



*City of Taunton
Municipal Council Meeting Minutes*

*Temporary City Hall, 141 Oak Street, Taunton, MA
Minutes, May 10, 2016 at 8:15 O'clock P.M.*

Regular Meeting

Council President Quinn presiding

Prayer was offered by Council President Quinn

*Present at roll call were: Councilor's Croteau, Carr, Pottier, Quinn, McCaul
Dermody, Borges, Cleary, and Marshall*

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

Hearing:

Upon the petition of the City of Taunton for: Proposed Zoning Changes to the City of Taunton Zoning Ordinance dated February 16, 2016- Section 5.2 – Use Regulations Biotech use Category-amend this category from a prohibited use in Business District to a Permitted Use. **Motion was made to open the hearing and invite the parties into the enclosure. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Copy of the Proposed Changes to the Zoning Ordinance dated February 16, 2016. **Motion was made to make part of the record. So Voted.** Councilor Carr stated that she gets nervous when something gets permitted. She asked if there was anything related to the BioTech industry that would require a Special Permit. Russell J. Burke, BSC Group was present to speak. He spoke about the regulations that the Federal Government has to govern BioTech research. He stated that the City's Board of Health has also introduced regulations that govern these types of genetic or biotech research and does require a permit from them. He spoke about the abundance of caution that is being taken. Council President Quinn asked if anyone was present to speak in favor or against the petition. A resident of 1334 Bay Street asked if there was a map of said lots. Councilor Cleary said that there is. The location and the zoning were discussed. **Motion was made to close the hearing and grant the request. So Voted.**

Hearing:

Upon the petition of Richard Henderson, President, Taunton Development/MassDevelopment Corporation, 99 High Street, Boston for the proposed changes to the Zoning Ordinance to change the following properties from Industrial to Business District: Property I.D. 24-2-0 consisting of property located off Bay Street and Dever Drive and consists of the following properties: Lots A, B1, B2-A, B3R and B4-A. The portions of lots B2-A and B3R that are shown as zoned Opened Space Conservation are not part of the requested zoning map change. **Motion was made to open the hearing. So Voted.** Com. from Chairman, Taunton Planning Board submitting a positive recommendation. **Motion was made to make part of the record. So Voted.** Map of the Proposed Zoning Map Amendment. **Motion was made to make part of the record. So Voted.** Councilor Cleary asked if the two lots without the lines in them are

not part of the zoning change. It was confirmed that portions of the two lots will remain open space. Kevin Scanlon stated that this would be the second vote needed to put this in place and pursue the life sciences center. It was done in this order because if the first one didn't go, they did not want to pursue the second one. Councilor Dermody asked by changing the Zoning Ordinance, how many jobs and business opportunities would be opened up with this change. She stated that it would allow smaller type businesses and the value of the property will be a lot higher because it is not Industrial. There will be more high paying jobs and more passenger cars rather than trucks. There was then a discussion regarding life science training and the people that they are hoping to attract and retain. Councilor Marshall asked if they envision sub dividing the two larger lots in the future to accommodate smaller type businesses that they are hoping to attract. She stated that they have developed that based on the market and have worked with their broker because they are much smaller than the industrial type use lots. She discussed what they are anticipating as far as square footage of buildings. He asked if they were done with the infrastructure to make more frontage. She stated that they are done because they put extra utility stubs along the road to anticipate enough development. Councilor Marshall spoke about lot B2-A and how he is concerned about the amount of frontage. She stated that they hope to attract a large high tech office headquarters there that would want to overlook the water. Council President Quinn asked if anyone was present to speak in favor or against the petition. There was nobody present to speak either way. **Motion was made to close the hearing and grant the petition. So Voted. Motion was made to excuse the parties. So Voted.**

Communications from the Mayor:

Council President Quinn stated that the NALC which is the City's Letter Carriers' Union 24th annual food drive will be held this Saturday, May 14, 2016. Non-perishable donations should be placed by your mailbox by 9AM for your letter carrier to pick up. This is the largest one day food drive in the world and 70 million pounds are collected each year. All food collected this Saturday stays right here in Taunton. Both St. Vincent de Paul and Our Daily Bread will each receive a portion of what is collected.

Communications from City Officers:

Com. from Executive Director, Taunton Retirement Board submitting the Annual Statement for the Financial Condition of the City of Taunton Contributory Retirement System for Year End 2015 (SEE SEPARATE PACKET). **Motion was made to receive and place on file. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds stating that they are in the process of accepting applications for seasonal positions (Hopewell Pool, Park Maintenance & Hopewell Security). These positions will be paid out of the General Operating Budget. Some of these positions will be filled by former experienced staff or certified/qualified applicants. These positions are also exempt from all City benefits and receive the seasonal determination under MA Division of Unemployment. **Motion was made to move approval. So Voted.**

Com. from Commissioner, Parks, Cemeteries and Public Grounds stating that they are in the process of accepting applications for seasonal positions (Summer Counselors, Tennis, Basketball & Track Monitors). These positions will be paid out of user fees generated from registration fees under the department's Revolving Account. Some of these

positions will be filled by former experienced staff or certified/qualified applicants. These positions are also exempt from all City benefits and receive the seasonal determination under MA Division of Unemployment. **Motion was made to move approval. So Voted.**

Com. from City Planner stating that the ADA subcommittee requested a time frame for completing the remaining safety items and how much has been spent on ADA this year. Through April 30th, departments reported ADA expenditures totaling \$89,045.55. **Motion was made to receive and place on file and a copy of the letter to be sent to the Committee on Disabilities (ADA). So Voted.**

Com. from Chairman, Taunton Planning Board has received a Modification of a Site Plan Review for property at 200 Constitution Drive for the installation of a new stand-by power generator outside on-grade and the creation of new paved parking spaces to accommodate emergency cell-site equipment, submitted by Cellco Partnership d/b/a Verizon Wireless. The DIRB will be meeting to review this petition on Tuesday, May 17, 2016 at 9:00AM in the Taunton Planning Board Office, 15 Summer St., Annex Bldg., and the Taunton Planning Board will meet to review petition on Thursday, June 2, 2016 at 5:30PM in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, MA. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board has received a Modification of a Roadway Improvement Plan for property on Hoover St. The modification is to widen the roadway by 2 feet and clear the exiting vegetation and brush back from edge of pavement along entire length for 6 residential lots, submitted by Marcelino Leite. The Taunton Planning Board will meet to review petition on Thursday, June 2, 2016 at 5:30PM in the Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, MA. **Motion was made to receive and place on file. So Voted.**

Com. from City Clerk requesting an appropriation from available funds in the amount of \$150,000.00 to purchase new voting computers for elections. She must purchase these computers at this time so I can be fully prepared for the September State Primary. **Motion was made to refer to the Committee on Finance and Salaries and the Budget Director to work out the possibility of purchasing them with this year's surplus funds. So Voted.** Councilor Dermody asked the City Clerk if she has to go through the Secretary of State's Office for the approval of which vendor is used. The City Clerk confirmed and said that they approved two of them.

Com. from City Solicitor regarding Varsity Wireless, LLC v. City of Taunton, Taunton Municipal Council, et al. and Bell Atlantic Mobile of Massachusetts, ltd. dba Verizon Wireless c. City of Taunton, Taunton Municipal Council, et al. It states that in accordance with the vote of the Municipal Council to pursue settlement of this matter, he writes to inform that on May 2, 2016, the United States District Court entered final judgement in these two cases. **Motion was made to receive and place on file. Councilor Pottier made a motion for the Executive Session minutes to be given to the Council as part of the agenda for them to approve formally. So Voted.**

Com. from City Solicitor regarding 60 Cross Street, LLC et al. v. City of Taunton

requesting the opportunity to meet with the Municipal Council in Executive Session at the May 10, 2016 meeting. The purpose of the meeting is to discuss strategy with respect to ongoing litigation. It is his opinion that an open meeting on this topic may have a detrimental effect on the litigating position of the Municipal Council. **Motion was made to move to the end of the agenda. So Voted.**

Petitions:

Petition submitted by Ali Abouzeid, 73 Cavalier Ave., Taunton requesting a renewal of his Old Gold License for Hannoush Jewelers, Inc. located at 2 Galleria Mall Drive, Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Christopher Wood, 10 Veteran's Way, No. Attleboro requesting a new News Rack License for L&C Publishing, Inc. (4 locations) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Timothy Cummings, 4 Oxford St., Taunton requesting a renewal of his Antique Dealer's License -dba- Eantiquebroker Consulting Service located at 4 Oxford St., Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Armen Tenkarian, 2 Arcade Ave., Seekonk and Michael Keene, 28 Bayview Ave., Berkley requesting a renewal of their Antique Dealers License for Taunton Antiques Center, Inc. located at 19 Main Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Laura Moss requesting a renewal of the Second Hand Article License for ecoATM, Inc. to buy used electronics for two (2) kiosk machines located at 2 Galleria Mall Drive, East Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by John Anderson, 38 Corporate Circle, Albany, NY requesting a renewal of the Second Hand Article License for Record Town, Inc. -dba- FYE #1594 located at 2 Galleria Mall Drive, Suite 104, East Taunton to purchase used electronics from customers. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Edwin DeBrum, 57 Stevens St., East Taunton requesting a renewal of his Junk Collector's License for DeBrum Salvage located at 57 Stevens St., East Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Frank Teixeira, 7 Crossman St., Taunton requesting a renewal of his Billiard Table License for Frank's Good Time Lounge, Inc. located at 381 Winthrop Street, Taunton. (1 Table) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Alan Medeiros, Treasurer, Italian Social Club of Taunton, Inc. located at 2 Columbus Blvd., Taunton requesting a renewal of their Billiard Table License. (1 Table) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Jeffrey Smith, 16 Clifton St., Taunton requesting a renewal of his Billiard Table License for Smitty's Sports Pub, Inc. located at 445 Bay St., Taunton. (2 Tables) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Michael Borges, President, Taunton Eagles Soccer Club, 29 Oak St., Taunton requesting a renewal of their Billiard Table License. (1 Table) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Manuel Rodrigues, President of the Taunton Sports Club, Inc. located at 33 Baker Road, Taunton requesting a renewal of their Billiard Table License. (1 Table) **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Sylvester English, 4 Wilson Ave., Taunton requesting a renewal of his Temporary Fixed Vendor License for Kinfolks Award Winning Barbecue LLC located at 5 Cape Road, Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by George DeVincent, 107 Castle Dr., Wareham requesting a renewal of his Temporary Fixed Vendor License for George's Christmas Trees located at 1940 Bay St., Taunton to sell Christmas Trees and flowers. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted by Helder Brandao, 65 Plain Street, Taunton requesting a new Class II License for Brandao Auto to be located at 65 Plain Street, Taunton. **Motion was made to refer to the Committee on Police and License and the Chief. So Voted.**

Petition submitted Joseph C. & Diyaa G. Ibrahim, Trustees of Zaid Realty Trust to Transfer their Flammable Storage Permit to Speedway LLC located at 943 County Street, Taunton. (Deed on file) **Motion was made to approve. So Voted.**

Petition submitted by Amerada Corporation to transfer their Flammable Storage Permit to Speedway, LLC located at Rte 44, 23 Cape Road, Taunton. (Deed on file) **Motion was made to approve. 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 Cleary stated that he was going back to the hiring of the three additional fire fighters. He stated that each of the candidates were not formally appointed on a roll call vote. He stated that we are waiting for Civil Service to approve the third position. A

notice has been sent to Civil Service and it is his recommendation that we go forward on a formal vote for each of the candidates. Councilor Carr wanted to confirm that they are voting on a conditional offer of employment. Councilor Cleary confirmed. **On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of Nicholas A. Titus. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of Jonathan Simmons. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor of Ryan P. McGorty.**

Councilor Pottier stated that he brought up a parking situation on Oxford Street about a month ago. **Motion was made to refer to the Safety Officer to make it no parking on one side of Oxford Street. So Voted.** He stated that the issue is that there is a new building that has opened up on Broadway that has parking behind it. He stated that the business is so successful that people are no longer parking just in their dedicated parking spaces.

Councilor McCaul stated that about a month ago there was a Committee of the Whole meeting about no parking on School Street from Main Street right down to the Fire Station. They were looking for clarification on if it was approved and he has not heard anything yet. He stated that it was voted on in December. Council President Quinn stated that she has not heard anything either. Councilor Cleary stated that he believes that the Committee on Ordinances and Enrolled Bills had a discussion on it and were going to vote on the Ordinance. There was some debate as to whether or not they have already approved it. Council President Quinn stated that it was in the Committee on Ordinances and Enrolled Bills and there was confusion as to what had been voted on. **Motion was made for the Clerk of Committees to send the Council the minutes of the meeting. Motion was made for the Safety Officer to provide an update on the status of this. So Voted.**

Orders, Ordinances and Resolutions:

Tabled from May 3, 2016 Council Meeting

Ordinance for a third reading to be ordained on a roll call vote

AN ORDINANCE

Chapter 19

Sewer and Drains

Sec 19-19. Sewer Rates/Sewer user charges; late penalty.

Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:

That Section 19-19 of the Revised Ordinances of the City of Taunton, as amended, be and hereby is further amended as follows:

- 1. Delete Section 1 of paragraph (c) and replace with:**

SECTION 1:

For the Fiscal Year that begins July 1, 2016, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection.

Relative Meter Size	Meter Size	Quarterly	Monthly
1	5/8"	\$112.00	\$37.33
1.1	3/4"	\$123.20	\$41.07
1.4	1"	\$156.80	\$52.27
1.8	1.5"	\$201.60	\$67.20
2.9	2"	\$324.80	\$108.27
11	3"	\$1,232.00	\$410.67
14	4"	\$1,568.00	\$522.67
21	6"	\$2,352.00	\$784.00
29	8"	\$3,248.00	\$1,082.67
37	10"	\$4,144.00	\$1,381.33

For the Fiscal Year that begins July 1, 2017, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection.

Relative Meter Size	Meter Size	Quarterly	Monthly
1	5/8"	\$123.00	\$41.00
1.1	3/4"	\$135.30	\$45.10
1.4	1"	\$172.20	\$57.40
1.8	1.5"	\$221.40	\$73.80
2.9	2"	\$356.70	\$118.90
11	3"	\$1,353.00	\$451.00
14	4"	\$1,722.00	\$574.00
21	6"	\$2,583.00	\$861.00
29	8"	\$3,567.00	\$1,189.00
37	10"	\$4,551.00	\$1,517.00

For the Fiscal Year that begins July 1, 2018, the respective quarterly/monthly billing rates for each connection shall be according to the following fixed service charges that are based on the size of the meter serving the connection.

Relative Meter Size	Meter Size	Quarterly	Monthly
1	5/8"	\$123.00	\$41.00
1.1	3/4"	\$135.30	\$45.10
1.4	1"	\$172.20	\$57.40
1.8	1.5"	\$221.40	\$73.80
2.9	2"	\$356.70	\$118.90
11	3"	\$1,353.00	\$451.00
14	4"	\$1,722.00	\$574.00
21	6"	\$2,583.00	\$861.00
29	8"	\$3,567.00	\$1,189.00
37	10"	\$4,551.00	\$1,517.00

2. Delete Section 2 of Paragraph (c) and replace with:

SECTION 2.

Two Tiered billing rates:

For bills issued after July 1, 2016:

Step 1: \$1.90 per hcf for usage of 1 to 30 hcf (quarterly bills); and 1 to 10 hcf (monthly bills), respectively.

Step 2: \$6.76 per hcf for the incremental usage in excess of 30 hcf (quarterly bills); and 10 hcf (monthly bills), respectively.

For bills issued after July 1, 2017:

Step 1: \$2.35 per hcf for usage of 1 to 30 hcf (quarterly bills); and 1 to 10 hcf (monthly bills), respectively.

Step 2: \$8.37 per hcf for the incremental usage in excess of 30 hcf (quarterly bills); and 10 hcf (monthly bills), respectively.

For bills issued after July 1, 2018:

Step 1: \$2.72 per hcf for usage of 1 to 30 hcf (quarterly bills); and 1 to 10 hcf (monthly bills), respectively.

Step 2: \$9.68 per hcf for the incremental usage in excess of 30 hcf (quarterly bills); and 10 hcf (monthly bills), respectively.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. Councilor McCaul stated that Councilor Marshall stated that he was going to look into making sure that the numbers are correct. He is wondering if he looked into that and wanted to know the outcome. Councilor Marshall stated that he did look into it and he is satisfied with it. **Councilor Marshall made a motion to move approval. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

Ordinance for a second reading to be passed to a third reading

AN ORDINANCE

Chapter 13

ARTICLE III. STOPPING, STANDING AND PARKING**Sec 13-82. Prohibited parking places.**

Be it ordained by the Municipal Council of the City of Taunton as follows:

SECTION 1: That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby is further amended as follows:

Insert "Mason Street, North side, from in front of No. 29 to the west side of Wales Street"

SECTION 2: All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Councilor Cleary made a motion to move to a third reading. So Voted.**

Council President Quinn stated that the Council will be going into Executive Session and no votes will be taken so the Council will not be reconvening. **Motion was made to go into Executive Session. On a roll call vote, nine (9) Councilors present, nine (9) Councilors voting in favor.**

Meeting adjourned at 9 P.M.

A true copy:

Attest:


City Clerk

RMB/SJS

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 10, 2016

THE COMMITTEE ON FINANCE AND SALARIES

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

MEETING CALLED TO ORDER AT 5:56 P.M.

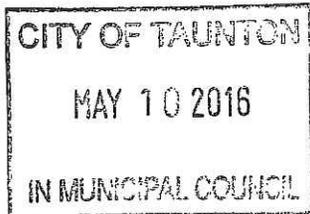
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF
\$1,071,825.14. SO VOTED.
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF
\$2,685,522.66. SO VOTED.

MEETING ADJOURNED AT 5:58 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE

PRESENT WERE: COUNCIL PRESIDENT JEANNE QUINN AND COUNCILORS MARSHALL, CLEARY, BORGES, DERMODY, MCCAUL, POTTIER, CARR AND CROTEAU. ALSO PRESENT WERE RICHARD FEODOROFF AND KEITH LORIZIO

MEETING CALLED TO ORDER AT 6:50 P.M.

1. MEET FOR A PRE-REVIEW HEARING FOR A SPECIAL PERMIT FOR A 23 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 698 BAY STREET, LOCATED IN THE URBAN RESIDENTIAL DISTRICT

Council President Quinn informed the Committee that she has a conflict of interest on this matter and she will not participate in the discussion or the vote on this matter.

Councilor Marshall was the Acting Council President for this meeting.

Councilor Marshall reminded the Committee that this is a pre-hearing and that no votes will be taken tonight. This meeting is held so that the Councilors can get a sense of what the developer or the project entails, allows the Council to ask questions, and it also allows the Council to ask questions that the developer can then take back and have answers for when the hearing takes place. It allows the developer to go back and research and provide the answers to those questions for the hearing, which is scheduled for next week.

Mr. Feodoroff said this property is 3.17 acres with frontage on 3 streets - Bay Street, Kurts Place and Sunset Drive. The Benjamin's building is an iconic building in the City of Taunton. When he heard that there was a plan to take the building down, he thought that would be an awful thing to happen, and he combined that with a friend who wanted to get into the rental apartment business and a plan was hatched.

Mr. Feodoroff said what they hope to bring to the City is a 23 unit luxury apartment building on Bay Street. There is an amazing demand for nice apartments right now and he feel that he can fill that need.

He further said they went to Site Plan Review on Thursday night. The site itself did not seem to be a problem. The site itself is 3.17 acres and the proposal is to take a lot in the middle, which is 63,000+ square feet and convert the existing Benjamin's into a 23 unit luxury apartment building. The existing kitchen will be torn down and they will put a 2200 square foot addition. Right now the building is about 14,600 square feet on the ground, and they will end up with 12,500 square feet so they are actually shrinking the footprint of the building. They will provide 47 parking spaces, 2 per unit as required. There will be 13 two bedroom units, 9 one bedroom units and 1 studio apartment. The total budget for the renovation of the building is \$2.4 million. They are taking advantage of a lot of good stuff that is already there. The elevator will stay and function. They think it is a natural for 60 and 70 year olds who want to stay in the City. There is virtually no steps coming in from the parking lot, you walk right in to the elevator and can go to your apartment. There will be down lighting around the building, video surveillance 24 hours a day of the parking lot and the common areas. Inside the building the grand stairway is staying. In addition to the outside areas, the common areas inside will also have video 24 hours. They will still use the main entrance, but some of the first floor units will have direct access out to the parking lot. In order for anyone to get in they will have to buzz the

PAGE TWO

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

apartment they want to go to, but instead of just hearing a buzz, there will be a video so the person letting them in will see who it is. These will be strictly market rate, and the rents will be between \$1400 and \$1600 per month. Tenants will be responsible for all their own utilities. In each unit they are incorporating a fully applianced kitchen and a stack washer dryer and granite counters. There is a big basement but they do not have an immediate plan for it, but at some point possibly they might make storage lockers for the tenants. There will be one way in and out on Bay Street. There will be a vegetative buffer and that lot abuts the additional lots on the property. They will put a 6 foot vinyl fence for privacy and security.

Mr. Feodoroff said that they received a negative recommendation from the Planning Board based on the proposal as submitted being an apartment building. The Board was concerned that the high-end apartment project envisioned at that location may not succeed. The expressed preferred development option would be one that consisted of owned dwellings rather than rented (condominiums or individual house lots) in this established neighborhood.

Mr. Feodoroff said that there will be an open house meeting tomorrow night, May 11 from 5-7 p.m. at the Benjamin's site for the neighbors in that area.

Mr. Feodoroff also said that this lot is about an acre and a half and there are still 5 buildable lots that are going to be subdivided, 3 on Sunset and 2 on Kurts Place. In order to soften the burden and enhance this project for the neighbors they intend to limit any construction on these 5 lots to single family homes, although by right without any meetings they could put in duplexes. They will make that condition in the deed that they will only be single family residences.

Mr. Lorizio said that he understands the question of why they cannot be condominiums as opposed to premium apartment rentals. He stated that one of the other elements is that there is a financial component to this, and the financial component is that although they are estimating the budget to be \$2.4 million that is flat line today with no unexpected occurrences. Without those occurring it could easily vary 20% higher than that, which is a possibility. It does not become necessarily financially feasible with the existing footprint to do that and transition these for sale at 700-800 square feet and actually be in the area of risk that makes sense.

Mr. Scanlon, the City Planner said the Committee is looking at a 23 unit multifamily Special Permit. The 5 lots that surround it are not really part of this proposal. If this is approved they would be split off as separate lots. Mr. Feodoroff has expressed an intent to restrict them to single family which he can do but they are not part of this petition. The petition is only the 6th lot which has the 23 units on it. To set the record straight with the Planning Board last week was the recommendation on the Special Permit it was not the Site Plan Review. The Site Plan Review has not been filed at this point. That would have to be filed subsequent to this.

Councilor Marshall noted that the Committee is deciding on the Special Permit to allow the apartment use, the 23 units.

Councilor Dermody said that he feels that condos would work there. If they are building the units the way he says they are going to build them, he feels that condominiums would be a better way to go because the owner has ownership in it. He said that he is also surprised the 5 units surrounding were not part of this project.

Councilor Borges asked if the Council can put the deed restriction in for 1 family houses on the 5 surrounding lots.

PAGE THREE

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Councilor Borges made the following motion:

MOTION: TO ASK THE LAW DEPARTMENT TO INFORM THE COUNCIL IF THE COUNCIL CAN PUT A DEED RESTRICTION ON THIS - PUT A DEED RESTRICTION ON THOSE LOTS FOR LIFE, BECAUSE IF MR. FEODOROFF TURNS AROUND AND SELLS THEM DOES THAT MEAN THEY CAN BECOME DUPLEXES AGAIN. ALSO TO ASK THE LAW DEPARTMENT IF THIS IS EVEN PART OF THIS HEARING BECAUSE THOSE LOTS ARE NOT PART OF THIS PROJECT. SO VOTED.

Councilor Borges noted that in the Planning Board meeting, Mr. Feodoroff mentioned that he would be renting to an older population, so would he consider making this an over 55 project. Mr. Feodoroff said he prefers to keep this open to everyone. Mr. Feodoroff also stated that if he were to make these condos, he would have to tear the building down. He further said the idea is for a good investment and preserving Benjamin's – a re-use of Benjamin's. He also said that FHA won't finance condos until half of the building is sold. He is looking for a long term investment.

Mr. Scanlon said that the Council cannot impose a deed restriction on the 5 lots because it is not part of this project.

Mr. Feodoroff said that there is enough area to get 9 lots there but they have no interest in putting 9 duplex lots.

Councilor Croteau asked if they were adding to the current structure, to which Mr. Feodoroff said no, they are shrinking the footprint of the building. Councilor Croteau noted that restructuring the building will consist of taking down walls etc. in order to make 23 separate living units, and asked if all of that work is figured in the \$2.4 million.

Mr. Feodoroff said yes it is.

Councilor Croteau said once the walls are set, Mr. Feodoroff is going to build luxury apartments, and whenever a developer uses the word luxury he sees dollar signs, so he would assume that Mr. Feodoroff is going to put a lot of money into those 23 apartments. \$2.4 million sounds a little low.

Mr. Feodoroff said it is roughly \$90 a square foot, they already have an elevator, they already have a fire suppression system, they have the outside structure and he feels he can do it.

Councilor Croteau said it is roughly \$100,000 an apartment, to which Mr. Feodoroff said that is pretty close. The square footage is 700-900 square feet, and the rent is \$1400 - \$1600 per month.

Councilor Croteau said then you are talking about \$18,000 a unit which gives you about \$360,000 - \$380,000 in income.

Mr. Feodoroff said they are hopeful.

Councilor Croteau noted that they must have consulted with realtors and accumulated a lot of data, but you are talking about \$360,000 a year in income to pay your loan and everything else. He noted that it is \$2.4 plus the purchase of the property. He feels Mr. Feodoroff's numbers are low.

Mr. Feodoroff said they have a purchase and sale agreement with the bank, but are under a confidentiality agreement with them.

Councilor McCaul asked if a traffic study had been done.

PAGE FOUR

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

Mr. Feodoroff said there will be a decrease in the traffic.

Councilor McCaul said he feels there will be more traffic. He also said that with the rent being \$1400-\$1600, how do they feel that they are going to get that, is it based on them being luxury apartments?

Mr. Feodoroff said yes.

Councilor McCaul said he does not feel the elderly could afford that rent. He also said he thinks a traffic study should be done, and it should be looked at as to how it is going to fit into that neighborhood.

Councilor McCaul noted that Mr. Feodoroff said that he does not feel condos are going to fit in the project, but if you look across the street, there are beautiful condos there. It would make a lot more sense to have something like that.

Mr. Feodoroff said that might be something someone else would like to do, but he is not interested in doing condos. In fact, you could end up with more units because approved was 18 units an acre, so at 18 units an acre at 3.17 acres you could have as many as 56 condos. That would be a bigger impact. Of course the Council could whittle it down but that is how the zoning reads. There could actually be 3 separate developments there because all you need is 1 acre of dry land and 100 feet of frontage, and you could carve it into 3 separate lots and have 3 18 unit buildings. He is not saying any of that is going to happen, but he is just looking at the underlying zoning and he feels this project is less of an impact.

Councilor McCaul said one of the neighbors mentioned to him that there was a problem with a sewer line and asked if the line was going to be going down a side street or is it going on Bay Street.

Mr. Feodorff said the existing sewer line already goes to Bay Street and the only thing that goes to Kurts Place is that they put some grease traps in and those traps are being removed. There is one recommendation from the DPW that they install back flow preventives on the sewer which they are willing to do.

Councilor Cleary asked them to have for next week the approval or at least the opinion of the Fire Inspector of the elevators and the sprinkler systems that they are going to use. He also asked if there would be management on site. Mr. Feodoroff said not on sight but he is starting his own Management Company and he will be managing it from an office on 44. He also asked since Mr. Feodoroff is advertising these as luxury apartments, does it exclude Section 8 housing. Mr. Feodorff said it really doesn't and Section 8 and subsidies are based on income, if they can do it. Councilor Cleary also asked Mr. Feodoroff to list some of his successes in Taunton for next week.

Councilor Pottier said regarding the parking we are talking 47 spaces so over 16 waking hours if a trip is once or twice a day, you are talking maybe 100 trips out of there a day, he feels that the traffic for a restaurant would be more. He also requested information as to whether there is any public financing component, tax credits, and therefore any affordability on the backend because there are certain rules and regulations if you tap into federal and state money insofar as who you have to offer to and further down the line. He would like this information for next week.

Councilor Pottier also said that something is going to go in there that is going to be either

PAGE FIVE

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

market or market driven, and as was mentioned, based on just the 3 acres and the special zoning that was passed for 18 units per acre, that could be up to 54 units, which could be Section 8 or a low income facility. A restaurant is not feasible there now.

Mr. Feodoroff said that they are doing this with private funds and they want a market rate building.

Councilor Carr noted that the lot is 3.17 acres. The lot for the apartments Mr. Feodoroff said is about 63,000 square feet but he will have the exact number for next week.

Councilor Carr also noted that regarding parking, there will be 2 spots for each unit but none for overflow parking. She also asked if there would be open green space, and Mr. Feodoroff said yes, there is none there now but there will be when the project is built.

Councilor Croteau said that in essence they would be buying the property from Mechanics Bank. He also asked, the funding for rehabbing the building and building the apartments and so forth, that is also going to come from Mechanics Bank?

Mr. Lorizio said that is underdetermined at this time, that would be a full evaluation that would occur if they move forward.

Councilor Croteau then said that they are asking the Council to approve a permit before they have the funding, so what happens if they don't get the funding?

Mr. Lorizio said based on the current funds they have to be committed towards the operation that they are proposing, meeting 25% plus threshold along with reserves in case the project runs into challenges, they expect there not to be a problem, but yes to the question.

Councilor Croteau then said when they apply for funding they are going to have to present a business plan, which was answered as correct. He then asked if they have drawn up a business plan.

Mr. Feodoroff said a business plan for an investment property is not like a business plan for a manufacturer or whatever. All they want to see is an appraisal of the building as proposed, they will give them construction drawings, they will see the square footage, they will hire a commercial real estate broker to put a value on it.

Councilor Croteau said if they were going to do all this construction and put 23 units up for sale he would agree, however, they are not. They are in a business, they are not going to sell those apartments, so he asked them to tell him that they will have an income from those apartments of approximately \$400,000 a year, he would want to see how they are going to pay everybody, including themselves, with \$400,000 because frankly he thinks the property taxes are going to be \$100,000 right off the top because they are going to be taxed as a business.

Mr. Feodoroff said they are going to be taxed at the residential rate; you are taxed on your use. Councilor Croteau mad the following motion:

MOTION: THAT AN OPINION FROM THE ASSESSOR'S OFFICE BE PROVIDED FOR NEXT WEEK ON WHETHER THIS IS TAXED COMMERCIAL OR RESIDENTIAL. SO VOTED.

Councilor Croteau said he does not think the numbers are going to work, and what happens if it goes bankrupt. It has already gone bankrupt as an empty bankrupted restaurant, not a 23 apartment occupied building that is now bankrupt.

He further said there was some discussion about options if this is not approved, maybe there

PAGE SIX

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

will be plans later on down the road that the neighbors as well as the City would like even less. That is something the Council always has to take into consideration because once the state gets involved and you start talking 40B and section 8 housing and all that stuff local regulations take a back seat, so you always have to have that in mind as to what would happen. If the project goes bankrupt, all those options come back on the table, so the Council needs to be assured that the \$400,000 revenue is going to enable people, because they are going to manage this as part of their business.

Mr. Feodoroff said if this residential apartment building was to be taxed at the commercial rate they would not be here; they could not afford to pay that rate. He is comfortable that it is going to be taxed at the residential rate.

Councilor Marshall said he does not think it is within the Council's purview to see any of their financials. The Council is here for a Special Permit, a use of the land which is to convert this from a former restaurant use into a 23 unit apartment building. If they can do it, fine, if they cannot there will be problems later on. He has been on this Council for 10 plus years and they have never got into the financials; if a project is doable or not, that is up to the market. There is a lot of us who would like to see Benjamin's, and the neighbors would like to see certain things, but the City is not going to buy it so it is up to the private sector to come up with something and right now this is the proposal. The Council's job is to take this proposal and determine if that fits the best interest within our zoning. The Council cannot ask for more parking spaces than is required by law, they are providing what is required by law. The Council cannot ask for things that other residential apartment complexes don't do. This is where we are at. He feels that the Council is off track with the financials and whether we can make it affordable. With all due respect that is Mr. Feodoroff and Mr. Lorizio's due diligence. If it goes bankrupt, there is a process that has to happen and the Council cannot circumvent those. They certainly can look at the project and make sure it fits the neighborhood, and from what he has heard they are going to make it a little smaller but 90% of the exterior you are going to see will be the same exterior you see driving by now, no one is going to see the 23 units. The 5 residential house lots, are granted by a matter of right under our current laws and that is not part of the project as well. The Council is going to try to get them to put in a stipulation voluntarily that they are going to keep them as single family house lots in perpetuity, and they are working on that. There again, those are not part of the process so he personally feels that he does not need to see any of their financials. That is private business and that is not the Council's jurisdiction to see their financials.

Councilor Marshall said he would like to get more information on what they plan to have for onsite management. It is not going to be full time, but is there going to be an office, a maintenance person, is there going to be security, who is going to man the 24 hour surveillance cameras because someone has to watch those so they have to be headquartered somewhere, those are the types of things he would like for next week.

Councilor Croteau said the Council is here to approve proposals that will work. There is question as to whether this will work. The Council is here to avoid problems and the Whittenton area has enough problems now with Whittenton Mills, Reed and Barton and God knows what else. We do not need any more bankrupt property in Whittenton. He further said the Council is here

PAGE SEVEN

MAY 10, 2016

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

to make decisions with foresight and not hindsight and there is a question – you are talking about \$400,000 and you are talking about a lot of expense.

Councilor McCaul asked to allow the residents to voice their opinions on this project.

Councilor McCaul made the following Motion:

MOTION: TO ALLOW PUBLIC INPUT.

Councilor Croteau seconded the Motion.

Councilor Marshall said traditionally the Council does not hear public input at a pre-hearing but there is public input next week.

City Planner Kevin Scanlon said that at the pre-review asking questions is one thing, taking public input on something that falls into zoning is a whole different matter, so he cautioned not to do this because you can set yourself up for a procedural defect which could be appealable in Court.

Councilor Croteau asked if when the public hearing with the Planning Board took place were people allowed to give public input.

Mr. Scanlon said that is a different issue.

Councilor Croteau said yes or no. Mr. Scanlon said yes.

Councilor McCaul said that he would like to get the questions of the residents and have them answered for next week, so he would like to have public input.

Councilor Borges said she would like to wait for the public input for next week at the hearing.

Councilor Cleary said that you have got to give the developer a chance to come back with their answers and they would be better prepared to answer the questions if they were given time to do that.

Councilor Marshall said he will not support the motion because on the advice of the City Planner it could be determined that the Council is setting itself up for possible litigation. He does want to hear the concerns of the neighbors, but he wants them in the appropriate forum. He also noted that the neighbors can go to the meeting tomorrow and perhaps have some of their questions answered and there will be public input next week at the hearing. The Council can hear the concerns, and ask for further clarification and can continue the hearing in order to get those answers.

COUNCILOR MCCAUL RESCINDED HIS MOTION.

COUNCILOR CROTEAU WOULD NOT RESCIND HIS SECOND TO THE MOTION.

THE MOTION WAS VOTED ON WITH COUNCILORS CARR, POTTIER, QUINN, MCCAUL, DERMODY, BORGES, CLEARY AND MARSHALL VOTING IN OPPOSITION. COUNCILOR CROTEAU DID NOT VOTE. MOTION DOES NOT CARRY.

MOTION: TO CLOSE THE PRE-REVIEW HEARING. SO VOTED.

PAGE EIGHT

MAY 10, 2016

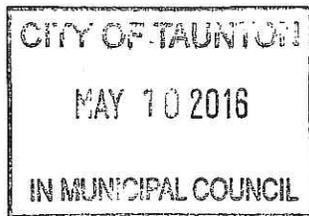
THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

MEETING ADJOURNED AT 8:05 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK