



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, October 28, 2014 at 6:10 O'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Mayor Hoye introduced the Eagle Scouts from Troop 22, which meets out of Holy Family in East Taunton, to lead the Council in the Pledge of Allegiance.

Prayer was offered by the Mayor

Present at roll call were: Councilor's Borges, Carr, Quinn, McCaul, Pottier, Croteau, Costa-Hanlon, Marshall and Cleary

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

Communications from the Mayor:

Mayor Hoye stated that the Council is honored to have the gentlemen at this meeting who have received their Eagle Scout awards, which is the highest honor in Boy Scouts, last Tuesday evening. Mayor Hoye read citations for each of the five Eagle Scouts that were present. **Motion was made to move adoption. So Voted.** Austin Vickey discussed his project that was done at the Taunton Animal Shelter. He painted the bathroom, laundry room and the front office. He also landscaped the outside of the building, by cleaning up and laying new mulch down. Two new shelves and a desk were added to the front. He stated that reason he chose this project was because he has always been a huge fan of animals. Andrew Callahan discussed his project which was done at the Martin Middle School. He made an outdoor classroom and a nature trail which is approximately a quarter mile long. He marked the nature trail with several signs and placed several benches along the way. He also made sixteen benches for the outdoor classroom. He stated that the project helped him learn how to manage people and use his time effectively in completing a project of such magnitude. Alexander Mattson discussed his project that was done for the Boys and Girls Club. He built a nature trail at their location in the Industrial Park. He cleared out all the branches in the way, built bridges and made a map for them. Matthew Pond discussed his project that was done at the Holy Family Parish in East Taunton. He redid the church basement by repainting all the columns and trim. He also refinished the closet by taking down the old walls, putting up new walls and shelves and then painting it all. Maxwell Carter discussed his project which was done at his synagogue on Winthrop Street. He repainted the downstairs hallways and constructed three bookcases, two of which were located in the Rabbi's closet to hold prayer books of all kinds for separate holidays or for Shiva which is one Saturday. He made one big bookcase for the sanctuary for people to get books from or to put ones in on the days that they pray. Mayor Hoye requested a round of applause for all of the fine young men.

A moment of silence was observed in memory of Barbara Perry a long-time activist in our community who was very friendly with many City Councilors.

Mayor Hoye thanked Colleen Doherty, the Taunton Housing Authority and all involved in today's ribbon cutting for the Hope Six Project. It was a great project for the City. He stated that it was beautiful to see how far the areas of Fairfax Gardens and Parcel 6A, both blighted properties, have come. They are an asset to the community.

Mayor Hoye wanted to announce that the supplemental budget will be presented on November 18, 2014.

Communications:

Com. from Board of Assessors stating that the FY2015 values for real estate and personal property have been approved by the Department of Revenue. They requested to schedule a Classification Hearing in accordance with the provisions of Chapter 40 Section 56 of M.G.L. as amended by Chapter 369 of the Acts of 1982, to determine the percentage of the local tax levy to be borne by each class of real and personal property. They requested and recommended the date of the hearing to be Monday, November 10, 2014. **Motion was made to refer to the full Council on Monday, November 10, 2014. So Voted.**

Com. from Brian Gillis, Field Engineer, Columbia Gas of Massachusetts, 995 Belmont St., Brockton requesting extended construction season within public roadways. Council President Marshall stated that representatives from Columbia Gas are present. He stated that normally this would be referred to the Committee on the Department of Public Works for a discussion however the Assistant DPW Commissioner, Mr. Abreu and the Water Supervisor, Mr. O' Brien are present to hear this and give the Council some recommendations. **Motion was made to invite Mr. Abreu and Mr. O' Brien in so their recommendations can be heard and move this question forward this evening. So Voted. Motion was made to invite the representative from Columbia Gas in. So Voted.** Mr. Abreu stated that the DPW received a letter from Columbia Gas to extend their work from November 1, 2014 until January 1, 2015. They are reluctant to go to that date, so after speaking to Dan deAbreu, Assistant City Solicitor, they decided on a date of Friday, December 12, 2014. Mr. Abreu stated that they could see how the weather is moving forward from that date but would like to stay away from the holidays. Also, there were two letters that were sent to the DPW, one from CN Corp. and the other from SB General Contracting, Inc. also requesting to cut the road and do their work for the sewer projects for the City moving forward for the next month. He stated that they came to an agreement that the companies can go out there with the approval of the Council and under the discretion of the DPW's rules and regulations moving forward for the next month, weather permitting. Council President Marshall stated that there was a communication from the DPW Commissioner. It stated that the DPW does not object to the request for extended construction season within public roadways for Columbia Gas, SB General Contracting, and CN Corporation. Any work done from Saturday, November 1 to Friday, December 12, 2014 would have to be based on the following additional conditions if allowed by the Mayor and Municipal Council; 1. The approval would be based on daily communications with the DPW for weather updates 2. The approval would require daily paving unless road plates used but not over the weekend. The

approval would require trenches to be milled/paved prior to April 1, 2015 or no new permits would be issued. 4. Approval would expire on December 12, 2014. **Motion was made to make part of the record. So Voted.** Council President Marshall stated that our ordinance says that we have to be out of the road by November 1st, annually. He does not agree with the January 1st date, it is too late, especially with the condition that the trenches need to be paved at the end of the day. He stated that the December 12th date is a more appropriate date because that is about the time, depending on the weather, that the majority of the asphalt plants close, although he is aware of one in Hyde Park that stays open all winter. It becomes cost prohibiting and he thinks that it is important to do the winter shutdown. Councilor Croteau wanted to clarify whether the Council is approving the work between November 1, 2014 to December 12, 2014, subject to the authorization of the DPW Commissioner or if it has to come back to the Council with the recommendation of the DPW. Council President Marshall stated that his intention was that the DPW Commissioner can make that determination himself and not have to return to the Council. Councilor Croteau wanted to confirm that any work that needs to be completed after December 12, 2014 would have to come back to the Council with the recommendation of the DPW Commissioner. Council President Marshall confirmed. Councilor Carr asked what will happen at the end of every single day that the trench is paved over. Mr. Abreu stated that the trench will be filled with process run gravel and paved over at the end of every day. He stated that sometimes, on some excavations, a plate may need to be left on overnight and will be paved the next morning, if they use flow fill which is not very common. Councilor Carr stated that if there is a metal plate in the road when it snows and a plow goes down the road there could be a problem. She stated that dates are set for a reason and inquired why they would be changed. Mr. Abreu stated that the ordinance says that you have to come in front of the Municipal Council to have it passed. **Motion was made to support the recommendations of the DPW Commissioner with extending it weather permitting based on their daily approval from November 1, 2014 to December 12, 2014. Councilor Carr opposed. So Voted.** Council President Marshall thanked the members of Columbia Gas, SB Corporation and CN Corp for coming down this evening. He stated that SB Corp. is our sewer contractor, CN Corp. is our water contractor and Columbia Gas sub contracts the work out. He stated that all three of those contractors are doing a horrible job with trench paving. SB and Wood are our contractors and the City has engineering firms that are out there supposedly protecting our best interests and not following the contracts. He stated that he had a conversation with Mr. O'Brien over the weekend and that needs to stop. In every contract, it states that weekend paving is required. He stated that the area down Kilmer Avenue was left open for two weeks and a lot of the problems with the trenches downtown were the work of the gas company. Their contractor does not do an acceptable job maintaining and patching trenches. He stated that he will be making a motion over the winter that the Council sit and draft new guidelines to handle these trench problems. John Rooney from Columbia Gas stated that they have been meeting with the DPW Commissioner and his staff over the summer and have established a protocol for not just trench work, but the permitting process. Any work of Columbia Gas since that time has vastly improved and they are continuing to work closely with the DPW. They have over one hundred permits pending with the DPW and are waiting for them to be issued so the work can be completed. They involve regulatory compliance and involve connections to new residences. After the permits are issued, they cannot get any bond money back until the excavation is inspected. He stated that they would like to work with the DPW to get

the work done by December 12, 2014. January 1, 2015 was put in the letter for the purpose of the weather. He is concerned that the weather will not cooperate up until December 12, 2014 but then be able to work thereafter. They do not want to work during the holidays, but they want to complete the infrastructure improvements. He stated that they have also agreed upon a protocol on the permitting process to expedite the permits. An increase in the fee that Columbia Gas is paying to the City of Taunton was agreed upon. In exchange, there is going to be an expedited permitting process. He stated that they are trying to address the concerns that the Council has moving forward and they need flexibility to do this roadway work and get the permits issued. **Motion was made to thank the parties, excuse them and approve. So Voted.**

Com. from MassDOT announcing that they have awarded the seventh round of technical assistance grants to South Coast communities. These grants will assist communities in preparing for South Coast Rail while advancing land use plans. They are pleased to offer the City of Taunton \$15,000.00 to develop a Use and Occupancy Inventory of properties and companies located in the Myles Standish Industrial Park/Dever School Expansion and the Liberty and Union Industrial Park. **Motion was made to receive and place on file. So Voted.**

Communications in the hands of Councilors:

Councilor Croteau stated that he had a letter written to him regarding the concerns over the dangerous intersection of Pinehill Street, Casewell Street and Middleboro Avenue.

Councilor Croteau stated that he received a letter from a volunteer at the Taunton Animal Shelter. They discussed moving the shelter to a bigger location as it is too small for all of the animals. It was suggested that the two vacant buildings at 600 West Water Street be looked at. **Motion was made to refer to the Committee on Public Property. So Voted.**

Councilor Quinn submitted a letter from an abutter to the land at 115 Tremont Street requesting that the Council choose carefully the next use of the land. **Motion was made to receive and place on file and refer to the Committee on Public Property. 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 Pottier stated that he made a motion a couple of weeks ago regarding the line painting to be done on Route 79 heading towards Lakeville. He believes that it has been done up until the Star Drive In. **Motion was made to refer to the DPW to see if they have plans to line the rest of that section before the weather changes or if it will have to wait until the spring. So Voted.**

Councilor President Marshall stated that he would like an update on the Splash Pad. He thought it was supposed to be constructed by the end of the year and he has not seen

groundbreaking yet. **Motion was made to get a communication from Marilyn Greene for an update. So Voted.**

Councilor Borges stated that she had made a motion to be referred to the Committee on Police and License regarding the parking issue on Lakeview Place as she has gotten complaints from neighbors. They were concerned that Lakeview Place was looked at and not Lakeview Avenue. **Motion was made to refer back to the Committee on Police and License so that the Safety Officer can look at Lakeview Ave. So Voted.**

Councilor Carr stated that three weeks ago she made a motion for the flail mower to go to Lake Ridge Drive for brush on the cul-de-sac. She received a call from a resident saying that it wasn't done. **Motion was made to refer to the DPW again. So Voted.**

Councilor Carr stated that she has received a phone call regarding the progress of the evaluation of the intersection of Caswell St., Pine Hill St. and Middleboro Avenue. As far as she understood, the Council is waiting for a report back from the Safety Officer. Councilor Cleary stated that the Safety Officer did discuss that at the last meeting of the Committee on Police and License. Some of the plans that the people from the casino had made were discussed but there were no definite steps being taken as far as a light or stop signs. Councilor Costa-Hanlon stated that she thought this would be discussed on November 10, 2014, as he was given a couple more weeks to present something more formal to the Committee. Councilor Croteau stated that the Safety Officer will be making recommendations on the signage and that they had not done any design work for that intersection. Councilor Carr stated that the residents aren't looking for lights there, just a four-way stop. **Motion was made to refer to the Committee on Police and License for an update. So Voted.**

Orders, Ordinances, and Resolutions

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

Chapter 2 – Administration

Article IV – Personnel

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

SECTION 1. Article IV of Chapter 2 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by inserting after Section 2.-180.1 the following section:--

Section 2-180.2. Salary of Mayor.

The base salary for the Mayor of the City of Taunton shall be \$110,000.00 per year.

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

SECTION 3. This ordinance shall become effective on January 1, 2015.

On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.

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

AN ORDINANCE

Chapter 8

Garbage, Trash, and Refuse

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

SECTION 1. Chapter 8, Section 8-28 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended as follows:

1. In paragraph (d), delete the words “Litter shall be defined for the purposes of section (a)” and replace with “ ‘Litter’ shall be defined for the purposes of this section”;
2. In paragraph (e)(2) after the word “property” insert “within 100 feet of a residence”;
3. In paragraph (f) delete the word “sections” and replace with “paragraphs”;
4. In paragraph (f) add “trash enforcement officer, ” after the word “The” and before “Building Commissioner”;
5. In paragraph (f) delete the word “shall” after “Police Chief” and replace with “may”;
6. In paragraph (g)(1) delete the words “section (f) the city” and replace with “paragraph (f) any of the officials listed in paragraph (f), along with other persons as may reasonably be required to provide sufficient aid, and after obtaining lawful authorization,”;
7. In paragraph (g)(2) add “,with or without the declaration of nuisance and notice provisions in paragraph (f),” after the word “enforced” and before the word “by”;
8. In paragraph (h), under the definition of *Nuisance*, delete the word “section” and replace with “paragraph”;
9. In paragraph (h), under the definition of *Owner*, add “or its agents” after the word “mortgagee”;
10. In paragraph (h), under the definition of *Property*, delete the word “of” and replace with “or”;

11. Insert "i)" before "Severability" in order to delineate a new paragraph.

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

New Business:

Councilor Borges motioned to have the HR Director bring forward the top three candidates for the Assessor's position in front of the Committee of the Council as a Whole. Councilor Croteau stated that the issue has been referred to the Committee on Finance and Salaries on November 5, 2014. His instructions to Mrs. Gomes and others who interviewed the eight (8) or nine (9) candidates, was that they refer to the Committee on Finance and Salaries a number of people that they felt appropriate. He requested that Mr. Barbour also be interviewed by the Committee. Mayor Hoyer asked if the motion made to refer this to the Council as a Whole would take precedent over the previous one made to refer to the Committee on Finance and Salaries. Council President Marshall stated that it stands unless the Council decides to change its mind. Councilor Croteau stated that the motion is not proper unless a motion is made to take it out of the Committee on Finance and Salaries. The motion assigning it to the Committee on Finance and Salaries stands unless the full Council decides to take it out. He stated that if that issue is removed from the Committee then please don't place any issues relative to personnel again in front of it. Mayor Hoyer stated that the full Council can undo its actions, it has been done before. Councilor Pottier questioned if the intent of the motion was to interview nine (9) people by the full council. Councilor Borges stated that it is not the intent, as she spoke to the HR Director and asked her where that stood. There is a screening Committee that has screened the candidates. Her concern is that it is a very physical and important position and she will not sit there as a Councilor and make a decision or vote on someone that she has not seen a resume on. She feels like with her background she has a lot to offer to the interview process. Councilor Croteau stated that he has been involved in interviews with Fire, Police and all the Councilors are welcome and once this interview is over with the Committee on Finance and Salaries, the applicants will be referred to the Municipal Council and their resumes will be distributed. He does not understand why the request is to take it out of the Committee on Finance and Salaries. Council President Marshall stated that his biggest concern is why aren't just the finalists being interviewed as it has been done with all the other positions that the City has had. There have been eight (8) or nine (9) interviews, resumes were received, and Human Resources interviewed the top nine (9) candidates. The Council normally gets the top three or four candidates. He doesn't understand why the Council will take someone who may have finished seventh over someone who may have finished fifth or sixth for an interview. Councilor Croteau stated that the finalists as recommended by the screening committee and not Human Resources directly are always interviewed. The Committee on Finance and Salaries will interview the finalists recommended by the Human Resource Director and also, Mr. Barbour. They will then select the people to go before the Council, which is what the Committee on Finance and Salaries has always done. Council President Marshall stated that with the Treasurer's position, everyone who submitted a resume was not interviewed. Councilor Croteau stated that not all the people

applying for the Assessor's job will be interviewed and he is following the process. Council President Marshall stated there is a legitimate process, the resumes were screened, and certain individuals were warranted a first round interview. The next step would be to get the finalists who should be the next group of people that have an interview in front of the Committee on Finance and Salaries. He stated that Dr. Croteau is stating that we will take the finalists as recommended by the Human Resource Director and someone else who may not be part of the finalists. He said that this is why he feels blindsided because of not having advance notice of this and that is not the normal hiring process. Council Croteau stated that he has a great track record of interviewing and hiring many people for the School Department. He stated that his record for firing his mistakes is even better and he resents being blindsided. He stated to Mayor Hoye that he resigns as Chair. Mayor Hoye said that it is not up to him, these are his people. Councilor Quinn stated that her opinion is that the Council has to have a fair process. In consideration of all the candidates, we either have to accept the recommendations of the committee that was established to narrow down the field of candidates and interview the selected ones or everyone should be interviewed. She doesn't think that it is fair that a particular person be singled out and doesn't think that person would want to be single out either and he would want fair treatment among all the candidates. If the Committee on Finance and Salaries or The Council as a Whole wants to interview select candidates, she believes everyone needs to be interviewed. Councilor Borges stated that the HR Director told her that there were three (3) finalists. She looked through the Ordinance and did not see anything that said it has to go through the Committee on Finance and Salaries. She is very opposed to bringing in a fourth person. She would like to see the full package on the candidates before she votes on it. Councilor Carr stated that she didn't think that Councilor Borges' motion was to pull it out of the Committee on Finance and Salaries. She thought it was to bring the three finalists forward. She is on that Committee and she stated that there are interviews scheduled for next Wednesday. She stated that they have not even done the interviews yet, and questioned how any finalists were chosen yet. She stated that Mrs. Gomes went to a Councilor who was not even on the Committee of Finance and Salaries and asked her to bring it up at the Council meeting. Councilor Borges stated that it was not true; she went to Mrs. Gomes and asked her because she was concerned. It came before the Council four weeks ago, it was a posting and the Council was sitting on it. She understood that there were interviews going on and went to Mrs. Gomes to ask her what the process was. She stated that she looked at the ordinance and nowhere in there did it say that it comes before the Committee on Finance and Salaries. She stated that her motion is to bring it to full Council, not to the Committee on Finance and Salaries. She wants to be part of that interviewing process. Councilor Carr stated that she will be part of it. Councilor Borges wants to know the credentials of the three finalists. She trusts the fact that the selection committee brought the Council the three best candidates that they have. She stated that it is made up of the Budget Director, a representative of Human Resources and a representative from the Assessor's Office. Councilor Carr stated that when firefighters are hired, it goes to the Committee on Fires and Wires. They interview whomever they wish and then advance the names. The Police do the same. She sat on the Committee to hire the IT Director. They went through all of the applications; they each had people who they wanted to advance. They advanced them, and brought the names to the Council of the Whole. It's not just HR or a Department Head; it is normally a sub-committee on the Council that does that. Whether an ordinance says that the Committee on Finance and Salaries is

supposed to do that, she believes that the Assessor's office falls under that Committee. She stated to do anything other than that is going out of the normal process. The normal process is that the sub-committee and any other people that the Mayor may ask to sit in on that committee goes through the resumes, interview those people, choose the finalists and when the finalists come before the full Council they will have their resumes and all of the information that will be needed to make a decision on those people. Councilor Cleary stated that he has no problem with the Committee on Finance and Salaries conducting interviews as long as he knows when the interviews are taking place and he gets a copy of the packets for all of the candidates. He stated that he makes the time to go to the meetings, listen and participate in the interviews and if he disagrees with who they are recommending, he will make that motion at the Committee as a Whole when it comes up. He stated that he agrees with Councilor Borges, it is an important position and the Council needs to have the resumes, backgrounds, and whatever else is available on the candidates in order to make an intelligent vote. He stated that he will make time to be at the interviews on November 5, 2014 and make sure that he gets copies of all the applicants' information so he can express his opinion at the Council Meeting. He does not see a big change. The way it was stated, they would consider three (3) or four (4) candidates, plus an additional one was what stirred things up. Councilor Costa-Hanlon wanted to clarify that in the Committee on Police and License, the Police Chief and his command staff, which she believes is similar to what Mrs. Gomes is doing here, interviewed a lot more than what we get here. The Chief will make recommendations to the Chair and that's the packet that everyone gets. She stated that Councilor Borges is right, but as Chair she feels like she would have the authority to say to the Chief even if he was recommending eight (8), that she would like to interview two more. She stated that it is what Councilor Croteau was saying. Procedurally that is what she has always done in the Committee on Police and License and defer it to the command staff, but she has always felt that if there was a candidate that did not move forward and any one of the Councilors said that the person needs to be interviewed, she would listen to any one of them and override the Chief and interview additional candidates. She understands that it may have made it more controversial because a specific name was used. She stated that it is what she has always done and she would respect any Councilor who would like to interview someone on the list that the Chief did not choose to interview. She stated that she isn't saying that the person would be chosen, but the person would have an opportunity to interview. She gave an example of when they were hiring the treasurer, there was one person who was not recommended but he was a Taunton resident. She felt that even though he was not recommended, she exercised her right to interview him. She understands Councilor Borges' concerns but the Councilor can absolutely be active in the interviews. She does not know any Committee that has interviewed where she has not shown up and actually been able to ask questions. She has never been shut down by a chair to ask questions and participate in the interview process. She would hope that it would not happen in this process. She stated that she is comfortable leaving it as is and it is the Chair's decision to add somebody to the interview process. Mayor Hoyer stated that it is a charter issue. He quoted the late City Clerk Chester Martin and said "All it takes is five" Councilor Croteau stated that he believes that there is some confusion. The position of personnel director is referred to by those people who have knowledge as a staff position. It is not a line position. In the school department, the department heads are staff positions. The principals are line positions. When he arrived here, teachers were being hired by department heads not principals. Human Resources is a staff position; it is being

treated in this City as a line position. When those boundaries are stepped out of, that is when problems arise. It also was a standing unwritten agreement especially from management positions in the School Department that local applicants be given the courtesy of an interview. That is stepping outside the bounds. He stated that he has seen people interviewed for City positions who have no more right to those positions than a fly on the wall. He does not think it is up to three people on a sub-committee to disrespect someone who has served the City. Councilor Borges asked the City Solicitor if the Committee on Finance and Salaries can just pick another person randomly to interview, wouldn't you have to interview either all of the candidates or just the finalists. The City Solicitor stated that the question is not easily answered with a yes or no. Generally, you can choose to interview whomever you would like. He stated that he is speaking strictly in the legal standpoint. One thing that occurs to him is that someone could file a claim if they felt that they should have been interviewed for the position. He is not saying that they would be successful in filing that claim but those are some legal issues that come to mind. The general answer is that you can pretty much interview whomever you want. Councilor Croteau stated that Councilor Cleary, as Assistant Superintendent, asked him how many finalists. No teacher or professional staff member was ever hired without being interviewed by him. Councilor Cleary would ask Councilor Croteau how many candidates he would like them to send. He told Councilor Cleary to send their first choice and if he liked them, they got the job. If he didn't, then they would send him another one. The person who has the authority, the Chairman of Finance and Salaries, can make that decision in this case. He stated to send him the ones they like and to include the former Councilor. Councilor Croteau discussed that before he gave those instructions, he gave the professional respect to Councilor Pottier and Councilor Carr and asked if he had their support in asking Mrs. Gomes that. He stated that three (3) people who happen to have line positions gave a directive to someone who happens to be staff. Council President Marshall stated that the longer this goes, the worse it is. He stated that this is a non-fair process. We have a screening committee and then the Chairman of the Committee on Finance and Salaries decides who, no matter what the screening committee said, gets to come forward. He stated that five are needed, not three to get that done. He stated that the point is that the process is tainted already. Councilor Croteau asked why this was the only time that it has ever been questioned. Council President Marshall stated that it is because Councilor Croteau brought it up. He stated that we have a moral and ethical duty to have a fair and open hiring process. He stated that it was said that resumes would be screened, interviews will be given and then the candidates will be rated. He stated and then it was said that the top three and then number seven or eight will be interviewed. He stated that he has not hired as many people as Councilor Croteau has in the school department but he has had his fair share of hiring, and the hiring process in government. He stated that it would not be allowed to have a fair and open process to present finalists and then decide candidates four, five and six will be skipped and go after candidate seven. It is just not a fair and open process. He stated that it gets worse, that even before the interviews, they were given instructions. Councilor Croteau stated that as the chair, he consulted the other two which makes it three votes. Councilor Marshall asked if he was still the Chair or if he has resigned. It was stated that his resignation was not accepted. **Motion was made to refer to the Committee of the Council as a Whole. On a roll call vote, nine (9) Councilors present, four (4) Councilors voting in favor, five (5) Councilors voting in opposition. Councilors Borges, McCaul, Marshall and**

Quinn voted in favor. Councilors Carr, Costa-Hanlon, Croteau, Cleary, Pottier voted in opposition. MOTION DID NOT CARRY.

Meeting adjourned at 9:03 P.M.

A true copy:

Attest: 
City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 28, 2014

THE COMMITTEE ON FINANCE AND SALARIES

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

MEETING CALLED TO ORDER AT 5:55 P.M.

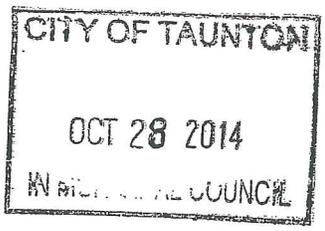
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
- MOTION:** MOVE APPROVAL OF THE VOUCHERS AND PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:56 P.M.

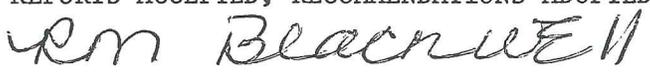
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
OCTOBER 28, 2014

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT ANDREW MARSHALL AND COUNCILORS CLEARY, COSTA-HANLON, CROTEAU, POTTIER, MCCAUL, QUINN, CARR AND BORGES. ALSO PRESENT WERE KEVIN SHEA OF THE MAYOR'S OFFICE OF ECONOMIC DEVELOPMENT, DEAN CRANDALL, C.F.O. OF MARTIGNETTI COMPANY, ILIAS POTIS, SENIOR VICE PRESIDENT OF MARTIGNETTI COMPANY, PETER COLETTIS, EXECUTIVE VICE PRESIDENT OF MARTIGNETTI COMPANY, LYNN TOKARCZYK, PRESIDENT, BUSINESS DEVELOPMENT STRATEGY, INC., MIKE MITCHELL, VICE PRESIDENT OF PLANNING AND DEVELOPMENT OF MASS. DEVELOPMENT AND RICHARD HENDERSON, EXECUTIVE VICE PRESIDENT OF REAL ESTATE FOR MASS DEVELOPMENT.

MEETING CALLED TO ORDER AT 6:25 P.M.

1. MEET WITH MARTIGNETTI COMPANY AND KEVIN SHEA OF THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO DISCUSS THEIR APPLICATION FOR TAX INCREMENT FINANCING.

MARTIGNETTI COMPANY IS NEW ENGLAND'S LEADING DISTRIBUTOR OF WINE AND SPIRITS, AND IS THE 8TH LARGEST IN THE UNITED STATES. THEY ARE A PRIVATELY OWNED COMPANY THAT WAS ESTABLISHED IN 1908. THEY ANNUALLY PURCHASE AND DELIVER OVER 10.5 MILLION CASES OF WINE AND SPIRITS. THERE ARE 1150+ TOTAL EMPLOYEES WITH 500 UNION POSITIONS. MARTIGNETTE COMPANY HAS THE NATION'S LEADING FINE WINE PORTFOLIO.

MARTIGNETTI COMPANY RESPONSIBLY PROVIDES BEST IN CLASS SERVICES ON BEHALF OF THEIR CUSTOMERS, SUPPLIERS AND EMPLOYEES AND THEIR COMMUNITY. THEY ARE VERY CIVIC MINDED. THEY CURRENTLY HAVE 2 FACILITIES AND ARE LOOKING TO COMBINE BOTH FACILITIES IN TAUNTON. THEY HAVE IDENTIFIED A FAVORITE PROPERTY IN TAUNTON OF 115 ACRES, AND WILL CONSTRUCT AN ESTIMATED 800,000 SQUARE FOOT, HIGH BAY STATE OF THE ART FACILITY FOR ITS CORPORATE HEADQUARTERS AND DISTRIBUTION CENTER. THE OFFICE SPACE WILL BE ABOUT 150,000 SQUARE FEET AND THE WAREHOUSE WILL BE 650,000 SQUARE FEET. THE PROJECT INVESTMENT IS ESTIMATED AT \$100 MILLION INCLUDING \$75 MILLION FOR SOFT AND HARD CONSTRUCTION COSTS, \$25 MILLION FOR NEW PERSONAL PROPERTY.

THERE ARE 800 FULL TIME JOBS. SALES EMPLOYEES TRAVEL AND ARE NOT LOCATED ON SITE DAILY. THEIR EMPLOYEES ARE WELL COMPENSATED AND THEY PROVIDE FULL BENEFITS PACKAGES. THE COMPANY, ITS EMPLOYEES AND VENDORS PLAN TO MAKE A VITAL CONTRIBUTION TO THE LOCAL ECONOMY AND AREA BUSINESSES, INCLUDING HOTELS, RESTAURANTS, CORPORATE CATERERS, PERSONAL CARE COMPANIES, AUTOMOTIVE SERVICES, INDUSTRIAL SERVICES, LOCAL VENDORS AND TRANSPORTATION.

THE BENEFITS TO THE CITY OF TAUNTON WOULD BE TO ATTRACT A LONGSTANDING COMPANY WITH DEEP ROOTS IN MASSACHUSETTS, BRING JOBS TO THE COMMUNITY, ACTIVATE AN UNDEVELOPED AND UNDER UTILIZED PARCEL OF LAND, GENERATE FUTURE REAL ESTATE TAX REVENUE OF \$4.7 MILLION OVER 20 YEARS, GENERATE PERSONAL PROPERTY TAX REVENUE OF \$312,000 OVER 20 YEARS, GENERATE NEW PERMIT FEES, GENERATE NEW VEHICLE EXCISE TAXES AS THEY HAVE OVER 100 VEHICLES THAT WILL BE REGISTERED IN TAUNTON. IT WILL ALSO INCREASE HOTEL TAX REVENUE, MEALS TAX REVENUE AND ELECTRIC UTILITY USAGE AND FEES. THIS PROJECT WILL MEAN AN ESTIMATED TOTAL REVENUE TO THE CITY FOR THE LIFE OF THE TIF AT \$7,037,618.00.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

IT WAS NOTED ALSO THAT THE COMPANY'S CURRENT FACILITY IS IN NORWOOD AND IS IN CLOSE PROXIMITY TO RESIDENTIAL NEIGHBORHOODS. THE COMPANY IS SENSITIVE TO BEING A GOOD NEIGHBOR.

THE TRUCK ROUTE THROUGH THE MYLES STANDISH INDUSTRIAL PARK WILL BE ADHERED TO. THEY TAKE NEIGHBORS INTO CONSIDERATION. THEY HAVE LOTS OF VISITORS TO THE FACILITY AND LOTS OF EVENTS AT THE FACILITY.

THEY ROLL ABOUT 80 TRUCKS PER DAY WHICH LEAVE BETWEEN 6:30 AND 8:00 A.M., 24 HOURS A DAY, 5 DAYS A WEEK.

MIKE MITCHELL OF MASS DEVELOPMENT STATED THAT THEY ARE VERY EXCITED TO HAVE THE MARTIGNETTE COMPANY POTENTIALLY COMING TO TAUNTON. THIS WILL JUMP START THE DEVELOPMENT AT THE PARK. IT WAS NOTED THAT THEY HAVE SOLD 2 SITES TO DATE TO SULLIVAN TIRE AND COLUMBIA GAS. THE LAND OWNERS ASSOCIATION IS IN PLACE. TWENTY THREE BUILDINGS AND 90% OF THE TUNNELS HAVE BEEN DEMOLISHED. THIS PROJECT WILL BE 65% OF THE NEW PARK, WHICH WILL LEAVE 3 SITES, ONE OF WHICH IS IN A PURCHASE AND SALE. IF THIS PROJECT MOVES FORWARD, THEY WILL BEGIN TO DEMOLISH 12 MORE BUILDINGS IN THE SPRING.

MR. SHEA PROVIDED A DOCUMENT ENTITLED *20 YEAR CITY OF TAUNTON TAX INCREMENT FINANCING (TIF) PROPOSAL ASSUMPTIONS* SHOWING THE MARTIGNETTE ESTIMATED PROJECTIONS. IT PROVIDED THE ESTIMATED REAL ESTATE TAXES, PERSONAL PROPERTY TAXES, PERMIT FEES AND VEHICLE EXCISE TAXES THAT WILL COME TO THE CITY. THIS IS A 50% EXEMPTION WITH THE TIF BEGINNING IN 2017 WHEN THE MARTIGNETTI PROPERTY MAY ENTER THE TAX ROLL. HE AGAIN STATED THAT THE BOTTOM LINE OF TOTAL ESTIMATED REVENUE TO THE CITY WILL BE ABOUT \$7,037,618.00.

COUNCILOR MARSHALL STATED THAT IN THE PAST THE COUNCIL HAS ALSO RECEIVED POTENTIAL NEW HIRE SCHEDULE AND ASKED IF THERE WAS ONE FOR THIS PROJECT AS WELL.

IT WAS STATED THAT THIS IS A JOB RETENTION PROJECT, A LOCAL INCENTIVES PROJECT ONLY.

MOTION: THAT THE PRESENTATION PROVIDED BY MARTIGNETTI COMPANY AND THE DOCUMENT PROVIDED BY KEVIN SHEA BE MADE PART OF THE RECORD. SO VOTED.

COUNCILOR POTTIER NOTED THAT THE VALUATION AS STATED ON THE DOCUMENT PRESENTED BY MR. SHEA COULD BE OFF BY SOME MULTIPLE. SO WHATEVER THE MULTIPLE IS, THE TIF PERCENTAGE WILL BE THE SAME.

COUNCILOR QUINN NOTED THAT MR. SHEA STATED HE HAD DONE SOME RESEARCH ON PRIOR TIF'S, AND THAT THIS WAS THE HIGHEST. SHE ASKED WHAT THE HIGHEST WAS BEFORE THIS.

MR. SHEA SAID THAT ROUGHLY 49%. THE AVERAGE IS ABOUT 40%, MAYBE A LITTLE HIGHER, 41%, 42%. COUNCILOR QUINN ALSO RAISED THE ISSUE OF THE NUMBER OF TRUCKS WHICH WOULD BE A CONCERN TO NEIGHBORS. USING THE TRUCK ROUTE WHICH WAS EMPHASIZED PREVIOUSLY IS IMPORTANT BUT

THEY DO PLAN ON REDUCING 80 TRUCKS TO ABOUT 55 WHEN THEY COMBINE THE FACILITIES. IT WAS STATED THAT THE 55 TRUCKS WOULD BE THE AVERAGE, BUT AT HOLIDAYS, THERE MAY BE MORE. THEY DO GO TO EVERY CUSTOMER TWICE, WITH 2 TRUCKS, AND THEY ARE HOPING TO GO TO EACH CUSTOMER WITH 1 TRUCK.

COUNCILOR COSTA-HANLON NOTED THAT THERE IS A 350 FOOT BUFFER ZONE AROUND THE SITE. IT IS ALSO HER UNDERSTANDING THAT THEY HAVE HAD NO COMPLAINTS FROM NEIGHBORS AT THEIR CURRENT SITE.

THE MARTIGNETTI COMPANY STATED THAT WHEN THEY BOUGHT THEIR PRESENT PROPERTY, IT WAS A VACANT PIECE OF LAND AND THERE WAS A RESIDENTIAL NEIGHBORHOOD ADJACENT TO THAT LAND. THERE WAS CONCERN FROM THE NEIGHBORS. THEY MET WITH THE COMMUNITY GROUPS, THEY LISTENED AND MODIFIED THEIR PLANS TO MAKE SURE THAT THEY WOULD BE GOOD NEIGHBORS. THEY

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

BUILT SOUND PROOFING TYPE OF BERMS, THEY SPENT MONEY ON FOLIAGE AND SUCH SO THAT THERE WOULD BE NO DISRUPTION TO THE NEIGHBORHOOD, THEY ENSURED THEIR TRUCKS TOOK A CERTAIN ROUTE AWAY FROM THAT NEIGHBORHOOD AND THEY HAVE NOT RECEIVED ANY COMPLAINTS. THEY WILL ENGAGE THE COMMUNITY DURING THE DESIGN AND PLAN OF THE FACILITY. THIS WILL BE AN OFFICE CAMPUS. THERE WILL BE A PROJECT MANAGER ON SITE DURING CONSTRUCTION TO ADDRESS CONCERNS.

MIKE MITCHELL FROM MASS DEVELOPMENT NOTED THAT THEY HAVE BEEN DOING DEMOLITION THERE WHICH IS NOISEY AND THEY HAVE RECEIVED NO COMPLAINTS.

THE MAYOR STATED THAT THIS IS AN IMPRESSIVE COMPANY AND IS A COMPANY THAT THE CITY WANTS. THIS IS A PARTNERSHIP AND A GAME CHANGER FOR THE CITY. HE IS IN FULL SUPPORT OF THE PROJECT. COUNCILOR MARSHALL ADDRESSED THE DIF. HE STATED THAT THERE WERE MANY LONG DISCUSSIONS CONCERNING THIS AND WHAT IT MEANT TO THE CITY OF TAUNTON TO REVITALIZE THE FORMER PAUL DEVER STATE SCHOOL AND ULTIMATELY WHAT THE BENEFITS WOULD BE. THEY HEARD ALL ABOUT THIS A FEW YEARS AGO, ABOUT WHAT THE POTENTIAL WOULD BE. IT WAS NOT AN EASY DECISION FOR THE COUNCIL TO MAKE AT THAT TIME, BUT THE COUNCIL DECIDED THAT THEY WANTED TO CONTROL OUR OWN FUTURE, AND THAT THE CITY OF TAUNTON WASN'T GOING TO WAIT FOR A HAND OUT OR WAIT FOR STATE AID OR A FEDERAL GRANT BECAUSE THEY KNEW IN THOSE ECONOMIC TIMES IT WAS GOING TO BE VERY DIFFICULT TO DO. THEY SAW THE IMPORTANCE OF PHASE IV AND PHASE V AS A CATALYST TO CONTINUE TO KEEP UP ALL THE SERVICES FOR OUR RESIDENTS. THIS WAS THE WAY TO DO IT.

HE FURTHER STATED THAT TONIGHT WE START TO SEE SOME OF THE FRUITS OF THAT LABOR IN ACTUAL REALITY. AS FAR AS THE MARTIGNETTI COMPANY GOES, HE DOES NOT USUALLY GO OUT AND DO A PRE-VISIT. BUT SINCE THIS PROPOSAL WAS SUCH A LARGE PROPOSAL AND IMPORTANT TO THE CITY, HE DID GO ON A PRE-VISIT OF THE CAMPUS. WHAT STRUCK HIM MOST AND THE MAIN DIFFERENCE FOR HIM ON THIS TIF, IS THAT WE ARE DEALING WITH MAIN STREET AMERICA, NOT WALL STREET AMERICA. THE MARTIGNETTI'S ARE RESIDENTS OF MASSACHUSETTS. THEIR TEAM ARE ALL MASSACHUSETTS RESIDENTS. WE ARE NOT DEALING WITH A CORPORATE BOARD ROOM WHERE WE HAVE HAD A LOT OF NON-RESPONSIVE TIFS IN THE PAST WHERE WE HAVE CEO'S FROM OTHER PARTS OF THE COUNTRY. THESE FOLKS LIVE HERE AND WORK HERE. HE WAS ALSO STRUCK BY THE PRIDE OF THE MARTIGNETTIS IN WHAT THEY HAVE ACCOMPLISHED. THE FACILITY IS IMMACULATE, THE GROUNDS ARE WELL KEPT AND IT IS IMPORTANT TO MOVE THIS FORWARD.

COUNCILOR CLEARY STATED THAT HE SUPPORTS THIS PROJECT, IT IS A BENEFIT TO ALL GROUPS, HE WAS IMPRESSED WITH THE COMPANY. HE IS COMFORTABLE WITH WHAT MR. SHEA RECOMMENDS, THE MAYOR RECOMMENDS AND WHAT MASS. DEVELOPMENT RECOMMENDS. THIS IS A STEP IN THE RIGHT DIRECTION.

COUNCILOR CARR STATED THAT SHE WAS HERE WHEN THE APPROVAL OF PHASE IV OCCURRED. THERE WERE CONDITIONS SET REGARDING A BUFFER AREA AND THAT LOADING DOCKS ARE TO BE ON THE OPPOSITE SIDE OF A NEIGHBORHOOD.

MIKE MITCHELL STATED THAT THERE IS NOTHING WRITTEN REGARDING THE LOADING DOCKS, BUT THEY UNDERSTAND THE NEED TO BE A GOOD NEIGHBOR.

COUNCILOR CARR ASKED IF MARTIGNETTI COMPANY HAD A TIF WHERE THEY ARE NOW. THE ANSWER WAS NO.

COUNCILOR CARR ASKED WHEN THE BAY STREET ENTRANCE WOULD BE DONE. IT WAS STATED THAT THE ROAD WILL BE ACCESSIBLE DECEMBER OF 2015, HOWEVER TRUCKS WILL BE RESTRICTED FROM THE BAY STREET ENTRANCE.

COUNCILOR BORGES STATED THAT SHE WAS IMPRESSED WITH THE CAMPUS AND THE PEOPLE OF THIS COMPANY AND THE FACT THAT THEY ARE ALREADY DEALING WITH ISSUES THAT MAY COME UP WITH

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

THE NEIGHBORS.

COUNCILOR QUINN ALSO STATED THAT THIS IS A PROFESSIONAL OPERATION, AND SHE IS HONORED TO HAVE THEM IN THE CITY. SHE ALSO STATED THAT HOPEFULLY, THERE MAY BE SOME EMPLOYMENT OPENINGS FOR CITY RESIDENTS. SHE IS ALSO COMFORTABLE WITH THE CONSERVATIVE FIGURES PROVIDED BY MR. SHEA.

COUNCILOR MCCAUL ALSO STATED THAT HE IS VERY EXCITED THAT THE MARTIGNETTI COMPANY IS LOOKING AT TAUNTON AND IN SUPPORT OF THE PROJECT.

COUNCILOR POTTIER ASKED MR. SHEA TO PROVIDE A LIST OF THE TIF'S PREVIOUSLY GRANTED AND THEIR PERCENTAGES.

IT WAS STATED THAT THIS TIF IS EQUAL FOR THE ENTIRE 20 YEARS WHERE OTHERS IN THE PAST WERE FRONT LOADED.

COUNCILOR CLEARLY STATED THAT HE IS CONCERNED WITH THE 50% AND HE WOULD LIKE TO SEE IT GO TO A LESSER PERCENTAGE AS IT GOES ON. HE IS CONCERNED THAT THE CITY IS GETTING LESS OF THE TAXES THEN OTHER PARTIES. WE ARE GETTING A GREAT COMPANY BUT NOT GETTING A GREAT RETURN. MIKE MITCHELL STATED THAT THE DIF ENDS IN 2031, THEN THE CITY GETS THAT MONEY. THE COMPANY DID PROPOSE A MUCH HIGHER TIF AND IT WAS NEGOTIATED DOWN.

THE COUNCIL PRESIDENT READ THE FOLLOWING RESOLUTION:

WHEREAS THE MARTIGNETTI CORPORATION PLANS TO PURCHASE AN ESTIMATED 115 ACRE PROPERTY AND CONSTRUCT AN APPROXIMATELY 800,000 SQUARE FOOT FACILITY FOR THE USE OF A STATE OF THE ART CORPORATE HEADQUARTERS AND DISTRIBUTION CENTER ON A PORTION OF PARCEL SHOWN ON THE CITY ASSESSOR'S MAP 24 AS PARCEL 24-2-0 IN TAUNTON, MASSACHUSETTS WITH A TOTAL INVESTMENT OF AN ESTIMATED \$100 MILLION AND PLANS TO RETAIN 800 JOBS, AND

WHEREAS, THE PROPERTY IS LOCATED WITHIN THE MYLES STANDISH INDUSTRIAL PARK EXPANSION, AND WHEREAS, THE MARTIGNETTI CORPORATION MEETS THE MINIMUM STANDARDS OF THE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM AND THE LOCAL ECONOMIC DEVELOPMENT GOALS AND CRITERIA TO ESTABLISH AS PART OF THE DOCUMENT CREATING THE GREATER TAUNTON ECONOMIC TARGET AREA, AND

WHEREAS, MARTIGNETTI CORPORATION HAS APPLIED FOR A CERTIFIED PROJECT STATUS UNDER THE MASSACHUSETTS ECONOMIC DEVELOPMENT INCENTIVE PROGRAM CREATED BY CHAPTER 23A OF THE MASSACHUSETTS GENERAL LAWS, AND

WHEREAS, THE CITY OF TAUNTON HAS AGREED TO ADOPT THE MARTIGNETTI CORPORATION TAX INCREMENT FINANCING AGREEMENT AS RECOMMENDED TO IT ON OCTOBER 28, 2014 BY THE MAYOR'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT AND

WHEREAS, THE CITY OF TAUNTON HAS AGREED TO APPROVE SUBMISSION TO THE MASSACHUSETTS ECONOMIC ASSISTANCE COORDINATING COUNSEL OF THE E.D.I.P. CERTIFIED PROJECT LOCAL INCENTIVE ONLY APPLICATION AS RECOMMENDED TO IT ON OCTOBER 28, 2014 BY THE MAYOR'S OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF TAUNTON UPON VOTE DULY TAKEN HEREBY RESOLVES AS FOLLOWS:

RESOLVED, THE COUNCIL ADOPTS THE TIF AGREEMENT AND SHALL EXECUTE AND FILE ALL NECESSARY DOCUMENTS WITH THE E.A.C.C. TO IMPLEMENT THIS RESOLUTION AND

RESOLVED THAT THE COUNCIL APPROVES SUBMISSION OF THE E.D.I.P. LOCAL INCENTIVE ONLY CERTIFIED PROJECT APPLICATION AND SHALL EXECUTE AND FILE ALL NECESSARY DOCUMENTS WITH THE E.A.C.C. TO IMPLEMENT THIS RESOLUTION AND

RESOLVED THAT THE COUNCIL SHALL TAKE SUCH OTHER NECESSARY STEPS TO IMPLEMENT THESE RESOLUTIONS.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

APPROVED BY THE MAYOR AND MUNICIPAL COUNCIL

MOTION: TO ACCEPT THE RESOLUTION.

THE MOTION WAS SECONDED AND ON DISCUSSION:

COUNCILOR CARR ASKED IF THIS WAS GOING TO BE APPROVED WITHOUT SEEING AN APPLICATION, WITHOUT SEEING ANYTHING AT ALL IN FRONT OF THE COUNCIL, THEY ARE JUST GOING TO APPROVE THE TIF? IS THAT WHAT IS BEING DONE WITH THIS RESOLUTION?

MR. SHEA SAID THAT WOULD BE CORRECT. THE AGREEMENT WOULD BE DRAFTED BY THE LAW DEPARTMENT.

COUNCILOR CARR SAID THAT THIS IS ONE THING OUT OF THE NORM, AS THE COUNCIL USUALLY SEES THE APPLICATION, THEY SEE EVERYTHING, BEFORE THEY APPROVE A TIF. SHE ALSO STATED THAT OBVIOUSLY WE HAVE TIF CERTIFICATIONS BECAUSE COMPANIES HAVE TO MEET STANDARDS. WILL THERE EVER BE A NEED FOR A TIF CERTIFICATION HERE, SINCE THEY DO NOT HAVE ANY KIND OF REQUIREMENTS FOR THE TIF, JUST A PLAIN STRAIGHT OUT TIF. THE CITY IS GIVING THEM A TIF AND THEY DO NOT HAVE ANY EMPLOYMENT TYPE THINGS OR ANYTHING LIKE THAT, SO THERE COULD NEVER BE A DECERTIFICATION OF THIS TIF?

MR. SHEA SAID THAT THIS STILL HAS TO GO THROUGH THE ECONOMIC DEVELOPMENT WITH THE STATE.

MS. TOKARCZYK SAID THAT THERE WOULD BE LANGUAGE IN THE TIF AGREEMENT FOR ANY POTENTIAL DECERTIFICATION AND THERE ARE CERTAIN POTENTIAL PROVISIONS THAT THE COMPANY NEEDS TO MEET. THE STATE WOULD SEND OUT ON AN ANNUAL BASIS, AS THEY ALWAYS DO, SO THE COMPANY WOULD HAVE TO BE IN COMPLIANCE AND COMPLETE THE ANNUAL REPORT.

COUNCILOR CARR ASKED, OTHER THEN THEIR ANNUAL REPORT, WHAT OTHER OBLIGATIONS THEY MAY HAVE.

MR. SHEA SAID NOT PAYING THEIR VEHICLE EXCISE TAX OR ANYTHING ELSE.

COUNCILOR CROTEAU SAID HE DOES NOT THINK IT IS APPROPRIATE TO PRESENT ALL THIS INFORMATION TO THIS COUNCIL AT ABOUT 7:00 P.M. AND EXPECT A VOTE AN HOUR LATER.

MOTION: TO TABLE THIS MATTER.

THIS MOTION WAS NOT SECONDED.

COUNCILOR COSTA-HANLON STATED THAT THIS RUNS WITH THE LAND NOW, SO SHE IS QUESTIONING IF THERE IS GOING TO BE LANGUAGE IN THIS CONTRACT BECAUSE THERE IS REALLY NO STATE REQUIREMENTS IT IS A LOCAL TIF AS IT WAS PRESENTED. WHAT ARE THE CITY'S PROTECTIONS IF THE COMPANY LEAVES THE LAND.

MR. SHEA SAID THAT IF THAT HAPPENS WE ARE NOT BOUND ON THE 50% TIF ON THE LAND. YOU COULD MOVE TO HAVE THE STATE DECERTIFIED.

COUNCILOR CLEARY STATED THAT THE COUNCIL SHOULD HAVE SOMETHING IN FRONT OF THEM TO VOTE ON. HE DOES NOT WANT TO TABLE THIS MATTER BUT HE WOULD LIKE TO GET THE DOCUMENTS FOR A CERTAIN DATE.

COUNCILOR COSTA-HANLON STATED AS A POINT OF INFORMATION, THAT THE COUNCIL COULD AMEND THE MOTION JUST TO SAY THAT THE COUNCIL APPROVES IT PENDING THE COUNCIL BEING ABLE TO REVIEW THE APPLICATION WITH NO MAJOR CHANGES.

COUNCILOR CLEARY SAID HE WOULD LIKE IT IN HAND IN ORDER TO VOTE ON IT.

COUNCILOR MARSHALL STATED THAT HE WOULD LIKE TO HEAR FROM THE GROUP PRESENT TONIGHT REGARDING DEADLINES, AND IF THAT IS THE CASE, PERHAPS THE COUNCIL COULD TAKE A VOTE THAT THEY APPROVE THE TIF IN PRINCIPAL AND THEN WHEN THEY GET THE DOCUMENT, THEY COULD APPROVE A FINAL DOCUMENT. THAT MAY BE ENOUGH FOR THE MARTIGNETTI GROUP TO CONTINUE ON THEIR WAY.

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

THE MAYOR STATED THAT IT COULD BE DONE THAT WAY OR APPROVED SUBJECT TO THE CITY SOLICITOR'S REVIEW OF THE ACTUAL DOCUMENTS.

MS. TOKARCZYK STATED THAT THE COMPANY IS TRYING TO MAKE A CORPORATE DECISION AND THIS WAS THE DATE TO ACCELERATE THE MATTER. BASED ON THEIR UNDERSTANDING, THE CITY HAS THE DRAFT DOCUMENTS.

MR. SHEA NOTED THAT MOST AGREEMENTS HAVE THE SAME LANGUAGE.

COUNCILOR CROTEAU STATED THAT HE WANTS ASSURANCE REGARDING THE ASSESSMENT.

COUNCILOR QUINN ASKED IF THE TIF COULD BE MADE CONTINGENT ON THERE NOT BEING A CHANGE OF OWNERSHIP. IF THERE IS A CHANGE OF OWNERSHIP WITH THE COMPANY THAT THE TIF WOULD END, IT WOULD NOT RUN WITH THE LAND.

MR. SHEA SAID THAT YOU WOULD NEED TO SPEAK TO THE CITY SOLICITOR REGARDING THIS.

COUNCILOR MARSHALL STATED THAT HE WOULD SUGGEST HOLDING OFF ON THE OFFICIAL RESOLUTION BUT WE TAKE A VOTE THIS EVENING, IF THE VOTE IS THERE, THAT THEY SUPPORT THE TIF IN PRINCIPAL AND THAT THE COUNCIL WILL RECEIVE THE FINAL DOCUMENT NOT MORE THEN 2 WEEKS FROM NOW FOR FINAL APPROVAL AND ADOPTION OF THE RESOLUTION AS READ EARLIER.

COUNCILOR CLEARLY SAID HE IS HESITANT TO TAKE A VOTE ON THIS BECAUSE YOU ARE NOT SENDING A GOOD MESSAGE TO THE COMPANY. MOST OF THE COUNCIL IS IN FAVOR OF THE PROJECT, HE JUST WANTS TO SEE THE DOCUMENT AND MOVE ON. HE ALSO STATED THAT HE THINKS HE HAS ENOUGH INFORMATION, BUT THAT IT IS ALL VERBAL. HE DOES NOT WANT THE COMPANY TO WALK OUT OF HERE WITH A VOTE LOST BECAUSE THE ONLY REASON PEOPLE DID NOT VOTE FOR IT WAS BECAUSE THEY DID NOT HAVE THE DOCUMENTS IN FRONT OF THEM.

COUNCILOR MARSHALL SAID THE NEW MOTION ALLOWS THE MARTIGNETTI GROUP TO GET A CLEAR SENSE THAT THE COUNCIL IN PRINCIPAL IS IN FAVOR OF THE TIF AGREEMENT AND THEN IT ALLOWS THE COUNCILORS THAT HAVE SOME RESERVATIONS, THAT BEFORE, AND IF THERE IS SOMETHING IN THE FINAL AGREEMENT THAT THE COUNCIL ABSOLUTELY DOES NOT AGREE WITH BEFORE TAKING THE VOTE FOR THE OFFICIAL RESOLUTION, IT CAN BE WORKED OUT. THIS DOES NOT HAPPEN UNTIL THE OFFICIAL VOTE IS TAKEN ON THE RESOLUTION. THIS GIVES THE MARTIGNETTI COMPANY A CLEAR SENSE THAT THE COUNCIL IS IN FAVOR OF THIS IN PRINCIPAL AND THE DODCUMENT COMES BACK IN 2 WEEKS, AND IF THE COUNCIL AGREES TO THE DOCUMENT THEN A VOTE IS TAKEN TO RESOLVE THIS, THEN WE MOVE ON.

MS.TOKARCZYK SAID AS SHE UNDERSTANDS AND THIS IS A CRITICAL NIGHT AS EXPLAINED, FOR THE MARTIGNETTI COMPANY TO LEARN AND HOPEFULLY RECEIVE THE SUPPORT OF THE CITY COUNCIL. SHE HAS BEEN BEFORE CITY COUNCIL ON OTHER PROJECTS AND THE TIF AGREEMENT HAS BEEN WORKED OUT BY THE CITY SOLICITOR. WHAT THE VOTE IS ON ARE THE TERMS, THE 50% EXEMPTION OVER THE 20 YEARS.

COUNCILOR CROTEAU STATED HE IS IN FULL SUPPORT OF THE PROJECT BUT WOULD LIKE TO SEE NUMBERS FROM THE ASSESSORS.

COUNCILOR MARSHALL ASKED HOW CAN THE ASSESSOR ASSESS A PROPERTY WHEN A BUILDING HAS NOT EVEN BEEN CONSTRUCTED.

COUNCILOR POTTIER ASKED TO PRESS THE MOTION.

THE MOTION WAS CLARIFIED AS FOLLOWS:

MOTION: APPROVE THE TIF PROPOSAL IN PRINCIPAL AND TO HAVE THE FINAL DOCUMENTS NEXT WEEK AND THEN TAKE A VOTE ON THE FULL RESOLUTION NEXT WEEK AFTER SEEING THE DOCUMENTS. SO VOTED.

MOTION: TO TAKE A THREE MINUTE RECESS. SO VOTED. (8:25 P.M.)

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THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

MOTION: TO CALL THE MEETING BACK TO ORDER. SO VOTED. (8:33 P.M.)

MOTION: TO GO OUT OF THE REGULAR AGENDA ORDER AND ALLOW PUBLIC INPUT. SO VOTED.

A LETTER FROM THE FAMILY OF THE LATE FRANK G. COSTA WAS READ THANKING THE CITY OF TAUNTON AND ITS RESIDENTS FOR SUPPORTING THE FAMILY THROUGH THEIR DIFFICULT TIME.

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

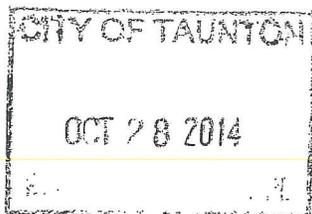
2. MEET IN EXECUTIVE SESSION WITH THE CITY SOLICITOR TO DISCUSS COLLECTIVE BARGAINING AGREEMENT.

MOTION: ON A ROLL CALL VOTE, COUNCILORS BORGES, CARR, QUINN, MCCAUL, POTTIER, COSTA-HANLON, CLEARY AND MARSHALL VOTED IN FAVOR. COUNCILOR CROTEAU VOTED IN OPPOSITION. MOTION CARRIES TO GO INTO EXECUTIVE SESSION.

MOTION: ON A ROLL CALL VOTE, ALL COUNCILORS VOTED TO COME OUT OF EXECUTIVE SESSION.

ONE VOTE WAS TAKEN IN EXECUTIVE SESSION.

MEETING ADJOURNED AT 9:01 A.M.



RESPECTFULLY SUBMITTED;

Colleen M. Ellis

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

RM Blacnwell
CITY CLERK