



*City of Taunton
Municipal Council Meeting Minutes*

*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, December 17, 2013 at 7:14 o'clock P.M.*

Regular Meeting

Mayor Thomas C. Hoye, Jr. presiding

Prayer was offered by the Mayor

Present at roll call were:

*Councilor's Carr, McCaul, Pottier, Costa-Hanlon,
Medeiros, Cleary and Marshall.*

Councilor Barbour and Colton was absent

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

Motion was made to revert out of the regular order of business. So Voted.

Appointments

Appointment of two (2) permanent full-time Reserve Police Officers: Jeremy T. Desrosiers and Casey S. Holmes. **Motion was made to move approval. On a roll call vote, seven (7) Councilors present, seven (7) Councilors voting in favor. Motion to invite into the enclosure the Chief of Police, Mr. Desrosiers and Mr. Holmes and their family. So Voted.** At this time, Jeremy T. Desrosiers and Casey S. Holmes were sworn in by the City Clerk.

Motion was made to recess the full Municipal Council meeting at 7:18pm. So Voted. Motion was made to reconvene at 8:25pm. So Voted.

Hearing:

On the petition for the modification of a Special Permit submitted by Richard Riccio, III, Field Engineering Co., Inc., 11D Industrial Drive, P.O. Box 1178, Mattapoisett on behalf of his client William Shamon, Myles Standish Medical Center, LLC, 125 Constitution Blvd. Franklin, MA to allow a modification of an existing Special Permit to allow for the phased construction of additional paved parking spaces with associated storm water management facilities to service the proposed education use located at 101 Industrial Park Road which is in the Industrial District. **Motion was made to open the hearing. So Voted. Motion was made to invite into the enclosure all interested parties. So Voted.** At this time, the City Clerk read communication from the Chairman, Taunton Planning Board submitting a positive recommendation with conditions. **Motion was made to make a part of the record. So Voted.** Decision of the City of Taunton Planning Board on the petition for site plan review. **Motion was made to make a part of the record and note there are twenty-one (21) conditions. So Voted.**

Communication from Chairman, DIRB submitting conditions. **Motion was made to make a part of the record. So Voted.** Communication from Conservation Agent stating there is no conservation issues with the project. **Motion was made to make a part of the record. So Voted.** Communication from Board of Health stating they have no comments. **Motion was made to make a part of the record. So Voted.** Communication from TMLP Distribution Manager reserving comments at this time. **Motion was made to make a part of the record. So Voted.** Mr. Richard Riccio stated that the petition is to allow for the phased construction of additional paved parking spaces. There are approximately 120 students enrolled and the proposed design is for 155 parking spaces. The site will not have any additional electrical work done. As listed in condition #15, a traffic sign plan has been designed for the Chairman of the DIRB. **Motion was made to open the hearing for public input. So Voted. Motion was made to close public input and grant the petition. So Voted. Motion was made to close the hearing. So Voted.**

Communications from the Mayor:

The Mayor stated that the City is now in possession of 115 Tremont Street. The City took immediate action and began cleaning up the front of the property. He stated that there is a time table to follow and that it will be a while until the property can be ready for sale. The Mayor stated that it was a great effort on the part of Attorney Buffington and Attorney deAbreu. This property has been a problem for almost ten years. There are various vehicles on the property as well as lawn equipment that needs to be cleaned up. The Mayor stated that it is sad to see a property with this type of value treated like it was. The City Solicitor stated that the City will need to wait one year from the date of the judgment to convey a good title for a buyer. The City wanted to take immediate action because this is such a deployable property and the neighbors who had to deal with this on a daily basis deserve to have immediate action taken. Today's clean-up was as much as could be done that could be seen from the road and adjoining properties. In the future, the City will move forward with cleaning up the remaining portion of the property and access the structural integrity of the buildings on the property. The total parcel is 15 acres. Solicitor Buffington thanked DPW Commissioner, Fred Cornaglia for taking a major role in coordinating today's activities, the Police Chief, Ed Walsh and his Department for their assistance as well as Wayne Walkden, the men from the Building Department and G. Lopes Construction. The dedication and hard work of the Building Department was outstanding. Solicitor Buffington recognized numerous building Department workers. Councilor Pottier commended Solicitor Buffington on a job well done and he conveyed his thanks to all the employees who helped. With the outside vendors used for this property, he asked if there will be a special line item for the project and as the project moves forward will RFP's be done for individuals to bid on the work. The Mayor stated that they will be evaluating as it moves forward. The City needs to see exactly what is there for materials because it is so deployable. Councilor Marshall said that acquiring this property was a great job done. He said that what is important is that the City of Taunton has taken five deployable properties from this land owner and commended the City for doing so. These properties have been taken through a legal strategy that will allow the City permanent closure to these properties. He commended the Legal Department and the Mayor. He said that the communication during the process has been great and this was the appropriate thing to do to let neighbors around these properties know that they have not been forgotten and that the City will continue to work

the process legally until the residents receive the resolutions they need. Councilor Marshall thanked the DPW and the individuals who worked outside today in the cold to get the property cleaned up. The Mayor stated that neighbors are overwhelmed in the efforts of the City on these properties. He said that residents who live near these properties deserve to live in peace and have it cleaned up. The Mayor stated that were comments made about the Legal Department targeting these properties; it is totally not true. There has been several other properties taken that do not belong to the same owner. The Mayor stated that the City will target all properties in the City that are blotted. Councilor Cleary stated that it was a well done job by all departments in the City. He asked if there are any liens on the property. Solicitor Buffington stated that there are municipal charges on the property. Councilor Cleary stated that someone needs to keep track of all the expenses for this property so that when Council in a year or two is at a point to put it in on the market, the City can inform taxpayers of the figures. Solicitor Buffington stated that Ms. Barber is the Tax Collector Custodian and she is in charge of keeping all the figures. Solicitor Buffington stated that there is a law that gives the land owner the right within one year to file a petition with the Land Court to vacate the Land Order of Decree that was entered. The City expects the owner to file the petition, but is prepared to move on this. Councilor Cleary stated that it sends a message to property owners of blotted properties, not just this particular owner, that there is accumulated action being taken. Councilor Medeiros congratulated the Law Department as well as outside Council. He informed that the tax title on this property is a little over \$57,000 not counting any legal work done today. Councilor Carr thanked the Mayor and the City Solicitor for their commitment in cleaning these types of properties. Solicitor Buffington thanked Council for their kind words. He stated that the property at 1517 Winthrop Street and 117 Arlington Street is currently in receivership. He thanked the Attorney General's Office for their willingness to take this on.

The Mayor stated that the New Year will bring new Council Members. He said that it has been a pleasure to work with Councilor Barbour, Colton and Medeiros. At this time, the Mayor invited up Councilor Colton and Medeiros to present them with a Citation in recognition of their dedication and service to the Municipal Council and the City of Taunton. The Mayor also presented Councilor Colton and Medeiros with a Key of the City. Councilor Cleary stated that Councilor Barbour was here earlier, but had to leave due to a family commitment. Councilor Barbour has been serving the City for ten years. Councilor Colton has been serving the city for four years and has been a strong advocate for the youth. Councilor Costa-Hanlon stated that we may be losing him as a Councilor, but we are losing him to his passion which is related to youth. Councilor Pottier stated that he has had the pleasure of serving with Councilor Barbour and values his friendship as well as the work he has done for the Council. On behalf of the citizens, he thanked them all for their service. Councilor McCaul thanked Councilor Colton, Medeiros and Barbour for the service they have provided for the community. Councilor Carr thanked all three gentlemen for being gentlemen. She wished them the best of luck and hopes to see them involved in other ways in the City. Councilor Marshall stated that three words, class, dignity and respect that comes to mind when you think of Councilor Barbour, Medeiros and Colton. They have always been so respectful when advocating their opinions and being able to work together for compromise. Councilor Colton thanked the

residents for giving him the opportunity to run for the seat four years ago. He thanked everyone for treating him with respect and he looks forward in continuing the friendship. Councilor Medeiros thanked the citizens for entrusting him with making decisions for the City and moving it forward.

Communications from City Officers:

Com. from City Solicitor – Sale of Walker School to The Neighborhood Corporation in the amount of \$75,000. The RFP would transfer the title of the property and delay payment of \$75,000 from one year to eighteen months. Attorney Buffington requested an approval from the Council to authorize Mayor Hoye to sign the agreement on behalf of the City. Councilor Medeiros requested to be counted as present on this motion. **Motion was made to move approval on Councilor Medeiros request. So Voted. Motion was made to move approval. So Voted. Councilor Medeiros voting present.**

Com. from Chairman, Taunton Planning Board - Notifying of a public hearing on Thursday, January 16, 2014 at 5:30pm relative to zoning change Section 5.3.5 of the City Ordinance – Reconstruction. **Motion was made to receive and place on file. So Voted.**

Com. from Joshua Lee Freeman, 15 Michael Road, Raynham – Expressing his thoughts regarding the celebration for the City’s sesquicentennial. **Motion was made to receive and place on file. So Voted.**

PETITIONS

Claim

Claim submitted by Anthony Kreg R. Espinola, Burge, Espinola & vanColen, 45 North Main Street, 5th floor, Fall River, MA 02720 on behalf of his client Jermaine Pina, 37 Kingman Street, East Taunton seeking reimbursement for injuries sustained when he fell 35 feet from the bleachers at Taunton High School. **Motion was made to refer to the Law Department. So Voted.**

Street Acceptance

Petition submitted by Attorney Jill Zajac, c/o Harvey Street LLC, 490 Winthrop Street, Taunton and others requesting the acceptance of Brandy Lane in the City of Taunton as a public way. **Motion was made to schedule a Public Hearing. 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

The Mayor stated that he spoke with the City Clerk, Fire Chief and Captain Baptist regarding Fire Permits. The Mayor is proposing to waiver fees on burning permits. The State requires residents to have a permit, but it does not state a fee. The Mayor proposed that when a property owner acquires a burning permit that it would stay with the property until it is sold. Total funds received from burning permits are approximately \$10,000. The Mayor stated that all rules and regulations would need to be followed and he feels it

would save on a lot of foot traffic. This would not over burden the City and the residents would appreciate. If approved, the Ordinance would need to be changed and the City Clerk would need to prepare the Permits. **Motion was made to move approval and refer to the Committee on Ordinance and Enrolled Bills and the Law Office. So Voted.**

Motion was made to adjourn at 9:19pm. So Voted.

A true copy:

Attest:

A handwritten signature in cursive script, appearing to read "Dm Bl", written in black ink.

City Clerk

RMB/dmc

CITY OF TAUNTON
MUNICIPAL COUNCIL
DECEMBER 17, 2013

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILOR CLEARY.
ALSO PRESENT WAS CITY SOLICITOR JASON BUFFINGTON

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

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

MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$1,175,168,00, SO VOTED.

MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$1,532,854.37. SO VOTED.

2. MEET TO DISCUSS GOLF COURSE CONTRACT

COUNCILOR CARR NOTED THAT NONE OF THE GOLF COURSE COMMISSIONERS WERE ABLE TO ATTEND TONIGHT. SHE ALSO STATED THAT THE CONTRACT IS BASICALLY THE SAME AS LAST YEAR, THERE ARE NO SUBSTANTIAL CHANGES.

SHE STATED FURTHER THAT SHE THINKS IT WOULD BE NICE IF THE COMMITTEE WERE FORWARDED FINANCIAL INFORMATION ON THE GOLF COURSE. SHE CAN NEVER QUITE UNDERSTAND HOW THE GOLF COURSE OPERATES FINANCIALLY. SHE KNOWS IT IS AN ENTERPRISE SYSTEM.

THE CITY SOLICITOR STATED THAT THE CITY OWNS THE GOLF COURSE, BUT THAT A POLICY DECISION WAS MADE THAT IT IS NOT IN THE CITY'S BEST INTEREST TO RUN IT. IT HAS BEEN THAT WAY FOR MANY YEARS NOW. WHAT THEY DO IS PERIODICALLY ISSUE A REQUEST FOR PROPOSALS THAT IS ADVERTISED BOTH LOCALLY AND IN THE CENTRAL REGISTER, TO SAY THAT ANYONE INTERESTED IN RUNNING OUR GOLF COURSE HAS UNTIL A CERTAIN DATE AND TIME TO TELL THE CITY HOW MUCH THEY WILL PAY US TO DO THAT. THE CITY COMES UP WITH A CONTRACT, BEFOREHAND, SO THE SOLICITOR MEETS WITH THE GOLF COURSE COMMISSION, WHO ARE INVOLVED IN THE DAY TO DAY RUNNING OF THE COURSE, AND THEY DECIDE WHAT THE CONTRACT SHOULD BE. PEOPLE ARE TOLD BEFOREHAND THAT THIS IS WHAT THE CONTRACT IS GOING TO LOOK LIKE, THEY JUST FILL IN THE NAME AND THE AMOUNT AND ATTACH THEIR BID PROPOSAL TO IT.

HE FURTHER STATED THAT HE KNOWS THAT THE GOLF COMMISSION IS VERY PLEASED WITH THE JOB THAT LEA GOLF DOES, AND MR. ALEGI IS RUNNING IT AS PRESIDENT OF THAT COMPANY. IF THE COMMISSION HAD A CHOICE THEY PROBABLY WOULD PREFER NOT TO HAVE ISSUED AN RFP, THEY WOULD PREFER TO KEEP THIS COMPANY ON DUE TO THE GOOD JOB THEY ARE DOING. HOWEVER, THEY LOOKED INTO THIS AND LEGALLY AN RFP WAS REQUIRED. SO A STATE WIDE RFP WAS ISSUED, AND LEA GOLF WAS THE ONLY ONE THAT APPLIED. THEY COULD HAVE OFFERED LESS, BUT THEY DID IT FOR THE SAME PRICE.

THEY RUN THE BUSINESS, RECEIVE THE REVENUES – THE GREENS FEES, ETC. AND THEY PAY US THE AMOUNT THAT THEY HAVE BID ON A PER YEAR BASIS, AND THAT MONEY GOES INTO THE GOLF COURSE FUND THAT THEY USE FOR CAPITAL IMPROVEMENTS.

COUNCILOR CLEARY SAID THAT IT WOULD BETTER SERVE THE PUBLIC IF THE COMMITTEE HAD A BETTER UNDERSTANDING OF ACTUALLY HOW BIG THE FINANCES ARE, HOW MUCH REVENUE IS CIRCULATED THROUGH THE BUSINESS, HOW MUCH DO THEY PUT INTO CAPITAL IMPROVEMENTS. HE UNDERSTANDS THAT THIS IS THE GOLF COMMISSION'S JOB, BUT HE DOES NOT KNOW WHAT THE TOTAL VALUE IS. IS \$15,000 A REASONABLE NUMBER.

PAGE TWO

DECEMBER 17, 2013

THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

COUNCILOR CARR STATED THAT SHE THINKS IT WOULD BE GOOD TO GET A QUARTERLY STATEMENT AND THEN AN END OF THE YEAR FINAL STATEMENT SHOWING THEIR REVENUES, THEIR EXPENSES, ETC. THEY HAVE NO IDEA WHAT IS GOING ON, THEY COULD BE MAKING \$2 MILLION OVER THERE AND WE ARE GETTING \$15,000.

THE CITY SOLICITOR NOTED THAT IF IT WAS A LUCRATIVE DEAL, THERE PROBABLY WOULD HAVE BEEN MORE THAN 1 BIDDER.

IT WAS ALSO NOTED THAT THERE IS AN APARTMENT ABOVE THE CLUB HOUSE, AND AS PART OF THE RFP THEY CAN USE THIS AND THEY ARE RESPONSIBLE FOR THE UTILITIES, ETC.

QUESTIONED WAS IF A CAPITAL IMPROVEMENT IS DONE, HOW IS IT FINANCED.

THE SOLICITOR STATED THAT IT IS HIS UNDERSTANDING THE OPERATOR OF THE COURSE IS RESPONSIBLE FOR KEEPING THE COURSE IN A CERTAIN CONDITION AND FOR DOING ONGOING MAINTENANCE, BUT IF THERE IS SOME KIND OF MAJOR CAPITAL REPAIR TO THE PROPERTY THAT THE CITY OWNS, THAT IS REALLY ON THE CITY TO DO IT.

COUNCILOR BARBOUR QUESTIONED THE FACT THAT THEY ARE SUPPOSED TO PROVIDE QUARTERLY FINANCIAL DOCUMENTS TO THE COMMITTEE. THE CITY IS RENTING IT BUT IS ALSO RESPONSIBLE TO MAKE THE CAPITAL IMPROVEMENTS. PERHAPS PUBLIC PROPERTY SHOULD CONSIDER SELLING THE COURT AS \$15,000 ANNUALLY IS NOT REALLY BENEFITING THE CITY. COUNCILOR COSTA-HANLON ALSO STATED THAT SHE FEELS IT IS IMPORTANT TO MEET AND DISCUSS ALL ASPECTS OF THE GOLF COURSE.

COUNCILOR CLEARY STATED IT IS A VALUABLE RECREATIONAL ASSET AND IT DOESN'T REALLY COST THE CITY ANY MONEY.

MOTION: MOVE APPROVAL OF THE CONTRACT AS RECOMMENDED BY THE CITY SOLICITOR. SO VOTED.

MOTION: TO MEET WITH THE GOLF COURSE COMMISSION TO DISCUSS THE ENTERPRISE SYSTEM AND THE REVENUES AND EXPENSES AND OVERALL PICTURE OF THE GOLF ENTERPRISE. SO VOTED.

3. MEET TO DISCUSS RECOMMENDATIONS MADE IN THE 2012 AUDIT

THE CHAIRMAN STATED THAT THIS IS BASICALLY TO GET FEEDBACK FROM DEPARTMENT HEADS ABOUT THE COMMENTS AND RECOMMENDATIONS MADE IN THE AUDIT AND WHAT IF ANY PROGRESS THEY HAVE MADE IN ACCOMPLISHING SOME OF THOSE RECOMMENDATIONS. COUNCILOR CLEARY STATED THAT THE 2012 AUDIT WAS VERY SIMILAR TO THE 2011 AUDIT. IN THE 2012 AUDIT EACH DEPARTMENT IMPACTED BY A FINDING CAME UP WITH A RESPONSE, WE WILL DO THE FOLLOWING, WE WILL DEVELOP A PLAN, ETC. HE WOULD LIKE TO KNOW HOW THEY STAND WITH THEIR PLANS TO CORRECT THESE FINDINGS.

HE HAD 3 OR 4 THAT HE HAD LOOKED AT. ONE OF WHICH WAS DEALING WITH THE CITY AUDITOR AND THE WATER DEPARTMENT. THIS CONCERNED THE MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST (MWPAT) ACTIVITY. THE CITY HAS BEEN BORROWING A SIGNIFICANT AMOUNT OF MONEY AND WERE TOLD BY THE AUDITORS IT IS A VERY GOOD PRACTICE BECAUSE IT IS LOW INTEREST MONEY. BUT, IT WOULD BE NICE IF SOMEONE WOULD GIVE THE COMMITTEE A PICTURE OF ALL THIS BONDED MONEY, WHAT WE HAVE OUTSTANDING IN THE MWPAT SYSTEM. HE ALSO STATED THAT THE COMMITTEE SHOULD GET THEIR RECOMMENDATION AS TO THE FEASIBILITY OF PAYING DOWN THESE LOANS WITHOUT RAISING EXCESSIVELY WATER RATES. IT WOULD BE A GOOD REPORT FOR THE COMMITTEE TO HAVE.

PAGE THREE

DECEMBER 17, 2013

THE COMMITTEE ON FINANCE AND SALARIES - CONTINUED

MOTION: THAT THE AUDITOR AND THE WATER DIVISION SUPERVISOR ARE TO MEET WITH THE COMMITTEE TO DISCUSS THIS MATTER.

THE SECOND ONE MR. CLEARY MENTIONED WAS ON PAGE IV-9 WHICH SAID SOMETHING ABOUT CAPITAL PROJECTS, AND THAT THERE WAS AN ERROR IN SEWER AND WATER INFRASTRUCTURE IMPROVEMENTS. THERE IS A FUND NO. 32 AND A FUND NO. 33. NO. 32 HAD A DEFICIT OF \$1 MILLION AND NO. 33 HAD A SURPLUS OF OVER \$1 MILLION. HE WANTS TO MAKE SURE THAT THESE ADJUSTMENTS HAVE BEEN MADE. HE DOES NOT WANT TO SEE THESE SAME FINDINGS IN THE NEXT AUDIT.

MOTION: TO REFER THIS TO THE WATER DEPARTMENT. SO VOTED.

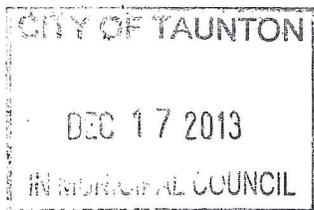
THE NEXT ONE HE ADDRESSED WAS DEALING WITH KEVIN SHEA, EXECUTIVE DIRECTOR OF ECONOMIC DEVELOPMENT DEALING WITH BROWNFIELD PILOT COOPERATIVE AGREEMENTS. THERE WAS SOMETHING ABOUT EXCEEDING WHEN THE STATE GAVE US THE BROWNFIELDS MONEY, OR THE FEDS GAVE US THE BROWNFIELDS MONEY, WE WERE NOT TO EXCEED THE EXPENDITURE OF 40% ON THE LOANED OUT MONEY. WE WENT TO 41.2, 42%, AND ACCORDING TO THE AUDIT WE SHOULD HAVE GOTTEN APPROVAL TO EXCEED THE 40%. HE THINKS THIS IS JUST A MATTER OF A WRITTEN EXCHANGE BETWEEN THE ECONOMIC DEVELOPMENT IN TAUNTON AND THE FEDS SO WE HAVE SOMETHING ON FILE SO THAT FINDING GOES AWAY.

MOTION: TO REFER THIS TO KEVIN SHEA. SO VOTED.

HE ALSO STATED THAT THERE WAS SOMETHING ABOUT DEFERRED REVENUE AND ALLOWANCES FOR ABATEMENTS AND EXEMPTIONS. THE REPORT SAID THAT THE DEBT BALANCE OF APPROXIMATELY \$2.6 MILLION, AND THE RECOMMENDATION WAS THAT THE CITY SHOULD INVESTIGATE THE REASONS. HAS THIS BEEN DONE, AND HAVE THE ADJUSTMENTS BEEN MADE. HIS QUESTION IS, HAS THIS BEEN CORRECTED.

MOTION: AUDITOR TO PROVIDE INFORMATION AS TO WHETHER THIS HAS BEEN CORRECTED. SO VOTED.

MEETING ADJOURNED AT 6:15 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script, likely belonging to the City Clerk, which appears to read "Rm Blacwell".

CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
DECEMBER 17, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR ANDREW MARSHALL, CHAIRMAN AND COUNCILORS
MCCAUL, MEDEIROS AND BARBOUR. ALSO PRESENT WERE ASSISTANT
CITY SOLICITOR DANIEL DEABREU, CATHAL O'BRIEN, WATER DIVISION
SUPERVISOR AND JOE FEDERICO OF BETA

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

1. MEET TO DISCUSS REQUESTS FOR SEWER ABATEMENTS

THE CITY SOLICITOR PROVIDED A LETTER DATED 12/17/2013 IN WHICH HE STATED THAT HE WAS ASKED TO REVIEW THE PETITIONS FOR LOTS 68-29, 68-5-2, 68-5-1, 68-30, 68-161, 68-168, 68-24, 68-156, 68-180, 90-65, AND HE PROVIDED HIS COMMENTS.

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

DISCUSSED FIRST WAS **LEMAN W. AND DENISE S. PADEFORD, LOT 68-29**. MR. FEDERICO STATED THAT THIS IS A \$7840 SF LOT ON DUFFY DRIVE. IT IS AN URBAN RESIDENTIAL AREA REQUIRING 15000 SF TO BUILD A RESIDENTIAL LOT. IT IS VACANT RIGHT NOW, SO HE IS ASKING FOR AN ABATEMENT ON THIS LOT FOR \$18,966.00. MR. FEDERICO FURTHER NOTED THAT THIS IS SIMILAR TO THE ONE ON WILLIAMS STREET AND HE FEELS THAT THERE SHOULD BE AN ABATEMENT ON THIS PROPERTY.

ATTORNEY DEABREU STATED THAT G.L. C. 83, SEC. 15 PRESCRIBES THAT POTENTIAL SEWER UNITS SHALL BE CALCULATED ON THE BASIS OF ZONING THEN IN EFFECT. HE IS INFORMED THAT UNDER ZONING PRESENTLY IN EFFECT THE LOT IS NOT BUILDABLE AND NO STRUCTURES MAY BE PLACED THEREON. THAT BEING THE CASE, HE RECOMMENDS THAT THE PETITION FOR ABATEMENT BE GRANTED

MR. PADEFORD ASKED THAT THE CITY BE RESPONSIBLE FOR THE COST OF REMOVING THE LIEN FROM THE PROPERTY.

MOTION: TO GRANT THE REQUEST FOR THE ABATEMENT IN THE AMOUNT OF \$18,966.00. SO VOTED.

DISCUSSED NEXT WAS PROPERTY ALSO OF **LEMAN AND DENISE PADEFORD, LOT 68-30**.

MR. FEDERICO STATED THAT THIS IS A RESIDENTIAL PROPERTY, SINGLE FAMILY AND THE BETTERMENT ASSESSED WAS \$18,966.00

ATTORNEY DEABREU RECOMMENDS DENYING THIS PETITION AS THE ASSESSMENT WAS DETERMINED IN ACCORDANCE WITH STATUTE AT AN OPEN MEETING HELD BY THIS COMMITTEE.

MOTION: TO DENY THE ABATEMENT ON LOT 68-30. SO VOTED.

NEXT WAS PROBERT OF **ROBERT AND PLACIDA SIMPSON, LOT 68-5-2**. MR. SIMPSON STATED THAT HE DECLINED TO SPEAK AT THIS TIME.

MR. FEDERICO STATED THAT THIS IS A RESIDENTIAL UNIT AND THEY ARE ASKING FOR A REDUCTION IN PRICE FOR THE SEWER BETTERMENT. IT WAS NOTED THAT THIS IS A DUPLEX WITH LOT 68-5-1 BEING THE OTHER HALF OF THE DUPLEX.

THE ASISSTANT CITY SOLICITOR RECOMMENDS PROVIDING, THAT THE COMMITTEE DETERMINES THAT THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTIBUTABLE TO THE IMPROVEMENT, TO DENY THE PETITION.

MOTION: MOVE TO DENY THE PETITION FOR ABATEMENT FOR LOT 68-5-2. SO VOTED.

NEXT IS ALSO PROPERTY OWNED BY **ROBERT AND PLACIDA SIMPSON, LOT 68-5-1**. THIS IS THE OTHER HALF OF 87 BAYLIES ROAD. IN THEIR PETITION THE ADDITIONAL CLAIM IS MADE THAT

PAGE TWO

DECEMBER 17, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

THE DUPLEX SHOULD BE CONSIDERED A SINGLE FAMILY RESIDENCE, BECAUSE THE PETITIONERS' DAUGHTER AND GRANDCHILD LIVE AT 85 BAYLIES ROAD. HOWEVER, ATTORNEY DEABREU'S LETTER STATES THAT ONE OF THE RULES OF THE UNIFORM UNIT METHOD FORMULA WAS THAT A TWO FAMILY HOUSE SHALL BE CONSIDERED 2 SEWER UNITS. THE RULE SHOULD BE APPLIED FAIRLY TO ALL PROPERTY OWNERS ASSESSED.

ATTORNEY DEABREU RECOMMENDED DENYING THIS PETITION.

MOTION: TO DENY THE ABATEMENT FOR LOT 58-5-1 AS PER THE RECOMMENDATION OF THE LAW OFFICE. SO VOTED.

NEXT WAS PROPERTY AT LOT 68-161, JOSEPH AND MARIA DAMASO.

MR. FEDERICO SAID THAT THIS IS A RESIDENTIAL UNIT.

THE ASSISTANT CITY SOLICITOR'S RECOMMENDATION IS TO DENY THE PETITION.

MOTION: TO DENY THE PETITION FOR ABATEMENT FOR LOT 68-161 BASED ON THE RECOMMENDATION OF THE ASSISTANT CITY SOLICITOR. SO VOTED.

NEXT WAS PROPERTY OF DONNA URCIUOLO AND RICHARD CESATI, LOT 68-168.

MS. URCIUOLI STATED THAT THERE IS QUITE A BIG DIFFERENCE BETWEEN THE CITY'S CALCULATIONS AND THE APPRAISERS CALCULATIONS. HOW DO YOU JUSTIFY THIS.

THE ASSISTANT CITY SOLICITOR STATED THAT THE LEGISLATURE HAS PROVIDED A STATUTE WHICH PROVIDES A FORMULA TO BE UTILIZED BY THE COMMITTEE SO THEY CAN MAKE THESE DETERMINATIONS. THE COMMITTEE UTILIZED A FORMULA THAT IS PROVIDED FOR IN THE STATUTE AND THE COMMITTEE MADE A DETERMINATION THAT THE ASSESSMENT WAS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE IMPROVEMENT. THE COMMITTEE ACTED TO THE BEST OF ITS ABILITY IN ACCORDANCE WITH THE LAW, AND IS NOT REQUIRED TO ACCEPT THE OPINION OF THE APPRAISER.

THE ASSISTANT CITY SOLICITOR'S RECOMMENDATION WAS TO DENY THE PETITION.

THE COMMITTEE DID INFORM HER THAT SHE MAY WANT TO LOOK INTO THE HARDSHIP PROGRAM.

MOTION: TO DENY THE APPLICATION FOR ABATEMENT ON LOT 68-168. SO VOTED.

NEXT WAS PROPERTY OF JOHN AND ROBIN HOLGERSON, LOT 68-24.

THE ASSISTANT CITY SOLICITOR'S RECOMMENDATION, PROVIDING THAT THE COMMITTEE DETERMINES THAT THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VAULE OF THE PROPERTY ATTRIBUTABLE TO THE IMPROVEMENT, IS TO DENY THE PETITION.

MR. HOLGERSON DID ADDRESS THE COMMITTEE REGARDING THE FORMULA USED BY THE COMMITTEE FOR THESE BETERMENTS.

MOTION: TO DENY THE APPLICATION FOR APPOINTMENT FOR LOT 68-24 PER THE RECOMMENDATION OF THE LAW DEPARTMENT. SO VOTED.

MR. HOLGERSON ASKED IF WRITTEN NOTIFICATIONS OF THE DENIALS WOULD BE SENT TO THE PETITIONERS. THE ANSWER WAS YES.

MR. HOLGERSON ASKED IF INCLUDED WITH THE LETTER COULD BE A COPY OF ATTORNEY DEABREU'S LETTER SHOWING HIS REASONING. THE CHAIRMAN SAID IT IS PUBLIC RECORD AND IT WILL BE INCLUDED WITH HIS LETTER.

CHAIRMAN MARSHALL SAID THAT AFTER THE COMMITTEE MEETING IS OVER, ANYONE WHO WANTS A COPY OF THE LETTER OF ATTORNEY DEABREU CAN COME AND SEE THE CLERK, SHE WILL TAKE THEIR NAME AND THE LETTER WILL BE ATTACHED TO THE DENIAL.

PAGE THREE

DECEMBER 17, 2013

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

DISCUSSED NEXT WAS **LOT 68-156, DONALD AND KERRY WILLIAMS.**

THE RECOMMENDATION OF THE ASSISTANT CITY SOLICITOR IS TO DENY THE PETITION PROVIDING THAT THE COMMITTEE DETERMINES THAT THE ASSESSMENT IS NOT MORE THAN THE ENHANCED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE IMPROVEMENT,

MOTION: TO DENY APPLICATION FOR ABATEMENT FOR LOT 68-156 AS PER THE RECOMMENDATION OF THE LAW DEPARTMENT. SO VOTED.

~~NEXT WAS PROPERTY AT LOT 68-180, ALBERTINO AND MARIA ALMEIDA.~~

THE RECOMMENDATION OF THE ASSISTANT CITY SOLICITOR IS TO DENY THE APPLICATION.

MOTION: TO DENY THE APPLICATION FOR ABATEMENT AS PER THE RECOMMENDATION OF THE LAW DEPARTMENT. SO VOTED.

NEXT WAS PROPERTY AT **LOT 90-65, LOIS MACDONALD AND WILLIAM FARRIS.** THE LETTER OF ATTORNEY DEABREU STATED THAT AN APPRAISAL WAS INCLUDED WITH THE ABATEMENT PACKAGE AND THAT IT INDICATES THAT THE PROPERTY IS ON PUBLIC SEWER.

COUNCILOR MEDEIROS ASKED MR. FEDERICO IF THIS PROPERTY WAS IN FACT ON PUBLIC SEWER. MR. FEDERICO SAID IT IS NOW BECAUSE THEY TIED IN. COUNCILOR MEDEIROS CLARIFIED THAT THEY TIED IN BECAUSE OF THESE IMPROVEMENTS, IT IS NOT A SITUATION THAT THERE WAS A PRIOR TIE IN SAY OFF OF A DIFFERENT LOT OR SOMETHING LIKE THAT.

THE ASSISTANT CITY SOLICITOR RECOMMENDED DENYING THE PETITION.

MOTION: TO DENY THE APPLICATION FOR ABATEMENT FOR LOT 90-65 AS PER THE RECOMMENDATION OF THE LAW DEPARTMENT. SO VOTED.

IT WAS NOTED THAT THERE WAS ONE PERSON HERE WHO HAD GOTTEN A NOTICE AND WAS NOT INVITED TO DISCUSS THEIR APPLICATION, WHICH WAS SARAH FENTON.

IT WAS NOTED THAT THIS HAS NOT BEEN REVIEWED YET, SO THEY ARE NOT READY TO MAKE A DECISION. PEOPLE WILL BE RENOTIFIED AS TO WHEN THEIR MATTER WILL BE DISCUSSED.

IT WAS FURTHER NOTED THAT THERE WERE SEVERAL PEOPLE THAT WERE NOTIFIED WHO WERE NOT INCLUDED IN THE DISCUSSION TONIGHT, INCLUDING **SANDRA BORRELLO, WILLIAM HANNA, EDITH YOUNG, KIRK MATTESON, RICKY COUTO, MR. AND MRS. JOSEPH MOITOSO, SARAH FENTON, ROSALIE FRANKS AND MANHEIM NEW ENGLAND.**

MR. HOLGERSON SAID THAT THERE IS A 4 MONTH DEADLINE IN WHICH THE COMMITTEE MAY ACT UPON AN ABATEMENT, BUT IF IT DOES NOT ACT ON IT, IT IS DENIED BY APPLICATION OF LAW, BUT IF YOU VOTE TO FORMALLY CONTINUE IT, IT MAY HOLD THE 4 MONTH DEADLINE. ATTORNEY DEABREU SAID THAT HE HAS NOT LOOKED AT THIS YET, BUT IF THE COMMITTEE WANTED TO, IF THE COMMITTEE VOTED TO CONTINUE IT, IT COULD BE TAKEN UP AT A LATER DATE.

THE CHAIRMAN STATED THE CONTINUANCE DOES NOT MEAN THEY ARE NOT GOING TO DENY THEM, BUT IT WON'T BE A DENIAL BY DEFAULT.

MOTION: TO CONTINUE THESE MATTERS TO THE SECOND TUESDAY IN JANUARY, 2014. (JANUARY 14, 2014). SO VOTED.

PAGE FOUR

DECEMBER 17, 2013

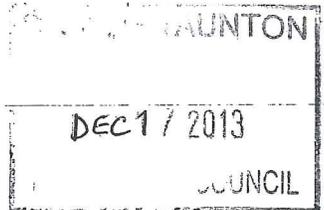
THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

MEETING ADJOURNED AT 7:10 P.M.

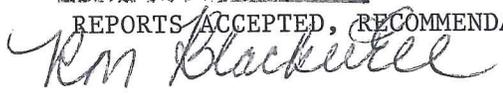
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEE



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
DECEMBER 17, 2013

THE COMMITTEE ON SOLID WASTE

PRESENT WERE: COUNCILOR DEBORAH CARR, ACTING CHAIRMAN AND COUNCILORS COSTA-HANLON AND POTTIER. ALSO PRESENT WERE MAYOR THOMAS HOYE, JR., CITY SOLICITOR JASON BUFFINGTON, ASSISTANT CITY SOLICITOR DANIEL DEABREU, WATER DIVISION SUPERVISOR CATHAL O'BRIEN

MEETING CALLED TO ORDER AT 7:21 P.M.

1. MEET WITH IWT FOR AN UPDATE AND PROGRESS REPORT ON THE IWT PROJECT AND FINANCING FOR THE PROJECT.

AN E-MAIL DATED 12/17/2013 FROM ATTORNEY ROD HOFFMAN WAS READ IN WHICH HE STATED THAT HE UNDERSTANDS FROM FRANK CAMPBELL THAT HE IS UNABLE TO ATTEND THE MEETING TONIGHT. ACCORDINGLY, HE WILL NOT BE ATTENDING EITHER.

MOTION: E-MAIL TO BE PART OF THE RECORD. SO VOTED.

AN E-MAIL FROM FRANK CAMPBELL DATED 12/17/2013 WAS READ IN WHICH HE STATED THAT TED ALEIXO AND HE ARE BOTH UNABLE TO ATTEND THE MEETING THIS EVENING DUE TO THE WEATHER SITUATION IN BOSTON.

HE FURTHER STATED THAT THEY HAVE MADE GOOD PROGRESS WITH ANOTHER MAJOR OIL COMPANY EARLIER THIS MONTH THAT SHOULD ENHANCE THEIR PROSPECTS TO MOVE THE PROJECT FORWARD. THEY ARE ALSO MAKING PROGRESS WITH THE TOWN OF FREETOWN. IN FACT, THEY WERE SCHEDULED TO MEET WITH THE TOWN TOMORROW MORNING, BUT HAD TO CANCEL THAT MEETING AS WELL. ONCE THEY GET THE GREEN LIGHT FROM THE GASOLINE PURCHASER AND LEARN MORE ABOUT WHAT THE TOWN OF FREETOWN NEEDS IN ORDER TO HOST THEIR PROJECT, THEY WILL GET BACK TO THE CITY OF TAUNTON TO DISCUSS THE NEXT STEPS.

HE APOLOGIZED TO THE MEMBERS OF THE COMMITTEE AND THE CITY COUNCIL ABOUT HAVING TO POSTPONE THEIR ATTENDANCE AT THE MEETING.

MOTION: E-MAIL TO BE PART OF THE RECORD. SO VOTED.

THE ACTING CHAIR STATED THAT WE WILL HAVE TO TABLE THIS DISCUSSION FOR A LATER DATE. COUNCILOR COSTA-HANLON ASKED THAT THE COMMITTEE CONSIDER SETTING A DATE THAT WOULD BE A NO LATER THAN DATE. SHE WOULD ALSO LIKE TO HAVE ATTORNEY HOFFMAN PROVIDE SOME KIND OF ANALYSIS OF THE THIRD PARTY CONTRACT AND WHETHER IN FACT WE DO HAVE THE OPTION THAT WE THINK WE DO, TO HAVE THE IWT PORTION GO TO FREETOWN AND STILL PRESERVE OUR RIGHTS. WE NEED TO HEAR THIS, AND HAVE SOMETHING IN WRITING. SHE WOULD LIKE THIS MEETING TO TAKE PLACE IN NO LONGER THAN A MONTH'S TIME. COUNCILOR POTTIER NOTED THAT THE EARLIEST THE COMMITTEE WOULD BE ABLE TO MEET WOULD BE JANUARY 14, AND ASKED IF WE COULD HAVE A DATE CERTAIN OF JANUARY 14TH. COUNCILOR CARR NOTED THAT HAVING A MEETING ON THE 14TH IS ONLY GOING TO GIVE THE NEW CHAIRMAN A WEEK TO GET UP TO SPEED ON THIS MATTER.

MOTION: THAT THIS MATTER BE CONTINUED TO JANUARY 21ST, 2014, AND ATTORNEY HOFFMAN IS TO PROVIDE HIS OPINION ON HOW THE THIRD PARTY CONTRACT IS BREAKING DOWN NOW. HE IS TO PROVIDE HIS WRITTEN OPINION TO THE COUNCIL PRIOR TO THIS MEETING. SO VOTED.

PAGE TWO

DECEMBER 17, 2013

THE COMMITTEE ON SOLID WASTE - CONTINUED

COUNCILOR CLEARY NOTED HIS CONCERNS WITH THE PROGRESS ON THE PROJECT. COUNCILOR CARR STATED THAT THE BIGGEST CONCERN IS THAT NO MATTER WHAT HAPPENS WITH IWT, WE NEED TO MAKE SURE THAT THE CITY WILL STILL GET THE BENEFITS. COUNCILOR POTTIER STATED THAT HE DOES NOT FEEL WE WILL GET ALL OF THE BENEFITS IF THEY GO TO FREETOWN. COUNCILOR COSTA-HANLON STATED THAT WE NEED A LEGAL OPINION FROM OUR ATTORNEY. HE IS SUPPOSED TO BE A LEGAL EXPERT IN THAT 3 PARTY CONTRACT, WHETHER WE ARE GOING TO GET ANY BENEFITS IF THEY MOVE TO FREETOWN. WE NEED TO KNOW WHAT RIGHTS WE HAVE UNDER THE CONTRACT.

- 2. MEET IN EXECUTIVE SESSION WITH THE LAW DEPARTMENT TO DISCUSS THE 40 FOOT EXPANSION REQUEST FROM WASTE MANAGEMENT IN REGARD TO THE TAUNTON LANDFILL.

MOTION: ON A ROLL CALL VOTE, ALL COUNCILORS PRESENT VOTED TO GO INTO EXECUTIVE SESSION.

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

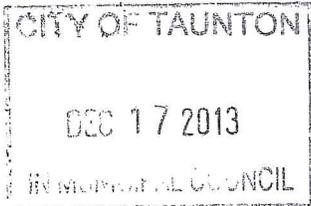
ONE MOTION WAS MADE AND ONE VOTE TAKEN IN EXECUTIVE SESSION.

MEETING ADJOURNED AT 8:25 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.


CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
DECEMBER 17, 2013

THE COMMITTEE ON DISABILITIES (ADA)

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MCCAUL,
MARSHALL AND CARR.

MEETING CALLED TO ORDER AT 8:26 P.M.

THE CHAIRMAN INFORMED THE COMMITTEE THAT AN E-MAIL WAS RECEIVED FROM DONNA
DICORPO AND DUE TO THE WEATHER SHE IS ASKING THAT THIS COMMITTEE MEETING BE
RESCHEDULED UNTIL AFTER THE FIRST OF THE YEAR.
THIS MATTER WAS TABLED UNTIL THE NEW YEAR.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES