGE. THEY ALSO HAVE TO HAVE THE EQUIPMENT THAT IS REQUIRED AND ENOUGH PEOPLE TO CONDUCT THE BUSINESS SAFELY AND PROMPTLY. THEY ALSO HAVE TO BE ABLE TO PROVIDE RECORDS TO THE DEPARTMENT WHEN ASKED, INDEMNIFY THE CITY AND THE AGREEMENT CAN ONLY BE MODIFIED IN WRITING. IT ALSO ADDRESSES BREACH OF CONTRACT AND CHANGING OF OWNERSHIP.

COUNCILOR MARSHALL STATED THAT THE COMMITTEE HAS SPENT 1 HOUR REDESIGNING SOMETHING THAT IS NOT BROKEN. HE NOTED THAT ON PAGE 21 OF THE HANDOUT IT LISTS THE VEHICLES THE CONTRACTOR SHALL PROVIDE WHICH, HE SAID, ELIMINATES HALF THE COMPANIES WE HAVE NOW. HE SAID WE ARE TALKING ABOUT LOCAL MOM AND POP BUSINESSES, AND NOW BEING DISCUSSED IS CORI CHECKS OF EMPLOYEES ETC. HE SAID THIS HAS GONE TOO FAR.

COUNCILOR CLEARLY SAID THIS IS JUST A DRAFT TO BE LOOKED AT AND WHITTLED DOWN TO WHAT THE CITY WANTS.

COUNCILOR CROTEAU SAID YOU CAN PUT IN THE CONTRACT THAT WE HAVE THE RIGHT TO SAY THAT WE DO NOT WANT A SPECIFIC INDIVIDUAL TO DRIVE. HE ALSO SAID HE ASSUMES THAT THEY ALL HAVE THE EQUIPMENT NEEDED AS THEY HAVE BEEN DOING THE TOWING FOR YEARS.

COUNCILOR COSTA-HANLON SAID THAT THIS WILL BE WHITTLED DOWN, AND LT. MCCABE WILL GET IT TO THE COUNCIL IN E-MAIL FORM. SHE ASKED THE COUNCIL TO CONSIDER SOME OF THE SECTIONS THAT THE POLICE DEPARTMENT REALLY NEEDS AND ASKED LT. MCCABE TO MAKE NOTATION AS TO WHY IT IS IMPORTANT. WITH A CONTRACT THE POLICE DEPARTMENT WILL BE MORE INVOLVED AND HAVE MORE OVERSIGHT.

THE POLICE CHIEF SAID HE HAS SPOKEN TO THE TOW COMPANIES AND IT MIGHT BE APPROPRIATE TO MEET WITH REPRESENTATIVES OF THE TOW COMPANIES, A COUNCIL REPRESENTATIVE AND A REPRESENTATIVE OF THE POLICE DEPARTMENT TO GO OVER THIS DOCUMENT. IT WAS FELT THAT IT SHOULD BE THE POLICE DEPARTMENT AND THE TOW COMPANY.

THIS WILL BE BROUGHT UP FOR DISCUSSION MID TO LATE JUNE.

14. MEET TO REVIEW MATTERS IN FILE

A. COUNCILOR BORGES ASKED TO HAVE LAKEVIEW AVENUE AND LAKEVIEW PLACE ADDED TO THE COMMITTEE AGENDA AND HAVE THE SAFETY OFFICER BACK TO DISCUSS THIS IN 2 WEEKS.

B. COUNCILOR CARR NOTED THAT SHE SAW MULTIPLE DIRT BIKES, ETC. ON THE ROADS THIS WEEKEND, ESPECIALLY PROSPECT HILL STREET ON CITY PROPERTY AND ALSO ON FREMONT STREET.

C. COUNCILOR MCCAUL ALSO NOTED THAT THERE ARE ISSUES WITH ATV'S IN THE WEIR SECTION OF THE CITY AND ALSO WANTS A PARKING ISSUE LOOKED AT ON SCHOOL STREET FROM THE FIRE STATION TO ST. ANTHONY'S CHURCH.

D. IT WAS REQUESTED THAT THE SAFETY OFFICER ADDRESS THE NOISE ISSUE ON LAKEVIEW PLACE AND LAKEVIEW AVENUE.

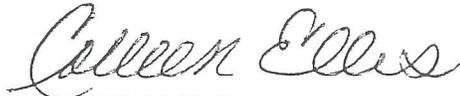
PAGE NINE

MAY 19, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

MEETING ADJOURNED AT 7:34 P.M.

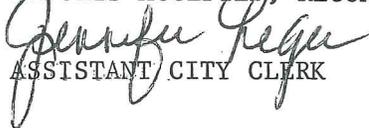
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

CITY OF TAUNTON
MAY 19 2015
IN MUNICIPAL COUNCIL

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 19, 2015

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES, MCCAUL, COSTA-HANLON AND CLEARY. ALSO PRESENT WERE DPW COMMISSIONER FRED CORNAGLIA, ALAN DELANEY OF MASS. DEVELOPMENT AND HANK SUOMINEN, PROJECT MANAGER, SIXTY CROSS STREET LLC

MEETING CALLED TO ORDER AT 7:37 P.M.

1. MEET WITH THE DPW TEAM TO DISCUSS REQUEST OF TAUNTON DEVELOPMENT/MASS DEVELOPMENT CORPORATION TO ENTER CHARLES F. COLTON ROAD WHICH IS CURRENTLY UNDER THE 5 YEAR MORATORIUM

THE CHAIRMAN NOTED THAT THE COUNCIL HEARD AS PART OF A SITE PLAN UPDATE AND ROAD DISCONTINUANCE PLAN SOME OF THE WORK THAT WAS GOING TO BE DONE, WHICH WAS APPROVED. THIS CHARLES COLTON ROAD, WHICH IS UNDER THE 5 YEAR MORATORIUM, NEEDS SOME CHANGES DONE TO IT, SO IT NEEDS TO COME BEFORE THIS COMMITTEE. THE DPW COMMISSIONER'S OFFICE DOES NOT HAVE THE AUTHORITY TO SIGN THE ROAD OPENING PERMIT WITHOUT THE DEPARTMENT OF PUBLIC WORKS COMMITTEE AUTHORIZING THAT. THAT IS WHY THIS IS BEFORE THE COMMITTEE.

THE DPW COMMISSIONER NOTED THAT THE PAVING ON CHARLES COLTON ROAD WAS DONE IN 2013. MR. DELANEY INFORMED THE COMMITTEE THAT TAUNTON DEVELOPMENT/MASS DEVELOPMENT IS BUILDING DEVER DRIVE WHICH HOOKS CHARLES COLTON ROAD TO BAY STREET. THIS PIECE OF ROAD AFTER IT IS CONSTRUCTED WILL BE REQUESTED TO BE ACCEPTED BY THE CITY AS A PUBLIC WAY AS WELL. DEVER DRIVE WILL END AT THE ROUND ABOUT, IT WILL BE ONE LEG OF THE ROUND ABOUT. THERE ARE UTILITIES THAT TAUNTON DEVELOPMENT/MASS DEVELOPMENT IN THE BUILDING OF CHARLES COLTON ROAD PUT IN THE ROADWAY. THERE IS A WATER MAIN, GAS MAIN, DRAIN LINE AND SEWER LINE THAT WILL NEED TO BE CONNECTED TO HOOK DEVER DRIVE TO BAY STREET. THAT IS WHY THEY WILL BE NEEDING TO EXCAVATE INTO THE EXISTING PAVEMENT. ALSO, WHEN MARTINETTI BUILDS THEIR FACILITY, THEY WILL BE DOING MAJOR CONSTRUCTION TO FULL DEPTH TO BE ABLE TO CREATE THIS ROUND ABOUT. THEY WILL BE DIGGING UP THE EXISTING PAVEMENT AND ADDING MORE TO CREATE THE GEOMETRY OF THE ROUND ABOUT. THERE WILL BE CURB TO CURB NEW PAVEMENT WHICH WILL BE BETTER THEN IS THERE NOW.

IT WAS ALSO NOTED THAT TRUCKS ARE NOT TO USE DEVER DRIVE AND WHEN THEY ENTER MARTINETTI, THEY ARE TO ENTER THROUGH THE INDUSTRIAL PARK.

IT WAS ALSO NOTED THAT THE LANDOWNERS ASSOCIATION THAT WAS FORMED WILL MAINTAIN THE LANDSCAPING.

A LETTER DATED 5/8/2015 FROM THE DPW COMMISSIONER WAS READ WHICH STATED THAT THE DPW OFFICE HAS REVIEWED THE REQUESTED WORK AND HAS NO ISSUE WITH IT AS PRESENTED. THE WORK INCLUDES SIGNIFICANT WATER AND SEWER INFRASTRUCTURE IMPROVEMENT TO THE IMMEDIATE BENEFIT OF THE CITY, SO AS LONG AS THE APPLICANT FOLLOWS DPW RULES REGARDING ROAD CUTS, THEY CAN OVERSEE THE WORK IF APPROVED BY THE MAYOR AND CITY COUNCIL.

MOTION: TO GRANT THE REQUEST AND LETTER OF THE DPW COMMISSIONER TO BE MADE PART OF THE RECORD. SO VOTED.

PAGE TWO

MAY 19, 2015

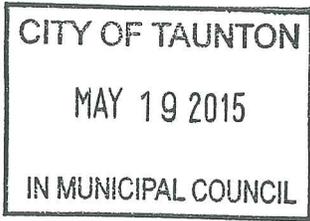
THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

MEETING ADJOURNED AT 7:52 P.M.

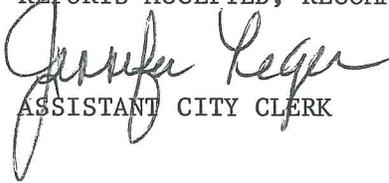
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 19, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CARR, QUINN, MCCAUL, POTTIER, CROTEAU, COSTA-HANLON, MARSHALL AND CLEARY. ALSO PRESENT WERE ATTORNEY ELIZABETH THOMPSON, JESSE MORENO OF PRO TERRA DESIGN GROUP, LLC AND KEITH VELLANTE OF C SQUARED SYSTEMS

MEETING CALLED TO ORDER AT 8:54 P.M.

1. MEET FOR A PRE-REVIEW HEARING ON APPLICATION OF VARSITY WIRELESS FOR A 145 FOOT WIRELESS COMMUNICATION FACILITY AT 201 ALFRED LORD BLVD.

ATTORNEY THOMPSON NOTED THAT THE PROPOSAL BEFORE THE COUNCIL IS FOR A 145 FOOT WIRELESS COMMUNICATION FACILITY AT 201 ALFRED LORD BOULEVARD. THE PROPOSED TOWER CAN ACCOMMODATE UP TO 5 WIRELESS SERVICE PROVIDERS. THE APPLICANT IS VARSITY WIRELESS LLC AND THE CO-APPLICANT AT THIS TIME IS VERIZON WIRELESS, WHO WILL BE THE ANCHOR TENANT. ATTORNEY THOMPSON ALSO STATED THAT THE REASON WHY THE SITE IS BEING PROPOSED IS THAT THERE IS A SIGNIFICANT GAP IN WIRELESS FACILITY IN THAT SECTION OF THE CITY – A GAP IN COVERAGE. THE APPLICANT IS AN INDEPENDENT TOWER COMPANY WHICH ALLOWS THEM TO WORK WITH ALL THE MAJOR SERVICE PROVIDERS IN A WAY THAT WILL SITE AND LOCATE A TOWER THAT WILL CLOSE A SIGNIFICANT GAP IN COVERAGE FOR NOT ONLY ONE BUT MULTIPLE CARRIERS AT THE SAME LOCATION. THIS IS A BENEFIT TO THE CITY IN THE HOPE THAT IT WOULD PRODUCE THE NEED FOR ADDITIONAL NEW TOWERS IN THE CITY TO CLOSE THE GAPS FOR OTHER WIRELESS CARRIERS IN THE FUTURE.

ATTORNEY THOMPSON ALSO INFORMED THE COMMITTEE THAT THE PROJECT HAS BEEN BEFORE THE ZONING BOARD OF APPEALS FOR A VARIANCE WHICH WAS APPROVED. THE NATURE OF THE REQUEST WAS FOR RELIEF FROM THE TOWER SETBACK REQUIREMENTS. THE ORDINANCE STATES THAT IT MUST BE SET BACK EQUAL TO THE HEIGHT OF THE PROPOSED TOWER, AND THEY ARE SHORT OF THAT. HOWEVER, THE CLOSEST RESIDENCE IS OVER 500 FEET AWAY FROM THE CELL TOWER.

THE PROJECT HAS ALSO BEEN BEFORE THE CONSERVATION COMMISSION AND AN ORDER OF CONDITIONS WAS ISSUED FOR THIS PROJECT AND THEY HAVE CONCLUDED THEIR MEETINGS WITH THE CONSERVATION COMMISSION. MOST RECENTLY THEY WERE BEFORE THE PLANNING BOARD FOR A FULL SITE PLAN REVIEW WHICH THE SITE PLAN WAS APPROVED WITH CONDITIONS, MINOR CONDITIONS THAT ARE NOT OBJECTIONABLE TO THE APPLICANT, AND ALSO THEY WERE TO MAKE A POSITIVE RECOMMENDATION TO THE COUNCIL ON THE SPECIAL PERMIT.

COUNCILOR COSTA-HANLON NOTED THAT AS PART OF THE PRE-REVIEW THE COUNCIL HAS A NUMBER OF COMMUNICATIONS THAT HAVE CONDITIONS THAT SHE AND FELLOW COUNCILORS WILL ASK THAT THEY BE COMPLIED WITH. SHE ASKED IF THE APPLICANT WAS FAMILIAR WITH ALL OF THE DOCUMENTS AND ATTORNEY THOMPSON SAID THEY WERE AND THEY HAVE NO ISSUE WITH THEM.

COUNCILOR QUINN ASKED WHAT THE SET BACK WOULD BE AND IT WAS ANSWERED THAT IT WILL BE ABOUT 129 FEET. SHE ALSO ASKED IF THEY HAD REACHED OUT TO THE NEIGHBORS. ATTORNEY THOMPSON SAID THAT THEY HAVE AND THEY HAVE HAD NEIGHBORS AT EACH OF THE PUBLIC HEARINGS. SHE SAID THAT 4 OF THE CLOSEST ABUTTING PROPERTIES ARE IN SUPPORT. THERE ARE SEVERAL NEIGHBORS THAT HAVE SOME CONCERNS, ONE OF THEM BEING REAL ESTATE PROPERTY VALUES WHICH WAS THE TOPIC OF CONCERN AT THE BOARD OF APPEALS AND WHICH IS WHY THEY PROCURED AN INDEPENDENT REPORT.

COUNCILOR MCCAUL NOTED THAT HE HAD RECEIVED SOME CALLS FROM NEIGHBORS AND STATED THAT IT WAS MENTIONED THAT THE BENEFIT OF HAVING A TOWER ON THAT PROPERTY IS GIVING BETTER COVERAGE BECAUSE IT IS A DROP ZONE IN THAT AREA, IS THAT CORRECT?

PAE TWO

MAY 19, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

ATTORNEY THOMPSON SAID THAT THERE IS WHAT THE ENGINEERS DESCRIBE AS A SIGNIFICANT GAP IN WIRELESS COVERAGE.

MR. VELLANTE, THE ENGINEER STATED THAT IN ADDITION TO ADDRESSING A DROP ZONE OR DEAD ZONE, VERIZON IS TRYING TO KEEP UP WITH THE DEMAND. SITES ARE BECOMING OVERLOADED SO THERE IS A CAPACITY NEED.

COUNCILOR MCCAUL ASKED IF THEY WERE LOOKING AT ANY OTHER SITES IN TAUNTON.

MR. VELLANTE SAID THAT THERE ARE OTHER ONGOING PROJECTS THROUGHOUT THE AREA, BUT HE DOES NOT KNOW IF THERE ARE ANY SPECIFICS AT THIS TIME. THEY ARE CONSTANTLY MONITORING THE AREA.

COUNCILOR MCCAUL ASKED IF ANY STUDY WAS DONE ON THE HEALTH EFFECTS.

MR. VELLANTE SAID THAT WITH VERIZON'S FCC LICENSE, THEY HAVE TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE FCC.

ATTORNEY THOMPSON FURTHER SAID THAT PURSUANT TO THE FCC LICENSE THEY ARE REQUIRED TO MEET A CERTAIN LEVEL OF RADIO FREQUENCY. IF THAT LEVEL IS MET IT IS DEEMED SAFE BY THE FEDERAL GOVERNMENT. NOW UNDER FEDERAL LAW, IF THAT LICENSE IS MAINTAINED AND THOSE LEVELS ARE MET THE GOVERNMENT HAS DEEMED IT SAFE AND HAS SAID THERE ARE NO HEALTH EFFECTS ON ABUTTING RESIDENTS, AND AS SUCH THAT TOPIC IS NOT IN THE PURVIEW FOR A LOCAL MUNICIPALITY TO DISCUSS.

COUNCILOR MCCAUL ASKED REGARDING THE INDEPENDENT STUDY AND HOW THE TOWER WOULD NOT EFFECT PROPERTY VALUES, WAS THE INDEPENDENT PERSON A LOCAL REAL ESTATE PERSON OR FROM OUTSIDE.

ATTORNEY THOMPSON SAID HE IS FROM OUTSIDE OF TAUNTON. THEY ARE MASSACHUSETTS APPRAISER AND SPECIALIZE IN THE TELECOMMUNICATIONS INDUSTRY. THEY DO UTILIZE LOCAL DATA.

COUNCILOR MCCAUL STATED THAT HE WANTS A STUDY DONE BY AN INDEPENDENT REALTOR IN THIS AREA RELATIVE TO WHAT THE IMPACT OF THE TOWER WOULD BE ON PROPERTY VALUES.

COUNCIL PRESIDENT BORGES NOTED THAT THEY HAD A STUDY AND ACTUALLY SUBMITTED A REPORT WITH THE PROPERTY VALUES WITH SOMEONE THAT SPECIALIZES IN THIS AREA.

ATTORNEY THOMPSON SAID IF THE COUNCIL WOULD LIKE, THEY WOULD BE COMFORTABLE HAVING THEIR REAL ESTATE CONSULTANT ATTEND THE PUBLIC HEARING, THAT IS SOMETHING THAT THEY COULD DO. SHE CAN ALSO BRIEF THE ISSUE PRIOR TO THE PUBLIC HEARING ON WHAT THE STANDARDS ARE THAT ARE USUALLY LOOKED AT WHEN PROPERTY VALUES IN THIS AREA OF TELECOMMUNICATIONS ARE REVIEWED.

COUNCILOR MCCAUL SAID HE WOULD WANT THAT.

MOTION: TO INVITE THE REAL ESTATE CONSULTANT IN TO MEET WITH THE COUNCIL DURING THE PUBLIC HEARING. SO VOTED.

MOTION: THAT AN INDEPENDENT STUDY BE DONE FROM A REAL ESTATE PERSON WITHIN THE CITY OF TAUNTON ON HOW THE PROPERTY VALUES WOULD BE AFFECTED.

COUNCILOR MCCAUL SAID THAT THE INFORMATION AND RESEARCH HE HAS BEEN RECEIVING IS THAT IT WILL EFFECT PROPERTY VALUES 20%, IT WILL LOWER THE PROPERTY VALUES 20% AND THIS NEEDS TO BE LOOKED AT.

THE MOTION WA SECONDED, ON DISCUSSION BY COUNCILOR COSTA-HANLON. SHE NOTED THAT THEIR CONSULTANT'S EVALUATION HAS BEEN PART OF THE RECORD FOR THE ZBA HEARING, SO SHE IS NOT SURE WHETHER SHE IS COMFORTABLE HAVING THE CITY OR THE APPLICANT PAY FOR SOMEONE NEW,

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MAY 19, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

BUT SHE WOULD CONSIDER HAVING A LOCAL PERSON REVIEW THEIR REAL ESTATE CONSULTANTS REPORT.

ATTORNEY THOMPSON ASKED THAT THE COUNCIL REVIEW THEIR DATA AND HEAR THE TESTIMONY OF THEIR EXPERT, SPECIFICALLY NOW KNOWING THE CONCERNS THE ABUTTERS HAVE RAISED. SHE DID SAY THAT THEY COULD ASK HIM IF THERE ARE ANY COMPARABLES IN TAUNTON, BUT SHE DOES NOT KNOW IF THERE ARE. SHE ALSO SAID HE IS NOT A REAL ESTATE BROKER HE IS A CERTIFIED APPRAISER AND THERE IS A FUNDAMENTAL DIFFERENCE. SHE DOES NOT KNOW OF A CERTIFIED APPRAISER WITH THIS EXPERTISE WITHIN THE CITY. IN FACT, HE IS ONLY 1 OR 2 THAT SHE KNOWS OF WITHIN THE COMMONWEALTH OF MASSACHUSETTS. IT DOESN'T MEAN THAT THERE AREN'T OTHERS, BUT AGAIN, SHE WOULD BESEACH THE COUNCIL TO REVIEW THE DATA AND TO ALLOW HIM TO EXPAND UPON IT AND ADDRESS THE CONCERNS THAT HAVE BEEN RAISED.

COUNCILOR COSTA-HANLON SAID THAT SHE WOULD SAY THAT IF THEY STILL HAD QUESTIONS ABOUT HIS METHODOLOGY THEY COULD STILL DISCUSS BRINGING IN THE COUNCIL'S OWN PERSON, OR EVEN HAVE SOMEONE THAT MAY BE ABLE TO REVIEW IT PRESENT AT THE HEARING. SHE HAS A CONCERN WITH THE COUNCIL HIRING THEIR OWN CONSULTANT OR ASKING THE APPLICANT TO HIRE ANOTHER CONSULTANT. SHE IS NOT COMFORTABLE WITH THE MOTION.

COUNCILOR CARR SAID THAT SHE DOES NOT FEEL COMFORTABLE MAKING A MOTION TO TELL THE APPLICANT THAT THEY HAVE TO GO GET SOMEONE, BUT SHE WOULD BE VERY COMFORTABLE SAYING I WANT YOU TO GET SOMEONE OR I AM VOTING NO. THEY CAN MAKE THE DECISION AS TO WHETHER THEY WANT TO GET ANOTHER REAL ESTATE AGENT TO LOOK AT THE PROPERTY IN TAUNTON. SHE IS ALSO INTRIGUED THAT 4 ABUTTERS WERE IN FAVOR OF THE PROJECT SO SHE WOULD BE INTERSTED TO KNOW WHO THEY WERE. SHE ALSO SAID PERSONALLY SHE DOES FEEL IT DOES HAVE AN EFFECT ON PROPERTY VALUES.

COUNCILOR QUINN SAID THAT THIS IS A HIGHLY SPECIALIZED TYPE OF ANALYSIS THAT YOUR AVERAGE REAL ESTATE BROKER WOULD NOT BE EQUIPPED TO DO. SHE FEELS THAT THE COUNCIL NEEDS TO SEE THE REPORT AND THEN COULD DECIDE TO HAVE SOMEONE LOCAL AT LEAST LOOK AT THE REPORT. COUNCILOR CROTEAU ASKED IF THERE WERE SIMILAR TOWERS IN THE CITY.

IT WAS STATED THAT THERE ARE OTHER TOWERS IN THE CITY BUT NOT SIMILAR TO THIS ONE.

COUNCILOR CROTEAU SAID THAT HE WILL LOOK AT THE DECLINE IN PROPERTY VALUES. HE ALSO SAID THAT WHETHER OR NOT THE TOWERS ARE SIMILAR OR NOT, THERE IS A TOWER, SO WAS THERE A DECLINE IN THE VALUE OF THE SURROUNDING PROPERTIES. THAT IS WHAT HE WILL BE LOOKING FOR. HE WANTS A CERTIFIED APPRAISER TO DO A VALUATION.

COUNCILOR MCCAUL URGED THE COUNCIL TO SUPPORT HAVING AN INDEPENDENT STUDY TO LOOK AT HOW IT IS GOING TO AFFECT THE PROPERTY VALUES.

ON THE MOTION, COUNCILOR CLEARLY NOTED THAT THIS IS VERY COMPLICATED SCIENTIFIC ANALYSIS OF DATA OVER A PERIOD OF TIME. HE IS NOT SITTING HERE SAYING IS THERE SOMEONE AVAILABLE IN TAUNTON WHO IS GOING TO SPEND THE TIME DOING THIS AND HOW MUCH IS IT GOING TO COST TO GET THIS ADDITIONAL DATA. THEN IF THE PERSON DOES IT AND GIVES A REPORT AND SOMEONE CHALLENGES HIS OR HER ABILITY TO DO THE REPORT AND DRAW THESE CONCLUSIONS, THEN WE HAVE GOTTEN NOWHERE. HE IS NOT COMFORTABLE VOTING FOR THE MOTION. HE IS IN SUPPORT OF LISTENING TO THE PRESENTATION, LOOKING AT THE REPORT, AND THEN DEBATING OR DISCUSSING WHETHER WE NEED TO DO SOMETHING ELSE.

COUNCILOR BORGES STATED THAT SHE IS A LITTLE DISAPPOINTED THAT THIS WAS HEARD BEFORE THE ZONING BOARD OF APPEALS MANY MONTHS AGO AND AT THAT ZONING MEETING THERE WAS A REQUEST OR IT WAS STATED THAT THERE WAS GOING TO BE A CONSULTANT THAT WAS GOING TO COME IN, AND THAT THIS WAS ALREADY DONE. AT THAT POINT IN TIME THE RESIDENTS WERE CONCERNED

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MAY 19, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE - CONTINUED

STRUCTURES, AND ALSO HEALTH CONCERNS. ALSO THAT THE REAL ESTATE CONSULTANT BE HERE FOR THAT HEARING.

MEETING ADJOURNED AT 8:49 P.M.

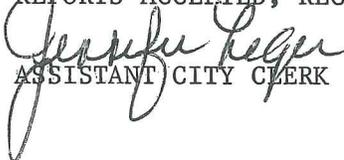
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

CITY OF TAUNTON
MAY 19 2015
IN MUNICIPAL COUNCIL

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


ASSISTANT CITY CLERK



CITY OF TAUNTON

ORDER #18
FY 2015
MAY 19, 2015

In Municipal Council 20.....

Ordered, That

THE SUM OF SIX THOUSAND DOLLARS AND NO

CENTS (\$6,000.00) BE AND HEREBY IS TRANSFERRED FROM BUILDING DEPARTMENT

ACCOUNT NO. 01-493-5200-5269 – PUBLIC BUILDING REPARIS EXPENSES AS FOLLOWS:

- \$5,000.00 TO BUILDING DEPARTMENT ACCOUNT NO. 01-192-5200-5212 – GAS**
- \$600.00 TO BUILDING DEPARTMENT ACCOUNT NO. 01-192-5200-5230 – WATER/SEWER**
- \$400.00 TO BUILDING DEPARTMENT ACCOUNT NO. 01-192-5200-5211 – ELECTRICITY**

..... *Clerk.*



CITY OF TAUNTON

ORDER #19
FY 2015
MAY 19, 2015

In Municipal Council 20.....

Ordered, That THE SUM OF NINETY ONE THOUSAND THREE
HUNDRED FIFTY THREE DOLLARS AND EIGHTEEN CENTS (\$91,353.18) BE AND
HEREBY IS TRANSFERRED FROM RESERVE ACCOUNT NO. 01-132-5200-5784

TO: POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5134 – PATROLMEN –
SALARIES AND WAGES

..... Clerk.



CITY OF TAUNTON

ORDER #20
FY 2015
MAY 19, 2015

In Municipal Council 20.....

Ordered, That **THE SUM OF NINETY THREE THOUSAND EIGHT
HUNDRED FIFTY ONE DOLLARS AND FIFTY NINE CENTS (\$93,851.59) BE AND
HEREBY IS TRANSFERRED FROM RESERVE ACCOUNT NO. 01-132-5200-5784 AS
FOLLOWS**

- \$13,139.00 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5131 (CAPTAINS)
- \$34,725.00 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5132 (LIEUTENANTS)
- \$45,987.59 TO POLICE DEPARTMENT ACCOUNT NO. 01-210-5100-5133 (SERGEANTS)

..... *Clerk.*