



*City of Taunton
Municipal Council Meeting Minutes*

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*In the Chester R. Martin Municipal Council Chambers
Minutes, May 5, 2009 at 7:19 O'clock P.M.*

Regular Meeting

Mayor Charles Crowley presiding

Prayer was offered by the Mayor

*Present at roll call were: Councilor's Barbour, Buffington, Carr, Croteau, Marshall,
Fiore, Pottier, Costa-Hanlon, Hoye*

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

The Mayor stated that today is Good Government Day and welcomed all the students who participated in this event.

Hearings:

Hearing came up by assignment on the petition of Attorney David T. Gay on behalf of his client, BJ's Wholesale Club requesting an extension of the Special Permit/Site Plan Review to allow a gasoline filling station at 2089 Bay Street located in the Business District. **Motion was made to open the hearing. So Voted. Motion was made to invite Attorney David Gay and Rob Schuler, engineer into the enclosure. So Voted.** Attorney Gay stated they are requesting an extension due to being unable to complete the necessary requirements needed to complete the facility in the two-year time period. Attorney Gay stated that the statute dictates that an extension can be granted. Councilor Costa-Hanlon stated she did not think it was necessary to conduct a public hearing on an extension. She stated she spoke with the City Planner on this. **Councilor Costa-Hanlon motioned to invite Kevin Scanlon, City Planner into the enclosure. So Voted.** The City Planner stated that extensions do not require a hearing, it is only necessary for the granting authority to approve this and there has never been a hearing in the past to grant extensions. He recommends not opening the hearing and just approving or denying the request. Councilor Costa-Hanlon stated that she feels the applicant should have moved more quickly on this. She expressed concern over the areas of the Aquifers, Hocomock Swamp and the Snake River. She does not feel there was good cause for this project not to go forward within the two years. She stated she would not support a motion to grant this extension. Councilor Fiore stated that the location of this project is significant to the amount of time it has taken. He has a great public safety that this is the only interchange for 70 miles on Route 495 that does not have a gas station and there is none within three miles. They are now proposing aboveground storage tanks, security, and impervious surface under the tanks. He feels there are public safety concerns that would prove this extension should be granted. **Motion was made to move approval of the request for an extension. Seven (7) Councilors voting in favor, Councilors Costa-Hanlon and**

Barbour voting in opposition. Motion carries. So Voted. Motion was made to excuse the parties. So Voted.

Hearing came up by assignment on the petition of Attorney David T. Gay on behalf of his client, Gershman Brown Crowley, Inc., 14 Breakneck Hill Road, Suite 101, Lincoln, RI for a Special Permit/Site Plan Review for a drive-thru window for the proposed CVS pharmacy at 670, 671, 677 County Street and 133 Hart Street. **Motion was made to open the hearing and invite the parties in. So Voted.** Attorney David Gay, Antonio Moura, Project Manager, Vanasse Hangen Brustlin, Inc., 10 Dorrance St., Suite 400, Providence, RI and Rob Clinton, and Paul Beck, Gershman Brown, Crowley, 14 Breakneck Hill Road, Suite, 101, Lincoln, RI were present. The Assistant City Clerk read a communication submitted by Councilor Daniel Barbour making a statement of disclosure stating that the Thomas Family, co-petitioners in this evening's hearing are relatives of his late father, Mansour H. Barbour. He further stated that he has no financial gain or interest in this project and that he can fairly and objectively vote on the above referenced matter. **Motion was made to make part of the hearing. So Voted.** Taxes are currently paid in full now. **Motion was made to make part of the hearing.** Com. from City Planner submitting recommendations on behalf of the DIRB. **Motion was made to make part of the hearing.** Com. from Taunton Planning Board submitting a positive recommendation. **Motion was made to make part of the hearing. So Voted.** Attorney Gay stated this petition is for a special permit is only to allow the approved CVS Pharmacy at Hart Street and County Street to have a drive-thru window. When this was originally presented, there was an ordinance in the process of being changed so some of the districts where drive-up pharmacy windows were solely in the discretion of the Council. The Board of Appeals now has jurisdiction of those in the highway business district. This is in an Office District so it stays within the Council's jurisdiction. When filed with the ZBA, the drive-thru was part of the facility. The Zoning Board's decision took the drive-thru as part of the facility as did the DIRB and Superior Court. 670 County Street is listed because condition 4 of the ZBA decision states that if this property requires ZBA approval for any aspect of a proposed redevelopment of the site, the owner shall be required to contribute \$250,000.00 in cash to the City of Taunton for the construction and improvements of the Hart Street/County Street intersection. Attorney Gay reviewed some of the other conditions in the ZBA decision. He stated the decision was filed with the City Clerk and some abutters appealed the decision. In Superior Court, they provided a detailed traffic analysis. The judge's decision was that there was no question of standard, that the abutters particular harm and the case was dismissed and is now under appeal. The decision could take several months. He stated the judge concluded with mitigation that the intersection would function better with this project than without. He stated all this has been approved and he is now here to discuss the drive-up window. They want a drive-up window for customer convenience. Councilor Costa-Hanlon asked if the only thing the Council had was a one-page letter from the Planning Board, to which Attorney Gay stated yes. Councilor Marshall asked to see a profile of the building. Attorney Gay provided a copy to each Councilor. Councilor Pottier asked what would happen to the existing CVS on County Street. Attorney Gay stated it would close and they lease that building. He stated that the DIRB did not realize that they needed a special permit for the drive-thru. They thought they were covered by the ZBA decision. When DIRB met on the drive-thru, all the conditions from the site plan review were included and they are asking the Council to incorporate these

conditions into the drive-thru special permit because a special permit has more legal authority. Attorney Gay stated they have no problem with this. The Mayor asked if there was anyone speaking in favor. The City Planner stated that the original Departmental Site Plan Review would be superceded by this decision. Attorney Gay stated he has no problem with this wording. Speaking in opposition was Louis Borges, Jr., 123 Hart Street, Taunton who stated there is an appeal in progress in Superior Court and the addition of a drive-thru would create even more traffic. Also speaking in opposition was Dorothy Letoure, 120 Hart Street who stated that there is substantial traffic now and she could not imagine a project like this. She stated she was told by the judge that if they had their own traffic safety expert, this would not have been approved. Eric DaSilva, 130 Hart Street spoke in opposition. He stated that the mitigation to only to tweak the lights. He stated that a beautiful home is going to be demolish and that the State has said this is one of the most dangerous intersections in the State. Also in opposition was David Douglas, 122 Hart Street stating the intersection is a mess and this will jam up County Street. **Councilor Hoye motioned to move approval. Councilor Costa-Hanlon asked if this was for the drive-thru only? Attorney Gay stated yes. So Voted. Councilor Barbour voting present. So Voted. Motion was made to excuse the parties. So Voted.**

Hearing came up by assignment on the petition of the City of Taunton to re-zone Phase IV and Phase V of the Myles Standish Industrial Park from "Open Space Conservancy" to Industrial. **Motion was made to open the hearing. So Voted. Councilor Carr motioned to be excused as she is a direct abutter. So Voted.** The Mayor stated this hearing is to re-zone the rest of Phase 4 and 5 of the industrial park. This is one of the most successful industrial parks in the state. Our State Representatives have been working hard to have this area highlighted as a life sciences center. The Governor has passed Legislation allowing for the Phase 4 and Phase 5 to be able to negotiate to finalize this center. Part of Phase 4 and almost all of Phase 5 are now zoned open space conservation. The Mayor showed a map of the areas being discussed. The Mayor stated areas on the map near the old Bassett Street entrance, house 18 and ICF houses would be under the control of the Taunton Housing Authority. In order to put in the life science center and get the money available by the State to be able to remediate the area, Phase 4 and Phase 5 will need to be zoned industrial. The Mayor stated the Council could deed restrict the area from Elizabeth Pole Drive to Bassett Street 300 ft. from Boundary Road in as open space to prevent anything from changing to help the residents in the area. The Mayor stated that as part of the proposal, he recommends that all of Phase 4 in light green on the map have buildings no greater than 50,000 sq. ft. He stated another concern residents have expressed is that no loading docks face neighbors. The Mayor committed to the neighbors, that working in concert with the TDC all loading docks in Phase 4 areas will not face the neighbors. An area with the Planning Board on Bay Street has a large hill. Residents would like it to remain open space to provide a buffer, which the Mayor has shown on his map and is subject to a deed restriction. Additionally, the ball field was brought up at the pre-review hearing. This area is approximately 25 acres, which the Mayor pointed out on the map. He stated that part of the Legislature allows for part of this area to be used for industry only if another area of comparable status deemed by the Municipal Council can be found. Economic development needs to be encouraged. Adding a building and industry to a piece of property increases the revenue under new revenue. The Mayor stated this could bring in almost \$2 million dollars in new revenue

and tax revenue as well as approximately 2,500 new jobs to the City. He feels it is in the City's best interest. The Governor has signed into Legislation spearheading this area where life science could succeed and prosper. This is not economic development against the neighbors, it is economic development that makes sense and works in concert with the neighbors. Com. from Taunton Planning Board submitting a positive recommendation was read. **Motion was made to make part of the hearing. So Voted.** Com. from Brian Carr, 175 Partridge Circle, Taunton submitting his list of restrictions for the Dever Properties. **Motion was made to make part of the hearing. So Voted.** Councilor Costa-Hanlon stated that there is concern from residents of a buffer. She inquired about Condition #1-3 of the Planning Board's Letter. The Mayor informed the Council that they could deed-restrict a 300 ft. buffer to remain Open Space/Conservation zoned along Fremont Street and South Boundary Road and then make a motion for this to be in perpetuity. They could also do the same for the buffer along a portion of Bay Street houses on that street. Councilor Costa-Hanlon stated that Phase 5 is supposed to be life science. Can we make this a special designation? The mayor stated it allows flexibility. This has been taking years. Looked at zoning map and realized it is all open space. Therefore, we need to rezone to have the life science. Councilor Costa-Hanlon would like to see square footage restrictions on both phase 4 and phase 5 to protect. The Mayor stated we want balance. We have protection but also have the ability to move forward. They want to get this done soon in these tough economic times to provide economic stimulus. Councilor Costa-Hanlon asked what would stop this development if the Council changes the zoning and restricts 50,000 sq. ft buildings to the whole project as she understands that you cannot restrict a particular area. The Mayor stated that currently Phase 4 is delineated by legislation. Councilor Pottier stated he supports this project because a number of communities will be fighting for this project. Also, the City of Taunton is better off than other communities because it already has a tax base that is batched up by a strong, relevant industrial commercial tax base that pays one of the largest spreads between residential and commercial rates. Finally, he is please with the work that has been done so far to set the stage up with the neighbors. He wants to come up with a happy medium with them on this project. Council Marshall stated he supports this project, as he believes that it is a necessary step for the community to grow. One concern he has is for the 25 acres of recreational land that has been set aside. He stated that there is a drastic need for open space for the children. He stated he will be very critical of the piece of land the TDC is willing to swap. He will be looking at the shape, size, topography, and what's covering it. There are a lot of 25 acre plots proposed that can't be used for fields due to the shape. He wants to compare apples to apples. Councilor Fiore stated that the life science center acts as a buffer for Phase 5 therefore, the neighbors will not be as exposed to industrial use. He expressed gratitude to Mr. Carr for his research on this matter. He did an outstanding job. Speaking in favor of the petition is Dan Dermody, Taunton Planning Board who stated that Councilor Marshall did an excellent job echoing the concerns of the Taunton Planning Board concerning the Open Space. Also in favor was Joshua Freeman, 25 Fayette Place, asking if the City does anything with the UN. The Mayor stated not with the Zoning Change. Brian Carr spoke in favor. He stated that he was asked to compile a list of restrictions, which he submitted. He asked that any building built outside of the 300 ft. buffer be restricted to only 2 stories each. He also asked that all loading docks face into the parking lots. Perkins paper has trucks facing neighbors. Perkins has helped by installed a noise fence which has helped. He also listed in his letter restrictions of types of buildings not to be located near the

residents. In his letter, Mr. Carr asked that there be no gasoline or diesel storage near neighborhoods and he listed approximately 23 other types of industry that he would like to see excluded. He stated that many residents utilize this property to walk and would like to see walking paths or sidewalks. Finally, Mr. Carr asks that any new buildings built near neighbors are required to meet federal standard on noise. In closing, he asks for restrictions on noise, building height, what goes in the area near Jessie Lane and Bassett Street and ball fields to be built on good land. Also in favor was Joanne Alderman, 231 Fremont Street who requests that no additional street be placed that enters onto Fremont Street or Bassett Street. The Mayor stated this will be addressed by the Planning Board. Councilor Marshall asked if the restrictions Mr. Carr has supplied would hurt the marketability of the project. The City Planner stated that he would keep the conditions to a minimum to avoid marketability problems. The Council can deny special permits as they come in. He would stick to buffers, size of buildings, loading docks. Councilor Fiore stated in industrial parks, every single project goes through a site plan review. Some of these conditions should be referred to changes to the site plan ordinance. Areas facing residents should be user friendly, but the interior of the park should have limited restrictions. Council Hoyer asked about the fields. The Mayor stated he will be working with the TDC to find a location and will work to leverage the funds. Councilor Buffington asked about the recreation portion. He would like to see a copy of the legislation that states if they agree to rezone, they do not lose leverage before he votes. He asked if the legislation mandates an agreement regarding the land. Mr. Dick Shafer, Industrial Development Commission stated that in the legislation, it states that it must be complimentary land approved by the Mayor and the Municipal Council before it is swapped. Speaking in opposition, Bette Riebeshehl, 1344 Bay Street asking if there are any provisions for assistance in case of a problem with water for the neighbors due to removal of the L-Shape buildings and watershed. The Mayor stated this would be made a condition of the petition. Also in opposition was Scott Tolan, 26 Jessie Lane. He expressed his concern of a buffer. He asked where the 300 feet buffer starts. The Mayor stated from South Boundary Road on the opposite side from Jessie Lane. **Motion was made to close the hearing and allow the zoning changes with the following conditions as delineated in the Planning Board Letter: 1. The proposed 300 foot buffer requirement along Fremont Street and South Boundary Road to remain zoned Open Space/Conservation in perpetuity, 2. That the plan is subject to a plan showing the proper boundary, Jessie lane and the 300' buffer zone which is to remain in perpetuity. 3. That a 300' buffer be provided along the portion of Bay Street located between the remaining land of DMR and behind the houses on Bay Street which is also to remain in perpetuity, 4. That a proposed deed restriction on the portion of Phase IV that is part of this zoning petition stating that no buildings larger than 50,000 sq. Ft. shall be allowed, 5. That these buffers are to be naturally vegetated if possible. So Voted. Motion was made to refer to the City Planner, the issue of revisions to the Site Plan Review Ordinance with regards to Industrial Zones. So Voted.**

The Mayor expressed thanks to all the Student Government participants.

Motion was made to take a five-minute recess at 9:00 PM. So Voted.

Motion was made to return from recess at 9:10 PM. So Voted.

Communications from Mayor:

The Mayor read a communication submitted by the City Planner regarding Chapter 43D Expedited Permitting. **Motion was made to invite Mr. Scanlon into the enclosure. So Voted.** Mr. Scanlon stated last year the Council endorsed applying for a grant from the state in the amount of \$60,000.00, which was awarded in January. This triggered a 120-day compliance period to act on this otherwise that funding could be lost. He stated that he drafted this ordinance for approval by the Municipal Council. There aren't any permitting changes to be made. The only thing necessary is to establish the Expedited Permitting Board. The only areas involved are Phase 4 of the Myles Standish Industrial Park and Phase 3 of the Liberty and Union Industrial Park. It does not take any authority away from the Municipal Council. **Motion was made to refer for a first reading and to the City Solicitor to be placed in proper form. So Voted.**

At this time, the Mayor appointed Richard Peterson, 78 Sunset Drive, Taunton to sit on the Development Impact Review Board as a volunteer member representing Ward 8, Precinct A. **Motion was made to move approval. So Voted.**

The Mayor read a communication submitted by Reverend Timothy Driscoll, Annunciation of the Lord Parish, 31 First Street requesting permission to hold a procession on Sunday, May 31, 2009 beginning at 12:00 PM with approximately 500 people participating. **Motion was made to move approval and refer to the Police, Fire, and Ambulance Service. So Voted.**

The Mayor read a communication submitted by Christopher Blake, 28 Wagon Wheel Road, Taunton requesting an answer to a claim he submitted for damages to his vehicle that was originally denied to which he sent a follow-up letter and has received no response. **Motion was made to refer to the City Solicitor. So Voted.**

Communications:

Com. from Executive Director of Retirement notifying of the retirement of Raymond O'Berg, Police Chief effective May 15, 2009. **Motion was made to move approval and send the appropriate scroll. So Voted.**

Com. from Patricia Connolly, Publicity Director, Taunton Civic Chorus requesting use of the electronic sign to advertise their 50th Anniversary Celebration Concert on May 17, 2009 at 2:00 PM. **Motion was made to move approval. So Voted.**

Com. from Paul Allison, Taunton Fire Department submitting his resignation from the Honor Guard as a result of the Fire Chief not authorizing uniforms to be cleaned. **Motion was made to send a letter from all parties requesting them to reconsider and instruct the Fire Chief to allow the uniforms to be cleaned either individually or collectively. So Voted.**

Com. from Jerry Ferris, Secretary, Dighton Lions Club requesting use of the Taunton Arts Trailer for their annual Cow Chip Festival on May 29-31, 2009. **Motion was made to refer to Carol Souza, Risk Manager. So Voted.**

Com. from Reverend Henry Arruda, St. Anthony's Parish, 126 School St., Taunton requesting permission to conduct a procession on May 9, 2009 at 8:00 PM and May 31, 2009 at 10:10 AM. **Motion was made to move approval and notify the Police, Fire, and Ambulance Service. So Voted.**

Com. from Christopher DiCostanzo, Community Care Services, 70 Main St., Taunton requesting permission to utilize Liberty & Union Plaza to plant flowers and have a Community Mental Health Awareness Day on May 8, 2009 and May 15, 2009. **Motion was made to refer to the Parks, Cemeteries, and Public Grounds Director to facilitate. So Voted.**

Com. from Lynn Trudelle, Fishing Festival Coordinator notifying of the Annual Family Fishing Festival to be held on May 16, 2009 from 10:00 AM to 2:00 PM at Watson's Pond. **Move approval and place on the electronic sign. So Voted.**

Councilor Pottier read an extra communication submitted by Al Mendonca requesting assistance with the illegal dumping at the end of Cherry Avenue. **Motion was made to refer to the Committee on Police and License and the Acting Police Chief. So Voted.**

Councilor Pottier read an extra communication submitted by the Neighborhood Corporation requesting the City consider limiting or restricting truck traffic (with signage) on Second Street as part of the street reconstruction currently being undertaken by the DPW. **Motion was made to refer to the Safety Officer, Committee on Police and License and the Police Chief. So Voted.**

Councilor Carr read an extra communication submitted by Kathaleen Tutino, TCMS, 61 Summer Street requesting use of the electronic sign to advertise their May mania on Saturday, May 16, 2009 from 9:00 AM to 2:00 PM. **Motion was made to move approval. So Voted.**

Councilor Buffington read an extra communication submitted by Anthony Drigo, Program Director, SITA Community Outreach Program requesting use of the electronic sign to advertise their Community Safety Expo on Saturday May 9, 2009 from 10:00 AM – 3:00 PM. **Motion was made to move approval. So Voted.**

Petitions and Claims:

Petition submitted by Jeffrey Niedbala, requesting a renewal of his Old Gold License – DBA- Spindle City Precious Metals located at 2 Galleria Mall Dr., East Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Denis Tetrault, Tetrault Enterprises requesting a renewal of his Old Gold License, Pawn Broker License, & Second Hand Article License –DBA- Fall River Pawn Brokers located at 48 Taunton Green, Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by William Butler requesting a renewal of his Junk Collector's License located at 195 Field St., Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Christopher Kelliher, 587 Staples St., E. Taunton seeking reimbursement for damages to his automobile from hitting a pothole near 351 Staples Street, East Taunton. **Motion was made to refer to the City Solicitor and the DPW to repair the potholes. So Voted.**

Claim submitted by Duane Marler, 30 Thayer Dr., Taunton seeking reimbursement for damages to his automobile from hitting a pothole near Reed and Barton. **Motion was made to refer to the City Solicitor and the DPW to repair the potholes. So Voted.**

Claim submitted by Brian Fabiano, 184 Quequechan Rd., Taunton seeking reimbursement for damages to his automobile from hitting a pothole near 100 Fisher Road, Taunton. **Motion was made to refer to the City Solicitor and the DPW to repair the potholes. So Voted.**

Departmental Site Plan Review for the addition of a generator building, radiators, transformers and piping to the existing LFG to Energy Facility at 340 East Britannia Street located in the Open Space District. **Motion was made to receive and place on file. So Voted.**

Special Permit/Site Plan Review for the addition of a gasoline filling station to the existing car wash and auto sales use at 13 Cape Road located in the Highway Business District. **Motion was made to schedule a public hearing. 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 Marshall motioned that the Acting Police Chief have radar stationed on Danforth Street from the railroad tracks to Reed and Barton as there has been a lot of speeding in that area and report back to the Municipal Council. So Voted.

Councilor Croteau motioned that the Committee on Solid Waste provide a status report on the Landfill Project within the two weeks. So Voted.

Councilor Croteau motioned to refer the Harris Street sewer hookup to the DPW Commissioner. So Voted.

Councilor Croteau motioned that the matter of illegal dumping in the Mill River be referred to the Mayor's Office as well as Emergency Management and Conservation for a report back. The Council stated that perhaps the two entrances could be secured in an attempt to thwart off those who are dumping in the river. So Voted.

Councilor Croteau motioned to schedule a meeting of the Committee on Fires and Wires for Tuesday to discuss Engine 1 and 4, the Honor Guard, and a grievance for Russell Laine. So Voted.

Councilor Croteau motioned that the City Solicitor and the Human Resource Director send a letter to the Fire Chief for him to appear before the Committee to the Council as a Whole next week to participate in a discussion relative to his performance and advise him that disciplinary action may result from that discussion. Additionally, he should be notified that he has the right to legal counsel. So Voted.

Councilor Buffington motioned that the Committee to Search for Independent Legal Council has chosen to select Attorney Jack Cinquegrana, Choate, Hall, & Stewart, LLP, Two International Place, Boston to review the matter. So Voted. **Councilor Buffington motioned to have a special meeting of the Municipal Council to be presided over by the Council President on Friday, May 8, 2009 at 5:00 PM in the Chester R. Martin Municipal Council Chambers. So Voted.** Councilor Buffington motioned that the \$25,000.00 previously appropriated by the Municipal Council pursuant to Massachusetts General Laws Chapter 44, Section 33 for the purpose of hiring independent legal counsel to represent the Municipal Council be and is hereby transferred from the Stabilization Account into line item 1-111-202-5304 titled "Professional Expenses-Legal" within the Municipal Council's Budget, and further that any funds unexpended from this line item at the end of this fiscal year be encumbered as a continuing appropriation, and that the offices of the Treasurer/Collector and the City Auditor be informed in writing of the passage of this motion by the City Clerk. However, during this meeting, the Mayor stated to the members of the Municipal Council, that the Council cannot appropriate any money without the Mayor's approval as stated to him by the City Solicitor and he will file his objections with all parties, that this is not proper. **On a roll call vote, nine Councilors present, nine Councilors voting in favor.**

New Business:

Councilor Pottier motioned that the Committee to the Council as a Whole discuss next week, the FMLA required forms as there is a difference of opinion on what is required for extended leave. So Voted.

Councilor Marshall stated that residents have expressed concern over the property at the corner of Dana Street and Danforth Street as it is an eyesore and has been the site of fires this week. Therefore, he motioned that the Zoning Enforcement Officer and the Board of Health work with the owner for immediate action and cleanup. So Voted.

Councilor Marshall motioned that the Committee to the Council as a Whole meet in one month with Richard Shafer and members of the Taunton Development Corporation to discuss further details of this 25 acre land swap in the Myles Standish Industrial Park for recreation use. So Voted.

Councilor Carr made a public apology to Ms. Haggerty, a senior volunteer in the City Clerk's Office.

Councilor Buffington motioned that the DPW Commissioner have the potholes repaired on Hodges Street between Worcester Street and Round Street. So Voted.

Councilor Costa-Hanlon motioned that any proposed extensions of special permits go through the City Planner's Office first. So Voted.

Councilor Costa-Hanlon motioned that the City Planner come before the Municipal Council in one month to discuss expedited permitting fees. So Voted.

Meeting adjourned at 10:21 P.M.

A true copy:

Attest:


Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 5, 2009

THE COMMITTEE ON FINANCE AND SALARIES

PRESENT WERE: COUNCILOR JORDAN FIORE, CHAIRMAN AND COUNCILORS
CROTEAU AND POTTIER

MEETING CALLED TO ORDER AT 5:43 P.M.

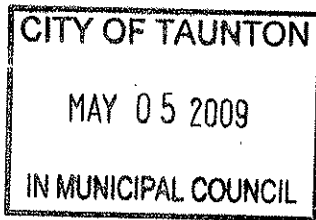
1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY
DEPARTMENTS
MOTION: MOVE APPROVAL OF THE VOUCHERS & PAYROLLS FOR
THE WEEK.

MEETING ADJOURNED AT 5:44 P.M.

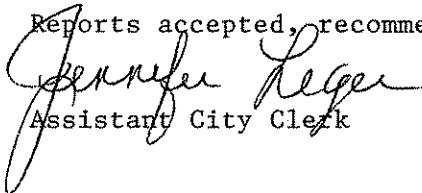
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.



Assistant City Clerk

CITY OF TAUNTON
MUNICIPAL COUNCIL
MAY 5, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

PRESENT WERE: COUNCILOR THOMAS HOYE, CHAIRMAN AND COUNCILORS BUFFINGTON, CROTEAU, MARSHALL AND CARR. ALSO PRESENT WERE FRED CORNAGLIA, DPW COMMISSIONER AND TONY ABREAU, ASSISTANT DPW COMMISSIONER, JOHN LAWRENCE, STREET DIVISION SUPERVISOR AND CATHAL O'BRIEN, WATER DIVISION SUPERVISOR

MEETING CALLED TO ORDER AT 6:15 P.M.

1. **MEET WITH THE WATER DIVISION SUPERVISOR REGARDING COMPLAINTS FROM RESIDENTS OF POOR WATER QUALITY ON WALKER AVENUE**

THE WATER MAIN HERE IS 8 INCH, 1920. THEY HAVE RECENTLY REPAIRED A BROKEN VALVE IN THE AREA OF MERRILL AVE. AND WALKER AVE. THERE HAS BEEN SOME IMPROVEMENT BUT THERE IS STILL A PROBLEM. THEY WILL ALSO BE CHECKING ALL THE REMAINING VALVES IN THE NEIGHBORHOOD, BUT WORST CASE SCENARIO THEY WILL HAVE TO LOOK AT REPLACING THE MAINS AT SOME POINT IN THE FUTURE IF THE PROBLEM IS EVER GOING TO BE SOLVED.

THE WATER DEPARTMENT HAS BEEN FLUSHING EVERY THURSDAY, BUT THEY WILL NOW DOUBLE IT UP AND FLUSH IT TWICE A WEEK. THIS WILL KEEP IT AS CLEAR AS POSSIBLE UNTIL A BETTER SOLUTION IS FOUND.

IT WAS ALSO NOTED THAT THE STREET ITSELF IS IN BAD CONDITION. DISCUSSED WAS, DEPENDING ON HOW PRICING COMES BACK FOR THE WATER TOWER AT MYLES STANDISH AND THERE IS ANY SRF MONEY LEFT, THEY WOULD COME BACK TO THE COMMITTEE WITH THE COST OF MAIN REPLACEMENTS FOR BOTH MERRILL AVENUE AND WALKER AVENUE AND IT MAY BE ABLE TO BE DONE.

MOTION: THAT AN ESTIMATE BE OBTAINED FOR MERRILL AVENUE AND WALKER AVENUE IN THE NEXT MONTH AND PROVIDE A PLAN AS TO HOW THIS COULD BE EXPEDITED.

MOTION: WATER DIVISION SUPERVISOR TO COME BACK IN ONE MONTH WITH REPORT REGARDING WHETHER THE TWICE WEEKLY FLUSHING HAS HELPED, AND IF NOT LOOK FOR MORE PERMANENT SOLUTIONS.

THE DPW COMMISSIONER WILL COME BACK IN TWO WEEKS WITH A COST ESTIMATE, NUMBER OF SERVICES AND SEE IF SOMETHING CAN BE DONE, AND ALSO HE IS TO DETERMINE IF THIS IS A SMALL ENOUGH PROJECT THAT IT COULD BE DONE BY IN-HOUSE CREW.

SUZANNE PHILLIPS OF 3 WALKER AVENUE ASKED IF THE WATER WAS SAFE FOR BATHING AND DRINKING BECAUSE THERE IS A LOT OF SEDIMENT IN IT. MR. O'BRIEN SAID THE WATER WAS SAFE.

GEORGE CARAS OF 21 WALKER AVENUE ALSO SPOKE REGARDING THE CONDITION OF THE ROAD.

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MAY 5, 2009

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS - CONTINUED

2. MEET WITH THE D.P.W. COMMISSIONER TO DISCUSS CONDITION OF PARKING LOT AT GALLIGANS COURT

THIS LOOKS LIKE A DO-ABLE PROJECT, BUT THE DPW COMMISSIONER WOULD LIKE A LITTLE BIT MORE TIME TO CONFER WITH THE T.M.L.P. THE PARKING COMMISSION ALSO HAS HAD DISCUSSION ABOUT ACQUIRING OR TRADING OFF A PIECE OF PROPERTY WITH MR. MELLO IN ORDER TO MAKE THE FLOW BETTER THROUGH THE PARKING LOT AND IMPROVE THE LOT. THE PARKING COMMISSION WOULD LIKE TO MAXIMIZE THE NUMBER OF PARKING SPACES AND ALSO IMPROVE THE TRAFFIC FLOW THROUGH THE LOT. THIS WOULD LIKELY INVOLVE A LAND SWAP WITH ONE OF THE LANDOWNERS. THE T.M.L.P. IS ALSO A LANDOWNER, AND THEY ARE CURRENTLY LOOKING AT PUTTING IN A DRIVE THROUGH IN THEIR BUILDING. THE DPW WILL NEED TO INVESTIGATE DRAINAGE, WATER MAINS, SEWER MAINS AND GAS MAINS THAT GO THROUGH THE LOT. THE DPW WAS ASKED TO CONTINUE TO WORK WITH THE T.M.L.P., TO INVESTIGATE THE UNDERGROUND UTILITIES AND REPORT BACK TO THE COMMITTEE. IT WAS ALSO NOTED THAT THE CITY HAS A CONTRACT WITH A PAVER THROUGH JULY 1ST. IT WOULD BE GOOD TO GET THIS PAVED BEFORE THEN AS THE COST WOULD PROBABLY GO UP AFTER THAT DATE WITH A NEW CONTRACT. AN UPDATE WAS REQUESTED IN TWO WEEKS.

3. MEET WITH THE D.P.W. COMMISSIONER AND CITY ENGINEER REGARDING CROSSWALK AND HOPEWELL & HAMILTON STREETS SAFETY MEASURES

LETTER OF CITY ENGINEER WAS READ IN WHICH HE ATTACHED A PLAN SHOWING THE RECOMMENDED SAFETY IMPROVEMENTS ON HOPEWELL AND HAMILTON STREETS IN THE VICINITY OF HOPEWELL PARK AND THE HOLY ROSARY CHURCH. THE SAFETY MEASURES ARE INTENDED TO ADDRESS CONFLICTS BETWEEN PEDESTRIAN AND VEHICULAR TRAFFIC IN THE AREA WHICH IS ESPECIALLY CRITICAL DUE TO THE PROXIMITY OF THE ATHLETIC FIELDS AND PLAYGROUND. EMPHASIS WAS PLACED ON SAFE NAVIGATION OF THE ROADWAY, EFFORTS TO SLOW VEHICULAR TRAFFIC, AND PEDESTRIAN CROSSING SAFETY. CURRENTLY, THE ONLY TRAFFIC CONTROL IN THE AREA ARE FADED PAVEMENT MARKINGS, ILLEGALLY POSTED SPEED LIMIT SIGNS, AND A THREE-WAY YIELD CONTROL AT THE HAMILTON STREET, HOPEWELL STREET, AND EXETER STREET INTERSECTION. THERE ARE NO MEASURES IN PLACE TO WARN DRIVERS OF THE PROXIMITY OF THE SCHOOL, PLAYGROUND, AND POTENTIAL CHILDREN CROSSINGS. THE THREE-WAY YIELD ALSO RESULTS IN DRIVER CONFUSION AS TO WHO HAS THE RIGHT-OF-WAY. A NUMBER OF DIFFERENT MEASURES ARE PROPOSED, SUMMARIZED BELOW:

1. A PAINTED CROSSWALK AND CROSSWALK SIGNING AT THE HOLY ROSARY CHURCH WILL REQUIRE VEHICLES TO STOP FOR PEDESTRIANS CROSSING THE STREET.
2. SIGNING FOR THE CROSSWALK AND PLAYGROUND WILL MAKE DRIVERS MORE AWARE OF THEIR APPROACH TO AN AREA FREQUENTLY USED BY PEDESTRIANS, PARTICULARLY CHILDREN.
3. STOP AHEAD AND REVERSE CURVE SIGNS ARE PROPOSED ON SOUTHBOUND HOPEWELL STREET TO WARN DRIVERS OF THE ABRUPT

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ALIGNMENT CHANGE AND THE REQUIRED STOP CONDITION.

4. A STOP AHEAD SIGN IS PROPOSED ON NORTHBOUND HAMILTON STREET TO WARN DRIVERS OF THE NEW STOP CONDITION. ALTHOUGH VISIBILITY ON THE ROAD IS ADEQUATE, THE ADDITION OF THIS SIGN IS IMPORTANT TO REMIND DRIVERS OF THE CHANGED ROADWAY CONDITIONS.

5. STOP SIGNS AT ALL THREE APPROACHES AT THE HAMILTON STREET, HOPEWELL STREET, AND EXETER STREET INTERSECTION WILL REDUCE OR ELIMINATE ACCIDENTS INVOLVING VEHICLES LEAVING THE ROADWAY. IT WILL ALSO REDUCE DRIVER CONFUSION REGARDING WHO HAS THE RIGHT-OF WAY. STOPPED VEHICLES WILL ALSO GIVE PEDESTRIANS ADDITIONAL OPPORTUNITY TO CROSS THE STREET.

6. CHEVRON SIGN ARE PROPOSED FOR THE SOUTHBOUND LEFT TURN APPROACH TO THE REVERSE CURVE. BECAUSE OF THE STOP CONDITION AT THE INTERSECTION, NO OTHER CHEVRON SIGNS ARE PROPOSED.

7. RESTRIPING THE ROADWAY WITH MORE VISIBLE DOUBLE YELLOW CENTERLINES AND NEW EDGE LINES WILL GIVE DRIVERS THE PERCEPTION OF A NARROWER ROAD AND ENCOURAGE SLOWER TRAVEL. THE STRIPING WILL ALSO BETTER CHANNELIZE VEHICULAR TRAFFIC AND THE EDGE LINES WILL BE A GUIDE FOR PEDESTRIANS TO KEEP AWAY FROM THE TRAVELED WAY.

8. ADDITIONAL PAVEMENT MARKINGS, INCLUDING "PED XING" AND "SCHOOL" ARE PROPOSED. THESE ARE AN ADDITIONAL MEASURE TO MAKE DRIVERS MORE AWARE OF THEIR ENVIRONMENT.

THE LETTER FURTHER STATES THAT OTHER MEASURES WERE RAISED BY RESIDENTS OF THE NEIGHBORHOOD, INCLUDING SPEED HUMPS OR OTHER TRAFFIC CALMING MEASURES, AND ONE-WAY TRAVEL. THESE CAN ONLY BE PUT IN PLACE AFTER CAREFUL STUDY, WHICH INCLUDES GATHERING SPEED AND ACCIDENT DATA, AND AFTER PUBLIC HEARINGS ARE HELD TO GET THE INPUT FROM ALL ROADWAY USERS. THESE MEASURES WILL ALSO REQUIRE PASSAGE OF CITY ORDINANCE TO TAKE EFFECT.

THE MEASURES LISTED ABOVE ARE LOW-COST EFFORTS TO IMPROVE SAFETY IN THE NEIGHBORHOOD. IT IS THE ENGINEER'S RECOMMENDATION THAT ALL OF THESE MEASURES BE IMPLEMENTED. A FOLLOW-UP STUDY CAN TAKE PLACE AFTER ONE OR TWO YEARS TO DETERMINE THEIR EFFECTIVENESS. AT THAT TIME MORE SIGNIFICANT STEPS CAN BE TAKEN.

THE COMMITTEE WOULD STILL LIKE TO EXPLORE MOVING THE CROSSWALK CLOSER TO EXETER STREET BECAUSE THAT SEEMS TO BE THE AREA WHERE MORE PEOPLE APPROACH HOPEWELL PARK, RATHER THAN NEAR HOLY ROSARY CHURCH. IT WAS NOTED THAT IF CROSSWALKS ARE PUT IN AT THE PLAYGROUND, THE SIDEWALKS WOULD HAVE TO BE RE-DONE AS THEY ARE NOT HANDICAPPED ACCESSIBLE.

ALSO DISCUSSED WAS THE ISSUE OF PEOPLE USING THE AREA ON THE CURVE S A MAKESHIFT PARKING LOT. THE CITY ENGINEER WILL RESEARCH WHO OWNS THIS PROPERTY.

MOTION: TO GET THIS PLAN UNDER WAY WITH THE ONE CAVEAT, THAT WE PUT PRIOR TO ANY OF THIS INSTALLATION THE ELECTRONIC FLASHING SIGNS WARNING THAT TRAFFIC CONTROL CHANGES WILL BE COMING WITH WHATEVER DATE, AT LEAST TWO WEEKS NOTICE IN ADVANCE. ALSO REFER TO ORDINANCE COMMITTEE TO COME UP WITH THE

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APPROPRIATE LANGUAGE FOR THE STOP SIGNS. ALSO REFER TO THE SAFETY OFFICE TO MEET AT THE ORDINANCE COMMITTEE WITH THE CITY ENGINEER ON THIS MATTER ALSO.

4. MEET WITH THE D.P.W. COMMISSIONER FOR AN UPDATE ON THE SOMERSET AVENUE PROJECT AND THE INTERSECTION OF HIGHLAND STREET AT SOMERSET AVENUE

THE DPW COMMISSIONER PROVIDED AN UPDATE FROM THE RESIDENT ENGINEER. HE STATES THAT THE ROADWAY IS BEING EXCAVATED FULL DEPTH AND GRAVEL BORROW IS BEING PLACED, GRADED AND COMPACTED FROM EIGHTH TO FIFTH STREETS (NOT COMPLETED AS YET) ONE OF THE REASONS IT IS NOT COMPLETED YET IS THAT THEY ARE WAITING FOR AN EXTENSION OF THE CULVERT PRESENTLY AT COBB BROOK. THEY NEED TO WAIT FOR THE WATER TO GO DOWN SOMEWHAT.

THE MASONRY WALLS ARE BEING BUILT BETWEEN HIGHLAND AND FIRST STREETS. EXCAVATION FOR STONE MASONRY WALL WAS DONE IN FRONT OF MEMORIAL PARK. UTILITY COMPANIES SUCH AS TMLP, COMCAST AND VERIZON ARE WORKING ON THE RELOCATION OF THEIR FACILITIES. THERE IS NO TAKING AT HOUSE #663-665 SOMERSET AVE. THE CONTRACTOR IS DOING THE OLD SIDEWALK EXCAVATION WITHIN THE CONSTRUCTION EASEMENT, WHICH IS 12 FEET OFF THE OLD CURB AT THIS LOCATION. THE REMAINING ROADWAY, BLACK BASE AND BINDER COULD BE COMPLETE BY THE END OF 2009, MEANING THE END OF THIS CONSTRUCTION SEASON, LATE NOVEMBER.

THE DPW COMMISSIONER MET WITH THEM LAST WEEK AND INFORMED THE COMMITTEE THAT THE RAILROAD HAS MADE SOME CONTACT WITH THEM AND THEY ARE THINKING THAT CSX IS GOING TO BE HERE. IF THAT HAPPENS THEY WOULD JUMP UP TO WEIR STREET AND SOMERSET AVE. AND DO THE PIECE BETWEEN SOMERSET AVE. & WEIR OVER TO BARNUM AND EAST WALNUT. THEY WILL EXTEND WITH A CHANGE ORDER THE PIECE UP HIGHLAND STREET 200-300 FEET WHICH WILL ALLEVIATE WATER PROBLEM AT THE CORNER HOUSE NEXT TO STAN'S VARIETY.

THERE WAS AN ISSUE WITH COMCAST AND VERIZON CHANGING OVER THE POLES BUT THIS SEEMS TO BE UNDER CONTROL NOW.

THE COMPLETION DATE FOR THE PROJECT IS LATE SUMMER OF 2010. DISCUSSED ALSO WAS AN ISSUE WITH PROPERTY OF VENTURA ON OLD SOMERSET AVENUE. MR. LAWRENCE HAS BEEN THERE TWO TIMES AND SAW NOTHING. A COUNCILOR DID SEE SOME KIND OF SCREENING OPERATION AND CONSTRUCTION EQUIPMENT THERE. AN UPDATE WAS REQUESTED AT NEXT MEETING

5. MEET TO REVIEW MATTERS IN FILE

A. DISCUSSED WAS A LETTER RECEIVED ON 1/29/09 OF CHARLES BLACK REGARDING THE NEED FOR SIDEWALKS BEING PLOWED IN SCHOOL ZONES. THE CHAIRMAN INFORMED THE COMMISSIONER THAT THIS WILL BE COMING UP AT A FUTURE MEETING.

B. DISCUSSED WERE SIDEWALKS FOR BAY STREET FROM DEVER SCHOOL ENTRANCE TO WATSON POND PARK. THE COMMISSIONER REPORTED THAT

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THEY HAVE AN APPLICATION WITH MASS HIGHWAY FOR THE SIDEWALKS, IT WILL BE SUBMITTED NEXT WEEK. THIS WILL JOIN THE SIDEWALKS FROM THE DEVER ENTRANCE TO THE WATSON POND PARK ENTRANCE.

C. THE COMMISSIONER AND HIS STAFF WERE THANKED FOR THE GREAT JOB ON NICHOLS DRIVE, WINTER STREET AND PAT-REE DRIVE. QUESTION WAS ASKED WHY SIDEWALKS WERE NOT DONE ON WINTER STREET AND THE REASON IS THAT IF THEY ARE RE-DONE, THEY WILL HAVE TO BE ADA COMPLIANT AND WOULD BE COST PROHIBITIVE.

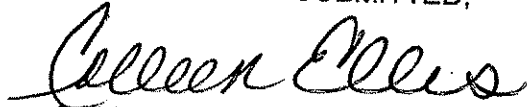
D. DISCUSSED ALSO WAS THE AQUARIA WATER LINE. IT WAS NOTED THAT THERE IS NO CONNECTION AT HARRIS STREET AND THAT THE CITY OBTAINED THE ABILITY TO TIE-IN IF WE SO CHOOSE. THERE IS NO IMPACT ON THE HARRIS STREET PUMP STATION OR ON THE SCHOOL.

E. PRELIMINARY SURVEYING IS BEING DONE IN THE WILLIAMS STREET DUFFY DRIVE AREA.

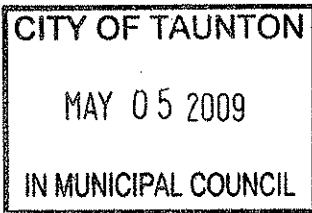
F. AT THE NEXT MEETING DISCUSSION WILL TAKE PLACE REGARDING DOING A SURVEY FOR SEWER ON POWDERHORN DRIVE.

MEETING ADJOURNED AT 7:10 P.M.

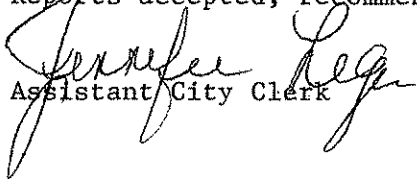
RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES



Reports accepted, recommendations adopted.


Assistant City Clerk