



*City of Taunton
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, February 23, 2016 at 7:27 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 Marshall, Cleary, Borges, Dermody, McCaul
Quinn, Pottier, Carr, and Croteau*

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

HEARING:

On the joint petition of Taunton Municipal Lighting Plant and Verizon New England, Inc. proposing to place one (1) new Joint Pole Location, EL71-1/2 on Hart Street in the City of Taunton. Map showing location. **Councilor Borges made a motion to open the hearing and invite Craig Foley, TMLP into the enclosure. So Voted.** Councilor Cleary asked if the exit on Hart Street from BP to Poole Street would be aligned so there would be a legitimate intersection. Craig Foley stated that it would. Councilor Cleary stated that improving that intersection has been talked about for a while and they can't do that without relocating the pole. Craig Foley confirmed. Councilor Croteau asked if this would end up with two poles, one needing to be removed. Mr. Foley stated that one would have to be set and the other transferred. Councilor Croteau asked if it will be removed. Mr. Foley stated that it would. Councilor Croteau discussed the double pole problem and asked if it would be gone within a few months. Mr. Foley confirmed. Council President Quinn asked what the time frame is. Mr. Foley stated that he is not sure what the time frame of the construction is, it will coincide with that. Mayor Hoye asked if there was anyone present to speak in favor or in opposition of the petition. There was nobody present to speak either way. **Councilor Borges made a motion to approve and close the hearing. So Voted.**

HEARING:

On the petition of Ellen Lenehan, 500 Caswell Street, East Taunton for a Kennel License per City Ordinance Section 3-24 to allow: A Grade 1 (4-6 dogs) kennel license for personal use/dogs, NOT BUSINESS USE, at 500 Caswell Street, East Taunton. **Councilor Borges made a motion to open the hearing and invite Ellen Lenehan into the enclosure. So Voted.** Map of Property. Animal Control Officer submitting approval. **Motion was made to make part of the record. So Voted.** Ellen Lenehan, 500 Caswell Street was present to speak. Councilor Pottier asked what Ms. Lenehan gave to the Assistant City Clerk. Ms. Lenehan stated that she gave her three rabies certificates. **Councilor Pottier made a motion to make part of the record. So Voted.** Councilor Pottier asked if those were the only ones that will be on the premises. She stated that she has a fourth dog, but the three were due in February. Councilor Pottier asked if this was

for business use or for personal dogs. Ms. Lenehan stated that they are her four dogs and they total forty pounds. She stated that they are tea cup poodles, a bischon and a peekapoo. Councilor Marshall asked about the plan that she had submitted and her property lines. He asked how far from the neighbors is the fenced in area. She stated that it is at least 25'-30' from the neighbor's property line. He asked if the reason that she has to get a kennel license is because she has four dogs. She confirmed. Mayor Hoye asked if anyone was present to speak in favor of the petition. Mayor Hoye asked if anyone was present to speak in opposition of this petition. Jason Boudreau, 470B Caswell Street, stated that he is against this proposal but not the woman. He stated that he has lived within 160' of her house for over 30 years. She has had dogs for years. He has had to build a fence to keep her chickens out because they are not controlled. He has watched two of her dogs be hit in the last four years in front of his house because they were away from her. He built his fence to keep his dog in and also not to have his son play in chicken droppings that were in his yard every day for months until he built it. He doesn't believe that she is capable of handling the four dogs that she currently has never mind adding two more. She has rescued his dog on a couple of occasions when his dog has gotten away from either he or his wife. When he goes to grab his dog from her house, the front porch was used as a holding pen and that is how her dogs were able to escape. The entire porch was covered in feces on at least seven occasions when he has seen it with his own eyes. He doesn't believe that she is capable of handling the amount of pets that she currently has. He spoke about not being able to walk down the street without the dogs barking at him. He stated that they are not living in safe or sanitary conditions. He has nothing against her but he does not believe that it is a good idea. Jacqueline Boudreau, 470A Caswell Street, stated that they cannot even enjoy their backyards in the evenings because there is excessive barking. She walks with her grandson and it is to the point that she cannot enjoy her own home or open her windows because of it. She stated that her chickens were all over her porch and her yard. She stated that it is just too much to have that many dogs barking incessantly. She stated that she can't even open her windows due to the barking. She spoke about how having that many dogs is excessive in the close area that they live in on Caswell Street. Councilor Cleary asked the Boudreau's if the dog officer visited them and asked any questions. Ms. Boudreau stated that he had not. Councilor Marshall asked where they live. They stated that they are two houses to the right. Councilor Marshall asked if there was a house in between. She confirmed. Councilor Quinn asked Ms. Lenehan if it is her intention to have more than four dogs. Ms. Lenehan stated that it is not. Her oldest dog is thirteen and the youngest is seven or eight. Councilor Quinn asked if this were to be approved with the limitation of what she has. Ms. Lenehan stated that it would not be a problem. Councilor Quinn asked about the chickens. Ms. Lenehan stated that they are now cooped because last winter they had a problem with the fencing coming down. Councilor Dermody asked if the neighbors have voiced their complaints to her directly or to the City. Ms. Lenehan stated that not that she is aware of. She stated that the Dog Officer did come last year and left a card on the door during the snow issue because the chickens were out. Councilor Dermody asked if it was due to a complaint from the neighbors. She stated that she is assuming so. He asked if the Dog Officer ever verbally met with her directly. She stated that he had not. Councilor Carr asked if when the dogs become agitated and bark if she brings them in. Ms. Lenehan stated that they are in but can go out to the back of her house at will; they have a dog door out of the basement. She stated that there is not dog poop all over her yard, she picks it up. She stated that they are out in

the back, not in the front. Councilor Carr asked if they are left outside for hours and bark. Ms. Lenehan stated that two of them go out three or four times a day at their own will. Councilor Borges asked when someone comes before the Council for a kennel license does the Dog Officer go back out and inspect it. She also asked if he is the one who approves it at the end. Councilor Quinn stated that the Dog Officer's letter says that he has approved it. Mayor Hoye stated that it is normally approved for a year but the Council can have them come in after six months for review. Councilor Cleary asked if the Dog Officer could go out and check with the neighbors considering there have been some complaints and come back to the Council with a little more detail and a recommendation. Mayor Hoye asked if this is a new license or a renewal. She stated that it is a new one. Mayor Hoye stated that there have been other people with similar circumstances that have come before the Council which have had six month reviews in the past. **Councilor Marshall made a motion to continue the hearing for two weeks to allow the Animal Control Officer to go out and inspect the property, meet with the neighbors to hear their complaints and come back before the Council to give a recommendation. So Voted.**

HEARING:

On the petition of Michael Mattos, Executive Director, Affordable Housing and Services Collaborative, Inc. 536 Granite Street, Braintree for a Special Permit to allow: For the renovation and expansion of the existing Walker School to provide 40 single bedroom affordable housing units located at 135 Berkley Street, Taunton located in the Urban Residential District. **Councilor Borges made a motion to open the hearing and invite the parties into the enclosure. So Voted.** Councilor Dermody disclosed that he lives at 149 Berkley Street which directly abuts this property. He stated that he has no financial gain so he can vote on this. Michael Mattos, Executive Director of, Braintree, MA; Steve Regal, Architectural Team, Chelsea, MA; Janet Bernardo, Civil Engineer, Horsley Witten Group, Hyannis, MA & Boston, MA were present to speak on this petition. Mayor Hoye stated that Mr. Mattos was here in the past couple of weeks for a pre-review hearing. Mr. Mattos stated that they were here last week for the pre-review. He stated that his organization is a non-profit that preserves and provides affordable housing to various populations throughout New England, primarily Massachusetts. They are partnering with Taunton Revitalization Inc. which is a non-profit organization that was established a few years ago to serve the greater Taunton area to develop more affordable housing given the high need for it in the region. He stated that about a year ago, they responded to a RFP that Taunton put out for Walker School. Their proposal, based on this type of development was accepted. Throughout the past 12 months, they have worked with the City and Law Office to negotiate a purchase and sales. They have the property currently under agreement. They are trying to get their financing in place, part of which includes low income housing tax credits, which is a form of equity used to finance some of these projects. The application which is due mid-March, to be competitive, has to show a readiness to proceed and have the project permitted and ready to go. Whether or not they get the funding the first time is yet to be seen but they have to at least be prepared. He stated that they started the process back in December by attending the DIRB with Department Heads. They have met with the Planning Board a couple of times to determine a base density, of the site and for a Site Plan Review and a recommendation to the Council for the Special Permit. He spoke about inclusionary zoning and what it allows. He stated that the population that they are proposing fits nicely into the

community. It is elderly and non-elderly disabled which would be a relatively limited impact to the neighborhood as opposed to a family site with a lot of kids coming and going. He stated that it would be a historic renovation to the existing building with 16 one bedroom apartments with some community space down in the lower level. An addition would be put on the back with 24 units, which would be historically acceptable to the National Park Service who has to approve this. There would be parking in the back area where the playground is now which would allow folks to access both buildings. He stated that they are proposing this as a joint venture between Taunton Revitalization Inc. and Affordable Housing and Services Collaborative. Their property management company is Peabody Properties who have managed affordable housing for 40 years in Massachusetts. They manage over 10,000 units of all different kinds of housing. He brought some materials with him that he would be happy to hand out to the Council so they can get a sense of their experience and the services that are being brought to the table. One of the key things that they bring is resident services. They have been doing it for over 20 years and they offer home health care assistance, cleaning, Meals on Wheels, cooking etc. It is meant to develop a reduction in turnover and incident reports and to have better tenants. It not only improves the quality of life for the residents that live there, but for the community too. He stated that it is a proven model that they can point to in other locations as well. He stated that one of the other things that they are looking to do is work with the Taunton Housing Authority locally. Colleen Doherty from the Taunton Housing Authority was present earlier but had to leave because a family issue came up. He stated that they have a Community Support Service Program as well that they have developed as part of their Hope VI project. They are now carrying that over into some of their other public housing sites. He stated that while this won't be a public housing site, their service program will still augment some of the services that Peabody Properties would provide. He spoke about the various jobs that this project would be creating. He stated that they think that it is a great project for the neighborhood and a great reuse of the building compared to what is there now. Janet Bernardo stated that the intention is to renovate the school building and construct an addition to create 40 affordable residential buildings for elderly and disabled individuals. Per Zoning Ordinance 14.2, inclusionary housing, they are here to obtain a special permit which would allow an increase of the density of the affordable housing development and provide relief from the parking and dimensional requirements. She spoke about how a base density plan was submitted to the Planning Board on December 14, 2015. She stated that they met with the Planning Board on January 7th when it was determined that the base density for this property, according to the lot area, was 23 units. She explained the formula to determine the allowable density for the site. She stated that the site is about 1.3 acres and the existing building is 26,402 sq. ft. She then explained different areas shown on 2 displays. She spoke about how there would be no demolition of the existing building; they will be renovating it under Historic guidelines. A 20,649 sq. ft. addition would be added to the back. She spoke about the different access points to the property. She stated that there will be 40 parking spots, one per residential unit. Four of the spaces will be handicapped. She stated that they have met with the DPW regarding the connection of water and sewer which is on Riverview Street and will remain there. She spoke about the storm water management and the roof water runoff. She stated that they met with the DIRB on January 26, 2016 and they received their conditions that were handed to the Planning Board and have no objections to them. She then spoke about some of the conditions. She stated that they met with the Planning Board on February 4,

2016 for a Site Plan approval. They requested that it be continued until they met with the City Council for this Special Permit. They are scheduled to meet with the Planning Board again on March 3, 2016 hopefully for their approval. She stated that today they are respectfully requesting the Council's issuance of a Special Permit for 135 Berkley Street in accordance with Section 14.2 of the Zoning Board Ordinance. Steve Regal stated that he has been with the Architectural Team for 17 years. They have been doing Historic Renovations among other projects for 40 plus years. He stated that this is an adaptive historic renovation of the existing Walker School with a new addition. He stated that as mentioned before there is no demolition planned. The intent is to retain the building as you see it today. The exterior program is going to include the repair and cleaning of brick masonry. It will include the repair and replacement of the historic trim. The roof will be brand new along with new aluminum windows and doors. He stated that the building will look much like it does today, except a much cleaner version. He spoke about the amount of detail inside of the existing building. He stated that because of the addition, they will be doing more to the existing building than they normally would. He spoke about what they will be doing inside and what will be retained. He explained that because the site slopes down and the desire to keep the mass of the building low compared to the existing for both the Historic and the neighborhood, they stepped that down. It created five different levels in the building. He explained that they put an elevator in the new building. He spoke about the makeup of the exterior of the new building. The Architectural Team has a history of taking historic projects and turning them into amazing properties. Com. from Chairman, Taunton Planning Board submitting recommendations and conditions with department comments. The DIRB met to review the application of Affordable Housing and Services Collaborative for a 40 unit multi-family development at 135 Berkley Street which requires a Site Plan Review from the Planning Board. In considering the petition, the DIRB familiarized itself with the premises and examined the location, layout and other characteristics. After reviewing the petition, plans and testimony, the DIRB finds that the petition was formally sufficient, submitted and reviewed in accordance with the procedures set forth in the Zoning Ordinance and that proper notice was given. The DIRB hereby recommends that any approval of this petition by the Planning Board contain 13 conditions. **Motion was made to make part of the record. So Voted.** Com. from Sanitary Sewer Collections System Supervisor, Veolia Water stating that they need clarification or a separate plan for proposed sewer layout to include pipe sizes and location points for backwater valves and cleanouts. Plan should include details of connections to existing mhs. **Motion was made to make part of the record. So Voted.** Com. from City Engineer stating that the Engineering Department reviewed the revised plans and report for the proposed reuse of the old Walker School located at 135 Berkley Street and listed seven comments. **Motion was made to make part of the record. So Voted.** Com. from Chairman of DIRB submitting recommendations and conditions with department comments. Mayor Hoye stated that this is a repeat of the conditions that were already read into the record. Councilor Pottier asked the Mayor and the City Solicitor if this proposal and the other proposal from the Neighborhood Corp which was financially and fiscally infeasible based upon their timing schedule were the only proposals that were received. Mayor Hoye stated that it has been put out to bid twice. The first time, Neighborhood Corp. did respond and it would have been a similar type of project but the financing would have taken awhile. The second one received was this proposal. Councilor Pottier stated that he thinks that their proposal was rather than having a separate, larger structure in the

back, perhaps a couple of duplexes which would have been a totally different site. He stated that since it has been marketed and this was really the only proposal that was received before the Council there would be a real risk of the property going into further disrepair like the Leonard and Pole Schools. Councilor Pottier asked Mr. Mattos if other scenarios for the site were considered other than this one and if so, why did they end up going with this one? Was it to make the numbers work? Mr. Mattos stated that when they looked at this, they didn't have the benefit of time to have their engineers and architects go through it and really develop a true site plan. They came up with a conceptual idea. It was to provide a number of units for the population. He spoke about how the population was determined based on the need. He stated that there is a local preference as part of the inclusionary zoning so there would be a number of Tauntonians living on the site. The 40 number was based on crunching some numbers and figuring out how to get the least amount of units but make the math work from a cost stand point. He spoke about the construction costs and various expenses. He stated that anything more than 40 units would not look good. Councilor Pottier asked what the estimated rents would be. Mr. Mattos spoke about how it would depend on the income level. He thinks that \$900-\$910 would be what they would pencil in on their model. He stated that it is contract rent. He spoke about how if they were able to get unit assistance and have a very low income senior or resident, they would only pay based on their income. They are trying to make it as affordable as they can to the population that needs it the most. Councilor Pottier asked if this would be a similar development to the School Street Apartments. Mr. Mattos stated that it is similar to Caswell Grove in East Taunton or Massasoit Apartments. He stated that he knows those are public housing sites and this wouldn't be but it would be the same type of population. It would be primarily 62 year olds and older. He stated that at other sites that Peabody Properties manages that are elderly and disables, it is an 85/15 mix on average. Councilor Pottier spoke about his familiarity of Peabody Properties and the aggressive nature that is taken with their developments. Mr. Mattos stated that they have very strict guidelines in the lease. If there are any issues that go beyond non-payment of their rent, they have a lot of flexibility to deal with the issue immediately. Councilor Dermody asked Mr. Mattos if they have put a name to it and if they would keep Walker as part of it. Mr. Mattos stated that they don't have an official name yet but they will definitely keep the Walker name in it. Councilor Dermody asked what the total financial scope of the renovation will be. Mr. Mattos stated that it would be approximately \$15M - \$16M. Councilor Dermody stated that he hopes the sidewalks and parking lot which is in deplorable shape is addressed. He asked if the lighting at the access off Berkley Street for the service and emergency access and the landscaping along those areas would be addressed. Mr. Mattos stated that right now they don't have a condition on their permit to deal with the public sidewalk. It is not part of the site that they have under agreement right now; it's just the Walker parcel. His plan is to do some improvement to that part of it; the sidewalk is not currently part of their scope right now. Councilor Borges stated that the Council had given them a list of things during the pre-hearing that would be addressed. She asked about the parking and the safety issues in the back and why they closed the area off in the back of the school. Mr. Mattos stated that the question last week was why 40 spaces for 40 units. He stated that it assumes that everyone that lives there will have a car and will be parked there at the same moment. He stated that what they have found in their experience with other sites is that the parking lot has about a 66% utilization rate. He spoke about examples of other sites and their utilization rates. He stated that two spaces

per unit will create a lot of wasted space. He stated that the Taunton Housing Authority provided him with data and it was very similar to what they are proposing. He also spoke about the national statistics on it. Councilor Borges stated that she agrees with him. Councilor Borges stated that there was someone who was very concerned about safety and if surveillance cameras would be installed. Mr. Mattos stated that it is something that could definitely be put into their budget as part of the construction and they could have cameras put in the front and back to service the area. She stated that they are more concerned about the back. Mr. Mattos stated that what they could do is have a security professional go out there and do an analysis based on site lines and everything else to see where the best locations would be. He stated that obviously the parking areas are a key location. She asked if they were only before the Council tonight for the Special Permit. Mr. Mattos stated that it is for density and parking. Council President Quinn stated that #7 is crossed off from the Engineer's letter and is not sure why. Mr. Mattos stated that someone put an x there and he is not sure how that got there. He stated that they told the DIRB that their intention is to do some additional landscaping. They will not remove the trees but the bushes would be replaced with something a little more colorful and inviting. Council President Quinn asked that when they submitted the conditions, she didn't see a condition for that. She asked if they were opposed to the Council recommending that they add it. Mr. Mattos stated that they are planning to do it anyway. **Council President Quinn stated that she would like the safety and security added as a condition recommended to the Planning Board if they approve it along with the landscaping for the front walkway and along Berkley Street. So Voted.** Council President Quinn asked about the tenant selection process and how it pertains to local residents. Mr. Mattos stated that part of the tenant selection plan that they have to submit to the DHCD and to HUD would include a local preference. They have to approve that preference because there are fair housing laws. They have to make sure that they are not discriminating or favoring a certain class of residents or people. He then explained the wait list and the vetting process for the applicants. Ms. Bernardo stated that according to Section 14.2.4.4 at least 70% of the units donated, rented or sold will be initially offered to Taunton residents or persons who were residents of the City in the past 5 years. Councilor Quinn asked about GATRA transportation and the possibility of adding a stop. Mr. Mattos stated that he has spoken to the administrator of GATRA and he is open to that and working with them on doing that. She asked how far it goes now. He stated that he thinks it goes to across from the Atlantic Cafe area. It doesn't go down Berkley Street so they will be asking to move or add a stop up further towards their building. They are open to that and his understanding is that it will happen as the building is closer to being occupied. Councilor Cleary asked if there would only be one elevator between those two buildings. Mr. Mattos confirmed. Councilor Cleary asked what the capacity of the elevator is. Mr. Mattos stated that it is a 4,000 lb capacity so it is a 6-8 person capacity. It is a three story building so the 150 feet per minute is not a long wait time. They would not put a second elevator in a building of this size. They normally wait until they get about 2-3 times this size to put a second one in. This elevator is sized for a stretcher so that in the event that someone needs to be taken out of the building, they are not being walked down the historic stairs. Councilor Cleary stated that it could be quite a walk from the elevator to the front apartments if you were on the third floor. Mr. Mattos stated that the farthest should be about 60-70 feet which is why they centrally located the elevator. Councilor Cleary asked if there was a freight elevator to move furniture. Mr. Mattos stated that they ask if there can be an extra foot of height

in the elevator so it can be used for move ins. Councilor Cleary asked if the first floor apartments are ADA accessible. Mr. Mattos stated that they comply with ADA regulations. He stated that because of the sloping of the property, only one level is at entry but there is an elevator immediately in front of you to bring you to the other levels. Councilor Cleary asked if he lived on the end of the building is there a door that he can get in. Mr. Mattos stated that in the Historic building most likely you would be able to enter through the historic entry. At the rear, they wanted to keep it to one entrance for security reasons. They did not want people going in and out through the back of the building. It would be egress only. Councilor Cleary spoke about how there should be new sidewalks on Berkley Street and Agawan Street by the building. Mr. Mattos stated that there are sidewalks there; he doesn't know the condition of them. It gets a little messy because it is a private housing development and going into a public way to do that. There are opportunities that they could work with the City to do that. Councilor Cleary stated that GATRA has handicapped accessible bus stops and if they do make a stop in front of the building, GATRA has helped the City finance the improvements to the sidewalks. Mr. Mattos stated that they will certainly follow up with GATRA and the DPW on that. Councilor Cleary asked if utilities are included in the rent. Mr. Mattos stated that all the utilities will be included, the only things that they would be responsible for is their own phone, cable and internet. He stated that heat, hot water and electricity are included as part of the rent. Councilor Cleary stated that he thinks that this is a very good use of this vacant property because the longer the property goes, the more blighted it will be and the more difficult it will be for the City to develop it. He spoke about the need for affordable housing, especially for the elderly. Councilor Croteau stated that they had made reference to other sites in other communities, regarding the parking. He asked if they could go back to the sites in Taunton. Mr. Mattos discussed the list and the percentages of the units that have vehicles. Councilor Croteau asked if based on the proposal that is on the table, we could anticipate anywhere from 25-30 vehicles. Mr. Mattos stated that yes, it would be 60%. Councilor Croteau stated that the only concern that he has is the parking. Mr. Mattos stated that the site was not part of the RFP that they responded to. The only thing that they have to work with is the Walker School site and they have found a way to accommodate the population with the site they have. They think that there is a lot of benefit of not having wasted space. Councilor Croteau asked if all of the other sites that Mr. Mattos spoke about public or private. Mr. Mattos stated that the sites that he has referenced are public housing sites managed by the Taunton Housing Authority. He used them as a reference because it is a similar population. He stated that their units will not be managed by the Taunton Housing Authority. Councilor Croteau asked if units in the public/private facilities are more expensive. Mr. Mattos stated that not necessarily, because the sites that he had mentioned in other cities are similar in population and have the same type of rental assistance that they would be provided with. They would still be paying 30% of their income; it is just a different funding mechanism. Councilor Croteau asked if people would be given preference based on their income level. Mr. Mattos spoke about the certain percentage of the units available to people who earn no more than 30% of the area's median income. There would then be a certain percentage available to people who earn no more than 60% of the area's median income. Councilor Croteau asked how many apartments would the 30% and 60% people cover. Mr. Mattos stated 100% of the units will have tenants that earn less than 60% of the area's median income. It is because they are using the Tax Credit program that he had mentioned which requires them to earn no more than the 60%. He stated that they may

have a percentage which is at the 30%. Councilor Marshall asked if he could give the dimensions of the new addition. Mr. Regal explained the dimensions. Councilor Marshall asked if it was fair to say that the building will be approximately 60'x80'. Councilor Marshall asked what the approximate length and width of the back section of the Walker building is. Ms. Bernardo stated that it is 65'. Councilor Marshall stated that roughly the same size addition will be added to what is there now. Mr. Mattos stated that the existing building is over 26,000 sq. ft. and the addition will be just over 20,000 sq. ft. Councilor Marshall stated that he knows that they will remove the asphalt at the property line at the rear of the building. He asked if there is a fence proposed along that property line. Ms. Bernardo stated that they have been asked to remove the one that is there. He asked if there has been any thought of a white, stockade vinyl fence across there. Mr. Mattos stated that they originally were going to do some sort of barrier but with the condition of the arborvitaes they were going to swap them out with a tree line instead but if the Council wishes otherwise, they can go back to that. Councilor Marshall asked about the width of Agawam Street. Mr. Mattos stated that their traffic consultant has gotten back to them on that. It is 20' now and the classification of the street is listed as a minor access roadway and the designed guidelines read that 18' is acceptable for that class of road. They meet the national standards and the state doesn't have a specific standard but they have roadways in the same classification that are as low as 9'. Councilor Marshall asked in their best case scenario, when they could expect a shovel in the ground. Mr. Mattos stated that he would love to say that they would get funded the first time. He stated that if they put their application in on March 11th, and if by late June, early July they get a reward letter it would take approximately 3-4 months for the closing. He stated that sometime in the fall they would be able to start construction immediately. He stated that is the best case scenario. He stated that the reality is that the State's application processes are so over-subscribed, they have you come back a second time. He stated that they would probably have to wait until December when they would open up the pre-applications and hopefully get invited back because they have been in once. He stated that they would probably submit that application after the New Year. And it will be much more likely to be funded. He stated that it would be on a similar schedule. It would probably be in the fall of 2017 instead of 2016. He stated that there would be a twelve month window between best case scenario and reality. Councilor Marshall asked what their contingency plan would be if this does not get funded in round one or two. He asked if the project would not go forward. Mr. Mattos stated that would mean that they will come back to the City and ask if they can ride it out for one more application process. At that point, he would think that the state would give them very specific items that need to be addressed to get the funding. Councilor Carr asked what the area's median income is. Mr. Mattos stated that it is approximately in the \$50,000.00-\$60,000.00 range. Councilor Croteau asked if it is individual income or household income. Mr. Mattos stated that it is household income. Councilor Carr asked what the age is for elderly housing. He stated that it is 62. Councilor Carr stated that they are all one bedroom units and asked what the maximum occupancy is. Mr. Mattos stated that it is 2 people. Councilor Carr asked if there is a possibility of children living there. Mr. Mattos stated that it is rare but could happen in certain situations. Mayor Hoye asked if anyone was present to speak in favor of the petition. There was nobody present to speak in favor. Mayor Hoye asked if anyone was present to speak in opposition of the petition. Kathy Rodriguez, 152 Berkley Street stated that they were at the Planning Board a few weeks ago. She has lived in that neighborhood for 59 years and

has trouble enough in the neighborhood especially with the business that is operating behind them that works 24-7. She stated that she was talking to the gentleman from the DEP and she hopes that nobody has breathing machines or oxygen machines due to the density of that area. She spoke about other issues in the area. Douglas Haggerty, 7 Riverview Street stated that he would like to see the school fixed up but he thinks that it will be a little too big. He stated that Agawam Street is very narrow and trucks have issues turning there. He stated that even closing off the Riverview Street access into the property might be a mistake because he doesn't see any more cars coming up there then he does now. He thinks it would be better to come in the back of the property from Riverview Street. He spoke about the truck traffic on Berkley Street. Steve Gomes, 3 Agawam Street stated that he likes the project but he is concerned about having 40 units there. He spoke about the parking and the traffic. He stated that big trucks sometimes use Agawam Street to go onto Berkley Street. He spoke about the River Front Park and how it was an eyesore that was cleaned up. However, it has been forgotten about and there have been a lot of drugs down there. He stated that after a while the attention starts to wain and they get stuck with the problems. He stated that trying to get relief from that leaves a lot to be desired. He asked where the people from the 40 apartments will hang out, hopefully not at the park. He stated that it is one of his concerns. He stated that there are 17 lights at the park and 8 of them are out and he has called several times about them. He is concerned not about the building, but the population that it may bring and what will be done with it if it becomes a problem. He spoke about issues that have happened in the neighborhood. Joanna Reilly, 5 Riverview Street stated that she has several concerns about this project. One is the access off of Agawam Street which is very tight. She thinks that this is much too large for the proposed space. She thinks that it will be an eyesore and take up too much of the property. She thinks that a better alternative would be to keep it to the existing structure. She spoke about how the residents that will be there which will be elderly and disabled need rest and quiet. Berkley Street is very busy and directly across the street is a gravel company that is very noisy. It is not a peaceful environment for the residents. Lisa DaSilva, 188 Berkley Street stated that her issue and concern is low income vs. senior citizen housing. She spoke about how it should be made senior housing only with 30 units. Virginia Workman, 180 Berkley Street stated that her concern is the same as everyone else, it is too dense. There is not enough parking; there are 40 units with 4 handicapped spots. This development is for handicapped people and seniors all of who have handicapped plates. She does not understand the reasoning. She stated that those people have services coming in and is wondering where they will park. She asked what would happen if all the parking spaces are filled. She stated that they are not providing enough parking for that kind of facility. She spoke about the traffic on Berkley Street and how nothing has been done about that. She stated that people call periodically and they never get any satisfaction and now there will be all of this other traffic there. Mr. Mattos spoke about the additional vehicle travel and the parking spaces. He stated that the traffic study that they had done as part of their permitting suggests that there will be certain peak times of the day. He stated that what their projection will add based on the population, number of vehicles, and the use of the site will be an additional eight trips in the morning and nine trips at night. He stated that he is talking about a total of 17 trips in and out in total per day that it will add to a road that currently has 200 trips per day. It is a relatively minor add-on to what is existing there now. Charlie Farrell, 44 Pratt Street stated that 40 parking spaces are not practical. In theory it may work, but he doesn't know anyone who

doesn't have two cars in their yard. In his research online, every jurisdiction that publishes has a 1.3 – 1.5 multiplier not including staff. He stated that nobody will be able to park. He spoke about all of the people that will be coming in and out of there. Claire Travers, 158 Berkley Street stated that they have a petition that has 69 signatures at this point. They are in opposition of this and density is absolutely ridiculous. She stated that the building looks to be very close to the abutting property. She spoke about the traffic problems in the area. She stated that 40 units are way too much. Manuel daRosa, owner of a parcel on Agawam Street spoke about the large size of the project and how he doesn't think that there is enough room to put sidewalks. He asked how they would get to the park without sidewalks. He spoke about the lack of room for traffic to get through. He asked where they will put 40 cars. He stated that he owns a small parcel and was going to build a house on it but he does not want to be in the middle of that. He asked why the City would allow this. He asked the Council to seriously consider this project because it is not fair to the neighborhood. Mike Hunsberger, 14 Agawam Street stated that his driveway is right across the street from where the fence and the sidewalk at the end of the parking will be. He stated that as it is now when he backs out of his driveway, there are cars zooming by. He spoke about how crazy it will be with 40 more cars. He spoke about how it is all about the money. He stated that in five years, it is not going to be elderly because they won't want to live across the street from a gravel pit. He discussed how the next level of disabled people will be in there at that point. He does not want it across the street from his house. Peter Rodriguez, 152 Berkley Street stated that he has lived in the City since 1978 and he plows and sands the Weir area. He stated that he has a hard time going down those streets the way it is now and if they line the street with more cars it will be worse. He asked the Council to think about that. Rita Shearstone, 166 Berkley Street stated that the sand pit is behind her. She asked if they were going to guarantee that there will only be 62 year old's living in that house. Mr. Mattos stated that as it was presented tonight, it is going to be elderly and non-elderly disabled populations who have to have a certified disability to live there. She asked if down the line that will be changed. He stated that they have to be elderly or disabled. If they are disabled, they can non-elderly. It will not be changed to a family site. She spoke about her concerns regarding what kind of people will be allowed to live there. She stated that she can't see elderly people that may be on oxygen living there until they do something with Lopes. **Councilor Cleary made a motion to close the hearing and approve the project. So Voted. Councilor Croteau voting in opposition.** He stated that he believes that the property will be managed properly. It is not totally public housing, it is a managed site and they will have control over evicting anyone who is a problem. He stated that as of right now they do not anticipate it because of the criteria to get in.

Motion was made to take a recess. So Voted.

Communications from the Mayor:

Mayor Hoye stated that there have been discussions for the past several weeks regarding the microphones. He has instructed Mr. Pestana to order kill switches for them. He stated that it works pretty well for the School Department and for pretty short money for it to be done in the Council Chambers. He stated that the City Clerk, Councilors and the Mayor will have one. The ruffling of papers will not be heard anymore; people just need to remember to turn them back on. Mayor Hoye reminded everyone that next week's

meeting will be held at 7:30am on Monday, February 29, 2016 because of the Presidential Primary Election.

Appointments:

Re-appointment of Edward Valadao to the Taunton Redevelopment Authority for a term of five (5) years. This term will expire in February of 2021. **Motion was made to approve. So Voted.**

Re-appointment of David W.Fenton to the Taunton Redevelopment Authority for a term of four (4) years. This term will expire in February of 2020. **Motion was made to approve. So Voted.**

Appointment of Michael Wedge to the Taunton Redevelopment Authority for a term of three (3) years. This term will expire in January of 2019. **Motion was made to approve. So Voted.**

Appointment of Janice M. Alden to the Taunton Redevelopment Authority for a term of four (4) years. This term will expire in February of 2020. **Motion was made to approve. So Voted.**

Communications from City Officers:

Com. from Budget Director requesting \$7,485.00 (cost of machine) and \$57.00 (meter rental fee) from the Reserve Account in order to fund a new postage machine from Pitney Bowes which is on the State Contract. The current machine was purchased in 2003 and it has had mechanical problems as well as problems with getting parts. The monies will be transferred into the Office Services account. **Motion was made to move approval. So Voted.** Councilor Cleary asked if the IT Coordinator is involved. Mayor Hoye stated that when speaking to Mr. Enos he was told that they needed a typical run of the mill postage machine. He stated that this wouldn't include the IT Department.

Com. from City Clerk submitting the list for to (2) Permanent Full Time Firefighters. **Councilor Cleary made a motion to refer to the Committee on Fires and Wires to schedule interviews. So Voted.**

Com. from City Clerk informing the Council that the computers that are being used for elections were purchased in 1997 from LHS Associates. They are now nineteen years old and becoming more and more obsolete. The technicians from LHS Associates, who service our computers, have informed her that as these computers breakdown and require repairs, the parts necessary will no longer be available, rendering these computers useless. Therefore, when she submits the City Clerk's Office FY17 budget, there will be a "Capital Expense" line item exclusively for the purchase of new election computers. The Secretary of State's Office has given approval to two (2) vendors from which cities and towns can purchase new computers from. The intention is to make her final decision on which of the computers she will purchase this coming spring. This will afford her ample time to familiarize herself with the new computers prior to using them at the polling locations during the September State Primary Election. **Councilor Cleary made a motion to receive and place on file and send a copy of this letter to the IT Specialist in case there is any networking or training that has to be done. So Voted.**

Mayor Hoyer stated that there are only two vendors who are approved so they will decide which is best. Councilor Carr asked if they are talking about the voting machines that read the ballots. The Assistant City Clerk confirmed. Councilor Carr asked if there would be 16 of them that need to be purchased. The Assistant City Clerk stated that she thinks that there will also be two spares.

Com. from Safety Officer stating that the office has received complaints from residents of Randall St. detailing traffic congestion and inability to ingress or egress their driveways due to on street parking. He has surveyed Randall St. at all hours and all days of the week. A common problem is illegal parking on a road less than 40' in width across from driveways. This practice is in violation of Section 13-92 of the City Ordinances. Further, it appears all residents parking on street do so as a convenience rather than a necessity. Also observed is that Randall Street being 24' wide and with vehicles parked on both sides of the street may delay or obstruct emergency response as a thruway, or access to an address on Randall Street, particularly a need for multiple fire apparatus. He recommends restricting parking on the north side of Randall Street and that it is posted as "No Parking" from #10 Randall Street to the School Street intersection. **Councilor Cleary made a motion to refer to the Committee on Police and License. So Voted.**

Com. from Executive Director, Retirement advising of the cancellation of the retirement for Superannuation of John A. Brennan, Administrator for the Taunton Nursing Home, which was scheduled to take effect on February 12, 2016. **Motion was made to receive and place on file. So Voted.**

Com. from Building Commissioner stating that 254 Winthrop Street has been purchased by Community Counseling of Bristol County who has requested and received a certificate of inspection for their use. In accordance with Massachusetts State Building Code (780 CMR) section 310.2R3 they are considered a single family dwelling because they are regulated by the Department of Mental Health. Further, because there is an educational aspect to the program, they are exempt from zoning regulations in accordance with Massachusetts General Law 40A section 3 as well as section 5.2 of the City of Taunton Zoning Ordinance. **Councilor Cleary made a motion to receive and place on file. So Voted.**

Com. from Zoning Enforcement Office stating that 40 West Britannia Street is a vacant, two family dwelling. It had formerly been registered as vacant and foreclosed; however, the registration expired in 2014. The building is secure but in need of some attention to maintenance items. This office has been in contact with the listing broker in an effort to reach the current owner. They have not yet been successful in attempts to reach the owner but will continue their efforts to have him clean and re-register the property. Councilor Borges stated that she is the one who made the motion to be updated on this. She stated that this property is not being listed with any broker. She stated that Mary Jane Benker had told her that it was taken over by Bank of America but it is not currently listed. She stated that she would like that property to be pursued as it is getting worse and worse every day. She has spoken to the Board of Health and the AG's Office about maybe a receivership program. They already had it in their file to look at. Councilor Croteau asked if Bank of America was current with the property tax. Councilor Borges stated that she believes that they are. He stated that he is seriously questioning whether

Bank of America is current with the taxes because of the policies of many banks in the past. **Councilor Croteau made a motion for the City Solicitor contact Bank of America's legal department. So Voted.**

Communications from Citizens:

Com. from Nemesio Costa, Master of Ceremonies Taunton Eagles Soccer Club Feast of 2016, 99 Oak Street, Taunton requesting to use the City stage for their Feast of the Holy Ghost. The feast will be held on June 3, 4 and 5th. **Councilor Cleary made a motion to approve and refer to the DPW and the Risk Manager. So Voted.**

Com. from Sheri Cohen, Chairperson, Norton Founder's Day Picnic and Fireworks Committee, 70 East Main Street, Norton requesting use of the stage on Saturday, June 18, 2016 (rain date Saturday, June 25, 2016) from 3pm-10pm at the Henri A. Yelle School field located at 64 West Main Street, Norton, MA. The stage will be used to support their music performances. Councilor Borges asked if the rain date is on Family 4th weekend. Mayor Hoye stated that he doesn't know off of the top of his head but he also believes that this is the Relay for Life date or around that. He spoke about how there has been problems in the past with out of town organizations tying the stage up and it is not available for our own community. He stated that this is fine but if someone in this community wants it, we will have to weigh it out. He stated that last year at the Relay for Life there was no stage there because someone from out of town grabbed it first. He stated that it is unacceptable and will not happen. **Councilor Marshall made a motion to move approval as long as it is available and no Taunton organization needs it on the same day. So Voted.** Mayor Hoye wants to make sure that Taunton organizations have the chance first. Councilor Quinn stated that the Relay for Life is being held on June 10, 2016.

Com. from Steve Goldin, Runway Protection Zone Tree Committee, Taunton Pilots Association was read by the Assistant City Clerk. They are requesting permission to survey, flag and cut trees on the City property on Middleboro Avenue which is in the Runway Protection Zone. This is an urgent matter which affects safety. Private Citizens have volunteered their time and money to complete this tree clearing. They have secured permission from the two adjacent land owners to remove trees. They are ensuring the MassDOT directive to keep the vegetation which affects the runway approach is clear. They have been working with Michael Garrity, Environmental Analyst at MassDOT Aeronautics to ensure compliance with the existing Vegetation Management Plan. They are also working with Conservation to flag the wetland areas. They are working to preserve the local Spotted Turtle habitat and will need to complete some of the tree removal by the end of March before the turtle reproduction season begins. Mayor Hoye stated that he believes that the lot that they would be looking at is 96-81. Councilor Croteau stated that from a liability view, we may be better off hiring a contractor. Mayor Hoye stated that we will not be hiring anybody, because we will not be paying for it. He stated that they would be responsible for hiring a contractor. He is not sure but he thinks that it is their intention. Councilor Croteau stated that he thought that he heard the word volunteer. He is concerned about volunteers doing that kind of work. Mayor Hoye stated that the Committee and the Council can certainly set the parameter for that. Councilor Carr stated that her comment was going to be for the Risk Manager to approve or disapprove of the use of volunteers because she doesn't know what the City's exposure is

if someone was to get injured. He stated that if it is going to be done. Mayor Hoye stated that he is not going to support the project if it was going to be done with volunteers. He spoke about how it would be fine if they hired a licensed specialist that is insured to do this. Councilor Borges stated that the private citizens who have volunteered their time and money to complete the tree clearing does not necessarily mean that it is not something they do for a living. He stated that it is going to have to meet a certain standard. Councilor Marshall stated that he has no problem scheduling this at the next Committee on Public Property meeting. He would like to suggest that the author of the letter. He stated that it is a mutli- parcel endeavor and a lot of it was on private property. **Motion was made to refer to the Committee on Public Property. Councilor Croteau made a motion that the person in the City Solicitor's Office that handles the insurance look at the liability of volunteers doing this work. Councilor Quinn motioned for a copy of this correspondence to be forwarded to the Airport Commission as a courtesy. Councilor Marshall made a motion to have Steven Goldin submit an update on how many parcels that are owned by private land owners they have gotten approval from prior to cutting down the trees. So Voted.** Mayor Hoye said that he states that he has gotten permission from two of them. Councilor Marshall stated that his recollection is that when they came before the Committee on the Needs of the Airport previously, there was several land owners that they needed permission from to cut the trees down. He stated that he will schedule this for either next week or the following week. He spoke about how he thinks that the Airport Commissioner had control over the property across the street from the runway.

Petitions:

Hours of Operation License

1. Taigetos LLC -dba- Taunton Mart located at 1095 County Street, Taunton
2. Maxi Drug, Inc. -dba- Rite Aid located at 237 Broadway, Taunton

Councilor Marshall made a motion to refer to the Committee on Police and License and the Chief. So Voted.

Petition submitted by Boston Globe Publishing Services LLC, for proposed 22,000 gallons of Inks, Class IIIB to be stored in five (5) above ground tanks at 300 Constitution Drive, Taunton. **Councilor Marshall made a motion to refer to the City Clerk to schedule the appropriate public hearing. So Voted.**

Petition submitted by John Zajac, Lopes Companies, 565 Winthrop St., Taunton and others for the acceptance of Bluegrass Circle (aka Bluegrass Lane) as a public way in the City of Taunton. **Councilor Marshall made a motion to refer to the City Clerk to schedule the appropriate public hearing. So Voted.**

Claim submitted by Dawn Cambra, 18 Floral St., Taunton seeking reimbursement for damages to her automobile from hitting a manhole cover/drain near 243 Bay Street, Taunton. **Councilor McCaul made a motion to refer to the Law Department and the DPW. 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 Croteau made a motion to receive a status report on the casino. So Voted. He went to a meeting where there was a discussion relative to the groundbreaking sometime in the spring. The expectation is that the main building would be ready for gaming by the end of this calendar year. He stated that there has been discussion on the street that they are going to occupy one of the buildings that they have purchased which is now vacant and install somewhere in the vicinity of 1200 slot machines. His concern is that if the casino begins operating and collecting money, what portion of the money will come to the City? He asked if this project is phased in over several years, how much the City will collect initially. He spoke about an \$8.5M payment on an annual basis. Mayor Hoyer stated that within 3-4 weeks we will have a status report from the Tribe. Mayor Hoyer stated that as far as the \$8.5M goes, the City is entitled to that annually as soon as they start gaming. He stated that the word on the street that they will start gaming at one of the buildings is not accurate. He stated that people will be surprised and enthralled when the project is presented. Councilor Croteau stated that the reason why he is asking for a status report is because of the word on the street.

Councilor Carr made a motion to refer Option D on City Hall to the Committee on Public Property. She stated that it should have been in by now and she is not sure if it is or not. Mayor Hoyer stated that it is and he, Councilor Marshall and Council President Quinn talked about it recently. Councilor Carr asked if the Council should expect an update on that shortly. Mayor Hoyer confirmed.

Councilor Carr stated that she has had two emails and a phone call this week regarding the dog park. She stated that it is currently in the Committee on Public Property. She thinks that when they last left off, a motion was made for them to receive a communication from the Mayor's Office guaranteeing funding for the park. Mayor Hoyer stated that they can't guarantee funding until they have a location. He stated that in the next couple of weeks he and Councilor Carr will take a ride to see where some of the best spots will be. She stated that they do have to let the grant people know that the Mayor's Office has agreed to provide the 10% funding for the park.

Councilor Cleary made a motion to refer to the City Clerk the status of the collection bins. So Voted. He stated that an ordinance was passed that there would be a permit issued for all of the clothing and shoe bins. He hasn't heard anything and he has seen some new ones around town but he doesn't know if the process has been implemented and would like an update on that.

Councilor Cleary discussed two issues that have been previously referred to the Safety Officer. One is the illuminated speed limit sign for Caswell Street. He has asked for that a couple of times and he knows that the weather has been bad. He would like for it to be put up on Caswell Street for cars heading west up the hill towards Martin School. He stated that allegedly there is very dangerous speeding going on there in the morning. Second is the No Parking issue on Mason Street on the Hope VI side. He stated that cars

are still parking there and he has not heard anything on these two issues. **Motion was made for these two issues to be referred again to the Safety Officer. So Voted.**

Councilor Marshall made a motion for the Assistant City Solicitor to submit a status update in regards to the We Care contract and where We Care is in providing some of the deliverables that were in that contract for the Committee on Solid Waste meeting in 3 weeks. So Voted.

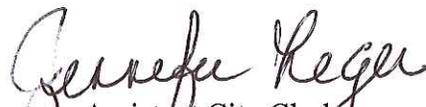
New Business:

Councilor Cleary stated that he has heard that the Licensing Board is issuing licenses on poker machines. He stated that they have interpreted State Laws that they can issue a license which people pay \$100 for. They are putting these machines next to Keno machines in clubs. He stated that it is gambling. He spoke to the Police Chief who was not initially aware of it. He also spoke to him today and he has heard the same thing. He has a hard time understanding how the Licensing Board can go ahead and not talk to the Police Chief, Mayor or City Council and issue new entertainment licenses. He thought that there was an ordinance against that but he wasn't able to find it today in the Ordinance book but he will keep looking. Mayor Hoyer stated that he was not aware of it and doesn't think that it is a good idea. He stated that people who bring them into their facilities are in danger of losing their lottery license because Mass State Lottery has issued advisories against these machines. They are not illegal but they do not agree with them. The City Solicitor stated that the Licensing Board does not report to the Council. They do post their agendas and have public meetings. At a public meeting, they voted to approve Amusement Device Licenses. He is not sure what involvement the Police Chief may have had, but he can say that when the issue first arose, Lt. McCabe from the Police Department was well aware of this. He met with the City Solicitor to discuss it and they made a joint determination that there is no law that prohibits them. It is up to the License Commission to decide whether to grant them or not. Councilor Cleary stated that if the Council did not want them issued, they would have to come up with an ordinance on it. The City Solicitor agreed. The City Solicitor stated that he is not sure that they are qualified as poker machines he hasn't seen one. They have a specific device name, model number and documentation from the State that the Department of Public Safety has sanctioned these machines. Councilor Croteau asked if these are the same type of slot machines that you would find in a casino. The Mayor and City Solicitor said that they are not. Councilor Carr stated that she is not sure if she has seen one, she may have down the Weir. **Councilor Carr motioned to have a list submitted of all the establishments that have a license for these machines. So Voted.** Councilor Cleary stated that they have issued five of them and since there is no limit, they are taking applications from other groups. **Councilor Carr made a motion to refer this to the Committee on Ordinances and Enrolled Bills for a discussion on whether the Council wants to create an ordinance banning these in our community. So Voted.**

Meeting adjourned at 10:15 P.M.

A true copy:

Attest:


Assistant City Clerk

JLL/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2016

THE COMMITTEE ON FINANCE AND SALARIES

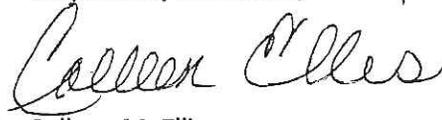
PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND
CLEARY

MEETING CALLED TO ORDER AT 5:57 P.M.

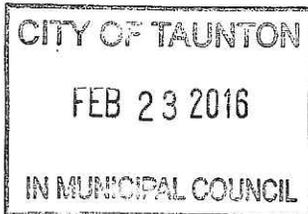
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHER WARRANT IN THE AMOUNT OF
 \$1,363,033.43. SO VOTED.
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
 \$2,938,510.80. SO VOTED.

MEETING ADJOURNED AT 5:59 P.M.

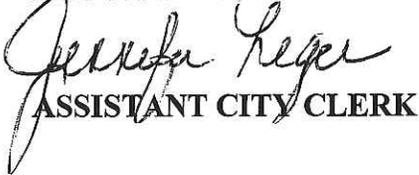
Respectfully submitted,



Colleen M. Ellis
Clerk of Council Committees



REPORTS ACCEPTED,
RECOMMENDATIONS ADOPTED.


ASSISTANT CITY CLERK

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CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2016

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THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

PRESENT WERE: COUNCILOR JEANNE QUINN, CHAIRMAN AND COUNCILORS CLEARY AND
MCCAUL. ALSO PRESENT WAS ASSISTANT CITY SOLICITOR DANIEL DE ABREU

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

1. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS THE PROPOSED REVISED ORDINANCE CONCERNING THE MAKEUP OF THE TAUNTON NURSING HOME BOARD OF DIRECTORS

The Chairman noted that this has been discussed over the past few weeks. In an effort to improve the Board they had changed some of the language regarding the makeup of the Board. The first one was to change the designation of a Clergy member and make it an Attorney preferably with experience in Elder Law or in the alternative, a professional with Elder Law experience.

The second was to change the qualifications after the word Registered Nurse, and insert the words with Nursing Home experience.

Councilor Cleary said that the only question he had was whether the Board should change from 5 members to 7 members, but he has not heard anything or received any feedback from the Board. But, he suggests waiting to hear from the Board as this can be changed later.

MOTION: TO APPROVE THE ORDINANCE CHANGES AS PROPOSED BY ATTORNEY DE ABREU.

The motion was seconded by Councilor McCaul.

On discussion, Councilor Quinn said that she has heard discussion and engaged in discussion about the possibility of making this a 7 member Board instead of 5, for purposes of the ordinance, she feels that they are just trying to get the makeup of the Board so that they can get 5 members in place right now. They only have 3 Board members right now, so she feels it is in order to move this forward now.

Councilor Borges said that she feels the ordinance is fine, but there was discussion with having 2 more people on the Board – not voting members just other persons on the Board.

THE ABOVE MOTION WAS VOTED ON. SO VOTED.

MOTION: TO REFER THIS ORDINANCE FOR A FIRST READING THIS EVENING. SO VOTED.

2. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS THE PROPOSED REVISED ORDINANCE CONCERNING COLLECTED HANDICAPPED PARKING FINES.

The Chairman said this is an ordinance that is in proper form for approval and first reading. She further noted that this cleans up the old ordinance. The prior ordinance was certainly antiquated in terms of language.

Councilor McCaul said that as Chairman of the ADA Committee, they met last week, looked at the ordinance and voted unanimously to move this forward.

Attorney De Abreu said that this would be 2 separate ordinances revising several sections of our existing ordinances, but with respect to collected handicapped fines the intent is that this brings it into accord with the General Laws and does empower the ADA Commission to make recommendations as to how the money from collected handicapped fines is to be spent, subject to the approval of the Mayor and Council.

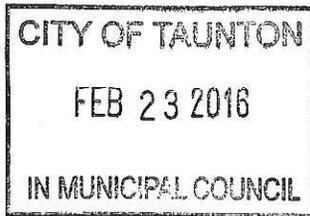
PAGE TWO

FEBRUARY 23, 2016

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS – CONTINUED

MOTION: MOVE APPROVAL AND REFER FOR FIRST READING THIS EVENING. SO VOTED.

MEETING ADJOURNED AT 6:17 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 "Jennifer Rege".
ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2016

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THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS DERMODY, CLEARY, CROTEAU AND MARSHALL. ALSO PRESENT WERE DPW COMMISSIONER FRED CORNAGLIA, ASSISTANT DPW COMMISSIONER TONY ABREAU, WATER DIVISION SUPERVISOR JOHN CHASE, JOHN GARANITO OF HAWTHORNE DEVELOPMENT, AND JAMES WELLS OF ASSONET

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

- 1. MEET WITH THE DPW COMMISSIONER TO DISCUSS REQUEST OF JOHN GARANITO, PRESIDENT/OWNER OF HAWTHORNE DEVELOPMENT INC. FOR A WAIVER FROM THE ROAD OPENING MORATORIUM ON RANGE AVENUE IN ORDER TO TIE INTO WATER AND SEWER MAINS**

The Chairman read a letter from the DPW Commissioner dated 2/23/2016 which stated that the DPW Infrastructure team has reviewed the request of Hawthorne Development for a request for a road opening permit waiver to make water and sewer services connections for 3 properties on Range Avenue. This road is currently under a 5 year moratorium period.

They support this request subject to the following special conditions. The trenches shall be backfilled with flowable fill only. The pavement shall be repaired as a single patch by milling and repaving the roadway surface from curb to curb and shall extend the full length of the roadway, ten feet beyond the outside edges of the 2 trenches that are furthest apart. This distance has been measured at approximately 120+/- feet. No steel plates will be allowed over a weekend. All work shall be completed in accordance with all requirements of the Department of Public Works. No work shall commence without first receiving approval from the DPW Commissioner. Approval to perform the work will be withheld if snow is forecast within the 10 day period following the planned commencement date.

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

The Chairman noted that this street is under moratorium, and that Mr. Garanito is requesting to build 3 homes on that street. He wants road openings for 3 new homes.

Councilor Cleary asked when Range Avenue was done, to which it was answered it was done in 2013. Mr. Cleary also said that with Winthrop Street being done, there was a large betterment fee on that property because of the new sewerage line. If they are making that kind of investment in that area they should have access to complete this project.

Councilor Cleary said if Mr. Garanito agrees to the conditions stated in the DPW Commissioner's letter then he would not have a problem with this.

Mr. Garanito said that he does not have a problem with the conditions stated in the letter and also said that he went to the DPW for the first 2 lots. It was the DPW's recommendation that he get all 3 lots done at one time and do one whole patch for the entire length. Then he would not have to come back and request to open the road again. He also said he still does have Lot 4 but that has plenty of frontage on Winthrop Street. The DPW Commissioner said this would be a state highway permit anyway. Mr. Garanito would have to apply with the DPW and they would have to apply to MassDOT. The DPW is held accountable for his work with Mass DOT.

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FEBRUARY 23, 2016

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

MOTION: MOVE APPROVAL WITH THE CONDITIONS AS STATED IN THE DPW COMMISSIONER’S LETTER. SO VOTED.

2. MEET WITH THE DPW COMMISSIONER TO DISCUSS REQUEST OF JAMES WELLS TO OPEN THE STREET TO CONNECT TO CITY WATER & SEWER AT PROPERTY LOCATED AT 450 COHANNET STREET

Councilor Carr read a letter from the DPW Commissioner dated 2/23/2016 which stated that the Department of Public works infrastructure team has reviewed the request of Mr. James Wells for a request for a road opening permit waiver to make water and sewer services connections for property at 450 Cohannet Street. The road is currently under the winter (November 1st – April 1st) moratorium period.

They support this request subject to the following special conditions. The trenches shall be backfilled with flowable fill only. The pavement shall be repaired as a single patch by milling and repaving the roadway surface from the roadway centerline and shall extend the full length of the roadway, 3 feet beyond the outside edges of the 2 trenches that are furthest apart. No steel plates will be allowed over a weekend. All work shall be completed in accordance with all requirements of the Department of Public Works. No work shall commence without first receiving approval from the DPW Commissioner. Approval to perform the work will be withheld if snow is forecast within the 10 day period following the planned commencement date.

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

It was noted that this road is not under the 5 year moratorium but he is requesting to do this before the construction season, in the winter months.

Councilor Croteau asked Mr. Wells if he had any concerns with the conditions in the DPW Commissioner’s letter.

Mr. Wells said that he has no concerns with the conditions.

Councilor Marshall asked why he was requesting this now and why he cannot wait until April 1st.

Mr. Wells said the house is under agreement right now and he has already asked for an extension once, so if he does not get this property tied in the buyers will probably walk away.

Councilor Cleary said that neighbors have complained about the postage stamp sized lot that this house is on. The Zoning Board of Appeals approved this small lot, but he feels this does not fit the neighborhood, but it has nothing to do with the issue being discussed tonight.

Councilor Carr noted that Mr. Wells pulled the application in May, so why wasn’t this work done then.

Mr. Wells said the reason why he did not do the work back then was because the original site guy was supposed to do the job, he gave him a down payment to do the site work plus the sewer tie in and the water tie in. He took the down payment, did the foundation and has never showed up since. That is why it has not gotten done.

MOTION: MOVE APPROVAL WITH THE CONDITIONS AS STATED IN THE DPW COMMISSIONER’S LETTER. SO VOTED.

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FEBRUARY 23, 2016

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

3. MEET TO DISCUSS COMPLETE STREET GRANT

The Chairman said that this is just informational and has to do with additional monies that the State is giving out to cities and towns who agree to this Complete Streets. You have to create a policy or probably more like an ordinance that says you will use the money for specific ways. The DPW Commissioner said they have been working on this for a couple of months. This is through Mass. Highway. It is MassDOT, and they have been to 2 classes so that they could qualify. The money ranges from probably \$50,000 to \$200,000 to \$400,000, which is what they are looking for. They need a policy that would be through the City, through the Council. If the policy can be enacted, they will be on the way to receiving some money.

Councilor Marshall said that he wants to see the Mass DOT policy, if we could get a copy of that. Secondly, without seeing it, one of the concerns that jumps out at him, is what are the requirements and what does this tie us to financially going forward. He does not want to tie the City to certain requirements that require additional funding or certain things that the City has to do, rather than just get this money. He does not know what the requirements are to get this money.

The DPW Commissioner said that this is in addition to the Chapter 90 money that they already receive. It also says the primary requirements to be eligible for up to \$50,000 in technical assistance and up to \$400,000 in construction, municipalities must meet 3 primary requirements: Attendance of a municipal employee at a complete streets training, Passage of a Complete Streets Policy that scores 80 or above out of a possible 100 points, and development of a Complete Streets Prioritization Plan. They have completed the first requirement already. The DPW Commissioner said there is no money that would have to be fronted by the City, it is additional money coming from the State, and they would have to be approved by MassDOT. The Commissioner continued stating that what they are looking for is permission to have the opportunity to look into adopting the policy.

Councilor Carr then clarified that what they are looking for is to have this sent to the City Solicitor for a policy that is in the right form and with wording that is acceptable to the Mayor and a format that is acceptable to DOT. A motion would be needed to refer this to the Law Department and the Ordinance Committee.

Councilor Marshall said that he thinks it would be 2 steps ahead to do this tonight. He is not comfortable referring this to the Law Office without knowing more about it. Why have the Law Office work on it, put it in a draft, if it is something that we are not interested in doing. He feels that the Committee should take a week or 2 to digest what it means, read the policy, come back and ask questions then make a decision as to whether the City wants to do this.

It was also said that you do not need an Ordinance, you need a policy.

Councilor Croteau said he would still want this referred to the Law Department for analyzing and advising what the legal implications are, and just as important who is going to do the financial analysis.

MOTION:

TO REFER THIS TO THE LAW OFFICE AND MAYOR'S OFFICE FOR FINANCIAL ADVICE AND ANY OTHER DEPARTMENT THAT THE CHAIR SO RECOMMENDS.

Councilor Cleary seconded the motion and on discussion said he thinks the financial analysis

PAGE FOUR

FEBRUARY 23, 2016

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS – CONTINUED

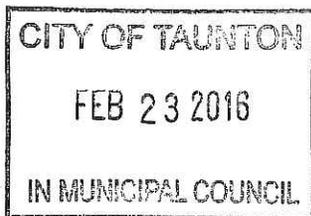
should come from Mr. Federico of BETA. The DPW Commissioner said they can do that. Councilor Dermody asked about the timeline on this. We are looking at the Law Office, we are looking at what Councilor Croteau requested, and this does not have to go to Ordinance it is just a Policy, so to expedite this we could conceivably get this done in 2 weeks.

Councilor Carr said that it is her understanding that this is not costing the City anything, that it is sort of an out-shoot of the Chapter 90 funds and it was just a side type of a program.

THE ABOVE MOTION WAS VOTED ON. SO VOTED.

Councilor Marshall said one of the things he just read in the documents provided was a section called Community Compact where it states *a community will self-identify and agree to implement at least one best practice over a 2 year period that they select from 7 best practice areas*. He would like the Committee to get a copy of what the 7 best practice areas are and what the DPW is going to target. That is obviously what is going to tie the City to this.

MEETING ADJOURNED AT 6:58 P.M.



Respectfully submitted,

Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED,
RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
FEBRUARY 23, 2016

THE COMMITTEE ON POLICE AND LICENSE

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MCCAUL AND BORGES. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH, MANUEL SARMENTO, ATTORNEY MATT COSTA, AND GEORGE ROUHANA.

MEETING CALLED TO ORDER AT 7:05 P.M.

- 1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF MANUEL SARMENTO OF SOMERSET, MA OWNER OF PRESTIGE 3, 288 BROADWAY REQUESTING AN INCREASE IN LOT SIZE TO INCLUDE 310 BROADWAY AND TO INCREASE THE NUMBER OF VEHICLES ON LOT TO 177.**

Detective Smith said that the Taunton Police Department License Division finds nothing that would prevent the approval of this petition. Mr. Sarmento wants to increase the size of the lot to include 310 Broadway and is looking to have a maximum of 177 vehicles. Detective Smith said that Mr. Sarmento has been out of town so he did not have a chance to speak with him. They have no problem with it, however the Taunton Planning Board, in regards to the site plan review placed quite a few conditions on this.

Councilor Pottier read a letter of the Planning Board dated 10/13/2016 which stated that it grants the petition for a site plan review with 16 conditions.

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

Detective Smith said the only thing he would like to have go on record is if this license is approved tonight that Mr. Sarmento understands that upon renewal in December most of the conditions have to be met.

MOTION: MOVE APPROVAL. SO VOTED.

- 2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON APPLICATION FOR NEW CLASS II LICENSE FOR ROUHANA TRADING LLC D/B/A ROUHANA TRADING, 13 CAPE ROAD**

Detective Smith said that he met with Mr. Rouhana and everything is in perfect order. This location was a previous car dealership which is also a car wash. For the record, there was a car dealership there last year, but after a hearing in November that license was revoked. The property owner is still the property owner and he had nothing to do with that, it was someone leasing the property. Part of the law requires that the Registry of Motor Vehicles OK this license because there was a revocation of a license at that location. Detective Smith has that letter and it states they have no problem as long as Mr. Rouhana is not related to the guy who was revoked and he is not. Detective Smith gave Mr. Rouhana a packet explaining all his responsibilities etc. and he fully understands it all. His recommendation is that there is nothing that would prevent this license from being approved.

MOTION: MOVE APPROVAL. SO VOTED.

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FEBRUARY 23, 2016

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

3. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF JOHN GONSALVES TO TRANSFER CLASS II LICENSE OF WILLIAM DESA/JOHN GONSALVES TO JOHN GONSALVES FOR B & J AUTO SALES, 14 WHITTENTON STREET**

Detective Smith said that Mr. DeSa passed away in December which was renewal time. The renewal came in and it was renewed. Detective Smith said Mr. DeSa's son, who is the Executor of the Estate, did provide him with a letter which said that he has no problem leasing Mr. Gonsalves the premises solely and he can keep the business at that property. Detective Smith said his recommendation would be to approve this request.

MOTION: MOVE APPROVAL. SO VOTED.

4. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF TAUNTON SERVICE CENTER, INC. D/B/A TAUNTON SERVICE CENTER AUTO SALES, 48 BROADWAY REQUESTING A CHANGE OF CLASS II LICENSE FROM WHOLESALE ONLY TO A REGULAR CLASS II LICENSE**

Detective Smith said that he spoke with Capal Awad of Taunton Service Center. His application dates back to 2014. He has had a wholesale license for several years in Taunton. As everyone knows, he had to go through a site plan review and there are a lot of things that have to occur to get one of these licenses. So in order for him to have a retail license he has done everything that is required. He went in front of the Planning Board and it was approved on January 8, 2016. There are some conditions as stated in that letter of the Taunton Planning Board of January 8th.

MOTION: LETTER OF PLANNING BOARD DATED JANUARY 8, 2016 TO BE PART OF THE RECORD. SO VOTED.

MOTION: MOVE APPROVAL. SO VOTED.

5. **MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF WORK OUT WORLD TO RENEW THEIR HOURS OF OPERATION TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE SEC. 12-2**

Detective Smith said this is just a renewal, it is a yearly renewal because they are open 24 hours and the ordinance requires they get this permit and pay a fee. There has never been a problem there so he recommends approval.

MOTION: MOVE APPROVAL

Councilor Pottier, on discussion, noted that this is located on the tribal territory so part of the MOu is that all of our ordinances and hours of operation still continue.

Councilor Pottier asked to have added to the Motion that the ruling of this be sent to the members of the tribe.

MOTION: MOVE APPROVAL AND SEND THIS RULING TO THE MEMBERS OF THE TRIBE. SO VOTED.

6. **MEET TO REVIEW MATTERS IN FILE.**

The Police Chief said that last week at the full council a letter was read from him relative to the assessment centers for the positions of Captain and Sergeant. The Chief said as the Council is aware in order for them to complete the promotional test they have to complete an assessment center. He sent a recommendation based upon Captain Warish's review of the bids that they

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FEBRUARY 23, 2016

THE COMMITTEE ON POLICE AND LICENSE – CONTINUED

received. He made a recommendation that they hire Integrity Testing at the amount of \$9,540.00 to form these 2 assessment centers.

MOTION: MOVE APPROVAL. SO VOTED.

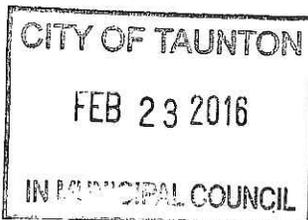
Councilor McCaul said that the Chief was talking previously about the positions that he has and that the Chief mentioned having a Deputy Chief.

The Chief said that they have actually done the Deputy Chief's test in the past. They are at a situation, and they have talked about doing a strategic plan for the Department, trying to figure out what future staffing should be like. They are also in a unique situation where they will have 3 Captains who will probably retire within the next 3 years, 2 of them because they have to retire and 1 may just choose to retire. With all that in play he thought it might be an ideal time to get a feel for the Department to see if anyone is interested in becoming a Deputy Chief by taking the exam. He also said they have a current Chief's list as well. Basically all he did was request that they participate in those 2 tests as well as the Lieutenant's test. He has 1 candidate currently on the Lieutenant's list which he thinks will be appointed this year. At that point they have no one to cover lieutenant and they will probably have openings in the next year to a year and a half, so he would like to participate in the Lieutenant's test as well. His recommendation is to do Assessment Center for the ranks of Chief and Deputy Chief. This was referred to this Committee for discussion. He has had some preliminary discussions with the Administration about that, but does he know it is going to happen – No. This issue came in front of the Council in 2007. At the time the Council was supportive of it. It was referred to the Administration and the Police Chief at the time to sit down with the Supervisors Union and try to come to a resolution on it. That never occurred for various reasons. He is looking at this as a potential opportunity again and trying to get things in place if it is decided to do that. If we participate in the test it may have meaning, it may not have meaning. If we go forward and decide to move forward with a Deputy Chief at least the Council will have a list they can work off of if they decide to go that way instead of waiting another year or 2 to take a test.

Councilor Borges said that she is in favor of this and made the following Motion.

MOTION: TO MOVE FORWARD WITH THE TESTING AND ACCEPT THE CHIEF'S RECOMMENDATIONS ON TESTING. ALSO TO APPROVE REQUEST OF CHIEF TO CALL FOR PROMOTIONAL EXAMS. SO VOTED.

MEETING ADJOURNED AT 7:25 P.M.



Respectfully submitted,

Colleen M. Ellis
Clerk of Council Committees

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

JENNIFER REGAN
CITY CLERK