



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, February 25, 2014 at 7:45 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 Borges, Carr, Quinn, McCaul, Pottier  
Croteau, Costa-Hanlon, Marshall, and Cleary*

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

*Communication from the Mayor:*

The Mayor stated that Taunton is the home of Silver Medalist, Michelle Picard and that the City will be honoring her this Friday evening from 5-6pm at the Silver City Galleria Mall, Center Court. A presentation will be given and Ms. Picard will be able to greet the youth of the area and sign autographs. He said that there will be a banner across Broadway welcoming her back. The City is very proud of her accomplishments and what her team has achieved. Ms. Picard was a vital part of the team.

**Motion was made to invite into the enclosure Deputy Chief Mike Silvia and Firefighter Paul Allison for a presentation. So Voted.** The Mayor welcomed Mr. Allison. The Mayor said it is his honor to see the efforts that Mr. Allison puts into the many charitable organizations that he helps with. He knows that his brothers and sisters at the Fire Station as well as his family are very proud of the work he does. Deputy Chief Silvia read a Citation to Mr. Allison. The Citation gives Firefighter Allison the status of Firefighter Emeritus within the Taunton Fire Department. The Mayor presented Mr. Allison with the Key to the City of Taunton.

**Motion was made to revert back to the regular order of business. So Voted.**

*Hearings:*

On the petition submitted by Attorney David Gay, 73 Washington Street, P.O. Box 988, Taunton on behalf of his client Steven Koss, Trustee of the Koss Realty Trust and Sally Koss to amend the Zoning Map of the City of Taunton to include the following properties located in an Urban Residential Zone as part of the Transit Oriented Development Overlay District Zone: Property ID 55-758 (40 Dean Street), 55-756 (44 Dean Street), and 55-757 (Dean Street). **Motion was made to invite into the enclosure the petitioners. So Voted.** Present was Jean Costa, 11 Jeffrey Lane, Freetown, MA, Maureen Chlebek, McMahan Associates, 300 Myles Standish Blvd., Taunton, MA, Attorney David Gay, 73 Washington Street, Taunton, MA, and Steven Koss, 40 Dean Street, Taunton, MA. The City Clerk read a communication from the Chairman, Taunton

Planning Board submitting a negative recommendation. **Motion was made to make a part of the hearing. So Voted.** The City Clerk read a communication from Conservation Agent, Michele Restino stating that the Conservation Commission does not have any issues on the request. **Motion was made to make a part of the hearing. So Voted.** The City Clerk read a communication from the Director of Planning and Conservation, Kevin Scanlon to Taunton Planning Board. Mr. Scanlon submitted comments regarding the proposed zoning change. **Motion was made to make a part of the hearing. So Voted.** Communication from Koss Realty Trust for the petition of rezoning to Municipal Council. **Motion was made to make a part of the record. So Voted.** Exhibit A, B and map of locations. **Motion was made to make a part of the record. So Voted.** The Mayor clarified that this petition is for rezoning of the area and is not for a specific project. Attorney Gay stated that this is a preliminary step for a potential development of the site. The Municipal Council adopted Section 17 to the City Zoning Ordinance entitled Transit Oriented Development Overlay District. It is an overlay district, which means it will go over the existing zoning in the area and it will supersede the zoning for this specific purpose. The presented map shows where the City adopted the TOD and what Attorney Gay's client is proposing for the district. The City Planner stated that the City recently increased the maximum density allowable for new multifamily developments to 18 units per acre and that this petition would dramatically increase the max density even more. Attorney Gay stated that Mr. Scanlon is not correct in saying that the base density in the district is 12 units per acre. Although, Mr. Scanlon is correct in stating that with Special Permit the development density could be substantially higher and that the maximum would be in excess of 96 units on a little more than 2 acres is correct in assuming that a Special Permit was granted with that density. As the Mayor pointed out, his applicant does not have a specific project to be presented. In fact, it cannot be rezoned if there was a specific project because then it would be considered contract zoning and this would not be allowed in the State of Massachusetts. Therefore, the area would need to be rezoned with the overlay to allow anyone to develop pursuant to the ordinance that is in effect. The Ordinance in effect has a base density of 12 units per acre with the option of more with a Special Permit. Attorney Gay stated that the adopted Ordinance has some interesting language. Its purpose was to promote a lively prosperous neighborhood center that serves as an attractive place to live, work, and shop with less reliance on automobiles. It also states that it is to promote pedestrian oriented development to encourage building reuse and infill to create higher densities. The TOD has two districts, east and west. East is the proposed development and west is parcel 6A. The idea of the whole process was to encourage the development of land for these specific purposes. It is also a mixed use development which allows for the existing business/offices to be included with multifamily residential. In this particular development, the old rail road station will be included and if a future proposal is presented, the proposal would include the renovation and reuse of the old rail road station. The TOD is a well drafted district. Attorney Gay stated that the Planning Board sent a negative determination because they felt it was premature, and possibly to wait and see if the train will be coming. He said that it is time for the City of Taunton to do something rather than looking after the fact. He said the City should be progressive and look before the fact. He asked for an opportunity for the property owners to bring their proposal, but in order to do that the land would need to be zoned appropriately. Attorney Gay informed that the following individuals will be presenting. Stephen Slowey and Steve Koss from Dean Development Company will be presenting their design that is a

concept only. The proposed project may not be exactly what would be presented, because it will depend on the market condition at the time if the opportunity is given. A preliminary traffic review will be presented by Maureen Chlebek, McMahon Transportation. Again, it is only preliminary because there is not a specific project. This intersection is interesting as it has potential to be corrected. Jean Fox, MassDOT will discuss being a leader rather than a follower with this type of project. This type of development has the possibilities of State funding, project funding and grants to help with infrastructure work to create a better system. This type of project has happened in other cities and it can happen in Taunton. He said that the City should not wait until it is too late. Steve Koss presented an update on the highlights of the project. The area has the old railroad station on one side of the tracks with 2 acres of land on the other side of the tracks. The project location is very close to the downtown area. People can enjoy the area by walking, by car or bicycling. The site is also the hope of the future commuter rail and is very close to Rt. 24. The proposed design is to have a small village, where on one side there would be small TOD type retail stores in a village setting. Local contractors will be used and a total of 66 new jobs will be created as well as a potential to have 31 full-time permanent retail and service management jobs. This will create a synergy for the village and the apartments. During the construction process, there will be a total of 35 construction jobs needed and every attempt will be done to use local suppliers. The proposal is to revitalize the train station itself. The building is old and it has a lot of character which they feel belongs as part of the Transit Development. Bringing the historic aspect of the building into the development will really fit in nicely. The design concept is to have 60 high quality apartments, 45 market-rate units and 15 affordable units for families at or below 80% of AMI index. It is a smart growth project with a little bit more density and less land. The plan is to have two parking spaces per unit with one parking space being under the building at ground level. The project design will be done by Thompsonfarland Professional Engineers. Green energy concepts will be used along with geothermal energy and solar energy. The idea is to have enough solar energy to tap into the grid to provide energy for the units and to provide energy to TMLP as well. The project is all about green development and attracting individuals to the area. The preliminary analysis on the project has been completed along with the preliminary negotiation from Highland Construction. Based upon the initial assessment of the site, they have done some financial modeling and 60 units will work which is required under the current TOD and the Taunton Housing rules to have 25% of them being affordable units. He said that they feel that with 75% of the units being at market rate and with the current Taunton rent levels they will be able to make the financial model work with 60 units. If there were fewer units, the model will not work. The applicant would be putting just under \$3,000,000 of private equity into the project. Maureen Chlebek stated that the components of the traffic assessments include looking at existing traffic conditions, accidents data, estimated generation for proposed site, qualitative assessment of traffic operations, drive-way site distance and parking generation rate of the site. When looking at existing conditions, a field review was conducted of the area for traffic counts during a typical weekday (7:00am-9:00am and 4:00pm-6:00pm). Three years of accident data has been reviewed through MassDOT. It was found that there were twenty accidents at the signalized intersection of Dean Street and Arlington Street over the three year period. The number of accidents was then related to the volume of traffic that goes through the intersection and what they came up with was the crash rate. The crash rate for this intersection was 0.88 accidents per million vehicles entering the intersection. When

compared to the State and region average crash rate, it was found that it was just slightly higher. That is not to say it is a high crash location. Typically, for an intersection that has a crash rate of 1 would cause concern and if it had a crash rate of 1.5 it certainly would be red flagged. In her professional opinion, it is not an indicator of a high hazard location. In terms of a traffic generation, they used National Dealer published by the Institute of Transportation Engineers to estimate the number of trips generated from the site. What was found was an increase in the morning of seven trips in and twenty-seven trips out and in the PM there would be thirty-three trips in and eighteen trips out. The traffic was then distributed based upon the existing travel patterns in the area and it was estimated that the increase of traffic at the signalized intersection would be less than 2% in both the AM and PM peak hours. During the morning peak time, it would be the equivalent of one car every three minutes and in the afternoon peak time; it would be the equivalent of one car every two minutes. The traffic signal operates on a cycle run of about sixty seconds. The amount of traffic added to that signal will not hinder operations at the intersection. The driveway is more of a concern and the cues that exist. The cues today do exist beyond the driveway, but the fact that the driveways exist in close proximity to a signalized intersection provide gaps in the traffic. The traffic leaving the site will encourage the delay because those people will need to wait until the cycle change and traffic flushes out before they are able to get out. In terms of the site distance, it was compared to what is recommended by National Standards for Safe Stopping Site Distances and considering the posted speed on the road, there was more than enough safe stopping distance at the proposed driveway. A review of the parking generation rates was compared to the Institute of Transportation Engineers various published data. For this proposed site, the peak hour for parking demand would be seventy-five spaces. The proposed project has well over seventy-five spaces; therefore, there will not be a shortage of parking spaces at this site. Ms. Costa stated that as a member of the administration, she is not here for any particular project. She is here to convey two points that she feels is quite significant. She informed that Mr. Koss had requested to meet with individuals at the Executive Office of Housing and Economic Development. Since the request, Mr. Koss did meet with Ms. Victoria Maguire who was quite excited with the potential of such a development in the downtown area. Ms. Costa read a response from Ms. Maguire supporting the proposed site. Ms. Costa stated that for the first time ever in the twenty-five year history of the South Coast Rail, there is funding available. The State has a Bond Bill in the amount of \$2.2B for such a project. Also, in this year's Capital Investment Program, the Secretary announced that \$255M has been appropriated toward some early action items that impact projects with independent utility. More importantly, the funding would allow the opportunity to retain a CMPM for this summer. A great deal of energy and activity has been put into this project and they will continue to advance the project this year. With this being Governor's Patrick last year, there is hope to get in a couple of ground breaking projects showing that the South Coast Rail is advancing. The TOD has been a part of the technical assistant grant funding for six consecutive years with funding that comes out of MassDOT in conjunction with her partners at HED who has been focused on smart-growth principles, solid land use, planning and capabilities. From the South Coast perspective, there is great commitment from the administration to continue and advance the project and from the HED perspective; they will be providing tremendous incentives to towns that offer good worker packages. Councilor Pottier disclosed that he is employed by Mass Housing, which may be a potential financing mechanism for this project. Attorney Buffington

stated that this is a hearing for a potential change to a certain parcel of land to be rezoned and not a hearing on whether this particular proposal will or will not move forward. The fact that Councilor Pottier made a public disclosure is sufficient under these circumstances. Councilor Pottier said he loves this proposal. He finds this to be a very good project for the City especially seeing that it mimics the plans for the Lakeville site. He asked if the project is classified as 40B. He also asked that when and if the train does come, is there enough parking on site or is this not their jurisdiction. The City may get credit for the 40B, but the project itself is not a 40B project. The State has actually detailed an entire parking lot on their plan for the rail. Councilor Pottier asked realistically when the South Coast Rail will be coming. Attorney Gay stated that this will stand along without the rail. Councilor Pottier stated that housing like this is needed for young urban professionals especially being close to Rt. 24, Rt. 44 and Rt. 138. He said he is glad to see that this is not contingent on the rail moving forward. The site is certainly an eye-sore and anything that can be done at this site will be beneficial, not to just that part of town, but to the entire City. Under the current TOD zoning for the district, Councilor Marshall asked what would be the maximum allowable unit with a Special Permit. Attorney Gay stated that sixty units could be put in through an inclusionary process, but that eliminates all the other potential uses that come with the TOD and the village concept will be lost. Attorney Gay stated that the entire downtown area is within walking distances from the potential project. People who live in downtown Boston walk to get what they need around town. Councilor Marshall agreed with Attorney Gay but stated that Taunton is not Boston. People in city developments like Boston, Braintree or Quincy have more infrastructures around them than this project. Going toward downtown, the closest service would be the Taunton Federal Credit Union or the Police Station. He asked how many bedrooms the proposed apartments would have and how many stories it would be to get the parking underneath. It was informed that there would be thirty single bedroom apartments and thirty two-bedroom apartments. The proposed would be three stories or two residential stories above the ground level parking. The overall height would be approximately eighty-five feet. Councilor Quinn stated that if the TOD has a base density of twelve units per acre, is there anything that could be done by a matter of right or only by Special Permit. Attorney Gay stated that the development could contain eighteen units per acre under the zoning process of a Special Permit. Councilor Quinn's only concern is the traffic in the area. If traffic would be exiting and entering at the traffic light, that would be great; but she is envisioning cars coming out of the development and with sixty units of working people trying to take a left turn out of the development, it would be a concern. The same traffic report was presented to the Planning Board. They felt that the rezoning petition was too soon. Attorney Gay said that it would be his argument that you need to take advantage of what is out there now. Right now, the development is not what the applicant is here for. When and if it comes up at the Special Permit level, there may be changes on the traffic portion. This is the reason why they are starting this now along with the availability of grant money. Attorney Gay stated that he drives through the intersection during peak hours and yes the light does back up, but when the light changes, everybody goes and there is space. If there was no light, it would be very difficult to get out. Councilor Quinn asked if there were two lanes of traffic near the site when coming into the City. Attorney Gay informed that there are two lanes, but they are not designated lanes. This definitely would be one improvement that could be made. Councilor Quinn asked if in the overlay district you could do the same project, from a zoning point of view, with or without the

overlay district with the exceptions of the mix-use. Attorney Gay said he spoke to the City Planner who informed him that there are possibilities with the inclusionary housing that could result in a similar project from the housing prospective. But there would be no grant money available for that. What they are trying to do is tie in to what the City has already zoned and make this a TOD overlay district. Councilor Borges stated that it was informed that local hires will be used, but 50% of the people being utilized are from New Hampshire or New Bedford. Attorney Gay informed that the General Contractor is out of state, but that local hires will be used. Councilor Borges is concerned with the driveway being close to the railroad tracks. Attorney Gay informed that the driveway would be approximately 150 feet from the tracks. If the rezoning is approved this evening, Councilor Borges asked if Council would or would not have a say in future projects on the site. Mr. Scanlon informed that he has a prepared sheet to compare the differences for the district. **Motion was made to invite in the enclosure the City Planner, Kevin Scanlon. So Voted.** Mr. Scanlon stated that one thing that was not mentioned is the base density. Under the current zoning, Urban Residential and without any Special Permits, the base density would be two units. There is no real possibility of sub dividing that because there is not enough room to get a road in or enough frontage. Under the TOD, it was mentioned that there was a total of twelve units per acre. If the overlay is approved, the twelve units per acre would be the base density by right. If the applicant would like, they could petition up to forty units per acre under the Special Permit process. If the City Council approves the TOD overlay, the City Council will no longer have a say on the process. The Zoning Board of Appeals then becomes the approval authority for the project under the TOD. The mentioned retail will be located on the other side of the track in the old rail station. Therefore, if the approval was given for the maximum density on the east side of the tracks, there could still potentially be sixty units in that location and the retail component could still be on the other side of the tracks in the old rail station. It is a little misleading to say that you could not do the project as presented through an inclusionary process. It would not be exactly the same, but you can still have the business aspect on the train station side. Attorney Gay stated that the TOD was probably written by Mr. Scanlon and adopted by Council. So for the Council to get excited about the fact that the Zoning Board is the permitting authority is/was the decision of the Council. Interestingly, in the proposed zoning district, forty feet is the maximum height of a building. The size of the building was reduced, three stories is the maximum proposed and under the current TOD, it is four stories. The set-backs are less and the proposed is geared toward residential use. On Mr. Scanlon's sheet, it states that mix-use is prohibited. Mix-use is required in the TOD. The issue is that the old Municipal Council added this to the zoning district that was created. A development could be considered and the question would be should it be done now opposed to four years from now. If it is done now, the City can be ahead of the game instead of behind the game. The City Planner in his testimony in front of the Planning Board had no real problems on this project. His only opposition was that the project was too soon. The project is a very good project and it may never be built and will only be driven by the economy. Councilor Croteau stated that he thought Council was here to make a decision on the rezoning. If and when a project comes forth, it would be submitted to the Council. Therefore, if Council approves the zoning, the project will go to the Zoning Board of Appeals and Planning Board for approval. He said he does not understand what the too soon means, because if we are going to approve something like this two years from now, why not now. Or are we really saying that we do not want to approve this ever. But if

the likelihood is that we think this is a good project and it is going to be approved sooner or later, then again why not now seeing that money is available. Councilor Costa-Hanlon asked for clarification from Mr. Scanlon's chart. She asked for the difference between the current zone and proposed zone. Mr. Scanlon said there is really no difference because of the inclusionary by-law. The TOD overlay will be all ZBA and they will determine the density from the base of twelve in excess up to 48 units per acre. Mix-use is then required with the Overlay District. When looking at the Urban Resident zoning, that would just be housing. She asked if the village aspect can only be done through the Overlay. Mr. Scanlon informed that mix-use can be done through the TOD and through the Central Business and Business Districts. The applicant would need to go through the Council and Planning Board, not necessarily the ZBA. Councilor Costa-Hanlon asked for the rationality of the TOD and the use of city property only. Mr. Scanlon informed that the rail was not here at the time that the TOD was decided on. Therefore, parcels that were owned by the City were earmark so that it would not be used until there was a date for the rail. Councilor Costa-Hanlon asked if there has been any grant funding received for the zoning of the TOD. Mr. Scanlon informed that the City did receive funds and it was used to craft the Ordinance. Supplements for the Ordinance were drafted by SRPEDD. The idea was that once the City knew the station was for certain, the City would then know what infrastructures would be around the rail and could then look at expending the TOD. Mr. Scanlon informed that the parcel only has one exit and the traffic will be coming out of the one driveway no matter if there are thirty units or ninety-six units. Councilor Costa-Hanlon asked if there is a possibility of increasing the TOD zoning in that area. Mr. Scanlon informed that he is not saying at this time it shouldn't be explored, but from his perspective, it could be at some point when the area is going to be developed as a rail. Therefore, this is the only area available for a reasonable development for the South Coast Rail. Mr. Scanlon said that the City could look at other TOD districts or expand them as the commuter rail flushes out. Councilor Cleary stated that he served on the Council at the time of making this decision. At that time, Council felt that the TOD would help revitalize the area. There is no real future for the area if the train does not come through. Councilor Cleary asked why the old train station was left out of the equation when the TOD was determined. It was informed that the train station is not owned by the City. Mr. Scanlon stated that the idea was to put the rights in place on a parcel of land for which the City controlled so that it would not be used until the rail was in place. Councilor Cleary stated that if the project is not approved for the overlay, the only other thing that could go on that parcel would be two homes. Councilor Cleary stated that he did not see the driveway shown on the traffic pattern. The driveway was pointed out on the map. He asked if there was an impact done on the schools or would that be done down at a later date. He also asked about the mention of a river walk in the proposed plans. An impact study was not done and the river walk is the downtown greenway. Councilor Cleary said that down the line, Dean Street will need vast improvements when the train station does go in. He said that Councilor Pottier is handling the handicap accessibility and that is an unbelievable intersection for those issues. The process would be for a Site Plan Review and Zoning Board of Appeals depending on what permits would be required. Councilor Marshall asked for the distance of the proposed project to the train station. The question could not be answered by anyone present. He stated that the other TOD 6A fits the area where the bus station is located and there are tons of amenities in that location. When the TOD was done for this location, the thought was that there could be the potential of a train. He said the area is

still in a residential neighborhood especially along Arlington Street. It was informed that there are four homes in the area for which one is an office, one is inhabitable, another is in very good shape and one additional home. The project would not abut residential neighborhoods due to the fact that there is vacant land in the back of the parcel. Councilor Marshall stated that this could potentially turn into a very condensed neighborhood. Councilor Croteau stated that this is a blighted area that creates very little if any tax dollars. Therefore, this could create a lot more tax dollars. He said that he does not understand the difference between a project that will generate tax dollars for the City or the rail. If the rail does come in, the benefit would be to the developer who will probably be able to sell the units for more money because it will attract people to the area for the train. He said that he would not be in favor of anything other than mix-use; he would not be in favor of just a housing development. If the commercial section is going to be worth as least one-half of the residential portions and if the City taxes it at 170%, a sizeable amount of money will be collected from that commercial section. If the mix-use is not done, then those people will be driving into the city and beyond for their services. Councilor Quinn asked if there is an economical benefit to the City now by changing the zoning or is it to the benefit of the developer only. Ms. Fox informed that the grants will come out of HED and that it would be a shared benefit because the City would not be able to develop the area, but the grants would go to the developer. Councilor Quinn asked for Ms. Fox's opinion on the decision in approving it now rather than later. Ms. Fox stated that she could not say, but did say that the State is making sure that mix developments happen. There is also assistance for water and sewer services which could be very expensive. To make it an overlay district would help the demographics of the City of Taunton and there are not a lot of options for single family homes in the downtown area. Attorney Gay stated that if the overlay is not in place then the grants would be a waste of time for his applicant to apply for them. Councilor Quinn asked if the retail stores on the parcel would be considered mix-use because it is on one site. It was stated that they are trying to make this a vibrant part of the city. There is really no other use for the land right now. Councilor Carr stated that this could only be a good project because what else could be put there. The land is an eye-sore. She said that the census tonight is that Council does not have a say on a potential project once it leave us, but that was of our own doing. She said it is better to be proactive rather than reactive, it is absolutely better to be ahead of something rather than catching up on it. The total size of the lot is approximately 2 acres and by right, twenty-four units would be allowed under the TOD. The only way that the total could go up to ninety-six is that it would need to go through the ZBA. Councilor Carr agreed that the intersection does need to be upgraded regardless and asked that this be taken into consideration if a grant could be obtained. If the overlay district is approved and it does go to Zoning and Planning, there will be no Special Permit needed to bring it back to Council. Councilor Cleary asked if there was anything that Council could do where if the concept of changing the zoning is approved and ninety-six units are proposed that it won't happen. Mr. Scanlon said that if the Council approves the zoning change for that district then nothing can be built unless they go before the Zoning Board. A message could be sent to the Zoning Board stating that an adjustment has been made under the guidance of the sixty unit proposal. Mr. Scanlon stated that Council could approve the zoning change and forward a recommendation to the Zoning Board requesting they approve no more than sixty units. Speaking in favor of the proposal was Rich Faulkner, 11 Maple Avenue, Taunton. Mr. Faulkner stated that this is an improvement to the area. The area is a total mess, even to build one or two

houses would be an improvement. He asked if there was anything in the project that would deter preference of use for local workers, whether it is union laborers or operators. He said that it should be included that residents come first. Councilor Marshall stated that if the private developer would like to include in their proposal the use of local contractors, then so be, but the Council cannot impose a condition. No one present speaking in opposition. **Motion was made to approve the zoning change as stated. Vote was 8-1, with Mr. Marshall voting in opposition. Motion was made to close the hearing. So Voted.**

On the petition submitted by Attorney David Gay, 73 Washington Street, P.O. Box 988, Taunton on behalf of his clients, Taunton Gardens Company and the K-W No. 2 Realty Trust to rezone the following parcel from Highway Business Zone to Urban Residential Zone. Assessors Map 93, Lot 138, Known as 777 County Street, Taunton. **Motion was made to open the hearing. So Voted.** Present were Attorney Costa, Gay & Gay PC and Doug Agney, Principle of Taunton Gardens. At this time, the City Clerk read a communication from the Chairman of the Taunton Planning Board submitting a positive recommendation. **Motion was made to make a part of the record. So Voted.** Map of locations. **Motion was made to make a part of the record. So Voted.** The City Clerk read communication from Kevin Scanlon, Director of Planning and Conservation submitting a recommendation for approval. **Motion was made to make a part of the record. So Voted.** The City Clerk read communication from Conservation Agent, Michele Restino informing that the Conservation Commission does not have any issues on the request. **Motion was made to make a part of the record. So Voted.** Attorney Costa informed that the parcel is 12.8 acres, 128 units of housing, built back in the 1970's. Previously, the area was zoned Urban Residential and a few years ago the City rezoned the area to Highway Business Zone. He feels that the City inadvertently rezoned the parcel. The intent is to return the zoning of the parcel to the Urban Residential Zone. Mr. Scanlon stated that in 1989, when the major rezoning was done, the parcel for some reason was zoned Office District and previously it was zoned Urban Residential. When the City flipped the entire Office District to Highway Business, the parcel was included. Mr. Scanlon stated that the area is currently at the proper density and it is being used for what it is meant to be used for. Attorney Costa stated that there is no new project being proposed. **Motion was made to approve the request. So Voted. Motion was made to close the hearing. So Voted.**

**Communications:**

Com. from Administrative Assistant Taunton Fire Department – Requesting to pay a prior year bill for utility totaling \$3,152.17 for TMLP and Columbia Gas of Mass. **Motion was made to refer to the Committee on Finance and Salaries. Councilor Croteau requested communication from the Department Head as to why these bills were not paid on time and the dates of the bills to be forwarded to the Committee on Finance and Salaries. So Voted.**

Com. from City Solicitor – City of Taunton vs. Michael O'Donnell, Trustee, 115 Tremont Street. On January 31, 2014, the Court issued two decisions: denial of Mr. O'Donnell's motion for preliminary junction and secondly denied Mr. O'Donnell motion to vacate the judgment. The City will now move forward with focusing on cleaning up

the property. **Motion was made to receive and place on file. Congratulations were given to the City Solicitor's Office. So Voted.**

Com. from Michael O'Connell, Spark Bike Run Sports & Team Spar, 225 Cape Highway, East Taunton – Requesting to conduct the Miracle Mile Road Race on December 7, 2014. Councilor Cleary stated that the date is on the Christmas Parade day and the police have enough to be concerned with. The Mayor stated that he is in support of it and it would be a very short day. **Motion was made to refer to Marilyn Greene, Park, Cemeteries and Public Grounds, the Christmas Parade Committee and the Police Chief for their input within a month. Councilor Carr stated that it would not interfere with the Parade and that it seems to be a nice touch. She said she would refer this to the Mayor's Office. Councilor Croteau recommended forwarding a copy of the request to the Police Department. So Voted.**

Councilor Marshall informed that he received certified mail this evening pursuant to Notice of Intent to Sell for Other Use in accordance with MGL 61A, Section 14. **Councilor Marshall motioned to request the City Clerk to forward a copy to Committee on Public Property for the packet next week. So Voted.**

Councilor McCaul read communication from Tim Souza informing of a photo shoot on Saturday, March 1, 2014 at Hopewell Park. The Mayor stated that this should be forwarded to Park & Rec. Councilor McCaul informed that he spoke to Ms. Greene this evening and she stated that if there was no issue with taking photos on the park equipment, than she would be okay with the photo shoot in the park area.

Petition submitted by Ronen Drory, Prestige Car Wash and Gas of Taunton, Inc., 13 Cape Road, Taunton requesting to transfer his Class II License to Vincent Mascarello, The National Auto Sales at the same location. **Motion was made to refer to the Committee of Police and License and Police Chief. So Voted.**

Claim submitted by Alan Grant, 1037 Plymouth Street, East Bridgewater seeking reimbursement for damages to his automobile from hitting a pothole on Route 79 heading toward Lakeville. **Motion was made to refer to the City Solicitor and DPW Commissioner for the potholes. So Voted.**

Claim submitted by Michele Botelho, 23 Stanley Avenue, Berkley seeking reimbursement for damages to her automobile from hitting a pothole on Ingell Street near Marvel Oil. **Motion was made to the City Solicitor and DPW Commissioner for the potholes. So Voted.**

Claim submitted by Michael Cunniff, 90 Meeshawn Avenue, East Taunton seeking reimbursement for damages to his mailbox due to a snowplow hitting it on February 5, 2013. **Motion was made to refer to the City Solicitor and DPW Commissioner for the potholes. 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.

**New Business:**

Councilor Pottier stated that he took a tour today of the Bristol Common Athletic Green Hope VI Development. **Councilor Pottier motioned to refer to the Council President for an update from Ms. Doherty and to invite her in. So Voted.**

**Councilor Pottier motioned to refer to the Council President for an update from Ms. Carol Doherty on the community gardening for this year. So Voted.**

**Councilor Cleary motioned for the City Clerk to forward a letter to the Zoning and Planning Boards on the Council's approval of the zoning change and support for project density of 60 units. So Voted.**

**Councilor Marshall motioned to refer Edward F. Leddy School to the Safety Officer and Taunton Public Schools to develop a traffic plan or pattern and/or recommend parking on one side of the street between 11am-2pm as people are parking on both sides of the street and both sides of the road behind the school. So Voted.**

Councilor Cleary asked if Mr. Tom Pestana has been asked to come in to look at the PA system. The Mayor stated that it is working a lot better tonight and asked to invite in Mr. Glynn. **Motion was made to invite into the enclosure Mr. Glynn. So Voted.** Mr. Glynn stated that the system needs to be rebalanced and that is usually done upon new members sitting in the seats. The Council would need to request this. Mr. Glynn has spoken to the IT Department regarding the television part of it and found that the sync coming from Comcast is the wrong aspect of the ratio on the screen. What Mr. Glynn needs to do is send to Mexico that piece of equipment that's online to have it reprogramed. The process in sending it out takes about 3-4 days, therefore that piece of equipment will be out of service for a week. Mr. Glynn spoke to a broadcasting supply company in the state who informed him that they have a new decoder/encoder coming in that we program by ourselves. This equipment would allow Mr. Glynn the opportunity to correct any issues without sending it out to Mexico. Hopefully with new cameras, switcher, equipment upgrade and with the new contract coming up with Comcast, this issue will be addressed. Also, he is hoping to address the issue with Verizon in the ability to take a signal themselves from us rather than piggy backing off of Comcast. **Motion was made to have the City Clerk forward a letter to Mr. Tom Pestana and Wayne Walkden to rebalance the microphone system. Councilor Marshall asked that it be added to the motion for Mr. Pestana to take a look at potentially upgrading the microphones and speakers. Mr. Glynn stated that it is the facility. Councilor Cleary asked if there was a better system in which to hold the microphones. Mr. Glynn stated that the system is twenty-five years old. So Voted.** The Mayor stated that once the building is set-up with the wide-area network, the City will have the ability to stream the meetings as well.

**Councilor Carr motioned to refer to the Committee on Finance and Salaries, all the individual contracts for City employees who are not a part of any union. There are**

**a total of nine (9) contracts. She said there was salary adjustments made to the contracts, but the Council was never informed. So Voted.**

Motion was made to adjourn at 9:40p.m. So Voted.

A true copy:

Attest:

A handwritten signature in cursive script, appearing to read "Rm. Blawie", written in dark ink.

City Clerk

RMB/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 25, 2014

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR GERALD CROTEAU, CHAIRMAN AND COUNCILORS CARR AND POTTIER.

MEETING CALLED TO ORDER AT 5:40 P.M.

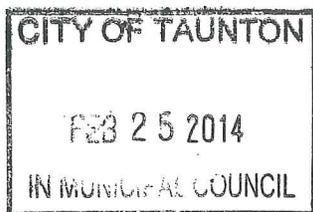
- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR THE WEEK. SO VOTED.

MEETING ADJOURNED AT 5:41 P.M.

RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES



REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



City Clerk

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 25, 2014

**THE COMMITTEE ON POLICE AND LICENSE**

PRESENT WERE: COUNCILOR SHERRY COSTA-HANLON, CHAIRMAN AND COUNCILORS CROTEAU AND CLEARY. ALSO PRESENT WERE POLICE CHIEF EDWARD WALSH, DETECTIVE DENNIS SMITH AND CITY CLERK ROSE MARIE BLACKWELL

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

LETTER DATED 2/25/2014 OF POLICE CHIEF EDWARD WALSH WAS READ WHICH STATED THAT THE TAUNTON POLICE DEPARTMENT LICENSE DIVISION FINDS NOTHING THAT WOULD PREVENT THE APPROVAL OF THE PETITIONS TO OPERATE BETWEEN THE HOURS OF 1:00 A.M. AND 4:00 A.M. AS PER CITY ORDINANCE 12-2.

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

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE 12-2

A. TAUNTON MART (RICK'S MOBILE), 1095 COUNTY STREET FOR 2014 AND 2015 – RENEWAL

**MOTION: MOVE APPROVAL. SO VOTED.**

B. MAXI DRUG INC. D/B/A RITE AID, 237 BROADWAY – RENEWAL

**MOTION: MOVE APPROVAL. SO VOTED.**

C. BROADWAY LAUNDRY CENTER OF TAUNTON, 173 REAR BROADWAY – RENEWAL – AND TO CHANGE THE BUSINESS NAME FROM BROADWAY LAUNDRY CENTER OF TAUNTON TO E-Z CLEAN LAUNDRY CENTER, INC.

**MOTION: MOVE APPROVAL. SO VOTED.**

D. TREMONT STREET LAUNDRY CENTER, 11 TREMONT STREET – RENEWAL – AND TO CHANGE THE BUSINESS NAME FROM TREMONT STREET LAUNDRY CENTER TO E-Z CLEAN LAUNDRY CENTER, INC.

**MOTION: MOVE APPROVAL. SO VOTED.**

3. QUICK & CLEAN CAR WASH, 175 BROADWAY – RENEWAL – AND TO CORRECT THE NAME OF THE BUSINESS FROM QUICK & CLEAN CAR WASH TO BROADWAY QUICK & CLEAN CAR WASH

**MOTION: MOVE APPROVAL. SO VOTED.**

F. E-Z CLEAN LAUNDRY CENTER, INC, 89 WINTHROP STREET – NEW

**MOTION: MOVE APPROVAL. SO VOTED.**

2. MEET WITH THE POLICE CHIEF AND THE CITY CLERK TO DISCUSS THE RESERVE LIST CANDIDATES TO COMPLY WITH CIVIL SERVICE

THE CHAIRMAN STATED THAT THE REASON FOR THIS MEETING IS THAT THE CITY WANTS TO MOVE THE PEOPLE FROM THE RESERVE LIST ONTO THE REGULAR LIST AS SOON AS POSSIBLE SO THAT THEY CAN GET INTO THE ACADEMY. SHE FURTHER STATED THAT THE WHOLE POINT OF CREATING THE RESERVE LIST WAS TO BE ABLE TO MOVE THEM TO THE ACADEMY AS QUICKLY AS POSSIBLE. – WHATEVER ACADEMY WAS AVAILABLE. THEN, SHE STATED THERE WAS A QUESTION OF A PROCEDURAL MATTER THROUGH CIVIL SERVICE, AS TO WHETHER WE COULD APPOINT THEM NOW AND WHAT WOULD BE THE IMPLICATIONS OF THAT AS FAR AS GETTING THEM INTO THE ACADEMY.

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FEBRUARY 25, 2014

THE COMMITTEE ON POLICE AND LICENSE - CONTINUED

THE CITY CLERK STATED THAT WE DO HAVE AN OPEN REQUISITION FOR THE 2 GENTLEMEN THAT ARE ON THE RESERVE LIST RIGHT NOW AND WE HAVE A STATE LAYOFF THAT IS ON THERE, BUT HE NEVER CAME TO SIGN. SO THERE ARE JUST THE 2 RESERVES ON THERE. SHE FURTHER STATED THAT SHE ASKED CIVIL SERVICE TO GIVE HER A COPY SO THAT THEY COULD COME IN TO SIGN THE REQUISITION TO HIRE 2 RESERVES TO PUT IN THE ACADEMY. THE ISSUE IS THAT CIVIL SERVICE RULES AND REGULATIONS STATED THAT WE CAN ONLY SEND IT TO CIVIL SERVICE 30 DAYS BEFORE THE REQUISITION TO PUT THEM INTO THE ACADEMY. THE CITY CLERK SAID THAT SHE TALKED TO CIVIL SERVICE ABOUT THIS, THEY REALIZE THAT THIS IS AN ISSUE, BUT THE CITY CLERK WANTED TO LET THE COMMITTEE KNOW WHAT WAS GOING TO HAPPEN. IF WE PUT THEM TO HIRE NOW, WE WOULD HAVE TO PUT THE DATE DOWN AS WHEN THEY GO TO THE ACADEMY. THEREFORE, WE CANNOT SEND IT TO CIVIL SERVICE RIGHT NOW, SO IT LEAVES AN OPEN REQUISITION FROM NOW UNTIL SEPTEMBER, WHATEVER THE DATE IS FOR THE ACADEMY.

THE CITY CLERK THEN ASKED THE CHIEF IF HE HAD ANY PLANS ON HIRING ANY MORE OR PUTTING ANY MORE IN THE ACADEMY? THE CHIEF SAID HE DOES, BUT THERE MIGHT BE A SEPARATE ACADEMY, AND IT APPEARS THAT IT MIGHT BE STARTING IN JULY.

THE CHIEF SAID THAT UNTIL HE HAS AN APPOINTMENT LETTER FOR THESE 2 CANDIDATES, HE CANNOT FILE AN APPLICATION WITH AN ACADEMY. UNTIL HE HAS AN APPOINTMENT LETTER FROM THIS COUNCIL HE CAN SEND AS MANY PEOPLE AS HE WANTS FOR PAT'S AND FOR THE MEDICAL PRE-SCREENING. THE CUT OFF DATE IS MORE THAN 30 DAYS OUT, SO 45 DAYS FROM THE ACADEMY, THE ACADEMY SPOTS ARE TAKEN. SO THE PROCESS IS THAT THEY NEED TO BE APPOINTED, AND THERE IS A PROCEDURE THAT CIVIL SERVICE HAS PROVIDED TO HOLD THE PACKET BEFORE IT IS SENT TO CIVIL SERVICE 30 DAYS FROM THE ACADEMY START DATE IT IS SENT TO CIVIL SERVICE FOR THE PURPOSE OF CIVIL SERVICE WITH THEIR START DATE AS THE FIRST DATE OF THE ACADEMY. BUT, HE STATED, THIS DOES NOT PROHIBIT US FROM APPOINTING THEM BEFOREHAND AND DOING THE APPOINTMENT LETTER.

THE CLERK SAID RIGHT, AND THAT CIVIL SERVICE SAID WE CAN APPOINT THEM NOW OR WE CAN APPOINT THEM CLOSER TO THE ACADEMY. IF WE APPOINT THEM NOW IT JUST LEAVES AN OPEN REQUISITION, AND WE COULD NOT HIRE ANYONE ELSE. THAT IS THE ONLY THING RIGHT NOW. UNTIL THE 2 RESERVES ARE HIRED YOU HAVE AN OPEN REQ AND YOU WILL NOT BE ABLE TO HIRE UNTIL THEN. THE CHIEF SAID THAT IN THE INTERIM WE CAN ALSO CALL FOR ANOTHER RESERVE LIST AND DO IT THE SAME WAY AGAIN, PUT PEOPLE ON THE RESERVE LIST THROUGH AN OPEN REQ, THEN APPOINT THEM FULL TIME AFTERWARDS.

THE CITY CLERK SAID IT WOULD HAVE TO BE AFTER. SHE WANTS THE COUNCIL TO REALIZE THAT THIS WILL BE AN OPEN REQUISITION AND WE WILL NOT BE ABLE TO HIRE. AND IF IT GOES OVER THE 6 MONTHS - WHEN DID THEY TAKE THEIR PAT'S, 2 MONTHS AGO, - THEN THEY WOULD HAVE TO TAKE ANOTHER PAT.

THE CHIEF SAID THIS IS NOT A BIG ISSUE AS THEY RUN THE PAT'S OFTEN.

THE CHAIRMAN THEN SAID THAT WE ARE OK IF WE TAKE FROM THE RESERVE AND PUT THEM ON THE REGULAR LIST SO WE CAN AT LEAST GET APPLICATIONS OUT SO THEY CAN GET INTO AN ACADEMY. BUT WHAT IT IS GOING TO DO IS THAT WE ARE NOT GOING TO BE ABLE TO HIRE ANYONE ELSE, WE ARE NOT GOING TO BE ABLE TO GET A REQUISITION TO HIRE ANYBODY ELSE UNTIL THEY ARE CLEARED OFF OF THAT LIST.

THE CITY CLERK SAID UNTIL CIVIL SERVICE APPROVES IT, YES.

THE CHIEF SAID THIS IS TRUE BUT THE WAY AROUND THIS IS TO DO ANOTHER RESERVE LIST.

THE CITY CLERK CLARIFIED WITH THE CHIEF, THAT HE WANTS TO APPOINT THESE 2 AND THEN GET ANOTHER RESERVE LIST. THE CHIEF SAID YES. THE CITY CLERK SAID THAT THIS IS A NORMAL PROCEDURE. IF THE CHIEF WANTED TO ADD THEM TO THIS RESERVE LIST, THEN THIS LIST WOULD HAVE

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**THE COMMITTEE ON POLICE AND LICENSE - CONTINUED**

TO BE SENT BACK TO CIVIL SERVICE. SHE FURTHER STATED THAT WE CAN GET THE 2 INDIVIDUALS APPOINTED, BUT SHE CANNOT SEND THAT LIST IN. THE CHIEF SAID HE UNDERSTANDS THAT. THE CHIEF SAID THAT WE CAN GET THE APPOINTMENT LETTER AND NOTIFY THE ACADEMY THAT THEY HAVE BEEN APPOINTED FULL TIME. WHAT IS NEEDED TO GET INTO THE ACADEMY IS THE ACTUAL APPLICATION, A CHECK FROM THE CITY FOR \$3,000.00, THE PAT'S HAVE TO BE WITHIN A 6 MONTH PERIOD, THE MEDICAL HAS TO BE WITHIN 9 MONTHS, AND THE APPOINTMENT LETTER. IF YOU DO NOT HAVE ALL 5 OF THESE TOGETHER THEY WILL NOT ACCEPT THE APPLICATION TO THE POLICE ACADEMY. CDOUNCILOR CLEARLY NOTED THAT A ROLL CALL VOTE WAS TAKEN TO APPOINT THESE 2 INDIVIDUALS TO THE RESERVE LIST. NOW WE HAVE TO TAKE ANOTHER ROLL CALL VOTE APPOINTING THEM AS FULL TIME POLICE OFFICERS.

THIS WILL BE IN THE PACKET NEXT WEEK, AND THEY CAN GET APPOINTED NEXT WEEK.

IT WAS NOTED THAT THE CHIEF CAN SILL DO LATERAL TRANSFERS.

IT WAS ALSO NOTED THAT YOU CAN SET A SPECIFIC DATE AS THE APPOINTMENT DATE, BUT IT MUST BE 30 DAYS AHEAD OF THE ACADEMY.

THE CHIEF WILL PROVIDE THE NECESSARY MOTION LANGUAGE FOR NEXT WEEK.

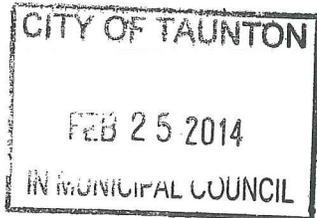
THE CHIEF ALSO SAID THAT AS OF TODAY THE TAUNTON RETIREMENT BOARD IS NOT COUNTING RESERVE TIME UNLESS A PERSON IS ALREADY PAYING INTO THE RETIREMENT SYSTEM.

**MOTION: TO REFER THIS MATTER TO THE NEXT FULL CITY COUNCIL MEETING. SO VOTED.**

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

COUNCILOR CLEARLY WOULD LIKE TO SEE A DECISION REGARDING SCHOOL STREET PARKING AS SOON AS POSSIBLE.

MEETING ADJOURNED AT 6:20 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 "Rose Marie Beauville".  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
FEBRUARY 25, 2014

**THE COMMITTEE ON DISABILITIES (ADA)**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS MCCAUL, CROTEAU, COSTA-HANLON AND BORGES. ALSO PRESENT WERE ASSISTANT CITY SOLICITOR DANIEL DEABREU AND ADA COMMISSION MEMBERS DONNA DICORPO AND NANCILEE LEMAIRE

**MEETING CALLED TO ORDER AT 6:28 P.M.**

**1. MEET WITH THE ASSISTANT CITY SOLICITOR FOR AN UPDATE ON ACCESSING THE HANDICAPPED FUNDS AND WHETHER THE CITY HAS ADEOPTED M.G.L. CHAPTER 40, SECTION 8J**

THE ASSISTANT CITY SOLICITOR INFORMED THE COMMITTEE THAT IT APPEARS THE CITY DID NOT ADOPT THE STATUTE, IT APPEARS INSTEAD THAT THE CITY ENACTED AN ORDINANCE THAT IS SIMILAR BUT NOT IDENTICAL TO THE ONE COMTEMPLATED.

THE CITY ORDINANCE STATES THAT THE NUMBER OF MEMBERS IS 5. THE STATUTE STATES NOT LESS THAN 5 AND NOT MORE THAN 9. THE TAUNTON ORDINANCE PROVIDES MEMBERS APPOINTED BY THE MAYOR SUBJECT TO THE APPROVAL OF THE COUNCIL EXCEPT FOR THE EX OFFICIO MEMBER. THE STATUTE HAS MEMBERS APPOINTED BY THE MAYOR. THE ORDINANCE HAS THAT 3 OF THE 5 SHALL CONSIST OF PEOPLE WITH DISABILITIES, THE STATUTE SAYS THE MAJORITY SHALL CONSIST OF PEOPLE WITH DISABILITIES. THERE ARE OTHER DIFFERENCES, ONE OF WHICH IS THAT THE CITY ORDINANCE, WHICH IS 13-89.1 SAYS THAT FINES FROM HANDICAPPED PARKING VIOLATIONS SHALL BE APPROPRIATED SOLELY FOR THE PURPOSES OF MAKING PUBLIC PROPERTY AND BUILDINGS ADA COMPLIANT. THE STATUTE WOULD HAVE A BROADER PURPOSE FOR THOSE FUNDS AND THAT SAYS FINES ASSESSED FOR VIOLATIONS OF HANDICAPPED PARKING IN SAID CITY OR TOWN TO THE COMMISSION, FUNDS SHALL BE USED SOLELY FOR THE BENEFIT OF PERSONS WITH DISABILITIES. EXPENDITURES SHALL BE MADE UPON THE RECOMMENDATION OF THE COMMISSION IN ACCORDANCE WITH THE ACCEPTED PROCEDURES OF THE CITY FOR THE DISBURSEMENT OF FUNDS INCLUDING THE APPROVAL OF THE MAYOR AND THE COUNCIL. THE ASSISTANT CITY SOLICITOR STATED THAT THE EXPENDITURE OF FUNDS UNDER THE STATUTE WOULD BE SLIGHTLY LESS RESTRICTIVE, ALTHOUGH THE ORDINANCE IS CERTAINLY IN LINE WITH THE STATUTE IN TERMS OF EXPENDITURES FOR PUBLIC PROPERTY.

COUNCILOR CROTEAU ASKED IF WE WERE REQUIRED TO ACCEPT M.G.L. CHAPTER 40, SECTION 8J. THE ASSISTANT CITY SOLICITOR STATED THAT IT MUST BE ACCEPTED BY THE CITY TO BE EFFECTIVE IN THE CITY, FOR THE CITY TO BE BOUND BY IT.

COUNCILOR CROTEAU ASKED WHAT YEAR THE ORDINANCE WAS PASSED.

IT WAS NOTED THAT THERE WERE 2 DATES, 1980 AND 2000. IT IS NOT CLEARLY EVIDENT IN LOOKING AT THE ORDINANCE EXACTLY WHAT HAPPENED IN EACH OF THOSE YEARS.

**MOTION: TO ADOPT M. G. L. CHAPTER 40, SECTION 8J, REPLACE THE CURRENT CITY ORDINANCE WITH M.G.L. CHAPTER 40, SECTION 8J**

ON DISCUSSION, COUNCILOR COSTA-HANLON STATED THAT WE DO NOT HAVE TO ADOPT THAT STATE STATUTE, WE CAN LIVE WITHIN OUR ORDINANCE, CORRECT?

MR. DEABREU SAID THE BENEFIT TO ADOPTING THE STATUTE WOULD BE THAT IT PROVIDES CLEAR AUTHORITY FROM THE LEGISLATURE TO SEGREGATE THE HANDICAP PARKING FINES AND A DIRECTION FOR THE DISBURSEMENT.

COUNCILOR CROTEAU, ON A POINT OF INFORMATION, SAID THAT IS WHY HE ASKED THE QUESTION, WHETHER THIS WAS PERMISSIVE LEGISLATION OR NOT. IF IT IS NOT PERMISSIVE LEGISLATION THEN WE ARE REQUIRED TO ADOPT THAT STATUTE.

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FEBRUARY 25, 2014

**THE COMMITTEE ON DISABILITIES (ADA) - CONTINUED**

ATTORNEY DEABREU SAID THAT IF THE COMMITTEE DOES NOT WANT TO ADOPT THE STATUTE, WE CAN STAY WITH THE ORDINANCE. NOTHING REQUIRES THE CITY TO ADOPT IT.

COUNCILOR COSTA-HANLON QUESTIONED, IF WE STAY WITH THE ORDINANCE, IT IS HER UNDERSTANDING THAT WE HAVE NOT BEEN SEPARATING THE HANDICAPPED FINES.

IT WAS STATED THAT THE CITY HAS BEEN DOING THIS, AND THE FINES ARE SEGREGATED.

COUNCILOR COSTA-HANLON THEN STATED THAT THE DIFFERENCES ARE WHO CAN MAKE THE JUDGMENT AS TO HOW THE MONEY IS SPENT, AND WHAT IT IS BEING SPENT ON. THE STATUTE SAYS THAT THE SPENDING HAS TO BE APPROVED BY THE MAYOR AND MUNICIPAL COUNCIL.

ATTORNEY DEABREU SAID THAT THE ORDINANCE IS SILENT ON THIS MATTER, BUT BECAUSE IT SPECIFIES THAT IT SHOULD BE SPENT ON ADA COMPLIANCE FOR PUBLIC PROPERTY AND PUBLIC BUILDINGS, IT SEEMS TO ATTORNEY DEABREU THAT THE MOST APPROPRIATE THING TO DO WOULD BE TO INCLUDE IT IN THE BUDGET OF THE SUPERINTENDENT OF PUBLIC BUILDINGS FOR HIM TO SPEND IT AND GO THROUGH THE NORMAL BUDGET APPROPRIATION PROCESS. THIS IS HIS SUGGESTION, BUT THE ORDINANCE DOESN'T REALLY SPELL THIS OUT.

ATTORNEY DEABREU SAID THAT IT SEEMS TO HIM THAT THE CLEAREST COURSE OF ACTION AND THE ONE THAT PROVIDES THE MOST DIRECTION TO THE CITY IN TERMS OF WHAT THE LEGISLATURE INTENDED WOULD BE TO ADOPT IT. HIS SUGGESTION IS TO ADOPT IT.

ATTORNEY DEABREU SAID IF 8J IS ACCEPTED, THE PART ABOUT THE HANDICAPPED FUNDS IS ACTUALLY IN ANOTHER SECTION, SECTION 22G. 22G SAYS THAT ANY CITY THAT HAS ACCEPTED 8J MAY SEGREGATE THE HANDICAPPED PARKING VIOLATION FUNDS AND EXPEND THEM AS HE STATED BEFORE.

COUNCILOR COSTA-HANON ASKED THE MAKER OF THE MOTION TO INCLUDE IN THE MOTION NOT ONLY SECTION 8J BUT ALSO 22G.

ATTORNEY DEABREU STATED THE MOTION SHOULD BE TO ACCEPT 8J AND THEN ALLOCATE HANDICAPPED PARKING VIOLATION FUNDS TO A SEGREGATED ACCOUNT.

MRS. LEMAIRE STATED THAT THEY WOULD LIKE TO USE SOME OF THIS MONEY FOR A SCHOLARSHIP FOR A DISABLED INDIVIDUAL WHO IS GOING TO COLLEGE. SHE ALSO STATED THAT THERE IS AN INDIVIDUAL BY THE NAME OF JEN WILSON WHO IS TRYING TO START A SPORTS LEAGUE FOR DEVELOPMENTALLY DISABLED YOUTH IN THE CITY. SHE FEELS THAT THIS WOULD BE A NICE IDEA.

IT WAS CLARIFIED THAT THE SPENDING OF THE FUNDS WILL BE DONE BY RECOMMENDATION OF THE COMMISSION AND THEN APPROVED BY THE MAYOR AND THE COUNCIL.

**MOTION: TO ADOPT M.G.L. CHAPTER 40, SECTION 8J AND ALLOCATE AND SEGREGATE THE HANDICAPPED PARKING VIOLATION FUNDS TO A SEPARATE ACCOUNT.  
SO VOTED.**

**THE MOTION CARRIED ON A 5 TO 0 VOTE.**

**3. MEET TO DISCUSS SNOW REMOVAL ON CITY SIDEWALKS**

THE CHAIRMAN NOTED THAT IT IS WRITTEN INTO THE ORDINANCES THAT THE SNOW REMOVAL POLICY IS THAT 4 HOURS AFTER A SNOW THOSE WHO BORDER OR HAVE SIDEWALKS IN FRONT OF THEIR BUILDING OR PLACE OF RESIDENCE IN THE BUSINESS DISTRICT OR CENTRAL BUSINESS DISTRICT, HAVE 4 HOURS TO CLEAR OR REMOVE THE SNOW FROM THE SIDEWALK. IF THE STOPPAGE OF THE SNOW TAKES PLACE OVERNIGHT, NO LATER THAN 11 IN THE MORNING. THERE IS A \$50 FINE INVOLVED.

THE CHAIRMAN ASKED ATTORNEY DEABREU IF HE WAS AWARE OF ANYTHING THAT WOULD PRECLUDE THE CITY FROM ACTING ON THESE WITH FINES. HE NOTED THAT THE LAST TIME THIS WAS ACTED UPON AS A COMMUNITY WHICH WAS A COUPLE OF YEARS AGO, SOME OF THE ONES THAT WERE FINED WERE A

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FEBRUARY 25, 2014

**THE COMMITTEE ON DISABILITIES (ADA) - CONTINUED**

COUPLE OF CHURCHES AND THAT DID NOT GO OVER TOO WELL. HE QUESTIONED IF THERE WAS ANYTHING THAT WOULD PREVENT THE CITY FROM MOVING FORWARD ON THIS ORDINANCE. ATTORNEY DEABREU SAID THAT IF IT IS AN ORDINANCE ON THE BOOKS THAT HE WOULD PRESUME THAT IT IS LAWFUL. ATTORNEY DEABREU WAS ASKED TO FURTHER REVIEW THE ORDINANCE. COUNCILOR COSTA-HANLON SAID THAT THE ISSUE IS NOT ONLY THE FINES BUT SHE WANTS THE CITY TO BE ABLE TO DO THIS THEMSELVES. THE BIGGEST CHALLENGE IS BUILDINGS THAT ARE ABANDONED. THERE NEEDS TO BE SOMETHING IN THE ORDINANCE TO ALLOW THE CITY TO THEN GO ON PRIVATE PROPERTY, FIX IT AND THEN FINE THEM OR CHARGE THEM FOR WHATEVER IT COSTS THE CITY TO DO IT. MS. DICORPO STATED THAT AN ISSUE IS THAT SINCE SIDEWALKS ARE NOT CLEARED, YOU HAVE PEOPLE IN WHEELCHAIRS IN THE STREET, AND ALSO WITH SNOW ON THE SIDEWALKS PEOPLE CANNOT GET TO THE PEDESTRIAN LIGHTS. SHE SAID THE CITY NEEDS TO HAVE A BETTER PLAN.

**MOTION: TO REFER TO THE DEPARTMENT OF PUBLIC WORKS TO LOOK AT PLOWING THE SIDEWALKS AND REFER TO THE COMMITTEE ON POLICE AND LICENSE TO DISCUSS ENFORCING FINES FOR NOT CLEARING THE SIDEWALKS IN THE BUSINESS DISTRICT. SO VOTED.**

QUESTIONED WAS WHETHER THERE IS AN ORDINANCE THAT THE FIRST 2 MILES OF SIDEWALKS AROUND A SCHOOL DISTRICT SHOULD BE PLOWED AS STUDENTS FROM TAUNTON HIGH SCHOOL HAVE TO WALK IF THEY LIVE WITHIN 2 MILES. IT WAS NOTED THAT THERE ARE NOT ALWAYS SIDEWALKS THERE TO BE PLOWED.

THE MAYOR STATED THAT THE DEPARTMENT OF PARKS AND RECREATION HAS GONE TO THE SCHOOLS WHERE THERE ARE MANY WALKERS AND CLEARED THE SIDEWALKS. BASICALLY, IT IS IMPOSSIBLE TO CLEAR ALL SIDEWALKS. HE STATED THAT WE ALSO NEED TO ASK RESIDENTS AND BUSINESSES TO STEP UP.

MS. DICORPO STATED THAT THERE IS A NEED TO ADDRESS INTERSECTIONS WHERE THERE IS A LARGE POPULATION OF HANDICAPPED PERSONS LIVING.

**MOTION: TO ALLOW PUBLIC INPUT. SO VOTED.**

MR. RICK FAULKNER OF 11 MAPLE AVENUE SPOKE. HE COMPLAINED ABOUT THE SNOW PLOW DRIVERS AND HOW THEY ARE NOT PUSHING THE SNOW BACK FAR ENOUGH ON CITY STREETS. HE SAID THAT CONTRACTORS SHOULD BE FORCED TO DO THEIR JOB, AND THAT SOMEONE NEEDS TO FOLLOW THEM AROUND.

**4. MEET WITH KEVIN SCANLON, CITY PLANNER TO DISCUSS STATUS OF THE TRANSITIONAL REPORT**

MR. SCANLON INFORMED THE COMMITTEE THAT THE REPORT IS READY TO GO, IT HAS BEEN REVIEWED BY THE CITY SOLICITORS OFFICE, AND HE HAS SOME TENTATIVE DATES. IT WILL HIT THE STREET ON MARCH 10<sup>TH</sup>, THAT IS THE TARGET DATE. IT IS DUE IN BY APRIL 15 AND HOPEFULLY THE CONTRACT WILL BE AWARDED BY MAY 15<sup>TH</sup>. THE ONLY THING LEFT IS THE MAYOR APPOINTING A DESIGNER SELECTION COMMITTEE TO OVERSEE THE PROCESS, AND HE UNDERSTANDS THE MAYOR WILL DO THIS NEXT TUESDAY.

THIS REPORT WILL PROVIDE A BASE, THEN REPORTS WILL BE NEEDED FROM DEPARTMENT HEADS AS TO HOW FAR THEY HAVE COME ALONG.

**MOTION: THAT THIS REPORT IS TO BE IN THE CUSTODY OF MR. SCANLON, THE CITY PLANNER, THE ADA COMMISSION, THE SUPERINTENDENT OF BUILDINGS, AND EACH MEMBER OF THIS COMMITTEE IS TO HAVE A COPY. SO VOTED.**

IT WAS NOTED THAT THEY ARE NOT DOING STREETS AND SIDEWALKS IN THIS REPORT.

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FEBRUARY 25, 2014

THE COMMITTEE ON DISABILITIES (ADA) - CONTINUED

**2. MEET TO DISCUSS IF THERE HAS BEEN ANY FURTHER RESOLUTION TO REMOVING POLES THAT ARE PREVENTING SIDEWALKS FROM BEING ACCESSIBLE.**

AN E-MAIL WAS RECEIVED FROM MIKE HERRIGAN OF THE TMLP WHICH STATED THAT HE ATTACHED THE TMLP PROCEDURE FOR ALL NEW POLE SETS BY THE TMLP. THE EXISTING POLES THAT ARE AN ISSUE NEED TO BE IDENTIFIED, PRIORITIZED AND SYSTEMATICALLY ADDRESSED. THIS REQUIRES CONSISTANT COMMUNICATIONS AMONG ALL THE INVOLVED PARTIES. THE SOLUTIONS ARE TYPICALLY SPECIFIC TO EACH LOCATION. THE PARAMETERS INVOLVE ROADWAY WIDTH, UNDERGROUND FACILITIES, PRIVATE PROPERTY OBSTRUCTIONS, MUNICIPAL FACILITIES AND SIDEWALK LAYOUT. THESE LOCATIONS NEED TO BE INDIVIDUALLY REVIEWED TO IDENTIFY THE SOLUTION. TMLP WOULD RESPECTFULLY REQUEST TO BE INVOLVED IN WORKING WITH THE APPROPRIATE PARTIES TO IMPROVE THE SIDEWALK ACCESS. THE ATTACHED POLICY STATES THAT WHEN SETTING NEW POLES OR RE-SETTING POLES, THE FACE OF THE POLE HAS TO HAVE 36' OF CLEAR PASSAGE, TO EITHER THE FRONT OR BACK OF THE SIDEWALK. THIS IS TO MEET ADA REQUIREMENTS.

IF A POLE DOES NOT MEET THE 36' OF CLEAR PASSAGE CRITERIA, YOU MUST NOTIFY ENGINEERING SO THAT COMPLIANCE WITH ADA CAN BE ACHIEVED.

POLES MUST BE INSTALLED IN A MANNER THAT MINIMIZES THE DAMAGE TO AN EXISTING SIDEWALK, USING JACKHAMMER, CUT AND KICK OR OTHER METHOD.

AFTER BACK FILLING AND TAMPING POLES, ALL EXCESS BACKFILL MUST BE REMOVED FROM AREA, INCLUDING ROCKS, GRAVEL, PAVEMENT OR OTHER MATERIALS. A 2" MOUND OF TAMPED GRAVEL IS ACCEPTABLE FOR DRAINAGE AND SETTLEMENT.

**MOTION: DOCUMENT TO BE PART OF THE RECORD. SO VOTED.**

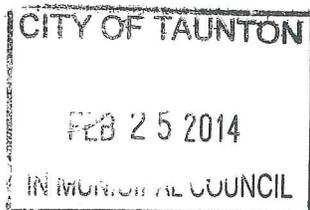
DISCUSSED WAS THAT IF THE COMMISSION KNOWS OF ANY POLES OR DOUBLE POLES THEY ARE TO NOTIFY THE TMLP WITH A CC TO COUNCILOR POTTIER. IT WAS ALSO NOTED THAT ANOTHER ISSUE IS MAILBOXES IN SIDEWALKS AND THE NEED TO FIGURE OUT WHO IS RESPONSIBLE.

**MOTION: TO REFER THIS TO THE DPW AND CITY SOLICITOR FOR A RECOMMENDATION AS TO WHO IS RESPONSIBLE. SO VOTED.**

**MOTION: TO INVITE CRAIG FOLEY FROM THE TMLP AND MR. CROSSMAN OF VERIZON TO THE NEXT MEETING TO DISCUSS THE ISSUE OF THE POLES, WHO OWNS THEM, ETC. SO VOTED.**

MEETING ADJOURNED AT 7:30 P.M.

RESPECTFULLY SUBMITTED,



*Colleen Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rose Marie Blawie*

CITY CLERK