



## **AGENDA – MARCH 23, 2010**

### **INVOCATION ROLL CALL RECORDS**

### **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS**

### **COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1-3        Com. from Risk Manager - Requesting an appropriation of funds
- Pg. 4        Com. from Barry Cooperstein, Board of Assessors – Requesting approval to carry over unused vacation days
- Pg. 5        Com. from Executive Director, Heart of Taunton – Requesting Farmer's Market
- Pg. 6        Com. from Paul Allison, Taunton Fire Department – Requesting use of the electronic sign for multiple events
- Pg. 7        Com. from Donald Cleary, on behalf of a member of the Local Mason Organization – Requesting to install “Welcome to Taunton” signs
- Pg. 8        Com. from Donald Cleary, Chairmen, Board of Trustees, Kiwanis Club – Requesting use of the electronic sign
- Pg. 9-12      Com. from Matt Burke, UMASS Dartmouth, MASSPIRG student chapter - Requesting participation in the Bottle Bill
- Pg. 13-14    Com. from Attorney Frank Biedak, 57 Main St., Taunton – Requesting information on the Morey’s Bridge Dam Project
- Pg. 15-26    Com. from Attorney Marc Antine, 63 Winthrop St., Taunton – Request for extension of Special Permit/Site Plan
- Pg. 27-28    Com. from Michael O’Donnell, Trustee, Boston Financial Trust, 111 Main St., Taunton – Regarding 107-111 Main Street

## **PETITIONS**

### **Constable License**

Application submitted by Herve Vandal, Jr., 82 Reed St., New Bedford requesting a **RENEWAL** of his Constable License desiring to serve civil process.

### **Newspaper Rack License**

Petition submitted by Russell Wotton, Spectrum Publishing requesting a **NEW** Newspaper Rack License –DBA- The Real Estate Book for 4 locations for the remainder of this license period through April 30, 2010 and also for May 1, 2010 through April 30, 2011.

### **Second Hand Article License**

Petition submitted by Romey Levy requesting a **NEW** Second Hand Article License – DBA- déjà vu, We Care located at 49 Main Street.

### **Claims**

Claim submitted by David and Barbara Fontaine, 2199 Lewis St., Dighton seeking reimbursement for damages to their automobile from hitting a pothole on Route 44 traveling from Taunton into Dighton.

Claim submitted by Britney Santos requesting a reimbursement for damages to her automobile from a Taunton fire truck hitting it while it was parked at the Taunton Walk-in Clinic at 58 Tremont Street.

Claim submitted by Eric LeGuelaff, 72 Blackamore Ave., Cranston, RI seeking reimbursement for damages to his automobile from hitting a pothole near 390 Winthrop Street, Taunton.

### **Miscellaneous**

Departmental Site Plan Review on the petition submitted by Richard Peraino, General Dynamics C4 Systems, Inc. to allow a 4.25 acre outdoor vehicle testing facility with 2,760 sq. ft. of buildings at lot 18-17 John Quincy Adams Road located in the Industrial District. **(Informational Only)**

## **COMMITTEE REPORTS**

## **UNFINISHED BUSINESS**

Last week the Council asked for communications from the City Planner and the Safety Officer regarding Richmond Street:

- Pg. 29-31 Com. from Safety Officer – Updating on Richmond Street
- Pg. 32-37 Com. from City Planner – Updating on Lot 3 on Richmond Street

- **Executive Session** – Motion was made from the Municipal Council to continue the investigation into a claim (Police).
- **Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Cleanup

**ORDERS, ORDINANCES AND ENROLLED BILLS**

**NEW BUSINESS**

Respectfully submitted,

A handwritten signature in cursive script that reads "Rose Marie Blackwell". The signature is written in black ink and is positioned below the typed name.

**Rose Marie Blackwell  
City Clerk**



**CITY OF TAUNTON**  
**LAW DEPARTMENT**  
**DIVISION OF RISK MANAGEMENT**  
15 SUMMER STREET  
TAUNTON, MA 02780  
Tel. (508) 821-1172  
Fax (508) 821-1397

*Jane E. Estey*  
City Solicitor

*Carol A. Souza*  
Risk Manager

March 17, 2010

Mayor Charles Crowley and  
Members of the Municipal Council  
City Hall  
Taunton, MA 02780

Dear Mayor Crowley and Councilors:

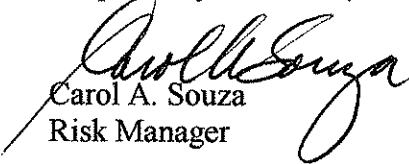
Request is hereby made for an appropriation of funds as follows:

\$72,870.17 from available funds to Account #945-202-5760 (Loss Fund) for reimbursement of legal fees and costs incurred thus far by our insurer for litigation relating to The Farms at Indian Pond. (I have enclosed a breakdown of those costs).

\$25,000.00 from available funds to Account #945-202-5740 (Premiums). This appropriation is necessary because budgets are prepared and submitted in March based upon an estimate, and actual premium costs are not received until June. There are also additions of insurance during the year, such as property acquired by tax title (this year two vacant residential properties and a gas station), and new vehicles added to our fleet.

I shall be happy to answer any questions you may have. Thank you for your attention to this matter.

Respectfully submitted,

  
Carol A. Souza  
Risk Manager

2.

**BREAKDOWN OF COSTS AS OF 3/9/10**  
**KYLE THOMAS, et al v. CITY OF TAUNTON, et al**  
**(THE FARMS AT INDIAN POND)**  
**DATE OF LOSS: 6/5/05**

	A	B	C	D	E	F
1	<b>Lawyers' Fees</b>	<b>Court Reporters</b>	<b>Printing</b>	<b>Mediation</b>	<b>Expert Witnesses</b>	
2	\$ 23,806.66	\$ 264.80	\$ 2,270.90	\$ 2,250.00	\$ 1,002.50	
3	\$ 5,297.27	\$ 259.81	\$ 477.07		\$ 1,167.00	
4	\$ 5,690.66	\$ 954.50			\$ 1,140.90	
5	\$ 4,165.26	\$ 889.00				
6	\$ 4,354.60	\$ 832.40				
7	\$ 5,068.29	\$ 415.50				
8		\$ 630.50				
9		\$ 759.75				
10		\$ 707.50				
11		\$ 619.50				
12		\$ 341.75				
13		\$ 495.60				
14		\$ 1,768.45				
15		\$ 611.25				
16		\$ 776.25				
17		\$ 905.50				
18		\$ 394.00				
19		\$ 2,279.25				
20		\$ 2,273.75				
21						<b>TOTAL</b>
22	\$ 48,382.74	\$ 16,179.06	\$ 2,747.97	\$ 2,250.00	\$ 3,310.40	\$ 72,870.17

**COUNCIL ORDER TRANSFER REQUEST**

DATE: 3/18/10  
DEPARTMENT REQUESTING: Risk Management  
AMOUNT REQUESTING: \$97,870.17  
REASON FOR REQUEST: see attached letter

\*\*\*\*\*  
Please list below the account number/name for the requested transfer.  
If requesting monies from AVAILABLE FUNDS check here: \_\_\_\_\_

TRANSFER FROM: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ \_\_\_\_\_  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1-945-202-5760  
NAME: Loss Fund  
BEGINNING BALANCE: \$1,329.69  
AMOUNT: \$ 72,870.17  
NEW BALANCE: \$ 74,199.86

TRANSFER FROM: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ \_\_\_\_\_  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1-945-202-5740  
NAME: Premiums  
BEGINNING BALANCE: \$85,653.92  
AMOUNT: \$ 25,000.00  
NEW BALANCE: \$ 110,653.92

DEPARTMENT HEAD SIGNATURE: Carol A Souza  
TITLE: Risk Manager  
\*\*\*\*\*

**TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:**

DATE REFERRED TO COMMITTEE ON FINANCE & SALARIES: \_\_\_\_\_

THE ABOVE REQUEST IS HEREBY: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED

AVAILABLE FUNDS TO BE USED (IF REQUESTED): \_\_\_\_\_

IF DENIED, REASON FOR DENIAL: \_\_\_\_\_

COUNCIL ORDER NUMBER ASSIGNED: \_\_\_\_\_  
\*\*\*\*\*

**FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM WITH A FORMAL COVER LETTER REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE FOLLOWING:**

- City Clerk - Original
- Mayor's Office
- Clerk of Council Committee
- City Auditor



**CITY OF TAUNTON  
BOARD OF ASSESSORS  
CITY HALL**

**15 Summer Street Taunton, Massachusetts 02780  
Tel (508) 821-1011 Fax (508) 821-1096**

**Barry Cooperstein, Chr.  
Scott DeSantis  
Kathy Grein**

March 11, 2010

Council President Deborah Carr  
and Members of the Municipal Council

I hereby request permission to carry over my unused vacation days into FY2011. The COTMA contract states, "Unused vacation days may not be carried over beyond one (1) fiscal year without the express approval of the Mayor and/or the Municipal Council, which approval shall not be arbitrarily or unreasonably withheld."

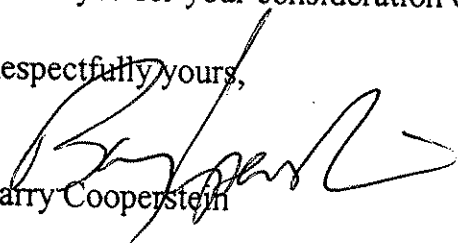
At present I have 74 days. By contract, I may carry over 25 days (my annual allotment) plus the 15 "furlough" days, leaving 34 days in the air.

6.5 days will be used for religious observance, leaving 27.5.

I will use as many days as possible before June 30, 2010, without negatively affecting the necessary tasks at hand. The more time I have for field work, the greater the new growth. In addition, delays at the Department of Revenue have set us back significantly.

Thank you for your consideration of this request and your timely, written response.

Respectfully yours,

  
Barry Cooperstein



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43 Taunton Green, Suite 4  
Taunton, MA 02780  
508-880-4960  
heartoftaunton@aol.com  
www.heartoftaunton.com

March 10, 2010

Mayor Charles Crowley  
Taunton Municipal Council  
15 Summer Street  
Taunton, MA 02780

Re: Farmer's Market

Dear Mayor Crowley and Members of the Council,

The Heart of Taunton respectfully requests the Farmer's Market return to the downtown for another year. This would be the tenth year for the market and it is our request to utilize the parking area behind City Hall as it's the most accessible to the Farmers and their customers.

I have met with the new Market Master – Bob Peasley and WIC Director Diana Martell and have confirmed that there will be no fees from any of the parties involved-including the Heart of Taunton as we have never charged for our assistance with the logistics of the Market.

The hours of operation would remain the same: Thursday afternoon 12noon-6pm beginning July 8 and continuing through October 28.

I have contacted the parking control officer Richard Bernier and have confirmed this is the best feasible location.

The Market offers fresh produce and homemade goods from area farmers. It typically receives great results from year to year and would truly be an asset to our downtown.

I would greatly appreciate your approval in this matter.

In advance, I thank you for your consideration.

Regards,

  
Julie Sprague  
Executive Director

cc: Richard Bernier, Chief Reardon, Taunton Parking Commission



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March 22, 2010

Dear Mayor Crowley and Taunton Municipal Council,

The Taunton Firefighters are requesting the use of the Electronic sign for charity events coming up in the months of April and May

Mc Firefighter Night --- Wednesday, April 5<sup>th</sup> 5-8pm at the McDonalds on Winthrop St. Come join Sparky the Fire Dog for fun and games to benefit the Relay for Life.

Saturday May 1<sup>st</sup> Join the Taunton Firefighters for our annual Earth day Clean up of Memorial Park on Somerset Ave. Donuts and Coffee and Pizza for lunch! 8am -1pm

Saturday May 1<sup>st</sup>—Chicken BBQ to benefit the Relay for Life at the PACC. 5-9pm. Tickets in advance only \$20 each or 2 for \$30. Call 508 813 6334. Sponsored by Taunton Firefighters.

Saturday May 8<sup>th</sup> --- 2nd Annual Sgt Shane Duffy Scholarship Meat on a stick at the PACC tickets in advance Call 508 813 6334. Tickets are \$15 each or 2 for \$25

Thank You



Paul Allison  
Taunton Fire Dept.

To: Dr. Gerald Croteau

Subject: Local Mason Organization's request for signage

Date: Feb. 12, 2010

From: Donald L. Cleary

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Dear Sir:

A member of the local Mason organization asked me to obtain a response from the city concerning their request to install "Welcome to Taunton" signs on some major roads leading into Taunton. I believe the signs would read:

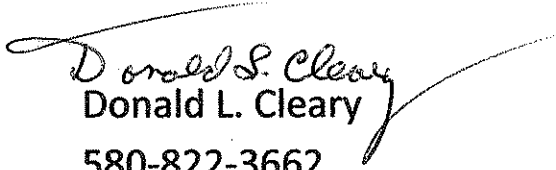
"Welcome to Taunton"

"Local Odd Fellows Organization"

Could you please look into the status of this request which was submitted to the mayor's office approximately four weeks ago?

Once again your assistance is greatly appreciated.

Thank you,

  
Donald L. Cleary  
580-822-3662

8.

To: Dr. Gerald Croteau and City Councilors  
Subject: Use of city electronic message sign  
Date: Feb. 12, 2010  
From: Donald L. Cleary 508-822-3662

Dear Councilors,

On behalf of the Taunton Kiwanis Club I am requesting permission to utilize the city's electronic sign to publicize the club's upcoming "Men with Taste Night". This event will take place on March 27, 2010 at the PACC from 6:00 to 12:00.


The initial part of the evening will be dinner provided by local volunteer cooks. Then there will be raffle events. Finally, dance music by the local band "Freeze Pops". This is the Kiwanis Club's major fundraiser for the year.

Your assistance in this matter is very greatly appreciated.

Sign message:

Kiwanis Club "Men with Taste"  
Saturday March 27 at PACC  
Tickets \$15 Time 6:00pm

Thank you,

  
Donald L. Cleary  
Chairmen, Board of Trustees

**MASSPIRG**  
**Public Interest**  
**Advocate**

44 Winter St., 4th Fl.  
Boston, MA 02108

www.masspirg.org (617) 292-4800 (ph)  
info@masspirg.org (617) 292-8057 (fx)

Dear City of Taunton council,

My name is Matt Burke, and I am a student intern with the MASSPIRG student chapter at the University of Massachusetts Dartmouth. As a student activist organization on campus, we are working to get our neighboring towns to pass a resolution supporting an updated bottle bill. In 1981, the bottle bill was passed in our state, and about 68% of all beer and soda cans were redeemed for their nickel deposit. Because of the bottle bill, towns and cities do not have to manage these bottles and cans as litter, trash, or recycling. However, most of the bottles and cans we use today were not around in 1981 and are therefore are not included in the old bottle bill. In fact, Massachusetts residents annually use close to four hundred million containers which are not covered by deposits. An updated bottle bill would ensure that more bottles and cans are included in the nickel redemption, and therefore it will save close to one billion bottles and cans from being buried and burned every year.

What we are asking from Taunton is that you join the over 120 cities and towns in the state that have already passed a resolution stating that your municipality supports an updated bottle bill. I'm attaching information about the benefits of an updated bottle bill to this message. If you are in support of updating the bottle bill, feel free to sign the attached resolution and send it back to us. If appropriate, we would be happy to come to your agenda at your council meeting to do a presentation on the topic. Please feel free to contact me with any questions. Thanks in advance for your time and consideration.

Thank you,



Matt Burke  
UMASS Dartmouth 2010  
Mburke3@umassd.edu  
617-538-1514



44 Winter St., 4th Fl.  
Boston, MA 02108

www.masspirg.org (617) 292-4800 (ph)  
info@masspirg.org (617) 292-8057 (fx)

March 9, 2010

285 Old Westport rd  
Dartmouth Ma, 02747

Dear Mayor Charles Crowley,

Massachusetts municipalities are paying to manage millions of non-redeemable beverage containers each year as trash or litter. While generally less than disposal, even recycling has a cost associated with it.

Thanks to the Bottle Bill, about 68% of beer and soda containers are redeemed for their deposit, which means **municipalities don't have to manage them either as litter, trash or recycling**. Since it was enacted in 1983, many new types of beverages have been introduced to the market. More than 400 million containers that are consumed in Massachusetts are not covered by deposits. Less than 1/3 of these are recycled, which means **most of them are littered or disposed, at great cost to municipalities**.

MASSPIRG and MassRecycle, the state's non-profit recycling coalition, in conjunction with MassDEP, the City of Boston, the Sierra Club and other organizations, have been working together for years to update the Bottle Bill to include beverages that didn't exist in 1983.

**We invite your community to join us in helping to make it happen this year.**

New York and Connecticut recently updated their bottle bills to include noncarbonated beverage containers. It's time that those who profit from selling these products in Massachusetts take responsibility for managing their waste.

Our organizations are rallying behind H3515, which has 60 supporters in the legislature. The bill, "An Act to Improve Recycling Rates in the Commonwealth" is sponsored by Representative Alice Wolf. The Joint Committees on Telecommunications, Utilities and Energy will be deciding whether or not to support this bill this spring.

**MASSPIRG is asking the Chief Elected Officials of all municipalities to support this bill by signing the attached resolution at your next meeting. Already over 120 cities and towns have signed on.**

Other pertinent information is attached for your consideration. Your support would be compelling to the legislators, and may make the difference in finally getting this bill out of committee for a vote. For more information, go to [www.massbottlebill.org](http://www.massbottlebill.org).

Sincerely yours,

Matt Burke  
MASSPIRG, Umass Dartmouth  
617-538-1514  
Mburke3@umassd.edu

# Benefits of an Expanded Bottle Bill on Municipal Refuse and Recycling Costs and Revenues\*

The Bottle Bill, enacted in 1982, requires a nickel deposit on beer and soda containers. Consumers are allowed to return empty containers to their local retailer or redemption center for a five cent refund. Beverage manufacturers are responsible for the collection and recycling of their products. An expanded Bottle Bill would extend a nickel deposit to water, juice, energy drink and sport drink bottles, which now represent over 30% of the beverages sold in Massachusetts and are the fastest growing segment of the beverage industry. The cost to manage these discarded containers is currently the responsibility of municipalities through collection of public waste receptacles and household trash and recycling programs.

MassDEP commissioned an analysis of the impact of an expanded Bottle Bill on municipal refuse and recycling costs and revenues. In calculating the impact, the study examined the following:

### Avoided Collection Costs:

Expanding the Bottle Bill would remove a significant portion of beverage containers typically collected through trash and recycling programs and make the recycling of them the responsibility of manufacturers. The study estimated the annual cost savings through avoided waste and recycling collection costs at roughly \$4 to \$5 million.

### Avoided Disposal Costs:

Since Bottle Bill recycling rates are more than double the rate achieved through traditional municipal recycling programs, significant amounts of beverage containers currently going in municipal trash would be diverted to recycling through the Bottle Bill system. This results in a significant reduction in trash disposal costs. The study estimated avoided disposal costs to be \$482,000 to \$2,334,000 annually.

### Net Recycling Revenues:

An estimated 18,000 tons of beverage containers would be diverted from municipal recycling efforts and recycled through the Bottle Bill system. Communities typically receive some revenue from the sale of these materials. The study estimated these revenues to be nearly \$900,000 annually.

The table below summarizes the study's conclusion that an expansion of the Bottle Bill would save municipalities between \$3.7 and \$6.5 million annually in avoided collection and disposal/recycling costs. "Low" and "High" figures represent two ranges of anticipated redemption under an expanded Bottle Bill.

	Benefits / (Costs)	Low (\$)	High (\$)
1	<b>Avoided Collection Costs</b>	\$4,214,000	\$5,033,000
2	<b>Net Recycling Revenues</b>	(\$899,000)	(\$899,000)
3	<b>Avoided Disposal Costs</b>	\$482,000	\$2,334,000
	Subtotal:	<b>\$3,797,000</b>	<b>\$6,468,000</b>

### Litter Abatement:

Additionally, the study estimated that an expanded Bottle Bill would save Massachusetts municipalities over \$500,000 annually in avoided litter collection costs.

For additional information contact:

- **Sean Sylver, Regional Planner, MassDEP**  
sean.sylver@state.ma.us – 617-292-5747

\* The information contained in this fact sheet references DSM Environmental's 2009 study, "Analysis of the Impact of an Expanded Bottle Bill on Municipal Refuse and Recycling Costs and Revenues," available on request.

## RESOLUTION IN SUPPORT OF UPDATING THE MASSACHUSETTS BOTTLE BILL

Whereas The Massachusetts Bottle Bill, enacted in 1982 has allowed (your city/town) residents to enjoy a cleaner environment by creating an incentive for users of certain beverage containers to recycle those used containers; and,

Whereas, states with deposit laws have higher residential recycling rates of beverage containers than those of non-deposit states, and;

Whereas litter decrease in states with Bottle Bills averages 70-85%, and,

Whereas, through the Massachusetts Bottle Bill, we recycle nearly 80% of containers of deposit containers, but only 20% on non-deposit containers, and

Whereas the Governor of the Commonwealth, and members of the Massachusetts Senate and House of Representatives have recognized that the original bottle bill does not take into account those beverages such as bottled water, sports drinks, and teas.

Whereas the addition of bottled water, sports drinks and teas to the Bottle Bill will decrease the total volume of municipal solid waste that is needed to be collected, thus saving disposal fees and landfill space.

### Be It Resolved

That we, the (members of your city/town's council, board of alderman, etc. or mayor) commemorate the 27th anniversary of the implementation of the Massachusetts Bottle Bill.

Furthermore, Be It Resolved That: the City/Town of Taunton be placed on record as being in support of the Massachusetts Beverage Container Deposit Law and encourages it's strengthening through expanding the list as recommended by the Governor in his proposed budget and currently being considered by the House and Senate Joint Committee on Telecommunications, Utilities and Energy.

Furthermore, Be It Resolved that the (City/Town) goes on record in supporting programs that encourage residents and visitors to return or recycle all beverage containers and other recyclable materials to fully utilize the currently available recycling programs.

Be it Further Resolved that the City instruct our state representatives and state senators, and our governor to support and vote in favor of updating the Massachusetts Container Beverage Law.

\_\_\_\_\_  
Mayor/ Chairman, Board of Selectmen

\_\_\_\_\_  
Town of

\_\_\_\_\_  
Date

LAW OFFICE OF  
**Frank E. Biedak, P.C.**

57 Main Street  
Taunton, MA 02780  
www.biedaklaw.com

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Tele: 508-821-2600

Facsimile: 508-821-2003

March 17, 2010

Mayor Crowley  
City Hall  
15 Summer Street  
Taunton, MA 02780

City Council  
City Hall  
15 Summer Street  
Taunton, MA 02780

Re: Equal Treatment

Dear Mr. Mayor and Members of the Municipal Council:

Once again, "Mother Nature" adversely impacted the City, many of your constituents and numerous area businesses. On the surface, the recent flooding throughout the City would appear to be the unfortunate result of a significant rainfall because numerous municipalities around the Commonwealth were also impacted. The informed, know better.

As any historian would know, In Olde Tyme Taunton, the Morey's Bridge Dam operator would annually draw down the lake in anticipation of the Winter's snow, and the spring rains. It is obvious that the temporary structure erected by Help Save the Lake volunteers did not have a gate, or release valve to accomplish that vital function. As a result, every storm event forces those living on the Lake, and numerous others downstream to wonder, "what if" the 2007, DCR's Dam Safety Order was just followed? Obviously, the Orders were not followed, and the results are now a sad chapter in our City's history.

As you all know, the Hockomock swamp eventually dumps into Lake Sabbatia. The Hockomock swamp is in a sense, a self-perpetuating 7.5 *billion gallon* water storage area. This 10-square-mile wetland swells during storms, and ultimately releases its discharge into our Lake Sabbatia. If Lake Sabbatia was drawn down, the release of such massive amounts of water might not be as problematic. With all due respect, may I suggest that this much water poses a much greater threat to public safety than an aged, down-town building?

Fortunately, our State's Attorney General, after several law suits, took the stance that our City's Administration has been unable to do, i.e., that the situation on Lake Sabbatia is unsafe, and that the people, now a corporate entity, must be held responsible for their own actions. Attorney General Martha Coakley deserves much praise from any Taunton resident concerned with public safety.



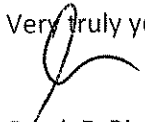
I am confident that the Attorney General's Office will follow through with its Settlement Agreement to drastically reduce the height of the cofferdam and the water volume held back. I am not as confident as to the construction of a new Morey's Bridge Dam (or for that matter, in this day and age, the wisdom of spending tax dollars to erect a dam, when the public's safety is likely enhanced without such a structure), but would respectfully ask Mayor Crowley and the City Council to consider the following:

1. Provide the public with an update regarding the Morey's Bridge Dam project, and the proposed new bridge over that area.
2. Given the economy, and the City budget, why the City would not charge those responsible, i.e., Help Save the Lake, and Jefferson Development, for years of increased costs (staffing and equipment and incidentals) each time the Police, Fire, TEMA, DPW and others, work overtime, as a result of such a weather event. (Not even the Mayor can control the weather, but with the cofferdam's construction, the City lost the ability to reduce the lake's level in advance of a storm)

The Administration has rightly shifted the financial burden from the voters/tax payers to individual property owners, such as the Star Theatre when their wrongful actions require the City to expend funds to make the public "safe." If the City government was interested in treating all citizens equally, should it not require the wrong-doers in the Lake Sabbatia debacle to do the same?

As always, thank you for your time.

Very truly yours,



Frank E. Biedak, Esq.

*Roster & Antine*

*Attorneys at Law*

63 Winthrop Street

P.O. Box 1017

Taunton, MA 02780-0952

Telephone (508) 823-4553

Facsimile

(508) 824-6608

E-mail

roster.antine@verizon.net

EDWARD A. ROSTER

MARC E. ANTINE

March 18, 2010

City of Taunton Municipal Council  
City of Taunton City Hall  
15 Summer Street  
Taunton, MA 02780

**RE: Cumberland Farms, Inc. Request for One Year Extension of  
Special Permit/Site Plan Approval for Premises at 310 Broadway**

Dear Members of the Taunton Municipal Council:

I represent Cumberland Farms, Inc., now of 100 Crossing Boulevard, Framingham, MA 01702.

On May 18, 2007, the Taunton Municipal Council unanimously voted (with one excused member) to grant to Cumberland Farms, Inc. a special permit/site plan approval with conditions for a proposed gasoline filling station and convenience store at 310 Broadway which is located in the highway business district. I enclose a copy of the special permit/site plan approval decision. At that time, the premises was owned by Francis J. Leca, Trustee of Leca Realty Trust, and Mr. and Mrs. Leca. As a result of the granting of the special permit/site plan approval, Cumberland Farms, Inc. purchased and currently owns the premises.

On April 1, 2009, on behalf of Cumberland Farms, Inc., I requested a one year extension of the special permit/site plan approval. The Taunton Municipal Council unanimously voted to extend the special permit/site plan approval for a period of one year. Please see a copy of the Minutes of the Taunton Municipal Council approving the one year extension.

By this letter, pursuant to G.L. c. 40A, §9, Cumberland Farms, Inc. hereby requests that the Taunton Municipal Council vote to again extend the special permit/site plan approval for a period of one (1) year.

As reasons for this request for extension of the special permit/site plan approval, Cumberland Farms, Inc. states the following:

- 1) Cumberland Farms, Inc. has made a substantial financial commitment to the City of Taunton and the premises through its purchase of the premises.
- 2) Cumberland Farms, Inc. continues to have a substantial interest in the development of the premises. Cumberland Farms, Inc. has annually renewed its Haz. Mat. Permit (which is required for a gasoline filling station) and has requested and been granted extensions of its Mass. Highway Department permit for the premises. Further, Cumberland Farms, Inc. has extended its Order of Conditions granted by the Taunton Conservation Commission.

*Roster & Antine*  
*Attorneys at Law*

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City of Taunton Municipal Council  
Page 2  
March 18, 2010

- 3) Shortly after obtaining from the Taunton Municipal Council special permit/site plan approval, obtaining its other permits and purchasing the premises, the economy sharply declined, leading to a decision to postpone construction and to test the market for possible sale.
- 4) Subsequently, Cumberland Farms, Inc. went through a review of its locations for which development permits have been granted, and Cumberland Farms, Inc. very much wishes to retain the ability to develop the premises which is the subject of the special permit/site plan approval. The development of the premises would bring enhanced tax revenue to the City. Further, Condition #14 of the special permit/site plan approval requires that the sum of \$40,000.00 shall be paid to the City prior to a building permit to mitigate traffic impact on Broadway and the Jackson Street intersection with Broadway. In the event that the special permit/site plan approval is not extended, the City will lose the opportunity to obtain the \$40,000.00 mitigation amount which is a condition of the special permit/site plan approval.

I would be happy to appear before the Taunton Municipal Council to further explain the reasons for this request for extension of the special permit/site plan approval and to answer any questions you may have.

Please inform me of the date and time when this request for extension will be considered by the Taunton Municipal Council and also whether you wish for me to appear before the Taunton Municipal Council at that date and time. Also please inform me if you need any further information regarding this request for extension.

Thank you for your consideration of this request for extension of the special permit/site plan approval.

Respectfully yours,

ROSTER & ANTINE

*Marc E. Antine*

Marc E. Antine, Esquire

*(LJB)*

MEA/ljb  
Enclosures

cc: City of Taunton City Clerk  
City of Taunton City Hall  
15 Summer Street  
Taunton, MA 02780 (duplicate original w/copy of enclosures)

Mr. Kevin R. Scanlon, City of Taunton City Planner  
1 Leonard Court  
Taunton, MA 02780 (w/copy of enclosures)

Ms. Kathleen A. Sousa, Land Planning Manager  
Cumberland and Gulf Group of Companies  
100 Crossing Boulevard  
Framingham, MA 01702 (w/copy of enclosures)

17.  
DECISION OF THE CITY OF TAUNTON MUNICIPAL COUNCIL  
ON THE PETITION FOR SPECIAL PERMIT/ SITE PLAN REVIEW

May 18, 2007

Petitioner  
Cumberland farms  
777 Dedham Street  
Canton, Ma 02021  
Owner  
Francis Leca, Leca Family Trust  
For  
310 Boadway, Taunton, Ma

The petition is for a Special Permit/ Site Plan Review to allow a gasoline filling station and convenience store at 310 Broadway submitted by Cumberland Farms and located in the Highway Business District.

On or about August 15, 2006 the petitioner filed with the City of Taunton Municipal Council, a petition for a Special Permit/Site Plan Review. As required by the Zoning Ordinance, copies of the petition and plans submitted therewith were submitted to the applicable City Boards and Departments.

On October 24, 2006 and November 14, 2006 hearings were held and the petition was subsequently denied and appealed. The case was then remanded for re-hearing and on May 8, 2007, a public hearing was held by the Municipal Council, after proper notice as required by Massachusetts General Laws Chapter 40A, Section 11 and the City's Zoning Ordinance.

In considering the petition, the Municipal Council familiarized itself with the premises and examined the location, layout and other characteristics. A communication from the City Treasurer advised that there are no outstanding taxes on the property. After reviewing the petition, plans and testimony, the Municipal Council finds that the petition was formally sufficient and submitted and reviewed in accordance with the procedures set forth in the Zoning Ordinance and that proper notice was given.

The Municipal Council, having made a motion to Grant the special permit/ site plan review, based on the submitted plans and accompanying materials with the following conditions contained in the motion to approve;

Condition #1) That the plans entitled Site Plans for the proposed Cumberland Farms situated at 310 Broadway, Route 138 dated 4/14/2005 and revised through 2/1/2007 shall govern with the following additional conditions;

Condition #2) all non-security lighting shall be turned off at closing

Condition #3) Lighting shall be 0 lumens at the property lines and a conforming lighting plan shall be provided prior to a building permit. This shall include no lights shining onto traffic on Broadway

Condition #4) The site shall be kept clean and clear of debris

Condition #5) Two set of as-builts shall be submitted upon occupancy

Condition #6) the dumpster shall be located on a concrete pad, enclosed with a six foot stockade fence and shall be kept closed at all times and emptied regularly

Condition #7) a copy of the Mass Highway approval shall be provided for the file

Condition #8) A haz-mat permit is required from the Board of Health

Condition #9) A food plan review and corresponding approval is required from Board of Health

Condition #10) A set of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required.

Condition #11) Landscaping shall be per section 7.1 of the zoning ordinance, class 4.

Condition #12) hours of operation shall be 5:30 am to 12:00am

Condition #13) the drainage plan shall be approved by the City Engineer prior to Building Permit

Condition #14) a sum of \$40,000.00 (forty thousand dollars) shall be paid to the City prior to a building permit to mitigate traffic impacts on Broadway and the Jackson Street intersection with Broadway

Condition #15) Fencing shall be installed along the abutting properties

Condition #16) Deliveries shall be limited between the hours of 6:00 am and 5:00 pm Monday through Friday and 8:00 am to 5:00 pm on Weekends except for gasoline deliveries, dumpster service and excessively noisy deliveries which shall be limited to deliveries between 8:00 am and 5:00 pm on all days.

Condition #17) The American Bamboo located on site and on abutters properties shall be removed.

The Municipal Council, having voted Eight (8) in favor, One (1) excused of said motion, hereby Grants the petition of the Special Permit/ Site Plan Review;

CITY OF TAUNTON MUNICIPAL COUNCIL

The following Municipal Council members voted in favor of the motion to Grant the petition:

Andrew Marshall

David W Pottier

Barry J. Amaral

Donald L. Cleary

Thomas C Hoye, Jr

Jason D Buffington

Gerald A Croteau

Debra Ann Botellio

Rec'd Taunton  
City Clerks  
Office  
5/15/07 @ 7:00pm  
RMB

The following Councilor was excused

Daniel Mansour Barbour

**PETITION GRANTED**

Voted: May 8, 2007 Decision\ 310 Broadway (pg2 of 2)

June 6, 2007

I hereby certify that twenty (20) days have elapsed from the filing of this decision with the Taunton City Clerk's Office and that no appeal of said decision has been so filed.

Rose Marie Peackidee

City Clerk



*City of Taunton  
Municipal Council Meeting Minutes*

*In the Chester R. Martin Municipal Council Chambers  
Minutes, May 19, 2009 at 7:27 O'clock P.M.*

*Regular Meeting*

*Mayor Charles Crowley presiding*

*Prayer was offered by the Mayor*

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

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

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

At this time, the Mayor read a proclamation proclaiming the month of May, 2009 as Mental Health Awareness Month in the City of Taunton. Motion was made to invite Roberta Getz, Board of Trustees, Taunton State Hospital and John Brennan, Chairman into the enclosure to accept the proclamation. So Voted. Ms. Getz read a speech regarding the hospital.

At this time, a motion was made to invite Debra Brown SADD Advisor and students in the program into the enclosure. So Voted. Ms. Brown stated they are here tonight to discuss underage drinking. They also expressed thanks to the Council for approving their request to have the following message on the electronic sign: Hey Parents: It's illegal to serve alcohol to minors. Make sure post-prom and grad parties are alcohol free. Motion was made to make part of the sign. So Voted.

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

Hearings:

Hearing came up by assignment upon the petition submitted by Attorney Marc Antine, Roster & Antine Attorneys at Law, 63 Winthrop St., Taunton on behalf of their client, Cumberland Farms, Inc, 777 Dedham Street, Canton requesting a one-year extension of their Special Permit/Site Plan Approval for the premises at 310 Broadway. Motion was made to open the hearing. So Voted. Motion was made to invite the petitioner into the enclosure. So Voted. Motion was made to make a copy of the Special Permit/Site Plan approved on May 18, 2007 part of the record. So Voted. Attorney Marc Antine, Roster & Antine Attorneys at Law, 63 Winthrop Street stated that he is here on behalf of Cumberland Farms, Inc. who is requesting a one-year extension of their special permit. He stated that Russell McKohler, Senior Real Estate Manager for

A true copy.

Attest:

*Rose Marie Brockwell*

City Clerk

Cumberland Farms was with him tonight to answer any questions relative to this matter. Councilor Costa-Hanlon asked if there were any changes. Attorney Antine stated there were no changes. He stated that Cumberland Farms was not able to build this within the 2-year limit of the permit because of the money they expended to purchase the site, fees, various permits, etc. When the market crashed, they reviewed their numbers and they decided that they could not justify building the facility at this time. They still have a lot of interest in the property and are waiting for the market to turn. They previously marketed the property and no one showed interest in the property. It is on this basis that Cumberland Farms is asking for a one-year extension of the special permit and the site plan approval that went with the permit. Speaking in favor of the petition was Laurinto Costa, 41 Vaillancourt Street. He stated he is an abutter to the property and is concerned about engineering and environmental issues. Attorney Antine stated that the engineers would speak with him prior to obtaining the building permit. He stated his other concern is the traffic problem another gas station would create at the Jackson Street corner as it is difficult to maneuver now. Attorney Antine stated that there have been engineering and traffic studies already completed. Attorney Antine stated that one condition is before the permit can be issued, a \$40,000.00 payment must be made to the City for mitigation of traffic on Broadway. Attorney Antine stated he has gone through Conservation and would have the engineering people contact Mr. Costa. Speaking in opposition was Denise Teague, 25 Vaillancourt Street. She asked about the hours of operation. Councilor Costa-Hanlon stated they are 5:30 AM-12:00 AM as stated under condition #12. She stated she understands they will serve coffee and refreshments, but inquired if they will sell beer and wine. Attorney Antine stated they have not contemplated that. Ms. Teague asked about delivery times. The Mayor stated that has been addressed and is listed under condition #16 of the original agreement. She also expressed concern for loud music. Attorney Antine stated he would provide a copy of the agreement to her after the meeting. **Motion was made to close the hearing and grant the petition. So Voted. Motion was made to excuse the parties. So Voted.**

**Communications from Mayor:**

At this time, the Mayor stated that on June 2, 2009, he will present the FY2010 Budget. He stated that as everyone knows, due to the dire projections of revenue there will be significant cuts and will include a job elimination/un-funding of some jobs. He stated there may be pink slips going out to individuals which may not reflect the accurate number laid off in the long run. When the budget is projected June 2, 2009, that will reflect the conditions at that time. The Mayor stated that if during June he receives better news from the State, he would be able to retract some of the pink slips. He stated that contractually, some of the bargaining units require notification prior to June 1<sup>st</sup>. The Mayor stated that a standard provision is to provide an employee with notice of separation at least seven days prior to the holding of the hearing and shall also include with such notice a copy of sections 39 and 40 of the MGL. He stated if such a hearing is conducted, the appointing authority may appoint a hearing officer to report his findings forthwith to the appointing authority. Therefore, the Mayor recommends the appointment of Maria Gomes, Director of Human Resources as the hearing officer. **Motion was made to move approval. So Voted.**

The Mayor read a communication he submitted to the Council stating that the Commonwealth of Massachusetts has notified Taunton that the final payment of Fiscal 09



state aid will be reduced by \$4,747,808.00 for Chapter 70 funding. He also stated the School Department/School Committee will be able to apply for the ARRA FY09 state fiscal stabilization fund (SFSF) grant in the act amount of Chapter 70 aid reduction. He is recommending that the Council vote to reduce FY09 School Department appropriation by \$4,747,808.00 and that our FY09 estimated receipts be reduced by the same amount so that we do not have a revenue deficit for FY09. The Mayor provided a copy of the memorandum from the Department of Revenue and the Department of Elementary Education which highlights the amount of the reduction in Chapter 70 funds as well as the communication from Budget Director and Taunton School Business Manager to the Auditor indicating the School Department would apply for the FY09 ARRA Stimulus funding. **Motion was made to move approval. Councilor Hoyer voting present. So Voted.**

**Communications:**

Com. from Commissioner, Parks, Cemeteries and Public Grounds providing a response concerning a lease agreement between the City of Taunton School Department and the Taunton Junior Girls Softball League for use of the Norton Avenue school facilities. She stated her department was never involved in this lease agreement and does not have a copy of the current agreement. **Motion was made to provide a copy of the City Solicitor's decision on this and a copy of the agreement to Ms. Greene and to give a copy to all Councilors. So Voted.**

Com. from Building Commissioner submitting the Building Permit Record for April, 2009. **Motion was made to refer to the Mayor's Office. So Voted.**

Com. from Building Commissioner informing of his intent to erect a small addition to his home and that he has made arrangements with the Raynham Building Department to perform all required inspections to alleviate any conflict of interest. **Motion was made to receive and place on file. So Voted.**

Com. from Treasurer/Collector notifying that the Land Court has entered a foreclosure decree on tax title parcel assessed to Helen McClellan and that the City is now the owner. **Motion was made to receive and place on file and notify the Building Department to secure. So Voted.**

Com. from Denise Paiva, Greater Taunton Jaycees, P.O. Box 188, Taunton requesting use of the electronic sign to advertise their upcoming Texas Hold-EM' event on May 23, 2009 at 6:00 PM to benefit the American Cancer Society's Relay for Life. **Motion was made to move approval. So Voted.**

Com. from Building Commissioner stating that it would be time efficient to only require the completion of Tax Status Forms if projects are new construction or major renovation. He feels that those with smaller projects would not receive their permits in the timely manner that they do now. **The Council discussed placing a dollar amount limit for a project before a tax status form must be filled out. A motion was made to refer to Mr. Pirozzi and Mr. Walkden to come up with a recommendation for the Council that the public can be made aware of. So Voted.**

Com. from City Solicitor providing opinion on Mass. General Law Chapter 44 Section 33 which concerns an appropriation voted by the Municipal Council for independent legal services for an investigation. The City Solicitor states that it is his opinion that neither the appropriation for this purpose nor a contract for the service that is subject to the appropriation request can be effective without the approval of the Mayor. **Motion was made to receive and place on file. So Voted.**

Councilor Marshall read an extra communication submitted by Fr. Jay Maddock, Holy Family Parish, 370 Middleboro Ave., East Taunton requesting permission to block off a section of Middleboro Avenue for a short period of time on June 14, 2009 during their blessing and dedication of their new parish center between the hours of 12:00 PM and 1:00 PM. **Motion was made to move approval and refer to the Police, Fire, and Ambulance Service and that the Police Department assist the church in any way. So Voted.**

The Assistant City Clerk read an extra communication submitted by the Fire Chief stating that his office has made an extra effort and processed nearly all reimbursement requests over the past few weeks. **Motion was made to receive and place on file. So Voted.**

The Assistant City Clerk read an extra communication submitted by the Fire Chief stating that the uniform allowance was budgeted for \$3,500.00 and total amount expended is \$462.56. **Motion was made to receive and place on file. So Voted.**

The Assistant City Clerk read an extra communication submitted by the Fire Chief stating that the current "202" Other Expenses balance is between \$900.00 and \$1,000.00. **Motion was made to receive and place on file. So Voted.**

The Assistant City Clerk read an extra communication submitted by the Fire Chief stating that the "201" payroll balance projection as of June 30, 2009 is approximately \$120,000 - \$130,000.00. **Motion was made to receive and place on file. So Voted.**

The Assistant City Clerk read an extra communication submitted by the Fire Chief providing an update of the reorientation of Engine #1 operators, stating that training should be completed by June 10, 2009 and then Engine #1 will be placed in service. **Motion was made to receive and place on file and provide copies of all five Fire Letters to each Councilor.**

**Petitions and Claims:**

Constable application submitted by Edward Vasconcellos, 10 North Pleasant Street, Taunton requesting an addition to his Constable License to serve as a crossing guard to also be able to serve civil process. **Refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Holly Nunes requesting a renewal of her Temporary Fixed Vendor License -DBA- Holly's Place located at 3 Cape Road, Taunton to sell flowers, Christmas trees, pumpkins, etc. **Refer to the Committee on Police and License and the Police Chief. So Voted.**

Petition submitted by Barbeque Integrated, Inc., 5104 North Orange Blossom Trail, Suite 104, Orlando, FL requesting a renewal of their Billiard Table License –DBA- Smokey Bones Barbeque and Grill located at 1023 County Street, Taunton. (2 Tables) Refer to the Committee on Police and License and the Police Chief. So Voted.

Petition submitted by William DeSa requesting a renewal of his Billiard Table License -DBA- Billy Club Café located at 53 Grove Street, Taunton. (2 Tables) Refer to the Committee on Police and License and the Police Chief. So Voted.

Petition submitted by Joseph Enos requesting a renewal of his Junk Collector's and Junk Dealer's License Sone Alloys –DBA- Enos Metals located at 18-28 Dana Street, Taunton. Refer to the Committee on Police and License and the Police Chief. So Voted.

Claim submitted by Rosemary Minardi, 215 Longmeadow Road Unit 302, Taunton requesting reimbursement for damages to her automobile from hitting a pothole on Dean Street across from the Rite-Aid store. Motion was made to refer to the City Solicitor. 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 Hoyer motioned that the Human Resource Director provide an update on the status of compliance for the 50-50 Ordinance as it pertains to the F.B. Rogers project. So Voted.

Councilor Costa-Hanlon motioned that all department heads notify the 50/50 Ordinance Committee through the Human Resource Director of any projects coming up within the next six months that will be utilizing public monies, including SRS and SRF monies, which would trigger the 50/50 Ordinance. So Voted.

Councilor Barbour stated that he had referred the possibility of placing a crosswalk on Bay Street near BJ's and North Taunton Baptist Church to the Committee on Police and License. Therefore, Councilor Barbour motioned that the Committee on Police and License discuss this issue in two weeks. So Voted.

Councilor Croteau motioned that the Risk Manager provide a status of the resolution resulting from the accident that occurred in February 2008 at the corner of Dunbar and Fremont Streets between a fire truck and a resident. So Voted.

Councilor Croteau motioned stated that he was previously informed that many accidents would need to occur before the placement of a stop sign is warranted at the corner of Fremont Street and Dunbar Street. Therefore, he motioned that the Acting Police Chief inform the Council how many accidents would be required to install such a stop sign and

consider this a matter of immediate attention. Additionally, that this matter be referred to the Ordinance Committee. So Voted.

Councilor Croteau motioned to refer to the DPW Commissioner and the Acting Police Chief to determine if the stop sign entering the Green at the Corner of Weir Street and Taunton Green could be moved back to enable trucks and other large vehicles to make the turn easier. So Voted.

Councilor Marshall motioned that the Mayor provide the Council with the costs relative to the move of the Taunton High School Dental Clinic broken down as follows: Cost to complete renovations, Cost to complete the move, and Amount reimbursable by the SPA. So Voted.

### Orders, Ordinances, and Enrolled Bills

#### Order to be approved by a majority vote

Ordered That, the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds of the City that are currently authorized and un-issued and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes. Com. from the Treasurer/Collector providing information on this order was read. **On a roll call vote, eight Councilors present, eight Councilors voting to move approval. Councilor Buffington was absent.**

#### Order for a second reading to be ordained on a roll call vote

Ordered That, \$300,000.00 is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replace or installation of septic systems within the Mathews Landing subdivision, pursuant to agreements between the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$300,000.00 and issue bonds or notes therefore under G.L.c.111 s127B ½ and /or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owner, in accordance with those agreements, but such bonds or notes shall be general obligations of the City; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor or the Treasurer is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Mayor is authorized to expend all funds available for the projects and to take any other action necessary to carry out the projects. **Motion was made to refer back to the Treasurer/Collector to put in proper form for next week. So Voted.**

New Business:

Councilor Pottier motioned that you have the street sweeper clean the area of Bay Street near Holy Rosary Church. So Voted.

Councilor Costa-Hanlon motioned to refer to the Committee on Police and License and the Acting Police Chief to discuss the matter of setting speed limits on Lake Sabbatia. So Voted.

Councilor Hoye motioned that the Acting Police Chief come up with a plan to combat quad and motorbike use on our City Streets, discussing the confiscating of vehicles if necessary and refer his plan back to the Committee on Police and License. So Voted.

Councilor Carr motioned that the Acting Police Chief have the Safety Officer investigate a large metal structure that is blocking the view of traffic at 1011 Somerset Avenue. So Voted.

Councilor Barbour stated that he received a complaint of a multi-family residence on Purchase Street near Arlington Street leaving trash out for a week in advance of pick up. Therefore, he motioned that the Zoning Enforcement Officer rectify this situation. Additionally, he motioned that the Zoning Enforcement Officer keep watch on signs being placed on telephone poles throughout the City once again and take care of this matter. So Voted.

At 8:55 PM, Councilor Fiore motioned to enter into executive session to discuss matters of litigation and confidential employment matters. **On a roll call vote, eight (8) Councilors present, six (6) Councilors voting in favor of entering into executive session. Councilors Hoye and Marshall voting no, Councilor Buffington was absent.**

**Motion was made to exit executive session at 9:52 PM. So Voted.**

**One vote was taken in executive session.**

Meeting adjourned at 9:53 P.M.

A true copy:

Attest:

*Jennifer R Reg*  
Assistant City Clerk

Concerning the hearing on the petition submitted by Attorney Marc Antine on behalf of his client, Cumberland Farms, Inc. 6770 Dedham Street, Canton requesting a one-year extension of their Special Permit/Sign/Plan Approval for the premises at 310 Broadway, Taunton, please be advised that

I hereby certify that twenty (20) days have elapsed from the filing of this decision with the Taunton City Clerk, and that no appeal of said decision has been so filed.

*Rose Marie Blackwell*  
Rose Marie Blackwell, City Clerk

End of Document

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**Boston Financial**  
111 Main St.  
Taunton, MA 02780  
(508) 821-7531

March 19, 2010

Members of the Municipal Council,  
City of Taunton  
15 sumner St.  
Taunton, MA 02780

Re: The World famous Star Theatre and other important issues

Members of the Municipal Council,

In researching The City of Taunton Ordinances, and Payroll records to mount a proper defense, and Counter-Claims against the City of Taunton, I have become aware of some strange goings on.

Apparently non-Law enforcement personnel are attempting to do the job of our very qualified Taunton Police Department. On February 1, 8, and 16, 2010 The City of Taunton obtained search warrants under Massachusetts General Laws Chapter 276 Section 1-7. These warrants were not executed by Law enforcement officers, as required by Law. In addition, the property that was seized was not kept by the Taunton Police Department's evidence officer, nor returned as required by section 3 of the Law. This practice should be looked into so the next person that this happens to will not be able to recover the boatload of money that I will. I have also brought this to the attention of Presiding Justice of Taunton District Court, The Honorable Kevan J. Cunningham.

I know there has been a great deal of interest in signs lately. I have been made aware that the Sign Ordinance requires that all lit signs, including the new LED ones need to be shut off at the close of business, and their refresh rate has limitations. This Ordinance does not seem to be enforced. I know that some City councilors have inquired in the past about these signs, and I wanted to be helpful and pass along some information.

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In reviewing Payroll records and which personnel come under whose direction, It appears that several departments are overseeing other departments that they are supposed to be autonomous from. As you will recall, when Francis Avila retired, his position was split in two. At the time, it was stated that this way the inspectors are not overseeing work being done by personnel in their same department. Now it appears to be even more incestuous, where certain city officials are wearing two hats of conflicting departments, and certifying payroll records of a supposed autonomous department. I am not suggesting that anything corrupt or underhanded is going on, that will be for a Court of competent jurisdiction to review.

Please accept this letter with the intention that it is being sent.



Michael O'Donnell,  
trustee,  
Boston Financial Trust



City of Taunton  
Police Department

23 Summer Street  
Taunton, Massachusetts 02780

Telephone: (508)821-1471  
Facsimile: (508) 828-9315  
www.tauntonpd.com

29

JOHN M. REARDON  
INTERIM CHIEF

**March 19, 2010**

**To: Council President Deborah Carr & Members of the Municipal Council**  
**From: Bruce A. Pontes, Safety Officer**  
**Re: Safety issue with road width & entrance/exit to business**

**On my observation of proposed site for Entrance/Exit to proposed business at 700 Richmond Street I observed the following.**

**Richmond Street at location is just over 19 feet wide with no sidewalks. Attached photo # 1 shows view from site looking north with road curving to left at a down grade. (Direction heading to Middleboro Town line) Attached photo # 2 shows view from site looking south with road curving to right. (Direction out to Rt. 44)**

**There is a narrow bridge with a 6 ton limit at the Taunton / Middleboro line on Richmond Street. There are signs at the intersection of Richmond St. and Rt. 44 and at the Middleboro side of bridge that warn of narrow bridge with 6 ton limit.**

**In the Site Plain Review for proposed business the traffic impact assessment state that 6 trucks will leave business before 6am and will return between 4 and 6 pm.**

**I am recommending that warning signs be placed on Richmond St. for the approach to driveway from the Middleboro side to warn traffic of entrance / exit. Also caution children 30mph signs are placed on Richmond St. as you enter from Rt. 44 and as you travel from Middleboro direction.**

**Respectfully**

**Bruce A Pontes, Safety Officer**







32.



*City of Taunton, Massachusetts*  
**DEPARTMENT OF  
PLANNING AND CONSERVATION**  
*15 Summer Street  
Taunton, Massachusetts 02780*

*Kevin R. Scanlon, Director/ Planner AICP  
Michele Restino, Conservation Agent*

*Phone 508-821-1051, 508-821-1043  
Phone 508-821-1095 Fax 508-821-1665  
www.ci.taunton.ma.us*

March 19, 2010

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


**RE: Lot 3 Richmond Street, Global Remediation**

Dear Mayor Crowley and Members of the Municipal Council,

This letter is in regards to a request for information from the Municipal Council on March 16, 2010 regarding the development of Lot 3 on Richmond Street. This lot is separate from the "Space Metal Building" property located on Rt 44. Lot 3 is located in the Industrial District and the proposed warehouse use with accessory offices is allowed by right in the district. The project received a Site Plan Review approval on October 6, 2009 (all 300 foot abutters were notified) which has been recorded and the building permit has been issued. The only frontage for this lot is Richmond Street and their primary access is through their frontage. An internal access was negotiated during the review to provide and encourage access directly to Rt44 through Lot 1 without using Richmond Street. I have attached a copy of the site plan, access easement and the decision.

If you have any additional questions, please contact me at 508-821-1051.

Sincerely,

  
Kevin R Scanlon,  
Director AICP



**DECISION Of The  
City of Taunton, Massachusetts  
DEVELOPMENT IMPACT REVIEW BOARD  
On the Petition For  
DEPARTMENTAL SITE PLAN REVIEW**

October 6, 2009

Owner  
Stevens Street LLC  
29 Samoset Street  
Plymouth, Ma 02360

Petitioner  
Tim Burbank  
Global Remediation Services  
Westinghouse Plaza Suite 4001  
Hyde park, Ma 02137

For  
Richmond Street, Taunton, Ma



2009 00049154

Bk: 18452 Pg: 134 Page: 1 of 2  
Doc: DECISION 11/13/2009 02:20

true copy  
photostatic process

Barry J. O'Connell, N.D.  
Register of Deeds

The petition is for a Departmental Site Plan Review for a 11,000 sq ft garage/ warehouse with accessory offices on Lot 3 Richmond Street, Taunton, Ma which is located in an Industrial District.

On or about September 23, 2009 the petitioner filed with the Development Impact Review Board, a petition for a Departmental Site Plan Review. As required by the Zoning Ordinance, copies of the petition and plans submitted therewith were submitted to the applicable City Boards and Departments. On October 6, 2009, a hearing was held by the Development Impact Review Board, after proper notice as required by the City's Zoning Ordinance. In considering the petition, the DIRB familiarized itself with the premises and examined the location, layout and other characteristics. After reviewing the petition, plans and testimony, the DIRB finds that the petition was formally sufficient and submitted and reviewed in accordance with the procedures set forth in the Zoning Ordinance and that proper notice was given.

The DIRB hereby grants approval of the petition of the Departmental Site Plan Review subject to the petitioners submitted plans and project description and the following conditions:

**Approval of the petition is subject to the substantial compliance of the following conditions:**

**Condition #1) Strict conformance with the submitted application and site plan dated 8/31/2009**

**Condition #2) A rubbish permit is required for all containers of 6 cubic yards or more**

**Condition #3) Lighting shall not illuminate any portion of abutting properties**

**Condition #4) The site shall be kept clean and clear of debris**

**Condition #5) Two set of as-builts shall be submitted upon completion of all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc**

**Condition #6) a set of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required**

**Condition #7) Fire extinguishers shall be installed throughout according to 527 CMR 10.02 and NFPA 10**

**Condition #8) Flammable decorative materials and furniture shall conform to 527 CMR 21 and 29**



#9) dumpsters shall be located on a concrete pad, shall be enclosed with a 6 foot stockade fence and shall be closed at all times and emptied regularly

Condition #10) Fire suppression system shall be installed throughout the proposed addition according to NFPA 13 and related NFPA standards

Condition #11) Fire alarm system shall be installed throughout the proposed addition with automatic notification to the fire department

Condition #12) fire alarm and fire suppression drawings must be submitted for review before a building permit application will be signed. Drawings must be stamped by a Mass Fire Protection Engineer

Condition #13) A fire flow test is required to confirm that adequate pressure and flow exists for the fire service

Condition #14) Proper backflow prevention is required for any alterations to the domestic water service

Condition #15) No outdoor storage of materials permitted

Condition #16) A copy of the NHESP report for the file

Condition #17) A hazardous materials permit is required

Condition #18) Septic design shall be approved prior to any building permits

Condition #19) Gas/oil separators and floor drains shall be installed

Condition #20) The soils in the infiltration system shall be verified in writing to the City Engineer prior to installation

Condition #21) a curb cut permit from DPW is required

Condition #22) Landscaping is a class 5 use and a 50% waiver of the width shall be granted

Condition #23) A copy of the recorded access easements shall be provided for the file prior to building permits

Condition #24) the aisle widths shall be labeled

Condition #25) The wheelchair ramp detail shall be updated

Condition #26) A road opening permit is required

Sincerely,



Kevin R Scanlon,  
DIRB Chair  
Director, Department of Planning and Conservation

Decision\ Richmond Street,

**EASEMENT AU-1C**

That land located in Taunton, Bristol County, Massachusetts, bounded and described as follows

From a point of beginning being N 81°26'15" W, a distance of 183.64' and N 36°14'34" W, a distance of 37.01', distant by two courses, from the Southeasterly corner of Lot 2 and in the Northwesterly line of Richmond Street as shown on an Approval Not Required Plan of Land prepared for Stevens Street, LLC, dated June 16, 2009;

Thence, in the line of Lot 2, N 36°14'34" W, a distance of 63.63' to a corner;

Thence, N 81°20'31" W, a distance of 153.83' to a corner;

Thence, by an arc curving to the right, with a length along the arc of 39.04', and a radius of 25.00', and with a central angle of 89°28'56", to a corner;

Thence, N 08°08'25" E, a distance of 67.43' to a corner in the line of Lot 3 as shown on the aforesaid plan;

Thence, in the line of Lot 3, N 81°20'31" W, a distance of 20.00' to a corner;

Thence, S 08°08'25" W, a distance of 67.61' to a corner;

Thence, by an arc curving to the left, with a length along the arc of 70.28', and a radius of 45.00', and with a central angle of 89°28'56", to a corner;

Thence, S 81°20'31" E, a distance of 126.84' to a corner;

Thence, by an arc curving to the right, with a length along the arc of 35.42', and a radius of 45.00', and with a central angle of 45°05'57", to a corner;

Thence, S 36°14'34" E, a distance of 38.11' to a corner;

Thence, by an arc curving to the right, with a length along the arc of 35.27', and a radius of 45.00', and with a central angle of 44°54'03", to a corner in the line of Easement AU-1B as shown on a Plan of Access Easements prepared for Stevens Street, LLC, dated June 22, 2009;

Thence, in the line of Easement AU-1B, N 08°39'29" E, a distance of 46.93' to a corner, which is the point of beginning;

Containing an area of 6,915 square feet, more or less.

Said land is shown as "EASEMENT AU-1C" on an Exhibit Plan Showing Proposed Access and Utility Easement prepared for Stevens Street, LLC dated October 27, 2009.

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MARCH 23, 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, MARCH 23, 2010 AT 5:30 P.M. IN**  
THE **CHESTER R. MARTIN MUNICIPAL COUNCIL**  
**CHAMBERS**

**5:30 P.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 WITH THE BUDGET DIRECTOR AND CITY AUDITOR TO DISCUSS THE FY 2008 AUDIT RECOMMENDATIONS AND THE STATUS OF THE FY 2009 AUDIT.
4. MEET TO REVIEW MATTERS IN FILE

**THE COMMITTEE ON PUBLIC PROPERTY**

1. MEET WITH ATTORNEY ED BRENNAN TO DISCUSS PETITION REQUESTING MUNICIPAL COUNCIL TO CONSIDER DECLARING PORTION OF CITY OWNED LAND OFF OF OAK AVENUE AS SURPLUS.
2. MEET WITH THE CITY SOLICITOR FOR AN UPDATE ON TAX TITLE PROPERTY AT 315 BROADWAY
3. MEET TO DISCUSS REQUEST OF JOHN LAWRENCE & FRANCISCO MEDEIROS TO DECLARE THREE POLICE DEPARTMENT VEHICLES AS SURPLUS PROPERTY
4. MEET TO REVIEW MATTERS IN FILE

**THE COMMITTEE ON SOLID WASTE**

1. MEET TO REVIEW THE CONTRACT EXTENSION FOR A.R.I.
2. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

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

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES