



**The Municipal Council Meeting  
and  
Committee Meetings  
scheduled for**

**Tuesday, July 6, 2010**

~

**have been changed to**

**Tuesday, July 6, 2010  
beginning at 7:30 AM**

*due to the  
Fourth of July Holiday*

*Rose Marie Blackwell  
City Clerk*



## AGENDA – JULY 6, 2010

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING: NONE**

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1-2 Com. from the Assistant City Solicitor – Response regarding All Terrain Vehicles and the Whitesmith Condominiums
- Pg. 3 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing.

**PETITIONS**

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

- **Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Cleanup

**ORDERS, ORDINANCES AND ENROLLED BILLS**

**NEW BUSINESS**

**Respectfully submitted,**

*Rm Blackwell*

**Rose Marie Blackwell  
City Clerk**



City of Taunton  
LAW DEPARTMENT



15 Summer Street  
Taunton, Massachusetts 02780  
Phone 508-821-1036 Facsimile 508-821-1064  
*cotlawdept@tmlp.net*

CHARLES CROWLEY  
MAYOR

JANE E. ESTEY  
CITY SOLICITOR

JORDAN H. F. FIORE  
ASSISTANT CITY SOLICITOR

June 30, 2010

Hon. Charles Crowley, Mayor  
President Deborah Carr and  
Members of the Municipal Council  
15 Summer Street  
Taunton, MA 02780

Re: All Terrain Vehicles and the Whitesmith Condominiums

Dear Mayor and Councilors:

You have referred to this office the question of whether the City can place barriers at the rear of the Whitesmith Condominium complex to prevent All Terrain Vehicles from trespassing upon property of the Condominium Association.

Our research indicates that the land immediately abutting the rear of the condominium is a railroad right of way and is still assessed as such by the Board of Assessors. The City cannot erect barriers on private property or on property outside of its jurisdiction except in very extraordinary circumstances or in accordance with a Court order. The erection of a barrier at the rear of the condominium property by the City would be an unlawful trespass and an interference with the lawful right of way. The City can place barriers surrounding its own property and the condominium association would be within its rights to construct a fence on its own to keep vehicles from trespassing from the rear. However, since the City cannot interfere with the railroad right of way, no barrier created by the City can prevent ATVs from accessing the right of way, legally or not, through private property that does not have such a barrier and, while the City can enforce trespass laws against ATVs using that right of way, it can only do so if there is an actual trespass or blatant attempt to trespass and it can only prevent the use of the right of way by policing, not by the erection of barriers on private property.

The condominium association would be advised to consider erecting their own fence or contacting the railroad with regard to barriers between the right of way and

2.

Hon. Charles Crowley, Mayor  
President Deborah Carr and  
Members of the Municipal Council  
June 30, 2010  
Page Two

private property.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jordan H.F. Fiore". The signature is written in a cursive, flowing style.

Jordan H.F. Fiore  
Assistant City Solicitor

JHFF/skb



# TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051  
Fax 508-821-1043

June 3, 2010

Honorable Charles Crowley, Mayor  
Members of the Municipal Council  
15 Summer St.  
Taunton, Ma. 02780

C/O Rose Marie Blackwell, City Clerk

**RE: Form J Plan – Waiver of Frontage Requirements – To Split one lot into two lots  
22 Russell Street – Bastis**

Dear Mayor Crowley and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of A Form J Plan – Waiver of Frontage Requirements – to split one lot into two – for property located at 22 Russell Street submitted by Robert & Pamela Bastis, 1401 Center St., Dighton, Ma.

The Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, July 22, 2010 at 5:30 PM.** in the Chester R. Martin Municipal Council chambers, 15 Summer St., Taunton, Ma.

Respectfully,

Daniel P. Dermody, Chairman  
Taunton Planning Board

DPD/djp



JULY 6, 2010

HONORABLE CHARLES CROWLEY, MAYOR  
COUNCIL PRESIDENT DEBORAH A. CARR  
AND MEMBERS OF THE MUNICIPAL COUNCIL

**PLEASE NOTE:**

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN  
SCHEDULED FOR **TUESDAY, JULY 6, 2010 AT 7:30 A.M.** IN THE  
**CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS**

**7:30 A.M.**

**THE COMMITTEE ON FINANCE AND SALARIES**

1. MEET TO REVIEW THE WEEKLY VOUCHERS &  
PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

A handwritten signature in cursive script that reads "Colleen M. Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES