



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, July 15, 2014 at 8:30 O'clock P.M.*

*Regular Meeting*

*Council President Marshall presiding*

*Prayer was offered by Council President Marshall*

*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.

*Communications:*

Com. from City Clerk – Appointment of Three (3) Permanent Full-Time Firefighters.  
**Motion was made to refer to the Committee on Fires and Wires. So Voted.**

Com. from Building Inspector/Zoning Enforcement Officer responding to the Council's request to investigate the blighted property at 6 Reed Street. He wanted to advise that the Board of Health has been working with the owner of the property to gain compliance with the city ordinance. She feels that although this property is not perfect, this is the best results we can achieve. She stated that the property will continue to be monitored and they will take appropriate action as necessary. **Motion was made to receive and place on file. So Voted.**

Com. from Executive Director, Board of Health requesting support with a Grant Request. They are respectfully requesting additional funding to pay for the remainder of a purchase that would partially be covered by a Massachusetts Department of Public Health grant, if they are chosen as a successful applicant. The grant is for up to \$2,500.00 and they would like to use the funds to partially pay for an electronic sharps disposal kiosk to be placed in the Board of Health's lobby area for residents to safely dispose of sharps that they may have at home from prescribed medications or for sharps that they may find on the streets and are willing to safely handle and bring into the office for proper disposal. The estimated balance of the payment for the unit is \$1,000.00, as they are still awaiting an updated price from the company including delivery, set-up, brackets, and warranty charges, etc. **Motion was made to refer to the Committee on Finance and Salaries. So Voted.**

Com. from Paul Allison and Chad Morin, TFD MDA Chairmen, stating that the Taunton Firefighters Local 1391 would like to hold their Annual "Fill the Boot" on Labor Day weekend from August 31, 2014 to September 1, 2014. It is their 56<sup>th</sup> year supporting the Muscular Dystrophy Association and their fight against neuromuscular diseases. **Motion was made to move approval and to refer to the Police Chief. So Voted.**

Com. from Paul Allison stating that The Taunton Firefighters Local 1391 wish to hold their annual Luminaria honoring the Men and Women who have lost their lives in the

wars in Iraq and Afghanistan. As in the past, they would like to hold this event on historic Church Green on Veteran's Day, Tuesday, November 11, 2014 at 6pm. **Motion was made to move approval and refer to the Police Chief and Parks, Cemeteries and Public Grounds. So Voted.**

**Petitions:**

Petition submitted by Thomas Quinn requesting a renewal of the Second Hand Article License for Society of Saint Vincent DePaul Taunton District Inc. –DBA- Pennies from Heaven located at 141 Washington Street, Taunton and requesting a waiver of the fee as they are non-profit. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Kenneth Ferreira, 58 Stevens St., East Taunton requesting a renewal of his Second Hand Article, Old Gold, Junk Dealer, and Pawn Broker Licenses for Money Tree located at 49 Weir Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by George Kenaan, 70 Solitude Drive, Taunton requesting a renewal of his Livery license at a new location of 632 Winthrop Street with vehicles being stored at 597 Winthrop Street, Taunton. (2 Vehicles) **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

**Committee Reports:**

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports except for the Committee on Public Property. So Voted. Councilor Carr stated that there were motions made to provide a two year extension to the Neighborhood Corporation contract for the reutilization of Walker School with an option after thirty days after the HDCD announcement comes out for either party to terminate the agreement as well as the three other options in the discussion which were to increase the price of the property, to provide the engineering and the materials that have to that point have been created for that property and was to provide periodic progress reports to the Council. Councilor Quinn had made a motion to send to the City Solicitor for the creation of a new contract and to give the Mayor the authority to sign the contract. **Motion was made to adopt those recommendations as stated by the Chairwoman. So Voted. Councilor Croteau voted in opposition.**

**Unfinished Business:**

Com. from Transmission and Distribution Manager, TMLP regarding the street lights on Colton Drive in the Myles Standish Industrial Park. He submitted a list of street lights being paid for by the City of Taunton which are located in the Industrial Park. **Motion was made to receive and place on file. So Voted. Motion was made to deal with the original request to pay for the street lights on Colton Drive. So Voted.** Councilor Carr questioned why there has to be twelve (12) street lights on Colton Drive when there is only one business located there and a long stretch with nothing there. She stated that maybe because it is a public road and it has to be lighted. She has no problem with approving it; she would just like to know why. Council President Marshall explained where the 12 lights will be put on the twenty five hundred foot stretch of Colton Drive. Councilor Carr stated that she understands where they are located but her question is if

there is nothing there but woods then why will the City have to pay to light it. Council President Marshall stated that it says in the letter that the light spacing is based on ANSI/IESNA RP-8-00: American National Standard Practice for Roadway Lighting Standards. Councilor Cleary stated to keep in mind that all the companies pay taxes to receive certain services and he knows how frustrating it is to look at the yearly costs of lights, this alone is probably \$26,000.00 annually just for the Industrial Park. **Motion was made to deal with the original request to pay for the street lights on Colton Drive. So Voted.**

**Orders, Ordinances, and Resolutions**

**Ordinance for a Second reading to be passed to a third reading**

**AN ORDINANCE**

**Chapter 19**

**Sewers and Drains**

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

**SECTION 1.** Chapter 19 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by inserting the following sections 19-4.1 through 19-4.20.

**City of Taunton Stormwater Management Ordinance**

**GENERAL PROVISIONS**

**Section 19-4.1. Purpose**

The purpose of this ordinance is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site storm water runoff and post-construction storm water runoff which is necessary for the protection of the City of Taunton's water bodies and groundwater. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

1. To comply with state and federal statutes and regulations relating to storm water discharges;
2. To prevent pollutants from entering the City's MS4;
3. To prohibit illicit connections and unauthorized discharges to the City's MS4 and require their removal;
4. To establish minimum construction and post-construction storm water management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
5. To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater

management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and

6. To establish the City's legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring and enforcement.

#### **Section 19-4.2. Definitions.**

For the purposes of this ordinance, the following shall mean:

Agriculture. The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

Alter. Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. The term "alter" shall include "alteration of drainage characteristics" and "conducting land disturbance activities."

Authorized Enforcement Agency. The City of Taunton Department of Public Works, its employees or agents, designated to enforce this ordinance.

Best Management Practices (BMPs). An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing. Any activity that removes vegetative surface cover.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Construction and Waste Materials. Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

Development. The modification of land to accommodate a new use or expansion of use, usually involving construction.

Discharge of Pollutants. The addition from any source of any pollutant or combination of pollutants into the municipal separate storm sewer system, Wetland Resource Areas, or into the Waters of the United States or Commonwealth of Massachusetts from any source.

Erosion. The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles

Estimated Habitat of Rare Wildlife and Certified Vernal Pools. Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands

Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

Grading. Changing the level or shape of the ground surface.

Groundwater. All water beneath the surface of the ground.

Grubbing. The act of clearing land surface by digging up roots and stumps.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface. Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Infiltration. The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

Land Disturbance. Construction activities including clearing, grading, and excavating which removes the vegetative ground cover and/or covers the existing vegetative cover with fill or any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

Low Impact Development (LID). LID incorporates non-structural and natural approaches to new and redevelopment projects to reduce adverse effects on water quality and the natural environment by conserving natural areas, reducing impervious cover, and better integrating stormwater treatment.

Massachusetts Endangered Species Act. (G.L. c. 131A) and its implementing regulations (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

Massachusetts Stormwater Management Policy. The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

Municipal separate storm sewer system (MS4) or municipal storm drain system. The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Taunton.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by Environmental Protection Agency or jointly with a State that authorizes the discharge of pollutants to waters of the United States.

New Development. Any construction or land disturbance on a lot, or on a portion of a lot, that is currently in a vegetated state.

Nonpoint Source Pollution. Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants, finally depositing them into water resource areas.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Nuisance. An activity or condition posing a danger to public health and safety.

Outfall. The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

Owner. A person with a legal or equitable interest in property.

Person. Any individual, association, organization, partnership, firm, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non point source, that is or may be introduced into the City of Taunton municipal storm drain system or Waters of the United States or Waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
5. Pesticides, herbicides, and fertilizers;
6. Hazardous materials and wastes;
7. Sewage, fecal coliform and pathogens;
8. Dissolved and particulate metals;
9. Animal wastes;
10. Rock, sand, salt, soils;
11. Construction wastes and residues;
12. Vegetable oil and waste vegetable oil;
13. And noxious or offensive matter of any kind.

Pre-Construction. All activity in preparation for construction.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Priority Habitat Of Rare Species. Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

Process Wastewater. Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge. The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Redevelopment. Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

Runoff. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment. Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

Sedimentation. The process or act of deposition of sediment.

Site. Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

Slope. The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil. Any earth, sand, rock, gravel, or similar material.

Stabilization. The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Strip. Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

Surface Water Discharge Permit. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste. Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Uncontaminated. Water containing no pollutants.

Wastewater. Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Watercourses. A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth. All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wetland Resource Areas. All wetlands and watercourses protected under the Massachusetts Wetlands Protection Act and the City of Taunton Conservation Ordinance.

### **Section 19-4.3. Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

## **DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM**

### **Section 19-4.4. Applicability**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

#### **Section 19-4.5. Authority**

The Department of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Commissioner of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

#### **Section 19-4.6. Regulations**

The Committee on the Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this ordinance. Failure of the Committee on the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

#### **Section 19-4.7. Prohibited Activities**

1. **Prohibition of Illegal Discharges.** No person shall dump, discharge, cause or allow to be discharged into the municipal separate storm sewer system, into a watercourse, or into the waters of the Commonwealth any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
2. **Prohibition of Illicit Connections.** No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal separate storm sewer system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. **Obstruction of Municipal Separate Storm Sewer System.** No person shall obstruct or interfere with the normal flow of storm water into or out of municipal separate storm sewer system without prior approval from the authorized enforcement agency.
4. **Exemptions.** The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - a. Discharge or flow resulting from fire fighting activities;
  - b. The following non-storm water discharges or flows are exempt from prohibitions of non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal separate storm sewer system:
    - i. Water line flushing or flow from other potable water sources;
    - ii. Landscape irrigation or lawn watering;
    - iii. Rising groundwater;

- iv. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater;
  - v. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation, conducted in such a way as not to cause a nuisance;
  - vi. Springs;
  - vii. Non-commercial washing of vehicles and temporary fund-raising car wash events;
  - viii. Natural riparian habitat or wet-land flows;
  - ix. Discharges from street sweepers of minor amounts of water during operations
  - x. Normal maintenance or improvement of land in agricultural or aquacultural use conducted in such a way as not to cause a nuisance.
- c. The following non-storm water discharges or flows are exempt from prohibitions of non-storm waters provided that the authorized enforcement agency is verbally notified prior to the activity:
- i. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;
  - ii. Dye testing is an allowable discharge;
  - iii. Discharges from de-chlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Section 19-4.8. Suspension of Municipal Separate Storm Sewer System Access**

- 1. Suspension due to Illicit Discharges in Emergency Situations.** The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed

necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

2. **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

#### **Section 19-4.9. Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the authorized enforcement agency prior to the allowing of discharges to the MS4.

#### **Section 19-4.10. Notification of Spills**

In addition to other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. or Commonwealth, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via Taunton Fire Department. In the event of a release of non-hazardous materials, said person shall notify the Department of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department of Public Works, 90 Ingell Street, Taunton, MA 02780, within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **Section 19-4.11. Enforcement**

1. **Regulatory Controls.** The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
2. **Civil Relief.** If anyone violates the provisions of this ordinance, regulations, permit, notice, or order issued there under, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to abate or remediate the violation.
3. **Orders.** The Department of Public Works may issue a written order to enforce the provisions of this ordinance or the regulations there under, which may include:
  - a. Elimination of illicit connections or discharges to the storm drainage system;

- b. termination of access to the storm drainage;
- c. performance of monitoring, analysis, and reporting;
- d. cessation of unlawful discharges, practices, or operations; and
- e. remediation of contamination in connection therewith.

If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a municipal charge against the property owner. The Department of Public Works shall impose a municipal charges lien as provided in G.L. c. 40 s. 58 and so notify the Collector. The passage of this ordinance by the Municipal Council shall constitute a separate vote for this type of charge.

4. **Criminal And Civil Penalties.** Any person who violates any provision of this ordinance, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the city in any court of competent jurisdiction.
5. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the City of Taunton may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, s 21D. The Department of Public Works shall be the enforcing entity. The penalty for the First violation (1st) shall be one hundred dollars (\$100.00). The penalty for the Second violation (2nd) shall be two hundred dollars (\$200.00). The penalty for the Third violation (3rd) and subsequent violations shall be three hundred dollars (\$300.00). Each calendar day in which a violation occurs or continues shall constitute a separate offense.
6. **Entry To Perform Duties Under This Ordinance.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, or officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.
7. **Appeals.** The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.
8. **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

#### **Section 19-4.12. Transitional Provisions**

Residential property owners shall have one hundred and eighty (180) days from the effective date of the ordinance to comply with its provisions provided good cause is shown for the failure to comply with the ordinance during that period.

### **STORMWATER MANAGEMENT SYSTEMS ON PRIVATE PROPERTY**

#### **Section 19-4.13. Applicability**

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land without a permit from the Authorized Enforcement Agency or as otherwise provided in this ordinance.

Any person that fails to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Authorized Enforcement Agency Regulations shall be in violation of the City of Taunton Ordinances.

#### **Section 19-4.14. Exemptions**

The activities are exempt from requirements of Article III of this ordinance:

1. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
2. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
3. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
4. Normal maintenance and improvement of land in agricultural or aquacultural use; and
5. Disturbance of one or more acres of land that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in a valid Order of Conditions issued by the Conservation Commission.

#### **Section 19-4.15. Administration**

The City of Taunton Department of Public Works shall administer, implement and enforce Article III of this ordinance. Any powers granted to or duties imposed upon the City of Taunton Department of Public Works may be delegated in writing to its employees or agents. Henceforth, the City of Taunton Department of Public Works shall be referred to as the "Adminstrating Authority" or "Authorized Enforcement Agency" of Article III of this ordinance.

#### **Section 19-4.16. Rules and Regulations**

The Committee on the Department of Public Works shall adopt, and may periodically amend, rules and regulations relating to the procedures and administration of Article III of this ordinance. Failure by the Committee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

#### **Section 19-4.17. Permits and Procedure**

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and review process shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

#### **Section 19-4.18. Performance Standards**

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

#### **Section 19-4.19. Waivers**

1. The Department of Public Works may waive strict compliance with any requirement of this ordinance or the rules and regulations promulgated hereunder, where:
  - a. such action is allowed by federal, state and local statutes and/or regulations; and
  - b. is in the public interest; and
  - c. is consistent with the purpose and intent of this ordinance and/or regulations.
2. The process for granting a waiver shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

#### **Section 19-4.20. Enforcement**

1. **Regulatory Controls.** The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
2. **Orders.** If the City determines that a person's failure to follow the requirements of this ordinance or the rules and regulations is creating an adverse impact to a water resource, the City may issue a written order to the person to remediate the adverse impact.

If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a municipal charge against the property owner. The Department of Public Works shall impose a municipal charges lien as provided in G.L. c. 40 s. 58 and so notify the Collector. The passage of this ordinance by the Municipal Council shall constitute a separate vote for this type of charge.

3. **Criminal And Civil Penalties.** Any person who violates any provision of this ordinance, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the city in any court of competent jurisdiction.
4. **Appeals.** The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.
5. **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed.**

**Motion was made to approve the second reading and move to a third reading. So Voted. Councilor Cleary stated that he would like to have the third reading this evening. The City Clerk stated that normally it would be in the packet next week for a third reading to be ordained. Motion was made to suspend the rules and move on to the third reading. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor. Motion was made to ordain the ordinance as a third reading. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

**New Business:**

Councilor Pottier stated that there has been an issue with curb side pickup in the last several weeks. The DPW sent out a special truck to pick up trash on Saturday at over ninety locations through the City. Motion was made to refer to the DPW to inform the Council what the cost was for this special pick up and who will be paying for it. So Voted. Councilor Pottier stated that there will be a Committee on Solid Waste meeting within the next two weeks. He stated that he and Councilor Quinn spoke to them at a meeting last Monday and they are trying to get an answer about what we are doing with the contract, what will be done to make sure that this does not happen again, what is being done to remediate this type of an issue and how the blighted properties can be found. He said that this has been an issue since the changeover from one contracting vendor to another. Councilor Croteau stated that it might be beneficial to the Committee to the Council as a Whole to listen to the Safety Officer and what he has been involved in and what kinds of responsibilities he has. It would be informative to see what he has been doing with his time. Councilor Pottier stated that the Safety Officer has been instrumental in making improvements and has a lot of ideas to bring to the table. He has been going to Brockton District Court to see what they have been doing, and talking to other communities to see what they have been doing. He is checking into how to put liens on properties and make them stick so we don't have to go to court for a fifty (50) dollar fine. Councilor Croteau asked who the contractor is. Councilor Pottier stated that it is WeCare and they have subbed it out to Republic. Councilor Croteau confirmed that WeCare is the responsible party. He stated that he would assume that the cost would be passed back to WeCare. Councilor McCaul stated that the individuals from WeCare and Republic should be present at the meeting of the Committee on Solid Waste. Councilor Pottier stated that he spoke to the DPW Commissioner today and he stated that he is having a meeting with WeCare and Republic to talk about what happened and how they

will rectify it. The reason why the meeting hadn't already happened was because the DPW Commissioner returned yesterday from vacation. Councilor Croteau asked if there was language in the contract that allows subcontracting. Councilor Pottier stated that he believes that there is. Councilor Costa-Hanlon stated that she was going to request a copy of the contract. Councilor Cleary stated that WeCare would eventually take over the pick-up and delivery themselves but because of the short time of the changeover, the Council said that they could sub-contract. The goal was that WeCare would have its own vehicles and pick-up curbside. Councilor Costa-Hanlon stated that her recollection was that the curbside pick-up contract is usually for two (2) or three (3) years, it was extended for one (1) year because it was unsure what was going on with the landfill. She stated that the whole contract should have been renegotiated on July 1, 2014. She did not see that being referred to the Committee on Solid Waste. She stated that there was a problem in the past with the prior administration, that they contracted and the ordinance clearly says that it is the Committee on Solid Waste that is supposed to contract for any solid waste issues including curb-side pickup. **Motion was made to refer to the Committee on Solid Waste and copies of the current and previous contract be given to the Councilors. So Voted.**

Councilor Pottier stated that he referred to the Safety Officer an issue in the vicinity of 433 Richmond Street, East Taunton that a resident was having difficulty pulling out of the driveway. He stated that the Safety Officer did go out there and stated that while there are some situations with fencing in the area, the main problem is topographic of the roadway. **Motion was made to refer to the Safety Officer and the DPW to have proper signage (slow curve) installed. So Voted.**

**Councilor Croteau motioned to refer to the City Solicitor to provide a status report of the Whittenton Mills to the City Council. So Voted.**

Councilor Costa-Hanlon stated that last week she and Councilor Pottier and the Council approved an update on the details for both the Fire and Police Departments. She stated that she was contacted by someone about a specific function that our Police and Fire both attended and there was detail pay involved. However, it appears that it was not related to a City function but a private one that was sponsored. She wants to ensure that the City is not paying for any of those details. The event was held on June 14, 2014. **Motion was made to refer to the Police and Fire Departments to verify that the details will not be paid for by the City but by the sponsors of the event. So Voted.**

Councilor Quinn stated that she received an e-mail regarding the landfill and whether or not it will be closed. Councilor Pottier stated that the Committee on Solid Waste had been waiting for the study that was being conducted by We-Care. His understanding is that it has been completed. He stated that there will be a discussion within a week or two from when he receives a copy of the study. **Motion was made to refer to the Committee on Solid Waste. So Voted.**

Councilor Quinn stated that she received an e-mail from the President of Coyle and Cassidy High School and Middle School Division. It stated that Coyle and Cassidy and Taunton Catholic Middle School have joined into one school, grades 6-12, effective on July 1, 2014. Their goal is to have an easy transition of the middle school students to the high school with the least disruption to the neighborhood. Of particular concern, is traffic flow and parking on Adams and Hamilton Streets. They requested to meet with the

Safety Officer to evaluate the area and determine if there might be a need for restricted street parking, another crosswalk, and perhaps another crossing guard. **Motion was made to refer the email communication to the Committee on Police and License and the Safety Officer to look into and meet with School representatives. So Voted.**

**Councilor Quinn motioned to refer to the Committee on Police and License to place the communication from Mastria on file regarding a towing proposal. So Voted.**

Councilor Borges stated that she received an e-mail expressing concern that there is no crosswalk or curb cut at the overflow parking lot for Watson's Pond near the boat ramp. **Motion was made to refer to the DPW and the Safety Officer to look at placing a crosswalk and curb cut on this location. So Voted.**

**Councilor Borges motioned to refer to the Committee to the Council as a Whole the rules and orders of the Municipal Council. So Voted.**

Meeting adjourned at 9:00 P.M.

A true copy:

Attest:

A handwritten signature in dark ink, appearing to be 'RMB', written in a cursive style.

City Clerk

RMB/SJS

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 15, 2014

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER. ALSO PRESENT WERE BUDGET DIRECTOR GILL ENOS, ASSISTANT CITY AUDITOR CHRISTINA BOYAN AND FIRE DEPARTMENT ADMINISTRATIVE ASSISTANT KATE GOVER

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

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

2. **MEET TO REVIEW REQUESTS FOR FUNDING**

A LETTER FROM THE FIRE DEPARTMENT HAD BEEN RECEIVED AND REFERRED TO THIS COMMITTEE REGARDING OUTSTANDING PRIOR YEAR BILLS.

QUESTIONED WAS WHY THESE BILLS WERE LATE.

MS. GOVER STATED THAT SOME OLD BILLS WERE BROUGHT TO HER ATTENTION AND SHE HAS BEEN ATTEMPTING TO CLEAR THEM UP, SOME OF WHICH WERE FROM BEFORE SHE WAS WITH THE FIRE DEPARTMENT.

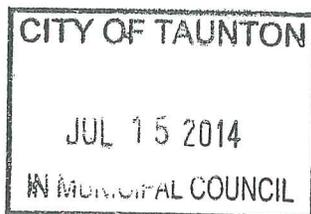
COUNCILOR CROTEAU STATED THAT YOU DO NOT HAVE TO PAY A BILL UNLESS THE BILL WAS SUBMITTED PRIOR TO THE END OF A FISCAL YEAR.

THE ASSISTANT CITY AUDITOR STATED THAT THE COMMITTEE HAD ORIGINALLY APPROVED SOME MONEY FOR THE TMLP, BUT IT WAS JUST A MATHEMATICAL ERROR, AND THEN MS. GOVER FOUND ANOTHER BILL SO BECAUSE THE AMOUNT IS OVER WHAT THE COMMITTEE APPROVED AND IT WASN'T THE CORRECT AMOUNT, THEY HAD TO COME BACK TO REQUEST THE ADDITIONAL MONEY.

COUNCILOR CARR NOTED THAT IF THE BILLS COME IN MONTHLY THEY SHOULD BE PAID MONTHLY AND SHE DOES NOT UNDERSTAND WHY THEY HAVE THEM COMING FORWARD NOW.

**MOTION: MOVE APPROVAL OF THE PAYMENT OF THE BILLS. SO VOTED.**

MEETING ADJOURNED AT 5:50 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 15, 2014

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

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS BORGES, COSTA-HANLON, CLEARY AND MCCAUL. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU, JOSEPH FEDERICO OF BETA, ATTORNEY JOHN PAUL THOMS, BRUCE THOMAS, JOHN DOHERTY AND NICOLAU FELIZARDO

**MEETING CALLED TO ORDER AT 6:47 P.M.**

**1. MEET TO DISCUSS SEWER ABATEMENTS**

A LETTER DATED 6/16/14 AND REVISED ON 7/14/14 FROM BETA WAS READ. THE LETTER STATED THAT ADDITIONAL INFORMATION WAS REQUESTED. LOTS 88-76, 89-1, 89-187 AND 89-186 EACH HAVE THE SAME OWNER AND AN ABATEMENT REQUEST HAD BEEN SUBMITTED FOR EACH. REGARDING PARCEL 88-76, IT IS NOTED THAT THERE IS A DISCREPANCY BETWEEN THE LOT SIZE IDENTIFIED ON THE PROPERTY CARD AND THE PARCEL AREA IDENTIFIED ON A PLAN ENTITLED "PLAN OF LAND IN TAUNTON MASSACHUSETTS, PREPARED FOR HERITAGE FARMS LLC, SCALE 1"=60', JANUARY 7, 2008" THE PLAN WAS PREPARED BY HAYWARD BOYNTON AND WILLIAMS, INC. PARCEL 88-76 IS 1.47 ACRES NOT 2 ACRES.

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

THE LETTER ALSO STATED THAT THE PROPERTY OWNER INDICATED THAT HE RECENTLY DIVIDED THE LOTS AND AS PART OF HIS ABATEMENT REQUEST HE ASKED THAT THE 4 LOTS BE ANALYZED AS 1 LARGE LOT FOR THE PURPOSES OF A BETTERMENT DETERMINATION. THE BETTERMENT CAME TO THE SAME AMOUNT.

MR. FEDERICO STATED THAT HE MET WITH MR. THOMAS WHO PROVIDED HIM WITH FURTHER INFORMATION. HE REALIZED THAT HIS CALCULATIONS AND MR. THOMAS'S DID NOT EXACTLY MEET, AND MR. FEDERICO NOTICED A DISCREPANCY. THEY LOOKED INTO IT FURTHER AND DID A DEED RESEARCH AND FOUND OUT IN FACT THAT PARCEL 88-76 IN THE TAX ASSESSMENT DATA BASE IS 2 ACRES WHEN IN REALITY IT IS 1.47 ACRES. THAT IS THE ONLY CHANGE IN THE AMOUNT THAT THEY HAVE FOR THE BETTERMENT ASSESSMENTS. WHAT THAT MEANS IS THAT THE ORIGINAL BETTERMENT ASSESSMENT TOTAL FOR ALL 4 LOTS WAS \$223,904.00 AND IS NOW \$208,647.00, FOR A DIFFERENCE OF \$15,257.00. THE LAST QUESTION THAT WAS BROUGHT BEFORE THE COMMITTEE IS IF THE 4 LOTS WERE MADE INTO 1 LOT WOULD THE CALCULATION BE THE SAME, AND INDEED THE CALCULATION WOULD BE THE SAME. MR. FEDERICO FURTHER STATED THAT THE RECOMMENDATION IS TO REDUCE PARCEL ID NO. 88-76 FROM \$57,462.00 TO A BETTERMENT OF \$42,205.00. THE REMAINDER OF THE LOTS REMAIN THE SAME. MR. BRUCE THOMAS STATED THAT HE AND HIS BROTHER AGREE BASED ON THE CALCULATIONS, NOT THAT THEY AGREE WITH THE CALCULATIONS, BUT BASED ON THE CALCULATIONS THAT IS THE RIGHT NUMBER. HAVING SAID THAT THEY STILL SAY THEY DO NOT AGREE WITH THE WAY IT IS CALCULATED. THEY DO NOT AGREE WITH THE WAY THIS WAS COME UP WITH, BUT IT IS WHAT IT IS. MR. BRUCE THOMAS SAID HE DOES NOT THINK THE FORMULA IS RIGHT, HE DOES NOT THINK IN REGARDS TO THE WAY IT WAS COME UP WITH IS RIGHT.

MR. THOMAS STATED THAT HAVING SAID THIS, HE REQUESTS THAT WHEN THE COMMITTEE MAKES THEIR MOTION THAT HE GETS A COPY OF THE MINUTES OF THIS MEETING AND A COPY OF THE TAPE BECAUSE UNFORTUNATELY WHAT IS GOING TO END UP THERE IS 24 HOUSE LOTS.

MR. FEDERICO SAID WHAT IS BEING ASSESSED IS 10.5 UNITS – EQUIVALENTS.

MR. THOMAS SAID WHAT WILL END UP BEING THERE WILL BE A CLUSTER, CLUSTER HOMES.

AGAIN IT WAS NOTED THAT WHAT IS BEING ASSESSED IS 10.5 RESIDENTIAL EQUIVALENTS TIMES THE \$19,815.00 WHICH IS \$208,647.00.

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JULY 15, 2014

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

MR. THOMAS SAID, SO IN REALITY, BECAUSE THIS IS HALF IT SHOULD BE 21, SO HE WILL BE GOING FOR 21 UNITS. MR. THOMAS SAID HE JUST WANTS TO MAKE THAT CLEAR, 21 IS WHAT HE IS GOING FOR, AND HE DOES NOT GET TAXED ON MORE, RIGHT? SO IF HE BUILDS 20, THE CITY DOES NOT GET ANY MORE MONEY, THIS IS ALL THEY ARE GOING TO GET. IF HE BUILDS 1, HE WILL BE OUT ALL THAT OTHER MONEY SO HE IS GOING TO GO FOR THE MAX. HE JUST WANTS TO MAKE THAT CLEAR, BECAUSE HE DOES NOT WANT TO HAVE TO COME BACK AND ASK FOR A WAIVER BECAUSE HE WENT FROM 10.5 TO 21. THAT IS WHAT IS GOING TO END UP BEING THERE IS 21.

COUNCILOR MARSHALL STATED THAT HE DOES NOT FEEL THIS COMMITTEE CAN TALK ABOUT OR ANSWER QUESTIONS ABOUT THAT BECAUSE THEY DO NOT KNOW WHAT THE PLANS LOOK LIKE AND THERE ARE A LOT OF VARIABLES WITH DELINEATIONS AND THINGS LIKE THAT. ALL THIS COMMITTEE IS DOING TONIGHT IS ASSESSING IS THE TOTAL 4 PARCELS, USING THE CURRENT FORMULA, THEY ARE BEING ASSESSED 10.5 RESIDENTIAL SEWER EQUIVALENTS. THAT IS ALL THAT IS BEING SAID.

MR. FEDERICO SAID THE PARCELS ARE BEING ASSESSED, NOT WHAT IS ON THEM, IT IS THE PARCEL THAT IS BEING ASSESSED.

MR. CLEARY STATED THAT THIS PROCESS HAS BEEN GOING ON FOR ABOUT A YEAR AND THE FACT IS THAT MANY DISCUSSIONS HAVE TAKEN PLACE ABOUT THE FORMULA. IT HAS BEEN CHALLENGED IN SEVERAL DIFFERENT WAYS, MR. FEDERICO HAS GONE BACK AND CHECKED IT AND RECHECKED IT, AND THE COMMITTEE HAS BEEN EDUCATED THAT THE FORMULA IS CONSISTENT AND SHOULD BE APPLIED. THEY HAVE BEEN FAIR AND CONSISTENT.

MR. BRUCE THOMAS STATED THAT THEY WOULD LIKE TO HAVE THIS DEFERRED.

THE CHAIRMAN NOTED THAT THE PETITIONER HAS THE ABILITY TO REQUEST A DEFERMENT OF THE BETTERMENT AND WHAT YOU DO IS PAY THE 4% INTEREST UNTIL A SET TIME THAT HE BELIEVES THIS COMMITTEE DETERMINES.

THE ASSISTANT CITY SOLICITOR STATED THAT THE ASSESSMENT MAY BE DEFERRED FOR LAND THAT IS NOT YET BUILT UPON. IT MAY BE DEFERRED FOR A FIXED TIME SET BY THIS COMMITTEE OR UNTIL THE LAND IS BUILT UPON. THE INTEREST AT 4% WILL BE PAID ANNUALLY.

MR. FEDERICO SAID THAT ONE APPLICANT WHO DID THIS WAS GRANTED A 5 YEAR DEFERMENT.

THE ASSISTANT CITY SOLICITOR STATED ALSO THAT THE LAST TIME THIS WAS DONE, THE COMMITTEE TREATED THE APPLICATION FOR ABATEMENT AS A REQUEST FOR A DEFERRAL AND THE COMMITTEE SIGNED THE APPROPRIATE ORDER AND IT WAS FORWARDED TO THE COLLECTOR.

MR. THOMAS SAID HE WOULD LIKE TO HAVE THIS DEFERRED FOR 10 YEARS.

COUNCILOR MARSHALL STATED THAT THE LAW SAYS IF YOU BUILD ON THAT SOONER, IT AUTOMATICALLY KICKS IN. HE QUESTIONED THAT THE MAX YOU CAN STRETCH IT OUT IS 10 YEARS, SO WHAT HAPPENS, IF IN THOSE 10 YEARS THERE IS NO ACTION ON THE PROPERTY, IS THE FULL BETTERMENT DUE.

THE ANSWER WAS YES, THE FULL AMOUNT IS DUE 3 MONTHS AFTER THE LAND IS BUILT UPON OR AT THE EXPIRATION OF THE FIXED TIME.

COUNCILOR MARSHALL ASKED MR. THOMAS IF HE WAS AWARE OF THIS, AND THAT AT THE END OF THE 10 YEARS, YOU CANNOT STRETCH THE TIME OUT FOR ANOTHER 20 YEARS OR WHATEVER.

COUNCILOR MCCAUL MADE THE FOLLOWING MOTION:

**MOTION: TO GRANT THE PETITIONER THE 10 YEAR DEFERAL.**

COUNCILOR CLEARY STATED THAT HE THINKS THE ABATEMENT SHOULD BE DEALT WITH FIRST.

ATTORNEY DEABREU STATED THAT HE THINKS IT WOULD BE APPROPRIATE TO VOTE TO DENY THE ABATEMENT FIRST THEN GIVE THE DEFERMENT.

**THE ABOVE MOTION WAS NOT VOTED ON.**

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JULY 15, 2014

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

**MOTION: TO DENY THE ABATEMENT REQUEST AND ASSESS THE AMOUNT FOR THE 4 PARCELS IN THE TOTAL AMOUNT OF \$208,647.00, USING THE REVISED FIGURE.**

**THE MOTION WAS SECONDED.**

ON DISCUSSION IT WAS NOTED THAT A DEFERMENT CAN ONLY BE DONE FOR VACANT LAND, AND ONE OF THE PARCELS IS BUILT ON..

COUNCILOR MARSHALL STATED THAT THE DEFERMENT THEN COULD ONLY BE ON 3 OUT OF THE 4 LOTS, AND HE ASKED WHICH LOT WAS NOT VACANT.

MR. FEDERICO SAID HE BELIEVES IT IS 88-76.

COUNCILOR MARSHALL NOTED THAT THIS DOES NOT HAVE ANYTHING TO DO WITH DENYING THE ABATEMENT AND ASKED TO HAVE THE MOTION VOTED ON.

**THE MOTION TO DENY THE ABATEMENT REQUEST AND TO ASSESS THE BETTERMENT ON LOT 88-76 AT \$42,205.00, LOT 89-1 AT \$27,740.00, LOT 89-187 AT \$118,887.00 AND LOT 89-186 AT \$19,815.00 FOR A TOTAL OF \$208,647.00 WAS VOTED ON AND PASSED UNANIMOUSLY.**

**MOTION: TO ALLOW THE DEFERMENT.**

THE MOTION WAS SECONDED AND ON DISCUSSION COUNCILOR COSTA-HANLON ASKED, BECAUSE THESE ARE SEPARATE PARCELS, AND IF 1 IS BUILT ON AND THE OTHERS ARE NOT IS THERE A MECHANISM, SHE WANTS TO KNOW STRUCTURALLY, PROCEDURALLY, HOW THE DEFERMENT WOULD BE TRIGGERED, BECAUSE IF 1 PARCEL IS BUILT ON THEN THAT BETTERMENT WOULD BE DUE AT THE TIME IT IS BUILT ON, AND THE OTHERS WOULD NOT. ATTORNEY DEABREU STATED THAT HE SUGGESTS WHEN THIS IS COMMUNICATED TO THE COLLECTOR ON THE FORMS, THAT IT BE NOTED THAT IF 1 PARCEL IS BUILT UPON THEN THAT ONE WOULD KICK IN AND THE OTHER 2 WOULD BE CONTINUED WITH THE DEFERMENT.

COUNCILOR COSTA-HANLON ASKED WHAT IS THE TRIGGER, IS IT WHEN A CERTIFICATE OF OCCUPANCY IS ISSUED, IS IT WHEN THEY HAVE A BUILDING PERMIT, WHEN DOES IT KICK IN.

ATTORNEY DEABREU SAID THE STATUTE DOES NOT DETERMINE THAT AND HE SUPPOSES WE COULD CROSS THAT BRIDGE WHEN WE COME TO IT.

HE FURTHER STATED IT SAYS UNTIL BUILT UPON, SO WHETHER THAT WOULD BE AT THE COMPLETION OR BEFORE, HOWEVER IT SAYS BUILT UPON SO HE WOULD INTERPRET THAT TO MEAN WHEN THE STRUCTURE IS COMPLETED. WHATEVER THE STATUTE MEANS IT MEANS, THEY WILL HAVE TO DETERMINE THIS.

ALSO NOTED WAS IF 10 HOUSES ARE BUILT DOES IT KICK IN WITH THE FIRST OCCUPANCY PERMIT OR THE LAST OCCUPANCY PERMIT ON THAT PARCEL.

ATTORNEY DEABREU SAID THAT HE WOULD HAVE TO CHECK THE CASE LAW. ALSO QUESTIONED WAS IF THERE IS A MECHANISM TO HAVE THE PAYMENT MADE WHEN THE PROPERTY IS SOLD.

ALSO DISCUSSED WAS DOES THE FULL AMOUNT OF THE BETTERMENT APPEAR ON THE MUNICIPAL LIEN CERTIFICATE.

COUNCILOR CARR STATED THAT SHE DOES NOT LIKE THE WHOLE IDEA OF DEFERMENTS BECAUSE THE PRINCIPAL ENDS UP BEING PAID BY THE RATEPAYERS DURING THE TIME OF THE DEFERMENT. SHE WOULD LIKE TO GET THE FINAL TALLY OF THE ACTUAL COST OF THE PROJECT AND THEN THE ACTUAL AMOUNT OF MONEY THAT IS BEING COLLECTED. SHE WANTS THIS INFORMATION IN 4 WEEKS.

COUNCILOR POTTIER SAID THAT THERE IS 4% INTEREST CHARGED ON DEFERRED BETTERMENTS.

MR. FEDERICO SAID EVERYBODY ELSE IS BEING CHARGED 5%, WHICH IS A STATE LAW. THE MONEY FOR THE PROJECT WAS WITH AN INTEREST RATE OF 2%.

MR. THOMAS DECIDED AT THIS TIME TO WITHDRAW HIS REQUEST FOR A DEFERMENT.

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JULY 15, 2014

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

THE MOTION TO ALLOW THE DEFERMENT WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT. THE SECOND WAS ALSO WITHDRAWN.

MOTION: THAT MR. FEDERICO PROVIDE THE FINANCIAL INFORMATION AS REQUESTED BY COUNCILOR CARR IN ONE MONTH. SO VOTED.

THE NEXT REQUEST FOR ABATEMENT DISCUSSED WAS FOR MR. NICOLAU FELIZARDO FOR PROPERTY AT 567 WINTHROP STREET.

MR. FEDERICO PROVIDED A LETTER DATED 7/15/14.

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

THE LETTER STATED THAT 567 WINTHROP STREET IS A COMMERCIAL PROPERTY THAT IS WITHIN PARCEL 88-41. BASED ON GIS SHAPE FILE DATA, THE PARCEL IS 13.62 ACRES. PROPERTY CARD INFORMATION IDENTIFIES THE PARCEL SIZE AS 11.05 ACRES. NO SURVEY WAS COMPLETED FOR THE PARCEL AND BETTERMENTS WERE DEVELOPED BASED ON GIS INFORMATION. THE CURRENT BETTERMENT AMOUNT THAT HAS BEEN ASSIGNED TO THE PARCEL IS \$162,479.00 AND IT WAS DEVELOPED USING THE STANDARD BETTERMENT COMPUTATION.

THE PROPERTY OWNER SUPPLEMENTED HIS ABATEMENT REQUEST WITH A PLAN DELINEATING THE WETLANDS ON HIS PROPERTY. THE PLAN WAS REVIEWED TO DETERMINE IF THE UPLAND AREA WAS LESS THAN THE AREA UTILIZED TO CALCULATE THE BETTERMENT, 2.8 ACRES. BASED ON CONVERSATION WITH THE PLAN PREPARER, SOUTHCOAST ENGINEERING, THE PLAN DEPICTS THE WETLAND EDGE. CONSISTANT WITH OTHER PARCELS IN THE PROJECT, A 25 FOOT WETLAND PROTECTION ZONE WAS SCALED ONTO THE PLAN BY BETA PRIOR TO COMPUTING THE UPLAND AREA FOR THE PARCEL. BETA COMPUTED THE UPLAND AREA BY SCALING THE AREA FROM THE PLAN AND THE RESULTANT AREA WAS DETERMINED TO BE APPROXIMATELY 2.4 ACRES. THE ADJUSTED BETTERMENT IS \$136,723.00 REDUCED FROM \$162,479.00.

MR. FELIZARDO SAID THAT HE DOES NOT FEEL THE ASSESSMENT IS FAIR BUT IT IS WHAT IT IS.

MOTION: TO GRANT THE ABATEMENT AND ASSESS A BETTERMENT OF \$136,723.00. SO VOTED.

A LETTER DATED 7/15/14 FROM THE DPW COMMISSIONER WAS READ CONCERNING 408 WINTHROP STREET, BRENO LIMA AND BETTERMENT ASSESSMENT FOR THE SANITARY SEWER.

THE LETTER STATED THAT THE PROPERTY OWNER APPROACHED THE DPW REQUESTING A SEWER SERVICE ON WINTHROP STREET UNDER THE STIPULATION THAT HE WOULD REIMBURSE THE CITY FOR CONSTRUCTION OF THE SERVICE THROUGH THE SEWER BETTERMENT PROCESS. THE MAINLINE SEWER WAS INSTALLED MANY YEARS AGO UNDER A PREVIOUS CONTRACT BY A PRIVATE DEVELOPER; HOWEVER, THE SERVICE LINE WAS INSTALLED ON SOUTH WALKER STREET.

THERE WERE NUMEROUS DISCUSSIONS DURING THE DESIGN AND CONSTRUCTION STAGES ABOUT PROVIDING SERVICE TO THIS PROPERTY BUT THE PROPERTY OWNER ULTIMATELY DECIDED NOT TO MOVE FORWARD WITH CONSTRUCTION. THEREFORE THE PROPERTY DID NOT RECEIVE SEWER SERVICE UNDER THE WINTHROP WEST SEWER EXTENSION PROJECT.

THE DEPARTMENT OF PUBLIC WORKS REQUESTS THAT THE BETTERMENT ASSESSMENT FOR THE PARCEL AT 408 WINTHROP STREET (PLAT 89 LOT 76) BE ABATED THE FULL AMOUNT OF \$41,611.

IT WAS NOTED THAT BASICALLY A BETTERMENT WAS ASSESSED BUT THE SERVICE WAS NOT PROVIDED

MOTION: TO ABATE THE FULL AMOUNT OF THE BETTERMENT IN THE AMOUNT OF \$41,611.00 FOR 208 WINTHROP STREET. SO VOTED.

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

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JULY 15, 2014

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

**2. MEET TO REVIEW MATTERS IN FILE**

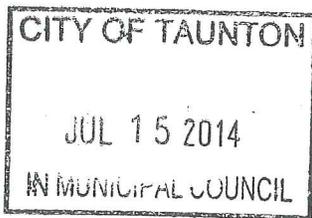
THE CHAIRMAN NOTED THAT NEXT WEEK THE COMMITTEE WILL MEET TO DISCUSS THE COLUMBIA CULTURAL CENTER ISSUE WITH CATHAL O'BRIEN, FRED CORNAGLIA AND THE CITY SOLICITOR.

MEETING ADJOURNED AT 7:29 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
JULY 15, 2014

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS QUINN, MARSHALL, POTTIER AND BORGES. ALSO PRESENT WAS DEAN HARRISON OF NEIGHBORHOOD CORP. AND CAROLYN MEDINA OF WOMEN'S DEVELOPMENT CORP.

**MEETING CALLED TO ORDER AT 7:31 P.M.**

**1. MEET WITH THE NEIGHBORHOOD CORP. FOR AN UPDATE ON WALKER SCHOOL**

THE CHAIRMAN STATED THAT APPROXIMATELY 4 WEEKS AGO NEIGHBORHOOD CORP/ (TNC) AT REQUESTED A 24 MONTH EXTENSION ON THEIR AGREEMENT REGARDING WALKER SCHOOL. THE COMMITTEE HAD ASKED THEM TO SPEAK TO THE CITY SOLICITOR AND TO GET SOME IDEAS AS TO WHAT WOULD BE A FAIR AND EQUITABLE ARRANGMENT TO MOVE FORWARD WITH THEIR EXTENSION. MR. HARRISON DID MEET WITH THE CITY SOLICITOR. MR. HARRISON PROVIDED A LETTER DATED 6/30/14 TO THE CITY SOLICITOR REGARDING THE WALKER SCHOOL.

THE LETTER STATES THAT CURRENTLY WEIR LAND VILLAGE LLC, NOMINEE OF THE NEIGHBORHOOD CORPORATION HAS A PURCHASE AND SALE AGREEMENT TO PURCHASE THE PROPERTY. BY THE TERMS OF THE P & S THE CLOSING DATE FOR THE SALE IS TO BE JULY 31, 2014.

THEY HAVE REQUESTED A 24 MONTH EXTENSION OF THE P & S IN ORDER TO PROVIDE THEM THE TIME NEEDED TO SECURE LOCAL, STATE AND FEDERAL APPROVALS AND TO OBTAIN THE FUNDS NECESSARY TO ACQUIRE THE PROPERTY AND COMPLETE THE PROJECT. THEY CONTINUE TO UPDATE THE TIMELINE, BUT BELIEVE A 24 MONTH TIME PERIOD IS REALISTIC FOR THIS PROJECT.

AS DISCUSSED WITH THIS COMMITTEE, DEVELOPMENT OF THE WALKER SCHOOL SITE WILL REQUIRE ENGINEERING AND SITE WORK (JULY-AUGUST, 2014), NATIONAL PARK SERVICE HISTORIC TAX CREDIT QUALIFICATION (JULY-AUGUST, 2014), ARCHITECTURAL WORK (JULY-DECEMBER 2014), ZONING APPLICATION (DUE AUGUST FOR SEPTEMBER HEARING), ZONING APPROVAL (SEPTEMBER, 2014), MASS. HISTORIC TAX CREDIT APPLICATION (1 OF 3) (JANUARY, 2015), DHCD 9% LIHTC APPLICATION DUE (MARCH 2015 – ESTIMATE), MASS. HISTORIC TAX CREDIT APPLICATION (2 OF 3) (APRIL, 2015), ANNOUNCEMENT OF 9% LIHTC AWARDS (DECD) (JULY 2015), MASS. HISTORIC TAX CREDIT APPLICATION (3 OF 3) (AUGUST 2015), INITIAL CLOSING WITH TAX CREDIT SYNDICATOR (APRIL 2016-ASSUMES APPROVAL OF LIHTC'S IN FIRST ATTEMPT), TRANSFER OF PROPERTY (APRIL 2016), START OF CONSTRUCTION (APRIL 2016), COMPLETION OF CONSTRUCTION (APRIL 2017), LEASE UP PERIOD (APRIL 2017 – SEPTEMBER 2017)

THE LETTER FURTHER STATED THAT THE FINANCING FROM DHCD IS THE MOST CRUCIAL TO THEM ACQUIRING THE PROPERTY. THE SCHEDULE REPRESENTS THE VERY BEST SCENARIO. THEY REQUESTED A 24 MONTH EXTENSION TO ALLOW FOR POTENTIAL DELAYS IN THE CLOSING PROCESS, HOWEVER, IF THEY ARE NOT FUNDED IN THE NEXT 9% LIHTC ROUND, THEY WILL NEED A FURTHER EXTENSION (LIKELY OF AN ADDITIONAL 12 MONTHS) TO PERMIT ADDITIONAL SUBMISSIONS FOR FUNDING..

THEY UNDERSTAND THAT THE CITY IS CONCERNED WITH PROVIDING THE EXTENSION REQUESTED. WHILE THEY ARE ENTHUSIASTIC ABOUT THE PROPOSAL, THEY ARE REALISTED ABOUT THE PROCESS. TO DEVELOP THE PROPERTY AS PROPOSED IT WILL TAKE THE TIME THEY HAVE REQUESTED. AFTER THE JUNE 2<sup>ND</sup> MEETING WITH THIS COMMITTEE THEY FELT THAT THE COMMITTEE UNDERSTOOD THIS AND WAS RECEPTIVE TO THEIR PROPOSAL, NOTWITHSTANDING THEIR CONCERNS ABOUT THE TIMING. THEY DISCUSSED SEVERAL POSSIBLE WAYS TO MITIGATE RISK FOR THE CITY, INCLUDING THE POSSIBILITY OF HARD DEPOSITS. AS EXPLAINED AT THAT MEETING, BOTH TNC AND WOMEN'S DEVELOPMENT CORPORATION ARE NONPROFITS WITH LIMITED RESOURCES AND WILL BE INVESTING BETWEEN \$100,000

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**THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED**

TO \$200,000 FOR PREDEVELOPMENT OF THIS PROJECT. THEY TOLD THE COMMITTEE AT THAT MEETING THAT NONREFUNDABLE HARD DEPOSITS WOULD NOT BE POSSIBLE.

IT WAS TNC'S UNDERSTANDING THAT THIS MATTER WAS REFERRED TO THE SOLICITOR TO WORK OUT APPROPRIATE BENCHMARKS TO ENSURE THE PROGRESS, WITH THE FURTHER CONDITION THAT THEY PROVIDE THE CITY WILL ALL ENGINEERING AND ARCHITECTURAL WORK PRODUCT IN THE EVENT THAT THEY DO NOT ACQUIRE THE PROPERTY. THEY WERE THEREFORE SURPRISED IN THEIR CONVERSATION WITH THE CITY SOLICITOR WHEN HE INDICATED THE NEED FOR THEM TO PAY NONREFUNDABLE HARD DEPOSITS FOR THE REQUESTED EXTENSIONS.

THEY, AFTER SERIOUS CONSIDERATION, HAVE AGAIN CONCLUDED THAT THEY CANNOT DO THIS. IN THE HOPE OF KEEPING THIS PROPOSAL MOVING FORWARD, THE NEIGHBORHOOD CORPORATION AND WOMEN'S DEVELOPMENT CORPORATION PROPOSE THE FOLLOWING:

- INCREASE THE PURCHASE PRICE OF THE PROPERTY FROM \$75,000 TO \$120,000 – PLUS UP TO \$10,000 FOR THE ACQUISITION OF LOT 92-297.
- PROVIDE THE CITY WITH COPIES OF ANY DRAWINGS, REPORTS, MARKET STUDIES, FINANCIAL COMMITMENTS, OR ANY OTHER INFORMATION THAT WOULD BE OF VALUE IF IN THE EVENT THAT THEY DO NOT ACQUIRE THE PROPERTY
- PERIODIC PROGRESS REPORTS TO THE PROPERTY COMMITTEE AND/OR ESTABLISHMENT OF DEVELOPMENT BENCHMARKS TO ENSURE PROGRESS.

THE LETTER ALSO NOTED THAT IF THEIR APPEARANCE BEFORE THE PROPERTY COMMITTEE IS DESIRED, THEY WOULD ASK TO BE PLACED ON THE AGENDA AS SOON AS POSSIBLE AS THEY WILL NEED TO UNDERSTAND THE FUTURE OF THIS PROJECT BEFORE JULY 31, 2014, WHEN THE P & S WILL EXPIRE, UNLESS EXTENDED.

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

THE CHAIRMAN STATED THAT DURING THE FIRST ROUND TNC WAS THE ONLY ONE TO RESPOND TO THE RFP. THEY HAVE INCREASED THE PURCHASE PRICE BY ABOUT 50%, THEY HAVE PROVIDED A STRICT TIMETABLE, THEY HAVE AGREED TO PROVIDE ALL ARCHITECTURAL AND ENGINEERING WORK TO THE CITY IF THIS DOES NOT GO FORWARD. WITH THE STRICT TIMETABLE, THEY WILL KNOW IF THIS IS NOT GOING TO MOVE FORWARD. SHE ALSO NOTED THAT ALL OF THE PROJECTS TNC HAVE DONE HAVE TURNED OUT VERY WELL.

COUNCILOR MARSHALL ASKED IF WE HAD A LETTER FROM THE CITY SOLICITOR.

THE CHAIRMAN SAID NO. SHE FURTHER NOTED THAT SHE SPOKE TO THE CITY SOLICITOR THIS PAST WEEK AND WHAT HE SUGGESTED WAS THAT THE COMMITTEE SHOULD DECIDE IF THESE TERMS ARE AGREEABLE OR NOT, IF THEY ARE FOR THE 2 YEAR EXTENSION, IT SHOULD BE REFERRED TO HIS OFFICE FOR HIM TO PROVIDE A CONTRACT AND GIVE THE MAYOR PERMISSION TO SIGN IT.

COUNCILOR BORGES NOTED THAT LAST TIME THE COMMITTEE MET ON THIS THERE WERE LOTS OF CONCERNS REGARDING THE 2 YEAR EXTENSION AND GETTING A HARD DEPOSIT. HER CONCERNS ARE THAT THIS BUILDING HAS BEEN VACANT FOR A WHILE, IT COULD REMAIN VACANT FOR ANOTHER 2 YEARS, IT IS HER UNDERSTANDING THAT THERE COULD BE A NEED FOR A NEW ROOF, THERE IS WATER ISSUES IN THE BASEMENT, SO WHAT HAPPENS OVER THESE NEXT 2 YEARS WHEN THIS BUILDING CONTINUES TO DETERIORATE. SHE ALSO NOTED THAT WHEN THIS RFP WENT OUT THE SECOND PARCEL WAS NOT INCLUDED. SHE FEELS THAT THIS SHOULD GO OUT TO BID WITH THE SECOND PARCEL AS THIS WOULD BE IN THE CITY'S BEST INTEREST.

COUNCILOR POTTIER STATED THAT HIS CONCERN IS THAT AN RFP WAS SENT OUT. HE DOES NOT THINK THAT WE SHOULD PUT OUT AN RFP AND THEN PULL IT BACK. HE NOTED THAT THE NEIGHBORHOOD CORP. HAS STATED THAT THE ONLY WAY TO MAKE THE NUMBERS WORK IS TO INCLUDE THE SECOND PARCEL. ALSO, ANYONE WHO WOULD BID ON THIS WOULD HAVE TO GO THROUGH THE SAME PROCESS

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THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

IF THEY WERE A NON-PROFIT AND THAT THE NEIGHBORHOOD CORP IS ALREADY ABOUT 6 MONTHS AHEAD. HE IS COMFORTABLE WITH GRANTING THE EXTENSION.

COUNCILOR QUINN ASKED IF THE NEIGHBORHOOD CORP. WAS ABLE TO GO FORWARD WITH THIS PROJECT WITHOUT THE SECOND PARCEL, BECAUSE MR. HARRISON KNOWS THAT THE CITY WOULD HAVE TO GET AN RFP ON THAT.

MR. HARRISON STATED THAT HE SPOKE TO MR. WALKEN AND THE SECOND PARCEL WAS SUPPOSED TO BE INCLUDED. WHAT HAPPENED WAS THAT IT WAS UNDER 2 DIFFERENT PARCEL NUMBERS. IT IS OWNED BY THE CITY. THE CURRENT VALUE IS AROUND \$3500.00 AND IN SPEAKING WITH THE CITY SOLICITOR HE DID INFORM THEM THAT IT WOULD MOST LIKELY HAVE TO GO OUT FOR AN RFP AND THAT THERE WOULD BE SOME PRICE ATTACHED TO IT, SO THAT IS WHY, BASED ON THEIR CONVERSATION LAST TIME, THEY WERE WILLING TO GO UP TO \$130,000 BASED ON THE VALUE OF THAT PARCEL BEING AROUND \$3500.00. THEY FELT THE \$10,000 IS FAIR. SOME OF THE UNITS WOULD HAVE PARKING ON THAT PARCEL AND OBVIOUSLY IF THEY DO NOT GET A PARKING WAIVER IT WOULD EFFECT THE NUMBER OF UNITS.

COUNCILOR QUINN NOTED THAT ALONG THOSE LINES, IF THIS IS PUT OUT FOR AN RFP AND NEIGHBORHOOD CORP. DOES NOT GET IT, THIS SALE IS NOT GOING TO GO.

MR. HARRISON SAID THAT IS CORRECT.

COUNCILOR QUINN THEN ASKED IF IT WOULD MAKE SENSE TO PUT THE WHOLE THING OUT FOR AN RFP, OR DID MR. HARRISON WANT TO KEEP IT AS IT IS AND TAKE HIS CHANCES THAT THEY WOULD GET IT.

MR. HARRISON SAID THAT THEY WOULD LIKE TO TAKE THEIR CHANCES WITH THAT OTHER PARCEL. COUNCILOR QUINN ALSO NOTED COUNCILOR POTTIER'S STATEMENT THAT NEIGHBORHOOD CORP. IS ALREADY 6 MONTHS AHEAD OF THE GAME, AND ASKED NEIGHBORHOOD CORP. TO ADDRESS HOW THEY ARE AHEAD OF THE GAME. IN 2 YEARS, HAS ANYTHING BEEN DONE?

MR. HARRISON STATED THAT IT REALLY HASN'T BEEN 2 YEARS. ORIGINALLY WHEN THE COUNCIL COMMITTEE VOTED BACK IN JANUARY OF 2013 TO SELL THIS, THE PURCHASE AND SALE WASN'T NEGOTIATED UNTIL 6 MONTHS LATER. THEY ALMOST LOST A YEAR. THEY REALLY DID NOT HAVE ANYTHING IN WRITING UNTIL CLOSE TO THE END OF 2013. SINCE THAT TIME THEY HAVE DONE ARCHITECTURAL DRAWINGS, LAYOUTS, SITE PLANS AND THEY HAVE SPENT ABOUT \$5,000 TO DATE ON DRAWINGS. THEY ALSO HAVE DISCUSSED ZONING AND ARE IN THE PROCESS OF THAT. NOW THEY HAVE TO GET THROUGH THE ZONING AND GO BEFORE THE ZBA AND THE CITY COUNCIL. IF THEY DO NOT HAVE THIS BY SEPTEMBER, THE COUNCIL WOULD KNOW AT THE END OF THAT PERIOD, IF THEY DO NOT GET ZONING, THE DEAL WOULD BEW DONE.

COUNCILOR QUINN ASKED IF THEY WOULD BE AGREEABLE TO HAVING CONTINGENCIES IN THE PURCHASE AND SALE THAT SPECIFICALLY SAID THOSE DEADLINES AND IF THEY WERE NOT MET, THEN THE DEAL WOULD BE DONE.

MR. HARRISON STATED THAT THEY COULD STRUCTURE THAT INTO THE AGREEMENT, HOWEVER THEY WOULD NEED SOME ROOM BECAUSE ANNOUNCEMENTS OF FUNDING ARE SOMETIMES DELAYED.

COUNCILOR QUINN STATED THAT THE CITY INSURING THAT BUILDING AND THE DETERIORATION OF THE BUILDING IS AN ISSUE, SO SHE DOES NOT WANT TO BE HERE 2 YEARS FROM NOW SAYING THE SAME THING.

MR. HARRISON STATED THAT ORIGINALLY THAT IS WHY THEY WANTED TO DO A \$1.00 TRANSFER, THEN THEY WOULD HAVE TAKEN OWNERSHIP OF THE PROPERTY AND THEY WOULD HAVE COVERED THE INSURANCE, ETC. OF THE BUILDING. THAT IS WHY THEY OFFERED AS THEIR OPTION 1 THE TRANSFER FOR \$1.00, OR THE 2<sup>ND</sup> OPTION OF \$75,000 AND THEY WOULD NOT TAKE OWNERSHIP UNTIL 19 MONTHS LATER. THE COMMITTEE CHOSE TO DO THE \$75,000 OPTION BUT GIVE THEM THE TIME TO TAKE ON THE PROPERTY,

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BUT THE CITY WOULD STILL BE RESPONSIBLE FOR THE UPKEEP BECAUSE THE TRANSFER OF THE PROPERTY WOULD NOT HAPPEN AT THAT TIME.

COUNCILOR MARSHALL STATED THAT HIS CONCERN IS THAT AT THE END OF 24 MONTHS WE COULD BE IN THE EXACT SAME SPOT WE ARE AT NOW, SO WE WOULD HAVE WASTED 3 YEARS. HE ASKED IF A 1 YEAR EXTENSION WITH AN AUTOMATIC ROLLOVER IF NEIGHBORHOOD CORP. COMES IN AND A REVIEW IS DONE AS TO THE PROGRESS MADE. HE IS ASSUMING THAT NEIGHBORHOOD CORP WILL NEED THE MASS. HISTORIC TAX CREDITS.

MR. HARRISON SAID YES.

COUNCILOR MARSHALL STATED THAT THERE ARE 3 ROUNDS. IF THEY DO NOT GET THAT BY THE 3<sup>RD</sup> ROUND HE WOULD ASSUME THAT THIS WOULD BE A PRETTY GOOD INDICATOR, THAT IF BY AUGUST OF 2015 THEY HAVE NOT RECEIVED THE CREDITS, AT THAT POINT THE AGREEMENT COULD BE ENDED AND THE CITY COULD PUT IT OUT FOR ANOTHER RFP.

THE OTHER THING COUNCIL MARSHALL WAS LOOKING AT IS THAT IN THE LETTER IT SAYS THE ANNOUNCEMENT OF THE LIHTC – IS THAT ROUND 1?

MR. HARRISON SAID YES, THEY USUALLY COME IN ABOUT 90 DAYS.

COUNCILOR MARSHALL STATED THAT HE IS THINKING THAT IF THEY DO NOT RECEIVE THIS IN JULY, IS THAT A GOOD INDICATOR THAT THEY WILL NOT GET THIS IN THE NEXT ROUND?

MS. MEDINA SAID NO. THERE ARE 2 DIFFERENT TAX CREDITS, THE HISTORIC TAX CREDIT AND THE LIHTC. THEY DO NOT GIVE YOU EVERYTHING FOR INSTANCE IF IT IS A MILLION DOLLAR PROJECT, THEY COULD GET \$300,000 THE FIRST ROUND, \$300,000 IN THE SECOND ROUND, THEN YOU APPLY AGAIN AND GET THE LAST \$400,000. IT IS VERY COMPETITIVE AND THEY ARE UP AGAINST MUCH BIGGER PROJECTS, AND IF THEY DECIDE TO FUND THIS PROJECT THEN THEY WILL GET WHAT THEY NEED. IF THEY DECIDE NOT TO FUND IT, THEN THEY GET ZERO, THEN THEY RE-APPLY.

COUNCILOR MARSHALL THEN STATED THAT IN ORDER FOR THEM TO MAKE THIS PROJECT WORK, THEY NEED BOTH.

MS. MEDINA SAID YES.

COUNCILOR MARSHALL IS LOOKING AT AN AUGUST 2015 DATE, BECAUSE THEY WOULD HAVE HAD 3 SHOTS AT THE MASS HISTORIC BY THAT TIME. IF THEY CAME BACK IN AUGUST OF 2015 AND SAID THEY WERE SHOT DOWN IN ALL 3 OF THE MASS. HISTORIC TAX CREDITS, THEY WERE SHUT OUT FOR THE INITIAL ROUND OF THE LIHTC, THIS WOULD PUT BOTH THE CITY AND THE PROJECT IN A MUCH DIFFERENT POSITION.

COUNCILOR MARSHALL STATED THAT HE WOULD LIKE TO STRUCTURE THE PURCHASE AND SALE AGREEMENT AROUND THAT AUGUST 2015 DATE WITH WORDING THAT IF THEY DO RECEIVE THEIR HISTORIC TAX CREDITS IN THAT YEAR THEN IT MAY BE AUTOMATICALLY CONTINUED. THE CURRENT EXTENSION REQUEST IS FOR JULY 31, 2014 TO JULY 31, 2016.

COUNCILOR MARSHALL STATED THAT HE WOULD BE MUCH MORE INCLINED TO GRANT THEM 1 MORE YEAR EXTENSION IF THEY HAD MASS. TAX CREDITS. THIS WOULD PROTECT THE CITY BECAUSE IF THE PROJECT IS NOT GRANTED THOSE TAX CREDITS WE KNOW IT IS NOT GOING TO BE FUNDED, WE KNOW THIS IS NOT A FOR PROFIT COMPANY THAT IS JUST GOING TO CALL UP STOCK HOLDERS AND SAY WE WANT TO DO THIS, THEY WILL NEED TO WALK AWAY FROM THIS IF THEY DO NOT GET THESE TAX CREDITS, THIS WAY THE CITY WILL AT LEAST GET A YEAR BACK.

COUNCILOR MARSHALL THEREFORE SAID THAT HE WOULD BE PROPOSING A 13-14 MONTH EXTENSION.

MR. HARRISON NOTED THAT THE AUGUST ROUND FOR THE TAX CREDITS USUALLY TAKES AT LEAST 60 DAYS TO BE AWARDED, SO HE WOULD LIKE TO HAVE UNTIL OCTOBER 31, 2015. MR. HARRISON ALSO STATED THAT THEY ARE NON-PROFIT, AS THE COMMITTEE KNOWS, SO TO PUT THEIR TIME AND EFFORT INTO THIS PROJECT AND GET OUT 2 YEARS WITH NOTHING TO SHOW IS NOT WHAT THEY WANT. IF THIS

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PROJECT LOOKS LIKE IT IS NOT GOING TO BE FUNDED, THEY ARE NOT GOING TO SIT THERE FOR 2 YEARS AND JUST HOLD IT. THEY WILL KNOW EARLY ON IF THEY CAN MAKE THIS WORK.

COUNCILOR MARSHALL NOTED THAT IS HIS OTHER CONCERN, HE JUST DOES NOT LIKE THE 2 YEAR EXTENSION AND IF AFTER 13 MONTHS WE KNOW IT IS NOT GOING TO WORK THE CITY WILL STILL HAVE A SIGNED AGREEMENT WITH THE NEIGHBORHOOD CORP AND COULDN'T THEN PUT IT BACK OUT FOR RFP. IS THERE SOME WAY TO STRUCTURE THE PURCHASE AND SALE AGREEMENT TO ALLOW THE DEVELOPER TO TERMINATE THE AGREEMENT.

COUNCILOR CARR STATED THAT IT WAS TOUCHED ON IN THE PREVIOUS MEETING THAT IF CERTAIN THINGS DID NOT HAPPEN WITHIN A CERTAIN TIME LINE, THEN THE DEAL WAS GOING TO BE DEAD BECAUSE THEY COULDN'T GO ANY FURTHER AND THEY WOULD AT THAT POINT SAY THEY WERE DONE. MR. HARRISON AGAIN NOTED THAT THE NEIGHBORHOOD CORP. DOES NOT WANT TO SIT ON THIS EITHER.

COUNCILOR BORGES STATED THAT SHE WAS NOT TRYING TO SAY THAT THE NEIGHBORHOOD CORP. WAS HOLDING THIS UP FOR 2 YEARS, BUT SHE IS LOOK AT THE FACT THAT THE CITY HAS TO INSURE THE PROPERTY FOR 2 MORE YEARS, AND IT WILL CONTINUE TO DETERIORATE. SHE UNDERSTANDS WHY THEY ARE ASKING FOR THE 2 YEAR EXTENSION, HOWEVER IT IS STILL 2 YEARS.

COUNCILOR QUINN ASKED IF THEY RECEIVED PHASE 1 OF THE MASS HISTORIC TAX CREDITS AND THE LIHTC, WOULD THEY GO FOR THE PROJECT WITHOUT THAT 3<sup>RD</sup> ROUND OF FUNDING.

MR. HARRISON SAID THAT THEY WOULD HAVE TO KNOW THE AMOUNT THEY WOULD GET ALSO.

COUNCILOR QUINN STATED THAT SHE WOULD NOT WANT TO WAIT UNTIL 60 DAYS AFTER AUGUST OF 2015, SO HER QUESTION IS IF THEY PUT IN A CONTINGENCY IN A 2 YEAR PURCHASE AGREEMENT THAT BY JULY, WHATEVER DATE THEY SAY, THAT THE NEIGHBORHOOD CORP. WILL KNOW BY, THEY WILL KNOW ABOUT THE FINANCING FROM LIHTC, AND AT THAT POINT YOU HAVE THE OPTION TO GET OUT OF THE AGREEMENT.

MR. HARRISON SAID THAT WHAT HE WOULD LIKE TO HAVE IS THAT WHEN DHCD COMES OUT WITH THEIR ANNOUNCEMENT IF THEY ARE NOT AWARDED, THEN WITHIN 30 DAYS EITHER PARTY CAN CANCEL THE AGREEMENT. THIS WAY IT WILL GIVE THEM TIME TO FIND OUT, IF THEY DID NOT GET IT, WHY NOT, AND IF THEY DO GET IT THERE WOULD BE A GAP OF 30 DAYS. THE DHCD MAKES RECOMMENDATIONS TO THE GOVERNOR'S OFFICE, SO IF HE IS NOT AVAILABLE, IT COULD TAKE ADDITIONAL TIME.

COUNCILOR BORGES ALSO WANTED TO NOTE AGAIN THAT IF THIS PROJECT DOES NOT GO THROUGH, THE NEIGHBORHOOD CORP. HAS AGREED TO PROVIDE ALL OF THE PLANS, THE FINANCIAL STATEMENTS, ETC. SHE ASKED HOW FAR ALONG IN THE PROCESS THEY ARE.

MR. HARRISON SAID THEY HAVE PROVIDED TO THE COUNCIL THE DRAWINGS THAT THEY HAVE, AND BY THE TIME THEY GET TO NEXT YEAR DRAWINGS WILL BE AT LEAST AT 50%, ENGINEERING WILL BE AT ABOUT 25%. THEY WILL HAVE AN ENVIRONMENTAL PHASE 1 COMPLETED, ASBESTOS PLAN IN PLACE, AND PART OF THE HISTORIC DESIGNATION DONE. THERE WILL BE ADDED VALUE THERE.

COUNCILOR BORGES AGAIN NOTED THAT IT COSTS \$4-\$5000 A YEAR TO INSURE THIS PROPERTY, AND SHE ASKED IF NEIGHBORHOOD CORP. IS WILLING TO TAKE THIS ON.

MR. HARRISON SAID NO.

COUNCILOR POTTIER STATED THAT BOTH OF THESE ENTITIES ARE NON PROFIT. IF THEY DO NOT DEVELOP THIS PROPERTY, WHO ELSE WOULD WANT IT. THERE ARE MANY POSITIVES WITH THE PROJECT AND BOTH THE NEIGHBORHOOD CORP. AND WOMEN'S DEVELOPMENT CORPORATION HAVE AGREED TO GIVE UPDATES.

COUNCILOR COSTA-HANLON STATED THAT SHE AGREES WITH COUNCILOR POTTIER AND THAT THIS IS AN EXCELLENT PROJECT.

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**THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED**

COUNCILOR CROTEAU STATED THAT HE WANTS THIS AS A SEPARATE ISSUE IN FULL COUNCIL AS HE IS OPPOSED TO THIS.

COUNCILOR MCCAUL STATED THAT HE WANTS TO SEE THIS PROJECT GO FORWARD.

CHAIRMAN CARR STATED THAT WHAT IS BEING LOOKED FOR IS APPROVING A 2 YEAR EXTENSION AND TO DIRECT THE CITY SOLICITOR TO DRAW UP A NEW CONTRACT REFLECTING THE NEW TERMS IN THE LETTER PROVIDED BY NEIGHBORHOOD CORP.

ON DISCUSSION, COUNCILOR MARSHALL STATED THAT HE WOULD LIKE A 15 MONTH EXTENSION WITH AN AUTOMATIC ROLLOVER IF NEIGHBORHOOD CORP. HAS RECEIVED FUNDING IN THE MASS. HISTORIC TAX CREDIT. EVERYONE HAS HEARD THAT THEY NEED THIS AND IF THEY ARE SHUT OUT OF THE 3 ROUNDS IN 2015, THEY ARE PRETTY MUCH DONE. HE DOES NOT WANT THE 24 MONTH EXTENSION, HOWEVER HE IS FLEXIBLE WITH 15 MONTHS, 16 MONTHS.

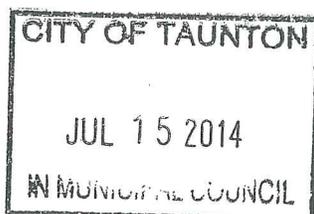
COUNCILOR QUINN STATED THAT SHEE WOULDN'T WANT TO DO A 15 MONTH AGREEMENT, BUT COULD DO A 2 YEAR PURCHASE AND SALE AGREEMENT WITH CONTINGENCIES. SHE WOULD SUGGEST JULY OR 30 DAYS AFTER THE ANNOUNCEMENT OF FUNDING. WHY WAIT UNTIL OCTOBER BECAUSE THEY WOULD KNOW IF THEY COULD DO THE PROJECT.

**MOTION: TO GRANT THE 2 YEAR EXTENSION OF THE PURCHASE AND SALE AGREEMENT WITH THE CONTINGENCY THAT EACH PARTY CAN TERMINATE THE AGREEMENT IF CERTAIN BENCHMARKS ARE NOT MET – ALSO INCLUDING THE 3 CONTINGENCIES LISTED IN THE LETTER FROM NEIGHBORHOOD CORP. AND THE 4<sup>TH</sup> WOULD BE THAT EITHER PARTY CAN TERMINATE 30 DAYS AFTER THE HDCD MAKES THEIR ANNOUNCEMENT. SO VOTED.**

COUNCILOR POTTIER NOTED THAT IF SUPPORT LETTERS ARE NEEDED OR BENEFICIAL FROM THE CITY OR THE COUNCIL, HE HOPES THAT THE COMMITTEE WOULD BE AMENABLE TO PUTTING SOMETHING TOGETHER IF NEIGHBORHOOD CORP. COMES BACK TO THE COMMITTEE.

**MOTION: TO REFER THIS TO THE CITY SOLICITOR TO DRAFT A PURCHASE AND SALE AGREEMENT AND FORWARD IT TO THE MAYOR FOR HIS OPINION ON SIGNING THE AGREEMENT. THE COMMITTEE PROVIDES THE AUTHORITY TO THE MAYOR TO SIGN THE AGREEMENT. SO VOTED.**

MEETING ADJOURNED AT 8:30 P.M.



RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

CITY CLERK



# CITY OF TAUNTON

ORDER #2  
FY 2015  
JULY 15, 2014

*In Municipal Council* ..... 20.....

*Ordered, That*      THE SUM OF TWO THOUSAND THREE HUNDRED  
EIGHTY NINE DOLLARS AND SEVENTY SEVEN CENTS (\$2,389.77) BE AND HEREBY IS  
TRANSFERRED FROM FIRE DEPARTMENT ACCOUNT NO. 01-220-5200-5999

TO:    ACCOUNT NO. 01-220-5500-5999

..... *Clerk.*