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The Worcester Planning Board met on February 24, 1971, in Room 209, City Hall. Members present were: Lloyd Anderson, Frederic R. Butler, Carl H. Koontz and Philip A. Segel.

Others present were: Gerard F. McNeil, Francis J. Donahue, John J. Reney and Thomas E. Madigan.

Mr. Anderson called the meeting to order at 12:00 noon.

Capital Grant Application for Urban Mass Transportation - Mr. Butler asked if the city had to put up money for the buses. Mr. McNeil said that the city had to pay 50%. Mr. Butler asked how long it would take to pay the 50% off. Mr. McNeil said that the 50% would be paid off in ten years through an agreement with the Worcester Bus Co.

Mr. Reney asked who held title to the buses. Mr. McNeil said that the city held title to the buses and explained the lease agreement.

Mr. Segel asked where the city came in in an event of failure as far as the pension plan of the union.

Mr. McNeil said that it would be handled through the 13(c) agreement that the City of Worcester, Worcester Bus Co. and the Amalgamated Transit Union AFL-CIO have agreed upon. He said that in the case of a private operator taking over the Worcester Bus Co., they would be subject to the same conditions that the Worcester Bus Co. was subject to.

Mr. Koontz asked if these buses were replacing Springfield buses rather than Worcester buses. Mr. McNeil said no because they could not be transferred back to Springfield.

Mr. Segel asked about liability. He asked if the Worcester Bus Co. was self-insured. Mr. Anderson said that the Worcester Bus Co. was self-insured. Mr. Segel asked who would be liable in event of suit. Mr. McNeil said that the Worcester Bus Co. would be liable.

Mr. Koontz asked if the Law Department was involved in drawing up the lease agreement. Mr. McNeil said that the Law Department and the Attorneys from the Worcester Bus Co. were involved in drawing up the lease agreement.

Mr. Roney asked if the buses were restricted or if the buses would go out to surrounding towns. Mr. McNeil said that the buses were to be used in the Worcester Urban area and could not be used for charter.

Mr. Segel said that he would like more specific knowledge on the guarantee of liability.

Mr. McNeil said that he had spoken to Mr. Moschos from the City Manager's office and said that the Worcester Bus Co. would be required to carry all the necessary insurance and the city would be absolved from any suit under the operations and if for any reasons, there was an event that the city was sued, the city had sovereign immunity.

Mr. Segel said that the sovereign immunity was not clear to him and that there was still a responsibility. He asked if the Law Department could vote on the application rather than the Planning Board.

Mr. Abdella assured Mr. Segel that the Law Department was to review all documents.

Mr. McNeil said that the City Manager had authorized the Planning Board to act as the hearing agency under the Urban Mass Transportation Act of 1970. Mr. McNeil read the 13(c) agreement.

Mr. Koontz asked what would happen after the Planning Board gave their approval.

Mr. McNeil said that the materials would be submitted to the Federal Government by March 1, 1971.

Mr. Segel asked what materials were being sent to Washington.

Mr. Madigan said that the final application had been with the Department of Transportation since May of 1970. He said that the transcript of the Public Hearing, an environmental statement by the Health Department, revisions of certain exhibits from the original application were the materials being sent to Washington.

Mr. Anderson asked what was meant by exhibits.

Mr. Madigan said that exhibits were various parts of the application. He said that Exhibit A was Project Description, Exhibit B was Public Transportation System, Exhibit C was Project Justification, Exhibit E was Net Project Cost and Grant Funds.

Mr. Butler made a motion for approval of the Capital Grant Application for Urban Mass Transportation. Mr. Koontz seconded the motion. The motion was unanimously carried.

West Mountain Street - preliminary more than one building - Mr. McNeil explained the Plan for West Mountain Street submitted by Exeter Realty Trust. Mr. McNeil reported that Exeter Realty Trust proposed 162 housing units and that the parking ratio was 1.5 (243 parking spaces). He said that the Exeter Realty Trust also proposed elevators in these units. Mr. McNeil said that there was an 8% maximum grade.

Mr. Koontz moved preliminary approval on condition that a variance be obtained.

Mr. Butler seconded the motion. The motion was carried by a 4-0 vote.

The meeting adjourned at 1:10 P. M.