



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, August 18, 2009 at 7:07 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Hoye, Costa-Hanson, Pottier, Fiore, Marshall,
Croteau, Carr, Buffington, Barbour*

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

Communications from Mayor:

The Mayor stated that as a News Release, there will be a "create a national park in Taunton" meeting on Thursday, September 10, 2009 at 7:00 PM at the Old Colony Historical Society.

The Mayor asked that the Human Resource Director begin the process to post and hire the position of City Assessor to fill the vacancy due to the retirement of Joyce Griffith. So Voted.

The Mayor asked that the Council approve to take \$19,500.00 from the Reserve Account for the purpose of paying for the appraisal of Phase IV and Phase V in the Myles Standish Industrial Park. Check is to be made payable to the Commonwealth of MA. The vote of the Council is to be placed on the letter and TDC will give the money back to the City. So Voted.

The Mayor stated there is a grant available for the Police & Fire departments and he will submit that by this Friday. He asked that two full-time Firefighter positions be called for in order to apply for this grant. Councilor Hoye asked for a cost estimate to back fill the Sergeant's position and what the difference is in overtime versus actual promotion costs. Additionally, that all Councilors receive a copy of the grant submitted. So Voted.

Communications:

Com. from Chairman, Board of Health responding to concerns of untreated standing water in swimming pools and the concern of mosquitoes. **Motion was made to receive and place on file. So Voted.**

Com. from Building Commissioner stating that the owner of Art's Bakery, 390 Whittenton Street has plans to rebuild on the same location and is currently preparing plans for approval. Also an unsafe structure notification has been sent to the owner of 401 Washington St. and 449 Weir St.. **Motion was made to update the Council in 2 weeks. When is Art's Bakery going to be under contract? That the City Solicitor start legal proceeding against the owner of 401 Washington St. and 449 Washington St. So Voted.**

Com. from Daniel P. Dermody, Chairman, Taunton Elk's extending an invitation to their annual Barbecue chicken dinner and raffle. **Motion was made to refer to the Council President and send a letter of thanks to Mr. Dermody and the Committee for all their hard work that goes into this event every year and send a letter of thanks publicly thanking them. So Voted.**

Com. from Chairman, EDI Board regarding the Tax Increment Financing Project for AGAR Supply Co., Inc. **Motion was made that Mr. Shafer submit all TIF's – job generated and report back on the discrepancy between the two communications 5 years versus 7 years. So Voted.**

Com. from Director, Veterans Services notifying of a donation of monies by Taunton Graves Registration Officer Steve Barrett who gave up his \$1,500.00 stipend to the Veterans Memorial Marker Fund. **Motion was made to move approval and send him a letter of gratitude for his kind action. So Voted.**

Com. from Paul Allison, Muscular Dystrophy Association, Chairman, Taunton Fire Dept. Local 1391 notifying of their annual Fill the Boot Campaign to be held on Sunday, September 7, 2009 from 8:00 AM – 12:00 PM at various city locations. **Motion was made to move approval. So Voted.**

Com. from Michael O'Donnell, c/o 111 Main St., Taunton submitting a request for public records. **Motion was made to refer to the Mayor's Office, City Solicitor and the Council President. Also to refer this matter to the Committee to the Council as a Whole for a presentation from Mr. Flannigan as to how this program works. How do you prioritize them? What are the requirements? What is the requirement to obtain a warrant? What other properties are being looked at. Can you bring who you want onto the property. Is it residential and commercial or both? So Voted.**

The City Clerk read an extra communication submitted by the Assistant City Solicitor that was sent to Michael O'Donnell advising him that a charge would be required and prepayment is necessary prior to beginning the process of compiling the records. **Motion was made to receive and place on file. So Voted.**

Councilor Pottier read an extra communication submitted by Kevin Marshall, 440 West Britannia Street, Taunton requesting something be done about the deplorable condition of Lawrence Street. **Motion was made to refer to the Mayor's Office. So Voted.**

Petitions and Claims:

Claim submitted by Sharon Nadeau, 7 Cornell Ave., Taunton, MA seeking reimbursement for damages to her vehicle from hitting two big potholes on Somerset Ave. **Motion was made to refer to the City Solicitor. 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 Hoye motioned that the DPW Commissioner have the paperwork for the Railroad Avenue betterment process extended for three (3) weeks. Additionally, a question was asked if the extension will affect the collection of monies. So Voted.

Councilor Carr motioned for a copy or update of the Lake Management Plan. So Voted.

Councilor Croteau motioned that the computer used by the Fire Department Mechanic be brought to City Hall. So Voted.

Councilor Croteau stated that the North Walker Street Route 44 land acquisition should have three certifications of appraisal.

New Business:

Councilor Costa-Hanlon stated that there have been fire watches at Whittenton Mills and asked that the Mayor state, in one week, who will pay for these.

Costa-Hanlon stated that Friday, August 29, 2009 there will be a Teen center block party from 12:00 PM –5:00 PM and they are in need of hamburgers and hotdogs and any company who would like to donate can contact them.

Councilor Pottier motioned that the DPW Commissioner have the Potholes or grading repaired in front of 366 Tremont Street. So Voted. *(The City Clerk spoke with Ellie at the DPW on this matter.)*

Councilor Pottier stated the Council is concerned about the loading zone on Weir Street across from the Portuguese Fire Pit Restaurant which is blocking 2 or 3 parking places causing congestion. Therefore, he motioned that the City Planner review this situation and report back to the Municipal Council. So Voted.

Councilor Fiore stated that he received a concern from a citizen regarding 40 Pratt Street and motioned that the Building Commissioner and the Board of Health provide an update on the status of this residence. So Voted.

Councilor Pottier stated there will be a church in the park at 12:00 PM in Memorial Park this Saturday. They are asking for clean clothing and school supplies. **Motion was made to refer to the Council President. So Voted.**

Meeting adjourned at 8:20 P.M.

A true copy:

Attest:



City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 18, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS CROTEAU AND POTTIER. ALSO PRESENT WERE CITY SOLICITOR STEVEN TORRES, AND ASSESSOR BARRY COOPERSTEIN

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

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

2. **MEET WITH ASSESSOR BARRY COOPERSTEIN TO DISCUSS ISSUE WITH JORDAN'S FURNITURE TIF OVERPAYMENT**
THE ASSESSOR INFORMED THE COMMITTEE THAT THE TIF AGREEMENT WITH JORDAN'S FURNITURE BECAME EFFECTIVE FISCAL YEAR 2004. HE FURTHER STATED THAT READING THE AGREEMENT THERE WERE TWO WAYS TO INTERPRET THE DATA IN THE AGREEMENT. THE CITY ATTORNEY HAS DETERMINED THAT A DIFFERENT METHOD THAN THE ONE THAT WAS USED IN THE ASSESSOR'S OFFICE WAS THE APPROPRIATE ONE. THERE WAS AN AGREEMENT BETWEEN JORDAN'S FURNITURE AND THE SOLICITOR'S OFFICE OF AN AMOUNT OF MONEY WHICH WOULD COVER A DIFFERENTIAL THAT THEY AGREED TO DURING A FOUR-YEAR PERIOD.
THE ASSESSOR FURTHER STATED THAT THE REASON IT TOOK THE TIME TO DETERMINE THIS DISCREPANCY WAS THAT FOR THE FIRST FEW YEARS A REPRESENTATIVE FROM JORDAN'S WOULD CALL THE ASSESSOR AND DISCUSS HOW THE CALCULATIONS WERE MADE AND THEY WERE HAPPY WITH THAT. HOWEVER, AT SOME POINT SOMEONE SAW A DIFFERENT INTERPRETATION AND CAME UP WITH A DIFFERENT SET OF NUMBERS.
THE ASSESSOR FURTHER INFORMED THE COMMITTEE THAT EVERY YEAR IN THE RECAP, DONE IN NOVEMBER OR DECEMBER AND APPROVED BY THE DEPARTMENT OF REVENUE, THERE IS AN AMOUNT OF MONEY GIVEN BY THE CITY COUNCIL DESIGNATED FOR THE ASSESSOR'S FOR ABATEMENTS. PART OF THAT IS USED FOR EXEMPTIONS THEY PAY OUT TO THE ELDERLY, SENIORS, ETC. IT IS ALSO USED TO ADJUST FIGURES IN THE EVENT THAT THERE HAS BEEN AN ERROR MADE AND AN ABATEMENT IS GIVEN. IF THE ABATEMENT IS DENIED, THE PERSON CAN GO TO THE APPELLATE TAX BOARD TO APPEAL. THE FUND IS USED FOR THIS PURPOSE. AT SOME POINT THE POTENTIAL LIABILITIES AGAINST ANY OVERLAY ACCOUNT FOR A PARTICULAR FISCAL YEAR REACHES ZERO WHEN ALL CASES ARE EITHER SETTLED OR THERE ARE NO MORE. SO, THAT AMOUNT OF MONEY IS MONEY THEY WILL NO LONGER NEED FOR ABATEMENT. THE ASSESSORS CAN THEN DECLARE THAT MONEY SURPLUS AND IT GOES INTO THE GENERAL FUND.
THE CITY SOLICITOR INFORMED THE COMMITTEE THAT THE CITY NEEDS TO MAKE THIS PAYMENT TO JORDAN'S. IT IS A CONTRACTUAL OBLIGATION UNDER THE TIF AGREEMENT, AND THAT THERE IS MONEY TO PAY IT OUT OF THE OVERLAY. THERE IS NO IMPACT ON THIS YEAR'S CITY BUDGET. HE FURTHER STATED THAT THE BASE NUMBER WAS NOT USED IN THE CALCULATIONS, AN

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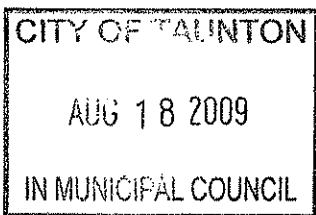
THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

APPARENT ASSESSED VALUE WAS USED. HE FURTHER STATED THAT THERE IS NO QUESTION THAT THE PAYMENT IS DUE. THE AGREED AND FINAL NUMBER IS \$423,458.63

MOTION: MOVE APPROVAL OF THE \$423,458.63 PAYMENT TO JORDAN'S FURNITURE.

MR. SHAFER WAS ASKED TO PROVIDE STATUS OF THE JOBS ON ALL TIF AGREEMENTS.

MEETING ADJOURNED AT 6:50 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 that reads "Rm Blanchette".
CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
AUGUST 18, 2009

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

**THE MEETING OF THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS
WAS POSTPONED.**



CITY OF TAUNTON

ORDER #1
FY 2010
AUGUST 18, 2009

In Municipal Council 20.....

Ordered, That

THE SUM OF FOUR HUNDRED TWENTY THREE

THOUSAND FOUR HUNDRED FIFTY EIGHT DOLLARS AND SIXTY THREE CENTS

(\$423,458.63) BE AND HEREBY IS TRANSFERRED FROM OVERLAY SURPLUS

ACCOUNT NO. 01-000-0142-3591

TO: LAW DEPARTMENT ACCOUNT NO. 1-151-202-5362 – APPRAISALS

..... *Clerk:*