



*City of Taunton
Municipal Council Meeting Minutes*

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*Elizabeth Pole School Library
215 Harris Street, Taunton, MA 02780
Minutes, August 6, 2013 at 7:00o'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

Present at roll call were:

*Councilor's Marshall, Cleary, Colton, Medeiros, Costa-Hanson, Pottier,
McCaul, Carr and Barbour*

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

Communications from the Mayor:

Motion was made to invite in some of the cast members of CATS as well as Peter Hoye, Marketing Director. So Voted.

The Mayor read a Proclamation dedicating this week in the City of Taunton to the Star Players of Bristol County. **Motion was made to move adoption. So Voted.** Peter Hoye, Marketing Director, informed every one of the upcoming show at the Friedman Middle School. Cast members present were Alex Coots, Brooklyn Toli, Hailey Conte, Alexa Wilber.

Motion was made to recess the meeting at 7:05pm. So Voted

Motion was made for Council to return to regular meeting at 8:40pm. So Voted.

Communications from City Officers:

Com. from Treasurer/Collector – Notifying of a Land Court Decree on a tax title parcel assessed to Esther H. Phillips located on Parcel #77-332 Hamlen Street, Taunton.

Motion was made to refer the tax title decree to the Risk Manager, Law Office and Committee on Public Properties. So Voted.

Com. from Treasurer/Collector – Notifying of a Land Court Decree on a tax title parcel assessed to Wayne A. Newman located on Parcel #115-2313 Mary Ann Way, Taunton.

Motion was made to refer the tax title decree to the Risk Manager, Law Office and Committee on Public Properties. So Voted.

Com. from Treasurer/Collector – Notifying of a Land Court Decree on a tax title parcel assessed to Arthur L. Rose located on Parcel #140-158 Williams Street.

Motion was made to refer the tax title decree to the Risk Manager, Law Office and Committee on Public Properties. So Voted.

Com. from Treasurer/Collector – Notifying of a Land Court Decree on a tax title parcel assessed to June M. Jordan located on Parcel #135-1, 84 Seekell Street, Taunton. **Motion was made to refer the tax title decree to the Risk Manager, Law Office and Committee on Public Properties. So Voted.**

Councilor Cleary stated that some of these properties were taken back a few years ago. Councilor Costa-Hanlon informed that the adjudicated date is June 2013.

Com. from Human Services Director – Requesting permission to destroy the following items: one computer tower, photo ID software, photo ID camera, photo ID printer, TTY, one padded chair, seven square folding tables. **Motion was made to move approval. So Voted.**

Com. from City Solicitor – Notifying of receipt of attorneys' fees for Southeast Housing Court, Docket No 10-CV-127-Taunton Fire Department et al. v. Michael O'Donnell et al in the amount of \$200. **Motion was made to receive and place on file. So Voted.**

Com. from Joseph DeCosta, 37 Duffy Drive, Taunton – Requesting a waiver of the 5-year moratorium to tie in the vacant lot to the City's water system. **Motion was made to refer to the DPW Commissioner and Committee of DPW. So Voted.**

Com. from Mickey Martin, T-Comp Consulting Director, Uplifting Health and Wellness – Requesting to meet to discuss opening a medical cannabis facility in Taunton. **Motion was made to receive and place on file. So Voted.**

Com. from Kevin Duquette, Environmental Compliance Officer, Board of Health – Responding on landfill odor control devices. Mr. Duquette informed that the landfill uses a water truck that is filled with water and a dilution of deodorant that is sprayed on any surface of the landfill as needed. There is a mobile turbine deodorizer and three fogging units that emit a mist of the counteractant. These units are used when wind direction and weather conditions are favorable for odors in the community and many times used proactively prior to known odorous loads like Taunton sewer sludge delivers. Waste Management also provides a bucket of deodorant crystals for haulers to throw into exceptionally odorous trucks after dumping. Councilor Barbour stated that he did not ask for the type of equipment used at the landfill for counteractants, but rather why they are not being used. **Motion was made Kevin Duquette provide a copy of the log of times when the odor nuisance control devices are used and if there is no log, there should be one and they should be used on a daily basis. So Voted.**

Com. from Board of Assessors – Notifying of valuations of real estate for FY2014. Actual bills will be mailed at the end of December for the 3rd and 4th quarters. **Motion was made to receive and place on file and for the Board of Assessor's to send a Press Release to the Taunton Gazette for public information. So Voted.**

Petition submitted by John Anderson, Record Town, Inc. – d/b/a – FYE#1594 located at 2 Galleria Mall Drive, East Taunton for a new Second Hand Article License. **Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.**

Petition submitted by Humberto Pereira, 152 Grinnell Street, Fall River requesting a renewal of his Temporary Fixed Vendor License for Pereira's Inc., d/b/a Top Quality Seafood located at 3 Cape Road, Taunton. **Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.**

Petition submitted by Joe Silva, 316 Middleboro Avenue, East Taunton requesting a renewal of his Temporary Fixed Vendor License for Joe's Fresh Seafood located at 255 Cape Highway in the parking lot at Farmer's Market. **Motion was made to refer to the Committee on Police and License and Police Chief. So Voted.**

Petition submitted by Alan Medeiros, Treasurer, Italian Social Club of Taunton, Inc., requesting a renewal of their Billiard Table License located at 2 Columbus Boulevard, Taunton (1 table). **Motion was made to refer to the Committee on Police and License and Police Chief. Councilors Medeiros and McCaul voting present. So Voted.**

Claim submitted by Angel Machnik, 275 William Street, Taunton requesting reimbursement for damages to her automobile from hitting a pothole on Middleboro Avenue, East Taunton near Lake Rico. **Motion was made to refer to the Law Department and DPW. So Voted.**

Petition submitted by Katelyn Rombold, 88 Linden Street, Taunton requesting to have Linden Street repaved. **Motion was made to refer to the Committee of 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 Barbour motioned to refer to the Committee on Police and License for the Safety Office and Police Chief to meet with Council to discuss the intersection of Bay Street and Whittenton Street. He stated that the Police Chief may have a traffic plan for the area and will possibly be looking for mitigation and a stop sign. So Voted.

Councilor Barbour motioned to refer to the Committee on Police and License the pedestrian traffic light near the old St. Paul's Church to be moved closer on Tremont Street to Trucchi's area for pedestrian foot traffic. So Voted.

New Business

Councilor Carr stated that Trinity Financial is now accepting applications for the Hope VI Development at the Dewert facility office.

Councilor Carr motioned to refer 616 Bay Street and 273 Bay Street to Mr. Duquette regarding the 3 foot tall grass on the properties in accordance to the new Nuisance Law. So Voted.

Councilor Medeiros motioned to refer to Mr. Cornaglia the crosswalks located at the Boys/Girls Club on Court Street and Trucchi's on Country Street for the repainting/restriping program this year. So Voted.

Councilor Barbour motioned to refer to the Zoning Enforcement Officer, 11 Cameron Avenue for inspection of multiple vehicles on site with a report back to the Council packet in writing in two weeks. So Voted.

Councilor Barbour motioned to refer to the Safety Officer to contact Arlene Nichols of 23 West Weir Street for safety concerns in regards to vehicles not stopping for busses and refer the radar and radar trailer in that area as well. So Voted.

Councilor Barbour motioned to refer to the Safety Officer the intersection of Dolan Circle and Middleboro Avenue the obstruction of shrubbery. So Voted.

Councilor Barbour motioned to refer to the DPW Commissioner, 27 Warren Street for repair of sidewalks. So Voted.

Councilor Barbour motioned to refer to the DPW to have the street sweeper clean Old Colony Avenue, Middleboro Avenue and Dolan Circle as there is a large amount of rocks and stones. So Voted.

Councilor Barbour motioned to refer to the Safety Officer for evaluation of moving the sign at the intersection of Cardinal Circle in the Bird Lanes so that traffic can see the "dead end" sign. Sign is ambiguous. So Voted.

Councilor Barbour motioned to refer to the DPW Commissioner, Disamar Road as the grading is very far off causing residents difficulty getting on and off their street; therefore, he asked that the DPW Commissioner possibly reach out to the contractor of the project to correct the issues. So Voted.

Councilor Cleary motioned to include on communications for issues referred to Department Heads or specific individuals, the Councilor's name who made the motion. So Voted.

Councilor Costa-Hanlon motioned for the Committee on Police and License to schedule one meeting with the Safety Officer within the next couple of weeks to discuss issues such as the Washington Street sidewalk area and any other issues that may need to be referred to him. So Voted.

Councilor Costa-Hanlon motioned to refer to the Committee on Police and License general issues of loitering in the Downtown area. So Voted.

Councilor Costa-Hanlon motioned to refer to the Mayor's Office the status of Taunton State Hospital especially in regard to the facility, clients and manner in which clients are being released and whether they are being released in the city and whether there is any oversight within the next month. So Voted.

Motion was made to adjourn at 9:01p.m. So Voted.

A true copy:

Attest:


Assistant City Clerk

JL/dmc

**CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 6, 2013**

THE COMMITTEE ON FINANCE & SALARIES

PRESENT WERE: Councilor Deborah Carr, Chairman; Councilors Cleary and Colton

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

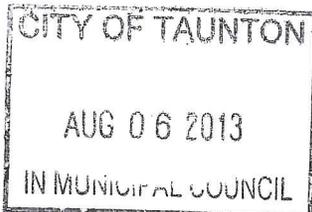
1. Meet to review the weekly vouchers and payrolls for City Departments

MOTION: Move approval on the Invoice Warrant dated August 6, 2013 in the amount of \$2,879,456.43. So Voted.

MOTION: Move approval on the Payroll Warrant dated August 6, 2013 in the amount of \$979,172.88. So Voted.

Councilor Carr informed that the Committee will be meeting with the Treasurer/Collector on August 20, 2013 to discuss the City's bonding.

MEETING ADJOURNED AT 5:53P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Dawn Caradonna".

DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Jennifer R. Regan".

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 6, 2013

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: Councilor Costa-Hanlon, Chairman; Councilors Cleary and Barbour
Lieutenant Smith

MEETING CALLED TO ORDER AT 5:54P.M.

1. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF OLD GOLD LICENSES:**

Communication from Chief Walsh dated August 4, 2013.

MOTION: Move approval to make part of the Committee report and records. So Voted.

A. **KAY JEWELERS, 2 GALLERIA MALL DRIVE, TAUNTON.**

MOTION: Move approval. So Voted.

B. **BELDEN JEWELERS, 2 GALLERIA MALL DRIVE, TAUNTON.**

MOTION: Move approval. So Voted.

2. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR THE RENEWAL OF THE SECOND HAND ARTICLE LICENSE FOR BEST BUY STORES, 2 GALLERIA MALL DRIVE, TAUNTON.**

MOTION: Move approval. So Voted.

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

A. **AMF BOWLING CENTERS, INC., d/b/a AMF TAUNTON LANES, 555 WINTHROP ST., TAUNTON -2 TABLES.**

MOTION: Move approval. So Voted.

B. **BARBEQUE INTEGRATED INC., d/b/a SMOKEY BONES BARBEQUE AND GRILL, 1023 COUNTY STREET , TAUNTON – 2 TABLES.**

MOTION: Move approval. So Voted.

4. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF GEORGE PERRY, 52 WORCESTER STREET FOR RENEWAL OF JUNK DEALER'S LICENSE FOR HUB CAP KING, 94 TREMONT STREET, TAUNTON.**

MOTION: Move approval. So Voted.

5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:

A. EDWARD SMITH, 193 TREMONT STREET – RENEWAL

MOTION: Move approval of the application of Edward Smith for Crossing Guard Only. So Voted.

B. AHMED MUSTAFA, 530 CARRIAGE SHOP ROAD, EAST FALMOUTH - NEW

The Chief noted that the Department's License Division found nothing except the residency restriction contained in Taunton City Ordinance 18-4 that would prevent the approval of this application for appointment as constable.

MOTION: Move approval of the application of Ahmed Mustafa for Civil Process only. So Voted.

Councilor Cleary stated that it was brought up previously regarding Constable License applicants who lives outside the City. He said he believes it was referred to this Committee to look into the State Regulations for approving.

6. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF BARBARA GENDRON, 1359 SOMERSET AVE. FOR RENEWAL OF TEMPORARY FIXED VENDOR LICENSE FOR MR. G'S HOT DOG CONNECTION, 408 WINTHROP STREET, TAUNTON.

MOTION: Move approval. So Voted.

7. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF PEACHES MITCHELL OF 114 SCHOOL STREET, SEEKONK FOR NEW FORTUNE TELLER LICENSE d/b/a PALM READING BY PEACHES, 357 COUNTY STREET, TAUNTON.

MOTION: Move approval. So Voted.

8. MEET TO REVIEW MATTERS IN FILE.

Councilor Barbour stated that it was referred to this Committee a couple of months ago the possibility of moving the pedestrian light in front of the old St. Paul's Church to the crosswalk in front of Trucchi's as well as traffic concerns at the intersection of Whittenton and Bay Streets. Councilor Costa-Hanlon stated that she has not received any report from the Safety Officer. He asked that the Committee have discussions on these items within the next couple of weeks.

PETITION OF SEAN MOORE, FOR OLD COLONY SCRAP INC., 655 WEST WATER STREET, TAUNTON FOR RENEWAL OF A JUNK COLLECTOR'S LICENSE.

MOTION: Move approval. So Voted.

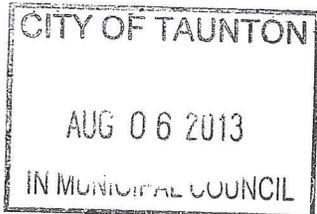
PETITION OF DAVID CUPUZZO & RICHARD MANSEUTO FOR DEVIL DOG CATERING, INC., TAUNTON MUNICIPAL AIRPORT, WESTCOAT DRIVE, TAUNTON FOR NEW TEMPORARY FIXED VENDOR LICENSE.

MOTION: Move approval. So Voted.

PETITION OF MARGO AND SYLVESTER ENGLISH FOR A NEW TEMPORARY FIXED VENDOR LICENSE FOR KINFOLKS AWARD WINNING BBQ, LLC, 5 CAPE ROAD, TAUNTON.

Motion: Move approval. So Voted.

MEETING ADJOURNED AT 6:04P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Dawn Caradonna".

DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Jennifer Heger".

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 6, 2013

THE COMMITTEE ON PUBLIC PROPERTY

PRESENT WERE: Councilor Pottier, Chairman; Councilors Marshall, Barbour, Carr, Costa-Hanlon
Susan Barber and City Solicitor Buffington

MEETING CALLED TO ORDER AT 6:22P.M.

1. **MEET WITH SUSAN BARBER, TAX POSSESSION AGENT TO DISCUSS TAX TITLE PROPERTY THAT THE CITY HAS TAKEN, INCLUDING HOW THE CITY WILL GO ABOUT SELLING THE PROPERTIES, AND ALSO WHETHER THIS MONEY CAN BE EARMARKED FOR FUNDS TO BUILD CITY HALL.**

MOTION: To invite into the enclosure Susan Barber and City Solicitor Buffington. So Voted. Councilor Pottier read correspondence from the City Clerk. The Council voted of July 9, 2013 to have this Committee discuss tax title properties that the city has taken to see whether said properties could be sold and if this money can be earmarked to build City Hall.

MOTION: Move approval to receive and place on file. So Voted.

Ms. Barber stated that once she receives notification of a property being taken over, she or Solicitor Buffington would visit the property to see if there is anyone living in the residence. To find out if these properties would be a prime piece of real estate to sell either at auction or by seal bid, Ms. Barber contacts the Conservation Agent and Engineering Department to verify the conditions and location of the properties. Solicitor Buffington informed that all funds from the sale of said properties, by statute, would need to go into the General Fund and eventually be counted on as Free Cash. Councilor Barbour stated that his initial thought was for all funds from the sale of these properties are earmarked for the future City Hall project. Solicitor Buffington informed that all funds received would need to go into the General Fund Account and at the close of the fiscal year, those funds could then be appropriated by the City. In turn, the Mayor would make the recommendation to Council as to the use of Free Cash. Councilor Barbour would like to exclusively see those funds reserved. Solicitor Buffington stated that if Council tried to pass such an Ordinance whereas fund were earmarked for a specific item, the City would be in violation of State Law and it would not have any legal effect.

MOTION: To forward correspondence to the Mayor asking for his consideration in earmarking funds available through Free Cash for the future City Hall project. So Voted.

Councilor Carr agreed that it would be a logical place to put the funds toward the future project of City Hall. She asked about buildings located on properties and if they are deployable, would the city demolish and would that come before the Committee to deny or approve. Solicitor Buffington stated that properties are assessed immediately when either he or Ms. Barber visits the property. He stated that in accordance to State Law, there is not one way to demolish structures located on properties. Solicitor Buffington informed that Taunton has appointed a Tax

Possession Custodian, Ms. Barber pursuant to MGL Chapter 60, Section 70B. By statute, Ms. Barber has the control and authority of the properties. The Tax Possession Custodian is empowered by Law to sell property at public auction. Ms. Barber informed that all properties are looked upon on a case by case basis to see what process would be best for the City.

MOTION: Councilor Carr motioned for communication from the Tax Possession Custodian or Law Office to be forwarded to the Committee of Public Properties for any properties that the City deposes of. Councilor Costa-Hanlon motioned to refer to Committee on Finance and Salaries to look at other streams of revenues that the City has coming in from City Sources and have them earmarked for the City Hall project. So Voted. Councilor Marshall asked if the City is anticipating disposing of any properties this year and what would be the process to dispose of them. Ms. Barber informed that there are two properties (40 Norton Avenue and 3 Bow Street), both are different and the process may be different on each. Both properties to be disposed sometime in September or October. Councilor Marshall stated that we have had to demolish properties, sheds and such on some of these properties. He asked if the City would be reimbursed once the sale of the property is final. Solicitor Buffington stated that everything related to tax title comes out of the General Fund and goes back into the General Fund. There was an appropriation that the Mayor proposed and the Council approved to help maintain tax possession properties. Solicitor Buffington stated that the law states that the Tax Possession Custodian has the authority for the sale of the property, although the City would have the ability for any other method authorized by Law.

Councilor Carr asked Solicitor Buffington about the sale of Walker School to the Neighborhood Corp. She stated that about 5-6 months ago the Neighborhood Corp. showed interest in purchasing the property for \$1. Solicitor Buffington stated that he is in the process of submitting something back to Council regarding this. The City sent out an RFP on the property and the City received a bid from the Neighborhood Corp in the amount of \$75,000. Solicitor Buffington said that apparently the Neighborhood Corp did not want to proceed because they would have to carrying a vacant building for some period of time. Solicitor Buffington stated that it may be a period of time until the Neighborhood Corp can get the finance they need for the project, therefore, they said they would be willing to pay a \$1 for the building. Solicitor Buffington stated that the city could sign a Purchase and Sales Agreement now with the bidder and the closing would be possibly within a year or year and a half or the City could sell the building for a \$1 and take back the mortgage for \$75,000. The Law Office is looking into different options with recommendations to the Council within four weeks. Councilor Barbour asked if the City has any obligation to the current buyer of the property. Solicitor Buffington stated that the City solicited an RFP and that the Neighborhood Corp had responded. Solicitor Buffington will look into the obligation of the City to this buyer with a response in four (4) weeks.

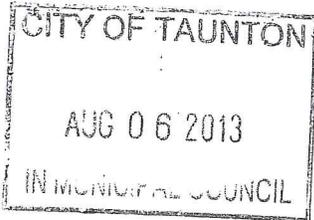
MOTION: Councilor Barbour motioned for the Committee on Public Property to continue discussions on the reconstruction/rebuilding of City Hall in four (4) weeks. Councilor Costa-Hanlon stated that she would not feel comfortable on choosing any one of the three options for the future City Hall Project until funding is secured. **So Voted.**

MEETING ADJOURNED A 6:56P.M.

RESPECTFULLY SUBMITTED,



DAWN M. CARADONNA



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



ASSISTANT CITY CLERK

**CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 6, 2013**

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: Councilor McCaul, President; Councilors Barbour, Carr, Pottier,
Costa-Hanlon, Medeiros, Cleary, Colton, Marshall.
Peter Lamb, Chief Walsh and Lieutenant McCabe

MEETING CALLED TO ORDER AT 7:05P.M.

- 1. MEET WITH THE LICENSE COMMISSION, POLICE CHIEF AND LIEUTENANT MCCABE TO DISCUSS THE HOME RULE PETITION WHICH WAS SENT TO THE LEGISLATURE TO GRANT ADDITIONAL LIQUOR LICENSES.**

MOTION: To invite into the enclosure Peter Lamb, Chief Walsh and Lieutenant McCabe. So Voted.

Mr. Lamb informed that the Licensing Commission's June 26th Agenda contained an item which was put on for discussion as to whether or not to put forth a Home Rule Petition to increase the number of licenses under Chapter 15 – Package Store License. The Commission discussed whether or not they would be in favor of the increase as well as their ability to regulate the number of licenses. Councilor Medeiros stated that the current petition is for an increase of four (4) All Alcohol Licenses and four (4) Beer and Wine. Mr. Lamb informed that all applicants would need to follow all the procedures set forth with the Commission and that any open licenses are issued at the discretion of the Commission. Councilor Cleary asked for the criteria used to determine the number of increased licenses. Chief Walsh stated that the Commission discussed the need and density of the area. He stated that the City is not saturated; the northern part of the city currently does not have package stores especially near BJ's on Bay Street. Chief Walsh stated that individuals interested in a Liquor License are acquiring them through transfers and the current rate of transfers in the City is about \$200,000. Individuals who obtain a transfer are doing so by a Home Rule Petition. Mr. Lamb stated that there is no list of individuals waiting for licenses but there is a demand. When and if a license becomes available through the City, the fee charged is set forth by the City. Once the licenses become available, Councilor Cleary feels there will be a high demand for them, especially if they are obtained at a cost of \$1800-2000. After purchasing the license, an individual could use it for a period of time and then turn around and sell it for \$200,000; that would be a great profit. Due to license holders not using or operating a business, the City now has two Wine & Beer Licenses available. The City has not had an increase in licenses in a number of years. Mr. Lamb stated that the market is there and there is a demand out there for an increase. Councilor Cleary stated that a major liquor store chain could obtain one of these licenses and if they are located next to an existing package store, it will cause a major impact on that small business. In his own opinion, Councilor Cleary does not see a need for any additional package store or beer and wine

licenses. He stated that there is not much the City can do with transfer of licenses, but it can maintain the quota system that is in place. The Chief stated that major franchise should be supported by the City; the City would receive substantial tax revenue from them. According to the ABCC, Taunton is very low on Wetness at a 209. Councilor Cleary stated that the ones who will be impacted the most are the businesses currently holding a license that have invested a lot into their business, including licensing fees year after year- some have done this for 20-30 years. Chief Walsh stated that the only issue in increasing the number of available licenses is the devaluing of current licenses. Councilor Barbour stated that when this first came up, he assumed it was for restaurants, but when the motion came up, it was for Off Premises Liquor Licenses. He stated that being a dry community is not a bad thing. Councilor Barbour suggested the Licensing Commission create a list for upcoming available licenses similar to the waiting list for Class 2 Licenses. Chief Walsh stated that there has not been a new license for over twenty years and having a list is meaningless because individuals who are interested in a license will seek out current license holders to see if they are willing to sell. The License Commission has provision in their regulations that if multiple applicants come forward for an available, they will consider them all at the same time. Individuals interested in a license can obtain information through Ms. Barber. Councilor Barbour stated that opening up the number of licenses, decays the character of the community. Mr. Lamb informed that the Licensing Commission discussed the regulatory side of the increase; and with the diligence of the Licensing Commission and Police Department, he is confident that they will be able to handle them. Councilor Pottier asked if the Licensing Commission has any oversight on the number of Tobacco Licenses in the City. The Board of Health does handle all the Tobacco Licenses. Councilor Pottier stated that it is not up to this Body to decide whether or not a business opens up next to each other. He said he appreciates not having a waiting list for licenses, because if and when a license comes available, he knows the Commission will give to the most qualified applicant. He said the City needs to have the ability to foster at least competition or licenses to be available. Councilor Pottier stated that he was well aware of what he was voting on when Council approved the Home Rule Petition. Councilor Costa-Hanlon stated that she clearly knew what Council was voting on when it came before them. Chief Walsh stated that if another eight licenses were issued the ABCC Wetness number would probably go down to 190. Councilor Costa-Hanlon stated that all licenses are not owned by any individual, it is owned by the City of Taunton. Councilor Carr asked if there were any maps where the Council could see exactly where the businesses are located. She has no concerns with issuing a license to restaurants, and she feels there are enough liquor stores in the City. Mr. Lamb informed that the Quota System was set-up by the Alcohol Control Act of 1933. Because of the Act, the number of licenses would not go up or down unless a Home Rule Petition was submitted. As for locations, Mr. Lamb stated that the Licensing Commission would look at all the criteria's set forth for density. License fees for On Premises License (package stores) are \$1850 and \$2500 for a restaurant. Councilor Carr asked if the City would have the right to deny a transfer. Chief Walsh stated that the City would need to show just cause when denying, and it is very hard to sustain that at the ABCC. Councilor Carr stated that if an applicant does not own a license, why then would they have the right to transfer a license. Lieutenant McCabe stated that the Act of 1933 included a mechanism regarding the transfer of licenses. State Legislature governs the transfer set forth in the Act; basically there is no personnel property right in a license issued under the Liquor Control Act, however, you can pledge it as security, collateral, and a transfer. All transfers must be approved

by the local Alcohol Commission and the ABCC. The License Commission would not be able to pull or take a license unless the City reduced the number of licenses through a Home Rule Petition. Councilor Carr feels that if a business closes, the license should come back to the City and there should be a list for when a license becomes available, it can be purchased -not transferred. She asked if there are any current license holders with disciplinary action against them. Lieutenant McCabe informed there are 5 separate establishments with 6 violations. Violations are given to establishments through verbal or written warnings, depending on the circumstances and it the history of the owner. There have not been any monetary fines issued by the Licensing Commission. Currently, the City has 54 On Premises and 24 Off Premises Licenses. Chief Walsh informed that each establishment is mandated by the License Commission to have two (2) full inspections a year, plus undercover work. If an establishment has a violation, Councilor Carr stated that she would rather see the license be taken and given to someone who is responsible; selling to minors is not right. The License Commission needs to follow progressive discipline action. To revoke a license, the license holder would have to have a number of violations over time. Mr. Lamb stated that for the most part, license holders are following the rules and regulations. Councilor Marshall stated that the Council is here tonight to determine if we want to support the Home Rule Petition or if we want some type of compromise. Councilor Carr stated that she is not in favor of additional package stores, but would support possibly a couple of additional Beer & Wine Licenses because there are areas that could support the increase. Solicitor Buffington stated that he will need to find out if the Home Rule Petition was submitted to the State. If Legislature does pass the Home Rule Petition, the City through the License Commission will have power to issue licenses up to the additional amount allowed by the Legislature and it will be up to the License Commission to decide if they would like to grant up to the amount issued.

MOTION: Motion was made to allow Public Input. Councilor Pottier stated that it was not listed on the agenda as a Hearing. Councilor Barbour stated that the Council by vote previously approved the public to speak. **Councilor Medeiros motioned to limit public input to a maximum of three (3) minutes per person. Nine (9) Councilors voting, Five (5) Councilors in favor of Public Input, four (4) Councilors opposed. So Voted.**

Speaking was Jim Chiesa, 23 Ashland Street, owner of Leahy's Liquor Store. He stated that this comes down to the question of need and we do not need any additional licenses in the City. Back in 2006, residents of Taunton voted against an increase. There are a total of five licenses within a quarter mile of his store. Mr. Chiesa said that everyone holding a license has made a big investment and all went into the business knowing of the Quota System. He stated that he has invested over \$300,000 over the past 30 years on his property.

Speaking was Mr. Kushal Patel, Taunton Wine & Liquors, 239 Broadway. Mr. Patel stated that he is a new business owner in Taunton and that he has invested a lot in his property. One concern of his is Public Safety as to the number of liquor licenses and density in a certain area.

Speaking was Mr. Peter Cullen. He informed that he has been a resident for 61 years and pays approximately \$35,000 a year in property tax per year. He said he is looking for discretionary growth.

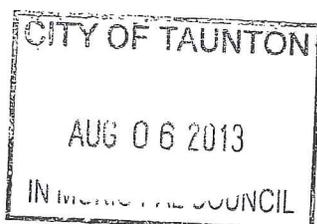
Speaking was Mr. Jayendra Patel, owner of Weir Fruit, 515 Weir Street. Mr. Patel said that if establishments had long lines, then more licenses would be needed, but that is not what is happening. He asked the Council not to think of economic growth, but for the fellow citizen's safety.

MOTION: Motion was made to close the Public Input. So Voted.

MOTION: Councilor Cleary motioned to rescind the request for Home Rule Petition to expand the increase of licenses. Councilor Medeiros is not in favor of a total of eight licenses being issued overnight. There will be development opportunities especially in the Rt. 140 corridor and there will be a time for expansion. If we keep the petition as it was submitted, then he feels the Commission should consider a recommendation from Council to stagger the issuance of licenses, whereas licenses for an area that may be well served by it will not have an adverse impact. Costa Hanlon feels that phasing in is important especially for people who are new and for those who have been here for a while. It is an excellent way to balance the need. Councilor Marshall stated that he will not be supporting Councilor Cleary's motion. He feels that four is too many, and zero is not enough. The number of licenses can be touched by the City because of the Act of 1933 which needs to be looked at. Councilor Marshall stated that he feels the appropriate number of licenses should be two. Councilor Medeiros pressed the motion. Councilor Colton thanked everyone for the information received. He said that he will not be supporting Councilor Cleary's motion. The Act of 1933 mandates the City as to the number of licenses and he feels that it should be up to the License Commission to do so. **Nine Councilors voting, three (3) Councilor voting in favor – Councilor Barbour, Cleary and McCaul; six (6) Councilors voting in opposition – Councilor Marshall, Colton, Medeiros, Costa-Hanlon, Pottier and Carr. Motion does not pass.**

MOTION: Councilor Marshall motioned to resign the original Home Rule Petition and request Solicitor Buffington to draft a new Home Rule Petition for two package store licenses and two beer & wine licenses. Council Colton recommended forwarding a letter to Legislature asking to amend the number of licenses. Councilor Marshall motioned to amend his motion to forward a letter to Legislature asking to amend the number of licenses on the submitted Home Rule Petition. **Nine (9) Councilors voting, seven (7) Councilors voting in favor–Councilor Marshall, Cleary, Colton, Medeiros, McCaul, Costa-Hanlon and Pottier; two (2) Councilors voting in opposition – Councilor Carr and Barbour. So Voted.**

MEETING ADJOURNED AT 8:36P.M.



RESPECTFULLY SUBMITTED,

Dawn Caradonna
DAWN M. CARADONNA

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

Jennifer L Hege
ASSISTANT CITY CLERK