



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, July 14, 2015 at 7:30 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

A moment of silence was held for Mary Gordon, who was a prior City Clerk for the City of Taunton who passed away this past weekend.

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Borges, Cleary, Costa-Hanson, Croteau,
McCaul, Quinn, Pottier
Councilor's Carr and Marshall are absent.*

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

Communications from the Mayor:

Council President Borges discussed that the RFP is in for Barnum School and there was only one bidder. **Motion was made to refer to the Committee on Public Property next week and invite the City Solicitor and Wayne Walkden to the meeting. So Voted.** Councilor Croteau voted in opposition.

Communications from City Officers:

Com. from General Manager, TMLP responding on Double-Pole Status within the Taunton City Limits. **Council President Borges motioned to thank Mr. Goulart for generating this informative report and refer this to the Committee on the DPW and the ADA Commission. So Voted. Councilor Cleary motioned to draft a letter, along with a copy of this letter to Verizon and Comcast asking for a written response as to what they want to do about the problem by September 1, 2015. He would like to see a note back from them saying that they have received the memo on the double poles and understand that it is an issue in Taunton and they will commit to addressing each of those poles in the next year or year and a half. So Voted.** Councilor Croteau stated that in having the experience of meeting with Verizon a year or two ago, they sat in front of the Council and said that there are a half dozen double poles. He stated that there are far more than a half dozen. He thinks that Verizon, given their size is ignoring the City. He is in favor of Councilor Cleary's motion.

Com. from Craig Foley, Transmission and Distribution Manager, TMLP responding on traffic signals at the intersection of Broadway and West Britannia Street. **Motion was made to receive and place on file. So Voted.** Councilor Quinn stated that she is in favor of the motion and wanted to clarify that it is East Britannia Street not West Britannia Street. **Councilor Quinn motioned to ask for a follow up in 60 days to see if that has been remedied. So Voted.**

Communications from Citizens:

Com. from Pastor Jack DaGraca, Father's House Family Church, PO Box 120, Raynham extending an invitation to the 9th Annual Church at the Park which will be held on Saturday, August 22nd at 12pm at Memorial Park. They are requesting use of the portable stage and a waiver of the fee. **Councilor McCaul motioned to grant approval, waive the fee and refer to the DPW to make sure that the date is available. So Voted.** Council President Borges stated that the trailer is open to Taunton events which take priority over other towns. Mayor Hoyer agreed. Councilor Pottier stated that this is one of the nicest events of the summer. **He discussed that in the future maybe a person from the City's social service department could be there or a voter registration drive could be held there.** He stated that there must be 1000 people in and out of there at the event.

Petitions:

Petition submitted by Jaime Collazo, 4 Vine St., Taunton requesting a new Temporary Fixed Vendor License –dba- Streamliner to be located at 447 Broadway, Taunton to sell hot dogs, food, and cold beverages. **Councilor Costa Hanlon motioned to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Karen Letendre, 49D North Main St., Berkley seeking reimbursement for damages to her automobile from hitting a pothole on Berkley Street near Southern-Redi Mix. **Councilor McCaul motioned 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.

Unfinished Business:

Councilor Cleary motioned to get a bi-weekly report on the balance due on the Whittenton Mills fire watch as it accumulates. So Voted.

Councilor Quinn motioned to get an update from the DPW regarding the street lining on the green. So Voted. She is wondering if they will paint the "Merge" signs because she sees a lot of road rage in that area. Mayor Hoyer stated that the whole green should be repaved by the last week of August. He stated that they have talked about different signaling and signage on the green and mentioned that the "Yield" sign has to go back. He stated that we have done a beautiful job downtown and it is time to finish it. Councilor Cleary asked who would give the Council a briefing on what it is going to look like. Mayor Hoyer stated that it looks similar to how it used to be. Councilor Cleary stated that he thought that there is going to be a new island. Mayor Hoyer agreed. **Councilor Cleary motioned for BETA to come in and update the Council on what their plans are by the last week of July. So Voted.** Councilor Costa Hanlon stated that the Safety Officer is looking at the section of Cohannet Street by the Post Office Square to put an island in. **Councilor Costa Hanlon motioned for the Safety Officer to report back to the Council on his plans. So Voted.**

Council President Borges stated that she has gotten several phone calls about the high grass which obstructs the view on 616 Bay Street, the house on the corner of Richard and Bay Streets. She stated that she has spoken to Mary Jane, Zoning Enforcement Officer, who is going to look into it.

Council President Borges stated that there was a meeting held today with the architects regarding the future of City Hall. Mayor Hoye stated the he, Council President Borges and Wayne Walkden met with the architects from Durkee Brown to get an update and talk about the usage of the former Star Theater space. They also spoke about what offices have to go back to City Hall and what departments could remain here at Maxham School. He stated that the City has the property at School Street which has vacancy on the third floor so the Board of Health could be moved to Oak Street. The MOCD should go to City Hall because they belong near the Mayor's Office. He stated that they have the Park & Rec building which has many ADA issues that he would love to take off line immediately or as soon as possible. The Building Department and some others could come over here as well. He stated that utilizing this building and other potential sites will probably be talked about next week. He stated that it is time to get City Hall moving again. He believes that there is about \$280,000.00 left in the original fund. There is a change order to the existing contract so they can look at the Star site and some of the other issues surrounding it which would cost about \$53,000 to move forward. He stated that it will be referred to the Committee on Public Property or the Committee on Finance and Salaries for next week. Mr. Walkden can be here next week to discuss it in further detail. **Council President Borges motioned to refer this to the Committee on Public Property for next week and that Mr. Walkden is present to discuss this. So Voted.**

New Business:

Councilor Pottier asked what the status is on the street sweeper. Mayor Hoye stated that we have just received the new street sweeper which should be put on the road shortly. He stated that last Thursday, one of the hydraulic lines on our current sweeper let go in East Taunton. It is in the process of being fixed and hopefully next week there will be two operating street sweepers in the city. The bid to have a private contractor do it was about \$175,000.00. It is cheaper for the City to pay overtime to get it done. **Councilor Pottier made a motion to refer the street sweeper to go to West Britannia Street and Stevens Street. So Voted.** Mayor Hoye stated that it will also be going to the Bird Lanes.

Councilor Pottier motioned to refer to the DPW the potholes on Second Street on the front half by Somerset Avenue and the back half near Clay Street. So Voted.

Councilor Pottier motioned for either the Zoning Enforcement Officer or the Police Department to share information with the Council about what can be done about Hours of Operation for car service stations and if there are any stipulations on what they can be open for. So Voted. He stated that he gets complaints that certain service stations are doing business at 11pm, 12am, and 1am.

Councilor Pottier stated that he spoke to someone regarding the signage at Hopewell Park working in conjunction with the parking lot at Coyle Cassidy with some signage there. He stated that it would allow the Police Department to better police that area. **Motion was made to refer to Lt. Warish, the Parks, Cemeteries and Public Grounds**

Department and the Committee on Police and License in regards to signage at Hopewell Park in conjunction with the parking lot at Coyle Cassidy. He would like signage in each parking lot designating parking for the appropriate entity that informs people that violators will be towed which would allow the Police Department to better police the area. So Voted.

Councilor Costa Hanlon motioned to notify Councilor Carr to notify the Superintendent of Schools when the stadium is being discussed. So Voted. The Superintendent was not aware that it was being discussed in the Committee on Public Property.

Councilor Costa Hanlon stated that there have been a lot of complaints because the Police have been enforcing the no left turn onto Frederick Martin Parkway. It has always been a no left turn but they have really been enforcing it. She wanted to get the word out that you will be ticketed if you take that left coming down Washington Street onto Frederick Martin Parkway. Mayor Hoyer stated that it has only been no left turn since the construction. Councilor Costa Hanlon stated that she spoke to a Police Officer who said it is in our ordinances but there was never a sign there. Mayor Hoyer stated that he used to get a lot of emails complaining that people were taking turns there and there was no enforcement. Now there is enforcement and there are still complaints. He stated that the signs have been there since the construction. He stated that the reason the construction has taken so long is because of the incredible amount of utility work that has to be done in that area. He spoke about the major sewer collapse in front of the funeral home. He asked for everyone's continued patience. It is actually ahead of schedule and will be done in a timely fashion.

Councilor Quinn motioned to refer to the DPW to take a look at the "No Parking" signs at the corner of Granite Street and Hodges Avenue which are faded so you can't even read them. Councilor Pottier motioned to add the faded sign on Gordon Owen Riverway to be looked at. So Voted.

Councilor Cleary stated that he has contacted the TMLP a couple of times about the pedestrian crossing signal at the corner of Highland and Winthrop Streets. He stated that one of them is not working; he believes it is the one on the east side on Winthrop Street and the south side of Highland Street. Motion was made to notify the TMLP to make that correction. So Voted.

Meeting adjourned at 8:00 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 14, 2015

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILOR POTTIER

MEETING CALLED TO ORDER AT 5:46 P.M.

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

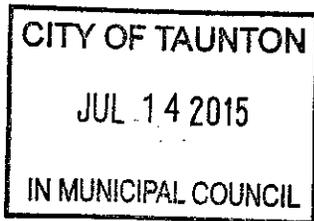
MOTION: MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:47 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 14, 2015

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CLEARY AND CROTEAU. ALSO PRESENT WERE CITY SOLICITOR JASON BUFFINGTON AND POLICE CHIEF EDWARD WALSH

MEETING CALLED TO ORDER AT 6:10 P.M.

1. MEET WITH THE POLICE CHIEF, LT. MCCABE AND CITY SOLICITOR TO DISCUSS PROPOSED TOW CONTRACT

THE CHAIRMAN STATED THAT SHE RECEIVED AN E-MAIL FROM LT. MCCABE INFORMING HER THAT HE WAS NOT AVAILABLE TO ATTEND TONIGHT'S MEETING.

MOTION: TO CONTINUE THIS FOR ONE WEEK. COPY OF THE PROPOSED CONTRACT IS TO BE PROVIDED TO THE COUNCIL NO LATER THEN FRIDAY, NOON BEFORE THE MEETING. THE DRAFTED PROPOSAL IS TO BE SENT TO THE SIX CURRENT TOW CONTRACTORS. LT. MCCABE IS TO WALK THROUGH THE CONTRACT AND PROVIDE EXPLANATIONS. SO VOTED.

2. MEET WITH THE POLICE CHIEF TO DISCUSS HIRING NEW POLICE OFFICERS

A LETTER HAD BEEN REFERRED TO BOTH THE COMMITTEE ON POLICE AND LICENSE AND COMMITTEE OF THE COUNCIL AS A WHOLE DATED 5/28/2015 IN WHICH LATIN PASS, INC. REQUESTED TO HAVE A SPANISH SPEAKING POLICE OFFICER HIRED TO ASSIST THE POLICE DEPARTMENT IN SERVING ALL TAUNTONIONANS.

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

THE CHAIRMAN SAID THAT WHAT WAS REFERRED TO THIS COMMITTEE WAS 3 NEW HIRES, THEY ARE ALL BUDGETED AND READY TO GO. THE DISCUSSION IS TO HAVE ONE OF THOSE NEW HIRES TO BE A SPANISH SPEAKING POLICE OFFICER.

COUNCILOR CLEARY NOTED THAT THE CITY CLERK SHOULD BE ASKED IF A SECOND LIST HAS TO BE REQUESTED FOR SPANISH SPEAKING CANDIDATES.

THE CHAIRMAN SAID THAT SHE SPOKE TO THE CITY CLERK AND ALL THAT IS NEEDED IS A MOTION BY THIS COMMITTEE THAT HAS BEEN APPROVED BY THE COUNCIL AS A WHOLE, ASKING HER TO CALL FOR ONE SPANISH SPEAKING OFFICER.

MR. CLEARY STATED THAT HE IS A BIG BELIEVER IN HIRING THE BEST POSSIBLE CANDIDATE. HE WILL STILL DEPEND ON THE CHIEF'S RECOMMENDATION AND THE BACKGROUND CHECKS TO MAKE THE FINAL SELECTION. HE WOULD LIKE TO SEE A FEMALE OFFICER AS WELL, BUT IT DEPENDS ON WHAT THE CHIEF HAS AVAILABLE TO HIM.

THE CHIEF NOTED THAT JUST BECAUSE YOU ASK FOR A SPANISH SPEAKING PERSON, IT DOES NOT MEAN THAT YOU WILL GET SOMEONE OF SPANISH DESCENT.

COUNCILOR CROTEAU MADE THE FOLLOWING MOTION:

MOTION: TO SO REQUEST FROM CIVIL SERVICE.

COUNCILOR CLEARY SECONDED THE MOTION, AND ON DISCUSSION COUNCILOR CROTEAU SAID THAT THEY SHOULD ALSO CHECK WITH THE CITY SOLICITOR AND CHECK WITH CIVIL SERVICE.

THE CHAIRMAN NOTED THAT THE CITY CLERK SAID THIS WOULD NOT BE AN ISSUE.

COUNCILOR CROTEAU SAID HE WANTS IT IN WRITING FROM CIVIL SERVICE SAYING THAT WHAT THE COMMITTEE IS LOOKING TO DO IS O.K.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

COUNCILOR POTTIER THEN ASKED IF THERE WAS AN OFFICER CURRENTLY ON THE FORCE THAT CAN SPEAK SPANISH.

THE CHIEF SAID THEY DO HAVE OFFICERS THAT ARE FLUENT IN PORTUGUESE AND ALSO CAN SPEAK SPANISH.

THE MOTION WAS CLARIFIED AS FOLLOWS:

MOTION: TO REQUEST FROM CIVIL SERVICE A LIST FOR 3 OFFICERS, ONE OF WHICH WILL BE SPANISH SPEAKING. CIVIL SERVICE IS TO BE ASKED TO PROVIDE A WRITTEN STATEMENT SAYING THAT WHAT THE COMMITTEE WOULD LIKE TO DO IS OK, AND ALSO TO REFER THIS TO THE CITY SOLICITOR FOR HIS OPINION.

A REPRESENTATIVE OF LATIN PASS SPOKE IN FAVOR OF THIS MATTER.

THE MOTION WAS VOTED ON AND PASSED BY UNANIMOUS VOTE OF THE COMMITTEE.

THE CHIEF ALSO INFORMED THE COMMITTEE THAT HIS CONCERN IS LAYOFFS IN OTHER COMMUNITIES, SO THERE MAY BE A RE-EMPLOYMENT LIST. THE CHIEF SAID HE WILL CALL FOR THE LIST TONIGHT.

3. MEET WITH THE POLICE CHIEF AND CITY SOLICITOR TO DISCUSS PROPOSED CLASS II LICENSE APPLICATION

COUNCILOR COSTA-HANLON SAID THAT HOPEFULLY EVERYONE HAD THE TOWN OF EASTON EXAMPLE THAT WAS SENT OUT A WHILE AGO, THAT DETECTIVE SMITH CANNOT BE HERE TO GO OVER THIS BUT SHE HAS SPOKEN TO HIM A NUMBER OF TIMES ON THIS MATTER, AND SHE HAS ALSO SPOKEN TO THE CITY CLERK ALSO.

COUNCILOR CROTEAU ASKED IF THE COMMITTEE WAS BEING ASKED TO VOTE TONITE.

COUNCILOR COSTA-HANLON SAID NO, THIS IS JUST TO REVIEW IT, TO GET INPUT FROM THE CITY SOLICITOR.

COUNCILOR CROTEAU SAID THAT PRIOR TO A VOTE, HE WOULD ASK THAT DETECTIVE SMITH BE HERE AND AGAIN WALK THE COMMITTEE THROUGH THE DOCUMENT.

THE CHIEF SAID THAT HE HAS NOT SEEN THE FINAL DRAFT THAT THE CITY SOLICITOR HAS BEEN WORKING ON. HE HAS REFERRED THE EASTON APPLICATION.

COUNCILOR CROTEAU THEN SAID THAT THE DOCUMENT THE COMMITTEE IS GOING TO BE ASKED TO VOTE ON, THE COMMITTEE HAS NOT SEEN YET, BECAUSE THAT IS THE DOCUMENT THE CITY SOLICITOR IS REVIEWING.

COUNCILOR CLEARY SAID THAT HE DOES NOT WANT TO SPEND TIME GOING THROUGH THE EASTON PROPOSAL IF DETECTIVE SMITH AND ATTORNEY BUFFINGTON HAVE ALREADY DRAFTED A NEW COPY. HE DOES NOT WANT TO DEBATE THINGS THEY HAVE ALREADY DECIDED ON. HE WOULD RATHER PUT OFF THE DISCUSSION UNTIL THE COMMITTEE HAS A COPY OF THE DRAFT THAT DETECTIVE SMITH AND ATTORNEY BUFFINGTON HAVE BEEN WORKING ON BUT HAVEN'T FINISHED. HE SEES NO NEED TO BE GOING THROUGH WHAT EASTON HAS IF IT IS NOT THE CITY'S.

COUNCILOR COSTA-HANLON SAID THAT DETECTIVE SMITH DID NOT LET HER KNOW AS THE CHAIR THAT HE WAS NOT GOING TO BE HERE UNTIL LAST WEEK. SHE WOULD HAVE GLADLY RESCHEDULED THIS FOR JULY 21ST. THIS WAS REFERRED TO ATTORNEY BUFFINGTON TO SEE IF HE FELT THAT THE TOWN OF EASTON APPLICATION WAS A GOOD STARTING POINT FOR THE CITY. IF HE SAYS NO, THAT IS FINE, BUT IF HE SAYS YES SHE IS HOPING IT CAN BE USED AS A DRAFT.

ATTORNEY BUFFINGTON WAS ASKED TO GIVE HIS IMPRESSION OF THE TOWN OF EASTON'S APPLICATION PROCESS FOR CLASS II LICENSES AND LET THE COMMITTEE KNOW IF IT WOULD WORK AT ALL FOR THE CITY, AND IF IT WOULD HOW TO MOVE FORWARD FROM HERE.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

ATTORNEY BUFFINGTON SAID THAT THE LAW FOR USED CAR AUTO DEALERSHIPS IS SET FORTH IN CHAPTER 140 SECTIONS 57-69. MOST OF THE LAW COMES FROM THE STATE AND THERE IS VERY LITTLE OF THAT WHICH CAN BE CHANGED. THE DOCUMENT THAT WAS SENT TO HIM FROM DETECTIVE SMITH DOES NOT SAY ANYTHING ABOUT EASTON ON IT, BUT HE HAS BEEN TOLD THAT THERE IS SOMETHING THAT EASTON USES. WHAT HAS BEEN STYLED AS SECTION 12-215 HE CAN TELL THAT THIS IS UNLIKELY TO BE EASTON'S SECTION BECAUSE OUR CURRENT ORDINANCES ARE SECTION 12-215, SO SOMEBODY MUST HAVE DONE SOME EDITING TO THIS DOCUMENT. HE DOES THINK THAT THE CITY'S EXISTING ORDINANCE SHOULD BE CHANGED A BIT, SO THIS WOULD APPEAR TO RE-WRITE SECTION 12-215. MOST OF THE DRAFT IS VERBATUM FROM THE MASS. GENERAL LAWS.

ATTORNEY BUFFINGTON SUGGESTED TAKING OUT SUB-SECTIONS A AND B. THOSE THINGS ARE NOT IN THE GENERAL LAWS. SECTION A REFERENCES THE TOTAL NUMBER OF CLASS II LICENSES AVAILABLE SHALL BE 50 AND B DEALS WITH NO LICENSE WILL BE GRANTED TO ANY APPLICANT WITH OUTSTANDING UNPAID TAXES OR FEES OWED TO THE CITY. THE SITUATION IN TAUNTON IS THAT THE ONLY WAY YOU CAN GET A LICENSE ONCE YOU SET A CAP ON IT IS TO BE STUCK IN THE PROCESS OF TRANSFERS. THIS CREATES AN ARTIFICAL CAP ON THE NUMBER OF LICENSES THAT THE APPEALS COURT FOUND WAS NOT SOMETHING THAT WAS CONTEMPLATED BY THE STATUTE. THE APPEALS COURT SAID THAT YOU HAVE TO PASS ON THE MERITS OF EACH APPLICATION AS IT COME IN THE DOOR. THINK OF IT NOT LIKE A LIQUOR LICENSE, AS THEY HAVE A STATUTORY CAP ON THE NUMBER OF LICENSES, THINK OF IT MORE AS A SECOND HAND ARTICLE LICENSE WHERE EVERYONE THAT COMES IN YOU EITHER APPROVE IT OR DENY IT. CHAPTER 140 SECTIONS 57-69 SET FORTH A NUMBER OF MINIMUM CRITERIA THAT AN APPLICANT MUST FIT IN ORDER TO OBTAIN A LICENSE. A LOT OF THOSE CRITERIA ARE PUT IN THE DRAFT. REGARDING LETTER C IN THE DRAFT, WHICH STATES THAT THE SALE OF MOTOR VEHICLES SHALL BE THE PRINCIPAL BUSINESS OF THE APPLICANT., AND FURTHER, THE APPLICANT MUST BE ACTIVELY INVOLVED IN THE SALE OF USED MOTOR VEHICLES IN THE CITY OF TAUNTON. NO "POCKET" LICENSES WILL BE ISSUED. THE CITY SOLICITOR SAID THAT THIS CITES A CHAPTER – CHAPTER 140, SECTION 58 BASICALLY SAYS THAT THE ONLY PEOPLE WHO CAN BE GRANTED A USED CAR DEALERS LICENSE MUST BE A PERSON WHOSE PRINCIPAL BUSINESS IS THE BUYING OR SELLING OF SECOND HAND OR USED VEHICLES. THE PRINCIPAL BUSINESS IS ONE OF THE 3 CENTRAL CRITERIA. CITY SOLICITOR BUFFINGTON SAID THE SECOND SENTENCE REGARDING POCKET LICENSES IS NOT NEEDED.

HE FURTHER NOTED THAT IN THE DRAFT, LETTER D IS FINE, E IS FINE, AND F IS NOT SOMETHING THAT IS REQUIRED BY THE STATUTE. THIS SAYS THAT A PLOT PLAN SHALL BE SUBMITTED TO THE MUNICIPAL COUNCIL IN ADDITION TO ANY THAT MAY BE REQUIRED BY THE OTHER MUNICIPAL BOARDS. COUNCILOR COSTA-HANLON ASKED IF THE COUNCIL COULD REQUIRE SOMETHING LIKE THIS, TO WHICH ATTORNEY BUFFINGTON SAID YOU CANNOT REQUIRE SOMETHING THAT CONFLICTS WITH THE LAW, SO YES, THE COUNCIL CAN REQUIRE CERTAIN THINGS THAT ARE CONSISTENT WITH THE LAW BUT NOT NECESSARILY THINGS THAT CONFLICT. ONE OF THE STATUTORY CRITERIA, WHICH APPEARS IN SECTION 59 IS THAT NO LICENSE SHALL BE GRANTED UNLESS THE LICENSING BOARD IS SATISFIED FROM AN INVESTIGATION OF THE FACTS IN THE APPLICATION AND ANY OTHER INFORMATION THAT THEY MAY REQUIRE, BUT IN PARTICULAR FOR THIS ONE THE STATUTORY REQUIREMENT IS THE APPLICANT HAVE AN AVAILABLE PLACE OF BUSINESS SUITABLE FOR THE PURPOSE. THE COUNCIL AS THE LICENSING AUTHORITY WOULD HAVE TO MAKE THAT FINDING THAT THE PLACE IS SUITABLE. IF YOU LOOK AT THE PROPOSED REQUIREMENT OF A PLOT PLAN, YES, HE THINGS IT COULD BE REASONABLY RELATED TO THE STATUTORY CRITERIA WHERE IT IS SOMETHING THAT THE COUNCIL COULD REQUIRE. WHETHER THE COUNCIL WANTS TO REQUIRE EVERY PERSON TO GO THROUGH THAT EXPENSE IS A POLICY DECISION THE COUNCIL NEEDS TO MAKE.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

COUNCILOR BUFFINGTON SAID 12-215 SEEMS FINE. HE ALSO WANTED TO BRING TO THE COUNCIL'S ATTENTION THAT THERE DOES NOT APPEAR TO BE ANY PROPOSAL, AND IF YOU LOOK AT THE EXISTING ORDINANCES WE ONLY HAVE 12-215 WHICH HE AGREES SHOULD BE REWRITTEN IN SOME FORM, AND THE ONLY OTHER ORDINANCE ON THIS IS SECTION 12-216 WHICH TALKS ABOUT THE LICENSE FEES.

THERE

WAS NOTHING PRESENTED TO THE CITY SOLICITOR THAT TALKED ABOUT CHANGING SECTION 12-216, BUT WHEN HE LOOKED AT SECTION 12-216 IT WOULD APPEAR THAT THE LAST TIME THAT ORDINANCE WAS REVISED WAS IN DECEMBER OF 2001 AND THE COUNCIL SHOULD BE AWARE THAT THE LEGISLATURE IN 2003 ENACTED A STATUTE AMENDED TO SECTION 59 THAT PERMITS THE FEE TO BE \$200.00. YOU DO NOT HAVE TO CHANGE IT, BUT THE LEGISLATURE DID CHANGE THAT.

COUNCILOR CROTEAU STATED THAT HE THINKS THE PLOT PLAN IS CRITICAL EVEN IF THERE ISN'T ANY LANGUAGE IN THE STATE LAW WE CAN STILL REQUIRE A PLOT PLAN. HE THINKS WHAT THE CITY SOLICITOR STATED THAT IF THERE ISN'T LANGUAGE IN THE STATE LAW THAT TELLS US WE CANNOT DO SOMETHING WE CAN DO IT. THE OTHER IS THAT BEING THAT THERE IS NO LONGER A LIMIT ON THE NUMBER OF LICENSES THAT CAN BE GRANTED, HE WOULD DEFINITELY WANT LANGUAGE IN THE ORDINANCE PROHIBITING TRANSFERS..

CITY SOLICITOR BUFFINGTON SAID THAT HE THINKS WHAT IS NOT HERE AND WOULD ADDRESS THE CONCERNS STATED BY COUNCILOR CROTEAU, IS THAT PERHAPS ANOTHER WAY TO ADDRESS THE ISSUE IS TO REQUIRE IN THE ORDINANCE THE DISCLOSURE BY THE APPLICANT OF THOSE PERSONS AND INDIVIDUALS, NAMES, DATES OF BIRTH, OF THE PERSONS WHO WILL BE ACTIVELY ENGAGED IN THE OWNERSHIP AND MANAGEMENT OF THE CONCERN AND FOCUS UPON THE APPLICANT A CONTINUING DUTY TO SUPPLEMENT THAT IN THE EVENT THAT THOSE THINGS CHANGE. THIS CERTAINLY GOES TO ONE OF THE 3 KEY STATUTORY CRITERIA THAT IS THE COUNCIL AS THE LICENSING BOARD MUST FIND THAT THE LICENSEE IS A PROPER PERSON. WHEN SOMEBODY FILES AN APPLICATION AND THE APPLICATION IS FILED AS AN INDIVIDUAL PERSON OR A SOLE PROPRIETORSHIP THAT MAKES IT EASY FOR THE LICENSING BOARD TO INVESTIGATE THAT PERSON FIND OUT WHO THEY ARE AND WHAT THEIR BACKGROUND IS AND WHETHER YOU THINK THERE IS ANYTHING ABOUT THAT PERSON THAT DOES NOT MAKE HIM A PROPER PERSON TO ENGAGE IN THIS BUSINESS. WHEN YOU HAVE AN LLC OR A CORPORATION THAT IS THE APPLICANT, IT IS ENTIRELY PROPER FOR A CORPORATION TO BE A LICENSED USED CAR DEALER. IT IS EASIER FOR SOMEBODY, IF THEY ARE INTERESTED IN TRYING TO HIDE THE FACT THAT THEY ARE THE ONES ACTIVELY ENGAGED IN THE BUSINESS IT IS EASIER FOR THEM TO DO THAT.

COUNCILOR CROTEAU SAID HE THINKS IT IS VERY SIMPLE TO SAY NO TRANSFERS AND THESE LICENSES THAT ARE GRANTED ARE NOT FOR SALE. THESE LICENSES ARE GRANTED FOR PEOPLE TO MAKE MONEY SELLING CARS. THESE LICENSES ARE NOT GRANTED TO PEOPLE TO MAKE MONEY SELLING LICENSES AND WHEN THERE IS A TRANSFER THAT IS EXACTLY WHAT HAPPENS. THESE LICENSES ARE NOT FOR SALE. HE WILL NOT VOTE FOR A PROCESS THAT ALLOWS TRANSFERS.

IN SECTION 12-217, ATTORNEY BUFFINGTON ASKED IF IT WAS THE COUNCIL'S INTENTION TO MAKE THESE MANDATORY CONDITIONS OF EVERY LICENSE. COUNCILOR COSTA-HANLON SAID THIS IS WHAT SHE WOULD LIKE TO SEE IN EVERY LICENSE.

ATTORNEY BUFFINGTON SAID IF THAT IS THE WAY IT IS INTENDED, YOU MIGHT WANT TO START OUT WITH A BEGINNING SENTENCE THAT SAYS THE MUNICIPAL COUNCIL MAY IMPOSE REASONABLE CONDITIONS ON THE ISSUANCE OF ANY LICENSE AND THE FOLLOWING SHALL CONSTITUTE MANDATORY CONDITIONS.

COUNCILOR COSTA-HANLON NOTED THAT THIS GIVES THE LEEWAY TO BE VERY SPECIFIC ABOUT A CERTAIN SITE OR NUMBER, ETC., BUT THESE WOULD BE THE ABSOLUTE BOTTOM THRESHOLD. IF THERE IS NO OTHER CRITERIA, AT LEAST IT WILL BE KNOWN THAT THESE HAVE TO BE MET.

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THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

ATTORNEY BUFFINGTON SAID REGARDING THE STATEMENT IN THIS SECTION CONCERNING FENCING, THERE ARE ZONING ORDINANCES ON FENCING. IF THERE IS ZONING THAT APPLIES, ZONING IS PROBABLY GOING TO CONTROL THIS AND HE IS NOT SURE HOW SUCCESSFUL THE COUNCIL WOULD BE IF THEY TRY TO IMPOSE A REQUIREMENT FOR MORE FENCING ON A PREMISES.

COUNCILOR COSTA-HANLON SAID THE NEXT SECTION IS THE NEW APPLICATION CRITERIA. IT LOOKS LIKE THESE ARE ITEMS THAT WERE DISCUSSED EARLIER, THAT IT HAS TO BE ON A REASONABLE SITE, A SUITABLE PLACE OF BUSINESS. IT WILL NOT BE DETRIMENTAL TO THE ESTABLISHED OR FUTURE CHARACTER OF THE NEIGHBORHOOD, THERE WILL BE NO NUISANCE OR SERIOUS HAZARD TO VEHICLES OR PEDESTRIANS, THE APPLICANT MUST SHOW THAT ADEQUATE AND APPROPRIATE FACILITIES WILL BE PROVIDED FOR THE PROPER OPERATION OF THE MOTOR VEHICLE DEALERSHIP, THE APPLICANT MUST SHOW THAT THE PUBLIC CONVENIENCE AND WELFARE WILL BE SUBSTANTIALLY SERVED AND THE APPLICANT MUST SHOW EVIDENCE AT THE TIME OF THE PUBLIC HEARING THAT HE OR SHE HAS NOTIFIED ALL ABUTTERS OF HIS OR HER APPLICATION.

ATTORNEY BUFFINGTON SAID THAT THERE IS NOTHING IN THIS PARTICULAR SECTION THAT BOTHERS HIM, BUT HE WOULD SAY THAT WHEN THE COUNCIL IMPOSES MINIMUM CRITERIA ON FOLKS BEFORE THEY CAN HAVE ONE OF THESE LICENSES, YOU WOULD BE WELL SERVED TO SET FORTH AS OBJECTIVE CRITERIA AS YOU CAN. SO THINGS LIKE YOU HAVE TO COMPLY WITH THE ZONING ORDINANCE, THE SPACES, ETC. THESE THINGS ARE ALL OBJECTIVELY VERIFIABLE. YOU HAVE SOME LANGUAGE IN THE DRAFT THAT SAYS THE APPLICANT BEARS THE BURDEN TO DEMONSTRATE THAT THE SALE OF MOTOR VEHICLES WILL NOT BE DETRIMENTAL TO THE FUTURE CHARACTER OF THE NEIGHBORHOOD. THAT IS NOT NECESSARILY AN OBJECTIVE CRITERIA, AND ALSO LETTER E IN THAT SECTION WHICH STATES THAT THE APPLICANT MUST SHOW THAT THE PUBLIC CONVENIENCE AND WELFARE WILL BE SUBSTANTIALLY SERVED IS NOT AN OBJECTIVE CRITERIA. THE COMPLIANCE WITH THE ZONING ORDINANCE AND THE D.I.R.B. WOULD BE MORE SUSTAINABLE. HE ALSO NOTED THAT HE THINKS THIS IS CONTAINED IN THE OPERATIONS CRITERIA SECTION, BUT IT IS REASONABLE TO HAVE A REQUIREMENT THAT ALL LICENSES, WHETHER IT IS A NEW LICENSE OR RENEWAL, THE APPLICANT BEARS THE BURDEN OF ESTABLISHING BY A PREPONDERANCE OF THE EVIDENCE THAT A,B,C,D,E, ARE MET.

COUNCILOR COSTA-HANLON SAID THAT SHE SAW THE OPERATIONS CRITERIA AS MORE OF A RENEWAL, A NEW STANDARD OF RENEWAL. SHE ALSO NOTED THAT SHE WANTS TO MAKE SURE THAT IN THIS DRAFT THERE IS THE RECORD KEEPING REQUIREMENT, SECTION 62 OF CHAPTER 140 WHICH IS THE REQUIREMENT OF KEEPING THE BOOK.

ATTORNEY BUFFINGTON SAID THAT IN THE APPLICATION CRITERIA, LETTER M STATES THAT ALL LICENSES GRANTED UNDER MGL CHAPTER 140 SECTION 59 SHALL BE REVOKED BY THE COUNCIL IF IT APPEARS, AFTER A HEARING, THAT THE LICENSEE IS NOT COMPLYING WITH MGL CHAPTER 140, SECTIONS 57-69 INCLUSIVE OR THE RULES AND REGULATIONS MADE THERE UNDER. THIS WOULD INCLUDE THE KEEPING OF THE BOOK.

COUNCILOR COSTA-HANLON WOULD LIKE TO INCORPORATE CHAPTER 140 SECTION 62 WITH THE APPLICATION.

COUNCILOR BUFFINGTON SAID THAT WHEN THE COUNCIL FINALIZES THE FORM OF THE APPLICATION, YOU ATTACH TO THE APPLICATION ITSELF THE ORDINANCE AND THE GENERAL LAWS. IT IS REASONABLE TO PUT SOMETHING ON THE APPLICATION THAT SAYS "I HEREBY CERTIFY THAT THE PERSON HAS SEEN THEM AND READ THEM", AND HAVE SOMEONE CERTIFY IT.

ATTORNEY BUFFINGTON FURTHER SAID THAT THE APPLICATIONS LOOK A LOT LIKE THE ONES THE CITY USES NOW. ONE THING HE THINKS IS, HOWEVER THE COUNCIL END UP DECIDING THE TRANSFER ISSUE THAT WAS RAISED BY COUNCILOR CROTEAU, IT WOULD SERVE THE CITY WELL IF THE COUNCIL DID REQUIRE THE LICENSEE TO DISCLOSE THE PEOPLE WHO ARE GOING TO BE PRINCIPALLY ENGAGED IN THE

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JULY 14, 2015

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

DAY TO DAY OPERATIONS OF THE BUSINESS, AND HAVE THE CONTINUING REQUIREMENT TO UPDATE THAT. THIS GETS DISCLOSED RIGHT ON THE APPLICATION.

COUNCILOR CROTEAU SAID THAT HE WOULD LIKE NO TRANSFERS AND NO ONE SHOULD BE MAKING MONEY TRANSFERRING THE LICENSE.

ATTORNEY BUFFINGTON SAID THAT HE WILL BE MEETING AGAIN WITH DETECTIVE SMITH ON THIS MATTER.

COUNCILOR COSTA-HANLON SAID THAT THE NEXT STEP WILL BE TO MEET WITH DETECTIVE SMITH AND COME UP WITH SOMETHING A LITTLE BIT MORE FINAL. SHE WANTED TO CLARIFY A COUPLE OF THINGS. RIGHT NOW, IF WE ADOPT THIS THERE WILL BE NO LIMIT ON THE LICENSES, BUT SHE NOTED THAT RIGHT NOW THERE IS NO LIMIT ON THE LICENSES.

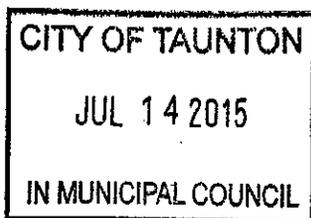
ATTORNEY BUFFINGTON SAID THAT THE WAITING LIST IN THE CITY CLERK'S OFFICE HAS NO LEGAL SIGNIFICANCE. HOWEVER, THE FOLKS ON THE WAITING LIST HAVE NOT ACTUALLY FILED AN APPLICATION.

COUNCILOR COSTA-HANLON SAID THAT SHE WOULD LIKE INPUT FROM ATTORNEY BUFFINGTON AS TO HOW THE COUNCIL SHOULD BE APPROACHING THE WAITING LIST.

4. PUBLIC INPUT

ATTORNEY BIEDAK ADDRESSED THE COMMITTEE. HE SAID THAT HE REPRESENTS DENNIS BORGES WHO CURRENTLY IS ON THE WAITING LIST AND ALSO HAS 2 PENDING APPLICATIONS. HE APPRECIATES THE COMMITTEE ADDRESSING THE ISSUE OF WHEN THESE APPLICATIONS MAY BE HEARD.

MEETING ADJOURNED AT 7:14 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
JULY 14, 2015

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ESTELE BORGES AND COUNCILORS CLEARY, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL AND QUINN

MEETING CALLED TO ORDER AT 7:17 P.M.

1. MEET TO DISCUSS CHANGES TO THE RULES OF THE MUNICIPAL COUNCIL

THE COUNCIL PRESIDENT STATED THAT THE COUNCIL HAS HAD MUCH DISCUSSION OVER THE LAST YEAR OR SO REGARDING THE RULES OF THE COUNCIL, AND BACK IN DECEMBER OF 2014, THEN COUNCIL PERSIDENT MARSHALL SUGGESTED THAT THE COUNCILORS REVIEW THE RULES OF THE COUNCIL AND MAKE THEIR RECOMMENDATIONS. WHAT IS GOING TO BE DONE IN THIS COMMITTEE IS DISCUSS THE RULES OF THE COUNCIL ON A WEEKLY BASIS AS LONG AS IT FITS WITHIN THE COMMITTEES, AND EVENTUALLY TURN IT OVER TO THE ORDINANCES AND ENROLLED BILLS COMMITTEE. COUNCILOR QUINN STATED THAT WHEN THIS WAS FIRST SET UP, THE COUNCIL WAS HOPING TO DO THIS ON A GRADUAL BASIS AND NOT TO INTERFERE WITH THE ACTUAL MUNICIPAL COUNCIL MEETING SCHEDULED TO START AT 7:00. SINCE IT IS SO LATE, SHE MADE THE FOLLOWING MOTION:

MOTION: TO CONTINUE THIS MATTER TO NEXT WEEK WITH THE SAME PARAMETERS, THAT THE DISCUSSION NOT INTERFERE WITH THE REGULAR COUNCIL MEETING WHICH IS SCHEDULED TO START AT 7:00 P.M.

COUNCILOR POTTIER SECONDED THE MOTION.

ON DISCUSSION, COUNCILOR COSTA-HANLON NOTED THAT NEXT WEEK IS A BUSY WEEK AS THERE ARE 6 COMMITTEES SCHEDULED. SHE ASKED THAT THE DISCUSSION BE BROKEN UP INTO SECTIONS AND DO SOME AT A CERTAIN TIME. SHE ALSO NOTED THAT ON JULY 28TH AN EXECUTIVE SESSION MEETING IS SCHEDULED WHICH WILL TAKE A WHILE.

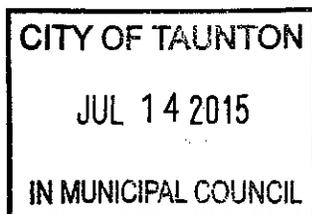
MOTION: TO CONTINUE THIS MATTER UNTIL AUGUST 4, 2015 AND TO DISCUSS THE RULES OF THE COUNCIL BY SECTIONS. ALSO, TO HAVE THE CLERK OF COMMITTEES COPY ALL INPUT RECEIVED FROM COUNCILORS AND PROVIDE SAME TO THE COUNCILORS. SO VOTED.

MEETING ADJOURNED AT 7:24 P.M.

RESPECTFULLY SUBMITTED, '



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK