



**MUNICIPAL COUNCIL AGENDA
TEMPORARY CITY HALL
141 OAK STREET, TAUNTON, MA 02780**

~
DECEMBER 23, 2014 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING:

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

Pg. 1 Com. from City Clerk – One Permanent Full Time Police Lieutenant

Pg. 2-5 Com. from Treasurer Collector – Acceptance of MGL Chapter 200A §9A

COMMUNICATIONS FROM CITIZENS

Pg. 6-7 Com. from Frank E. Biedak, P.C., 57 Main Street, Taunton, MA –
Concerning application to transfer Class II License.

PETITIONS

The following are RENEWALS for Class II Licenses

1. A&M Auto Exchange, 424 Winthrop St., Taunton
2. MH Hamie & Son, Inc. –dba- Mike's Auto Sales, 594 Winthrop St., Taunton

Claim

Claim submitted by Colin MacKinlay, 74 School St. Unit 33, Waltham, MA seeking reimbursement for damages to his automobile from hitting a raised manhole cover near the intersection of Honorable Gordon M. Owen Riverway.

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

RECEIVED
CITY CLERK'S OFFICE
2014 DEC 19 A 10:42
TAUNTON, MA
CITY CLERK

NEW BUSINESS

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RM Blackwell". The signature is written in a cursive, somewhat stylized font.

**Rose Marie Blackwell
City Clerk**

TAUNTON POLICE DEPARTMENT

DATE: December 17, 2014

LOCATION: Taunton

Rose Marie Blackwell, City Clerk
City of Taunton
141 Oak Street
Taunton, MA 02780

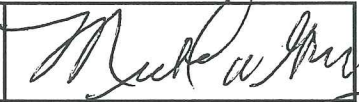
REQUISITION #01991

One (1) Permanent Full Time Police Lieutenant

Applicant Status

Willing to Accept	Declined Appointment	Applicant Signature
-------------------	----------------------	---------------------

Name and Address of Applicant Notified to Report for Interview

Grundy, Michael W. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		
Tremblay, Michael J. <input checked="" type="checkbox"/> I WILL Accept the Appointment <input type="checkbox"/> I will NOT Accept the Appointment	✓		Michael Tremblay



CITY OF TAUNTON
MASSACHUSETTS

TREASURY DEPARTMENT

Barbara A Auger, CMMT
Treasurer/Collector

15 Summer Street
Taunton, MA 02780

Telephone (508) 821-1057
FAX (508) 821-1007

December 17, 2014

Honorable Mayor Thomas C. Hoye, Jr.
Members of the Municipal Council
City of Taunton
141 Oak Street
Taunton, MA 02780

RE: Acceptance of MGL Chapter 200A §9A

Dear Mayor Hoye and Municipal Councilors;

In an ongoing effort to update office procedures dealing with the disposition of abandoned property, I am recommending the City adopt MGL Chapter 200A §9A, which is attached for your reference.

The City has followed the guidelines outlined under Chapter 200A for the handling of abandoned property by sending written notice to all beneficiaries of checks that remain outstanding for more than three years. However, the law was amended on July 27, 2010 to allow the City to decrease the time required to deem checks as abandoned from three years to one year after date of issue. To utilize the policy outlined under §9A requires local acceptance and verbiage to be added to the face of the checks.

I have worked with our software companies to modify checks to include the statement "void if not cashed within 1 year from date of issue" on the face of the checks. The only remaining item is acceptance by vote of the legislative body, subject to the charter.

I am respectfully requesting that you consider adopting §9A of M.G.L. Chapter 200A which deals with the disposition of abandoned property.

Respectfully submitted,

Barbara A Auger
Treasurer Collector

CC: Jason Buffington, City Solicitor

3

**PART II** REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS**TITLE II** DESCENT AND DISTRIBUTION, WILLS, ESTATES OF DECEASED PERSONS AND ABSENTEES, GUARDIANSHIP, CONSERVATORSHIP AND TRUSTS**CHAPTER 200A** DISPOSITION OF UNCLAIMED PROPERTY**Section 9A** Disposition of abandoned funds by city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement

Section 9A. (a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a

4

newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town, or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest

5

accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

LAW OFFICE OF
Frank E. Biedak, P.C.

57 Main Street
Taunton, MA 02780
www.biedaklaw.com

6.

Tel: 508-821-2600

Facsimile: 508-821-2003

December 17, 2014

The Honorable Thomas Hoye,
Mayor of the City of Taunton
141 Oak Street
Taunton, MA 02780

Taunton City Council
141 Oak Street
Taunton, MA 02780

Taunton Police and Licensing Committee
141 Oak Street
Taunton, MA 02780

Re: C.A.C. (Consumer Auto Club) Dennis M. Borges - Application to Transfer Class II License from
R & C Auto, LLC, dba Borges Auto Center, 157 Dean Street, Taunton, MA to C.A.C.

Dear Honorable Mayor Hoye, City Councilors and Committee Members:

This Office has been retained by C.A.C., and Mr. Dennis M. Borges, with respect to a Class II license recently revoked by the Police and Licensing Committee. This Office has forwarded a public records request to the City's Keeper of the Record to obtain all pertinent documents related to this matter.

Upon review of the notices forwarded to the then holders of the license, (note there was no notice to Mr. Borges), there was never an indication that the hearing could result in the actual revocation of the license. In fact, the notices state that a hearing would take place regarding the status of the license, and that no action regarding the *transfer of the license would be taken until the completion of that hearing*. There is no notice that would lead the recipient to think that the license could be revoked. There are serious concerns regarding due process and whether the City actually acted properly, and consistently with prior actions with respect to how such matters have been handled.

This letter urges the City to withhold any further action, conveyance, transfer, or re-issuance of said license until such time, as this Office has had the opportunity to review the alleged investigation completed by Detective Smith, and all documents associated with this matter.

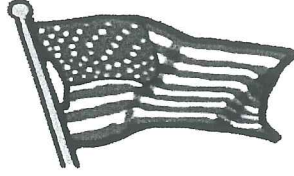
As you are all aware, there is a five to seven year waiting lists for said licenses. My client will be irreparably harmed if the City takes any further action at this time.

Thank you and please call me with questions. I await, the documents, and once received, would be happy to discuss a proper resolution of the same, with whomever is designated as the appropriate individual.

Very truly yours,



Frank E. Biedak, Esq.
FEB:mef



TAUNTON, MA
CITY CLERK

2014 DEC 19 A 10:15

RECEIVED
CITY CLERK'S OFFICE

DECEMBER 23, 2014

HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT ANDREW J. MARSHALL
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, DECEMBER 23, 2014 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

5:30 P.M.

THE COMMITTEE ON FINANCE & SALARIES

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

THE COMMITTEE ON POLICE AND LICENSE

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF CLASS II LICENSES:
 - A. B & J AUTO SALES, 14 WHITTENTON STREET
 - B. CITY OF TAUNTON POLICE DEPARTMENT, 23 SUMMER STREET
 - C. MARLI MOTORS, 17 TREMONT STREET
 - D. OAKLAND AUTO SALES, 214 TREMONT STREET
 - E. ROUTE 44 TIRE SHACK, 585 RICHMOND STREET
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR RENEWAL OF CLASS II LICENSE OF CORRAO MOTORS CARS, INC., 251 BROADWAY AND TO CHANGE THE NAME TO CORRAO MOTORS, 251 BROADWAY
3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION TO RENEW CLASS II LICENSE AND TRANSFER LICENSE FROM ANTHONY SNIGER, D/B/A HAPPY BEAR INC., 54 COTTAGE STREET TO DAVID SNIGIER, D/B/A HAPPY BEAR INC., AT SAME LOCATION.
4. MEET TO REVIEW MATTERS IN FILE
5. PUBLIC INPUT

PLEASE NOTE:

**A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS
DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH
THIS COMMITTEE MEETING**

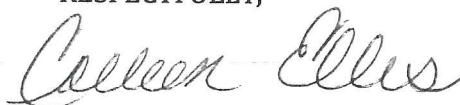
THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET TO DISCUSS ROUTE 140/HARTS FOUR CORNERS
INFORMATION PROVIDED BY DIRECTOR OF PLANNING AND
CONSERVATION.
2. MEET TO DISCUSS AND REVIEW THE RULES OF THE CITY COUNCIL
3. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

**A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS
DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH
THIS COMMITTEE MEETING**

RESPECTFULLY,

A handwritten signature in cursive script that reads "Colleen M. Ellis". The signature is written in dark ink and is positioned above the printed name and title.

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES