



AGENDA – NOVEMBER 22, 2011

INVOCATION ROLL CALL RECORDS

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

Continuation of the FY2012 Supplemental Budget from November 15, 2011

- Communications relating to the FY2012 Supplemental Budget

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-7 Com. from Commissioner, Parks, Cemeteries and Public Grounds –
Notifying of new special permit application form
- Pg. 8-9 Com. from Superintendent of Public Buildings – Responding to request
regarding fence
- Pg. 10 Com. from Police Chief – Requesting list for temporary lieutenant
appointment
- Pg. 11-40 Com. from Board of Health – Notifying of amendment to Body Art
Regulations
- Pg. 41-45 Com. from Chairman, Zoning Board of Appeals – Departmental site plan
review process
- Pg. 46 Com. from Chairman, Taunton Christmas Parade Committee – Extending
an invitation to participate in the Christmas Parade
- Pg. 47 Com. from Cory Zarrella, Special Olympics, 125 John Hancock Road,
Taunton – Requesting to attend the November 29, 2011 Council Meeting
- Pg. 48 Com. from Cory Zarrella, Associate Section Director, Special Olympics –
Extending an invitation to the 22nd annual Jolly Jaunt Taunton

Pg. 49-56 Com. from Stanley & Raymond Sidor, 55 Washington St., Taunton –
Submitting a notice of appeal

PETITIONS

Hours of Operation

1. Steve's Back Stage Pass located at 15 School St., Taunton
2. Best Buy located at 2 Galleria Mall Dr., Taunton,
3. Abercrombie & Fitch, Inc. –dba- Hollister located at 2 Galleria Mall Dr.,
Taunton

Temporary Fixed Vendor License

Petition submitted by George DeVincent, requesting a NEW Temporary Fixed Vendor License –DBA- George's Christmas Trees located at 1940 Bay St., Taunton.

Miscellaneous

Departmental Site Plan Review for a 11,760 Sq. Ft. addition to the existing recycling center at 569 Winthrop Street located in the Highway Business/Rural Urban Residential District submitted by Gilbert A. Lopes, Realty Recycle, LLC, 490 Winthrop St., Taunton. **(Informational Only)**

Departmental Site Plan Review for the addition of 2 residential units in an existing building in conjunction with 5,288 sq. ft. of commercial space at 402 Bay Street located in the Business District submitted by Joseph Chaves, Trustee of M&K Realty Trust, 422 Bay St., Taunton. **(Informational Only)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

- **Executive Session** – Meet to discuss the status of negotiations with all bargaining units of the City of Taunton, any outstanding issues with regard to negotiations, and progress made with regard to said issues

ORDERS, ORDINANCES AND ENROLLED BILLS

NEW BUSINESS

Respectfully submitted,



Rose Marie Blackwell

City Clerk

To: City Council
From: Mayor Charles Crowley
Date: November 16, 2011
Re: Balances on certain accounts

Please be advised that I am providing you the current balance in a number of accounts that you requested on Tuesday, November 15, 2011 when discussing the FY12 Supplemental Budget:

- 1) The Balance in Stabilization Account in May of 2011 was \$ 1,261,364.80
The amount transferred from Stabilization for FY2012 Budget \$ 914,984.65
The balance in the Stabilization Account after FY12 Budget \$ 346,380.17
- 2) Current balance in On Street Parking is \$ 75,294.03
- 3) Current balance in Off Street Parking is zero. The funds in this account have been exhausted as the Off Street Lots no longer generate revenue due to the removal of the meters several years ago.
- 4) Current balance in the Parking Garage is \$ 41,029.98
- 5) Current balance in the Court Street Parking Lot Account is \$ 86,443.98
- 6) The total for all Parking Accounts is \$ 202,767.99. This is the amount after the budgeted transfer of \$ 509,122.50

7) Police Department Overtime as of November 7, 2011:

Budgeted:	\$ 1,000,000.00
Expensed to date:	\$ 682,390.63
Balance Remaining:	\$ 317,609.37

8) Fire Department Overtime status as of today.

Budgeted:	\$ 400,000.00
Expensed to date:	\$ 201,320.02
Balance remaining:	\$ 198,679.98



**CITY OF TAUNTON
AUDITOR'S OFFICE**

15 Summer Street
Taunton, Massachusetts 02780
(508) 821-1012 Fax (508) 821-1088

Ann Marie Hebert
City Auditor

November 15, 2011

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

Dear Mayor Crowley and Councilors:

As part of the Fiscal 2012 process, the following votes must be taken:

From TMLP in lieu of taxes to reduce tax rate.....	2,900,000.00
From Title V to offset Debt & Interest Budget.....	17,905.00
From Cable TV Education to offset Library Budget.....	13,690.00
From Wetlands Protection to offset Planning Budget.....	20,000.00
From Stabilization to maintain City Department's workforce.....	914,984.65
From Airport Revolving to offset Airport Budget.....	10,000.00
From Parking Garage to offset Parking Commission Budget.....	50,000.00
From On Street Parking to offset Parking Commission Budget....	337,625.00
From Parking Lot to offset Parking Commission Budget.....	121,497.50

If you have any further questions regarding this matter, please do not hesitate to contact me.

Respectfully,

Ann Marie Hebert
City Auditor



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15 Summer Street
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(508) 821-1012 Fax (508) 821-1088

Ann Marie Hebert
City Auditor

November 15, 2011

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

Dear Mayor Crowley and Councilors:

The total Fiscal Year 2012 appropriations for the City of Taunton, with the submission of the FY2012 Supplemental Budget will be as follows:

City of Taunton – General Fund	\$	156,318,685.47
Water		6,924,832.34
Nursing Home		6,073,320.82
Sewer		6,771,542.88
Golf Course		<u>15,000.00</u>
Total City Budget - Fiscal Year 2012	\$	<u>176,103,381.51</u>

If you have any further questions regarding this matter, please do not hesitate to contact me.

Respectfully,

Ann Marie Hebert
City Auditor

Fiscal Year 2012 Supplemental Budget

#	Department	Account Number	Dollar Amount	Description
121	Mayor's Office	1-121-201-5101	\$ 1,220.00	Salary adjustment (Asst to Mayor)
121	Mayor's Office	1-121-201-5105	\$ 1,060.00	Salary adjustment (Secretary)
132	Reserve Account	1-132-202-5784	\$ 100,000.00	
135	Auditor	1-135-201-5130	\$ 18,000.00	Overtime
162	Registrar of Voters	1-162-202-5343	\$ 11,990.00	VRIS Compliance (Chpt 51, sec. 378.37A) Related Voters Supplies, Ads, Custodians)
197	Parking Commission	1-197-202-XXXX	\$ 237,625.00	Costs associated with the construction of the New Lot (Armory)
210	Police	1-210-201-5130	\$ 500,000.00	Overtime
220	Fire	1-220-201-5130	\$ 200,000.00	Overtime
220	Fire	1-220-202-5301	\$ 50,000.00	Medical Costs Chpt. 111.F
300	School Dept	1-300-202-1301	\$ 1,000,000.00	NSS Adjustment
380	Bristol Aggies	1-380-202-5695	\$ 9,702.00	Increase of students - 40 to 46
422	Streets & Drains	1-422-201-5109	\$ 21,000.00	1.144 Contractual Wage Increase
480	VMD	1-480-201-5109	\$ 1,500.00	1.144 Contractual Wage Increase
543	Veterans Svcs	1-543-201-5108	\$ 8,500.00	Interim Dept Head Adjustment
543	Veterans Svcs	1-543-201-5145	\$ 380.00	Longevity Adjustment
549	Human Resources	1-549-201-5107	\$ 3,281.00	Clerical Position Change
630	PCPG	1-630-201-5109	\$ 16,729.00	1.144 Contractual Wage Increase
630	PCPG	1-630-201-5191	\$ 17,992.00	Unused Sick and Vacation (Retirement - John Terry)
916	Disability Retirement	1-916-202-5790	\$ 40,000.00	Medical Payments
			\$ 2,238,979.00	
			\$ (8,242.00)	State Assessment Decrease
			\$ (1,200,000.00)	Deficits to be Raised from FY2011 covered in FY2011, Final Transfers
		<u>Appropriations</u>	<u>\$ 1,030,737.00</u>	
			\$ 514,381.00	Miscellaneous Non-Recurring State Aid
			\$ (442,706.70)	Additional Estimated Receipts based on FY2011 Actuals
			\$ 941,372.00	Additional New Growth
			\$ (30,844.00)	State Cherry Sheet Reduction
			\$ (190,145.00)	State SBA Reduction
			\$ 2,357.77	Additional Indirect Costs - TMILP
			\$ 7,847.24	Additional Indirect Costs - Water Enterprise
			\$ 1,080.00	Additional Indirect Costs - Nursing Home Enterprise
			\$ 3,923.62	Additional Indirect Costs - Sewer Enterprise
			\$ 237,625.00	Additional from Parking Meter Accounts
			\$ (14,153.93)	Adjustment of Transfer from Stabilization
		<u>Revenue</u>	<u>\$ 1,030,737.00</u>	
		<u>Proof</u>	<u>\$</u>	



CITY OF TAUNTON
MASSACHUSETTS

PARKS, CEMETERIES & PUBLIC GROUNDS

Marilyn A. Greene
Commissioner

170 Harris Street
Taunton, MA 02780
(508) 821-1415
FAX (508) 821-1065
E-mail:
pcpgdir@tmnp.net

November 22, 2011

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

Dear Mayor Crowley and Council Members:

As you are aware, the Parks, Cemeteries & Public Grounds Commission is the governing department that issues seasonal field permits for public ball-fields and parks in the City of Taunton.

After meeting with Mayor Crowley, Police Chief Walsh and Acting Solicitor Peter Berry, the Commission was requested to prepare a "Special Permit Application Form" to be used for all downtown areas (Taunton Green, Vietnam Memorial, Liberty & Union) Memorial Park and the Hopewell Recreational Complex. The standard format will allow this department to comply with insurance liability requirements, police enforcement issues and food permitting regulations. There will be no user fee charged to any Taunton based non-profit, business or church, unless contractual overtime or rental fees (lighting, dumpster or restroom) are required. The Conservation Commission also has a similar form that is currently used for areas under the Conservation Commission jurisdiction (Weir Riverfront, Boyden).

A PDF file of this form will be placed on the City of Taunton web-site in addition to the enforcement rules relative to the use of public parks and other public facilities in the City of Taunton. Copies will also be available at the City Clerk's Office.

Enclosed is a copy of the documents approved by the Commission on November 7, 2011. If you require further information, please feel free to contact me.

Respectfully,

Marilyn A. Greene, Commissioner

Copies To: Acting Solicitor Berry, Police Chief
Risk Manager, Board of Health
Fire Chief, Commission Members



Taunton Parks, Cemeteries & Public Grounds Commission

2

Special Event Permit Application

170 Harris Street, Taunton, MA 02780

Telephone: (508) 821-1415 Fax: (508) 821-1065

Marilyn A. Greene, Commissioner

E-mail: pccgdir@tmlp.net

NAME OF ORGANIZATION: _____

CONTACT NAME: _____

ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

DAY PHONE: _____ EVENING PHONE: _____

FAX NUMBER: _____ E-MAIL: _____

MANAGER ON SITE DAY OF EVENT: _____ CELL-PHONE: _____

SPECIAL EVENT INFORMATION

Complete all information for the event

TYPE OF EVENT:

Run/Walk _____ Rally _____ Parade _____ Craft Fair _____ Parade _____ Concert _____

Wedding Ceremony _____ Wedding Photos _____ Other (specify): _____

Picnic (Memorial or Hopewell Park Only) _____

Taunton Non-Profit/Business /Church? _____ Yes _____ No (Must be Taunton Based)

Event Title: _____

Event Date: _____ Rain-date: _____ Estimated Attendance: _____

Requested Area: Taunton Green _____ Vietnam Memorial _____
Memorial Park _____ Hopewell Park _____
Liberty & Union Plaza _____ Other, please state _____

Area of Park (Describe Physical Boundaries): _____

Hours of Event: _____ AM/PM TO _____ AM/PM (*Department Overtime Fees may apply*)

Set up Time: _____ AM/PM TO _____ AM/PM Take Down Time: _____ AM/PM TO _____ AM/PM

Description of Event Set up: _____

Please attach event description, copy of the plan, maps, etc.

(CONTINUED)

3.

Please indicate whether the following items pertain to your event

Yes No

___ ___ Food Concessions and/or Food Preparation Areas (Local Board of Health will be notified)

___ ___ Will you cook at the event area? ___ Gas ___ Electric ___ Charcoal ___ Other

___ ___ Will you set up Tables and and/or Chairs? How many? ___ Tables ___ Chairs

___ ___ Fencing, Police Barrier's Requested?

___ ___ Does your event require electricity? Use charge may apply.

___ ___ Booth (s) Exhibits (s) Displays (s)

___ ___ Canopy and/or Tent (s) Dimensions: _____
Tents or Canopies will only be allowed on stone-dust area of Taunton Green (additional approval will be required)

___ ___ Are you requesting the City Portable Stage or Bandstand? (additional approval will be required)

___ ___ Will you a have Vehicles or Trailer on site? How Many? _____

___ ___ Trash Container (s) and/or Dumpster? (Dumpster rental may apply)

___ ___ Portable Restrooms? If yes, please provide the name of the vendor providing the units:

___ ___ Entertainment ? Please describe: _____

___ ___ Amusement Vendor? Please describe: _____

___ ___ Will the Event be Advertised? How? _____
You must have event approval before you can advertise.

___ ___ Sponsorship/Vending or Promotional Activity? Please describe: _____

___ ___ Use of Lights (Hopewell Park -- Lighting fee will apply)

___ ___ Use of Hopewell Park Shade Pavilion (Use fee will apply)

Other Permits

Please note that all requests will be referred to the Parks, Cemeteries & Public Grounds Commission and may require approval by other City Agencies to include but not limited to the following: Mayor, Municipal Council, Police, Fire, Board of Health, Risk Manager, and DPW. It is the responsibility of the applicant to secure all necessary city permits.

Insurance Requirements

Evidence of Insurance will be required before final permit approval. Please provide a Certificate of Insurance which shows a minimum of \$1 Million in Commercial General Liability Insurance and a policy endorsement which indemnifies and holds harmless the City of Taunton. Some events may require a higher limit of insurance. Additionally, the applicant must list the City of Taunton as additional insured's on their certificate of insurance. Each event is evaluated on its risk exposure. The City of Taunton is not responsible for any accidents, injuries or damages to persons or property resulting from the issuance of this permit.

Affidavit of Applicant

Everything that I have stated on this application is correct to the best of my knowledge. I have read, understand, and agree to abide by the policies and rules and regulations listed on this form as they pertain to the requested usage. I agree to follow all rules and regulations as contained in this application as well as those Rules of the Taunton Parks, Cemeteries & Public Ground Commission relative to use of any public parks, playground or other public areas in the City of Taunton. **I understand that all overtime and use fees must be made prior to /or the day of the event. This fee will be refunded if the event is cancelled.**

Name of Applicant: _____ (Please Print)

Signature: _____ Date: _____

Office Use Only

_____ Approved	Signed: _____	Date: _____
_____ Denied	Copies to: _____ Police Chief _____ Fire Chief _____ Risk Manager _____ Mayor	
	_____ Municipal Council _____ City Clerk _____ Board of Health	



Rules of the City of Taunton Parks, Cemeteries & Public Grounds Commission relative to the use of the public parks and other public facilities.

Article III Park and Recreation Department and Commission

Sec. 15-42. Commission: powers, duties, control of parks and playgrounds.

The commission shall be the policy-making body and shall establish policies relating to planning and development of all parks, playgrounds, commons and recreation programs for the city. The commission shall approve the annual budget requests as prepared by the director and review all bills submitted by the director. As provided by statute (Chapter 45 of the General Laws), the commission shall exercise the powers and duties contained therein as to parks, playgrounds and public domains, and specifically as contained in Section 14 with regard to recreational programs, except the commission shall not make appropriations of money. (Ord. of 2-17-81)

General Rules:

Section 1 No person shall, in any public park or public facility under the control of the Parks, Cemeteries & Public Ground Commission:

- Abuse or annoy another; or
- Solicit for money; or
- Break any bottle or other article of glass: or
- Get rid of debris on a walkway or grass area except in a receptacle provided for the purpose, any bottle, can, paper or other thing, or
- Have in his or her possession any intoxicating liquor, or
- Smoke-Free Zone Areas of any City of Taunton facility or open space.
- Use the Taunton Green, Vietnam Memorial, Liberty & Union Plaza to make any public speech or distribute free or for a price printed matter under the control of the Commission unless written approval is received under the Special Permit process.

Section 2 No person shall, in any public park or public place under the control of the Parks, Cemeteries & Public Grounds Commission:

- Sit, stand or lie upon, or climb upon or over, any statue, monument, fountain, bush or tree; or
- Stand or lie upon any seat; or
- Erect tents or canopies on any grass area of Taunton Green; or
- Place any obstruction on cement walkways to prohibit pedestrian foot traffic on Taunton Green; or
- Go upon any flower bed or cultivated area; or

- Dig up, cut, break, remove, deface, defile, or take any tree, bush, plant, turf, building, structure, fence, railing, sign or other thing connected with such park; or
- Throw any stone or other objects; or
- Attach signs or balloons on trees or structures; or
- Drop or place and suffer to remain a lighted match, cigarette, cigar or other burning substance; or
- Have or discharge any firecracker or fireworks; or
- Discharge any firearm or destructive weapon; or
- Have in any such park or place, except a boundary road or parkway on which there are dwelling, any firearm or destructive weapon; or
- Sit, stand or lie upon lawn areas on Taunton Green except such lawn areas designated as sitting areas or written approval if received under the Special Permit process.
- Bathe or swim in the Taunton Green Fountain or Vietnam Memorial Fountain.

Section 3 No person shall, in any public park or public place under the control of the Parks, Cemeteries & Public Grounds Commission:

- No person owning or keeping a dog shall permit it to defecate or urinate with the boundaries of any municipally owned playground, park or open space to which the public has access, unless expressly permitted in specially designated areas. (Sec. 3-19) (ord. of 5-23-2000)
- Have, ride, or drive any vehicle except a wheelchair, baby carriage or other like vehicle; or
- Use a bicycle, scooter, roller skates, skateboard; or
- Play golf or hit golf balls

Section 4 No person shall be at the outdoor swimming pool under the control of the Parks, Cemetery & Public Grounds Commission unless he or she is so clothed that not indecently exposed, and no person shall dress or undress at the pool except in a place set apart for that purpose.

Section 5 No person in any public park or other public place under the control of the Parks, Cemeteries & Public Grounds Commission shall fail to comply with any reasonable direction given by any police officer or by any Parks, Cemeteries & Public Grounds employee or contained in any notice posted by the Parks, Cemeteries & Public Grounds Department.

Section 6 No person shall place any snow or ice removed from private property upon any sidewalk or roadway of any boundary road of a public park or on any parkway under the control of the Parks, Cemeteries & Public Grounds Commission, nor

shall the owner or tenant of an estate abutting on any sidewalk suffer any snow to remain on such sidewalk for more than three hours between sunrise and sunset to suffer any ice to so remain unless such ice is made even and covered with sand to prevent slipping.

Section 7 No person shall drive any vehicle upon any sidewalk of a public park under the control of the Parks, Cemeteries and Public Grounds Commission except in accordance with written approval under the Special Permit process.

As voted upon:
Parks, Cemeteries & Public Grounds Commission
11/7/2011

8

CITY OF TAUNTON

MASSACHUSETTS

WAYNE E. WALKDEN,
CBO
SUPERINTENDENT OF
BUILDINGS

DEPARTMENT OF PUBLIC BUILDINGS

CITY HALL
15 SUMMER STREET
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019



November 17, 2011

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

Dear Mayor and Councilors:

At a regular meeting of the Municipal Council held on Tuesday, October 25, 2011 the Municipal Council motioned that I state whether the fence across the roadway between City Hall and the Star Theater is still needed.

Additionally, the Council motioned that I ask the owner of the vehicle that is parked in the roadway between City Hall and the Star Theater to have it removed.

My response is as follows:

- 1) Upon discussion with Building Commissioner, Robert Pirozzi, he and I are in agreement that the Star Theater continues to pose a threat to public safety and therefore the fence should remain in place.
- 2) I have had no contact with the owner of the Star Theater regarding removal of the vehicle adjacent to his building. I recommend that the issue be referred to the Police Chief as the Building Department has no jurisdiction over this concern.

Respectfully,

Wayne E. Walkden

Wayne E. Walkden
Superintendent of Buildings



City Clerk's Office
City of Taunton,

15 Summer Street
Massachusetts 02780, U. S. A.
Telephone 508 821-1024
Fax 508 821-1098
Cityclerk@tmf.net

Rose Marie Blackwell
City Clerk

Jennifer L. Leger
Assistant City Clerk

November 1, 2011

Mr. Wayne Walkden
Superintendent of Public Buildings

Mr. Jordan Fiore
Assistant City Solicitor

Dear Mr. Walkden and Mr. Fiore:

At a regular meeting of the Municipal Council held on Tuesday, October 25, 2011 the Municipal Council motioned that the Superintendent of Public Buildings state whether the fence across the roadway between City Hall and the Star Theater is still needed.

Additionally, the Council motioned that you ask the owner of the vehicle that is parked in the roadway between City Hall and the Star Theater to have it removed. If the owner of this vehicle does not remove it from the roadway, the City Solicitor is to respond back to the Council informing whether the City can remove this vehicle.

Thank you for your attention to this matter.

Sincerely,

Rose Marie Blackwell
City Clerk

10



CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
EDWARD JAMES WALSH

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471
November 17 2011

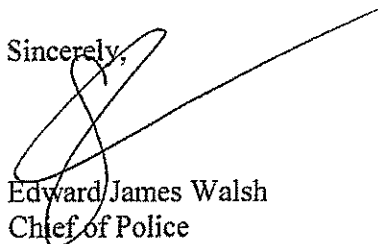
The Honorable Mayor Charles Crowley, and Members
of the City of Taunton Municipal Council
Temporary City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Crowley:

Under the provisions of the collective bargaining agreement with the Taunton Police Supervisory Personnel Association the City is required to fill temporary vacancies that last beyond 90 days. I currently have a Lieutenant's position that is open due to an injury. This vacancy has been open close to 90 days, creating significant overtime, and I now expect it to last several months beyond the 90 day period. As we do not currently have a standing Civil Service list for Lieutenant because it has been exhausted, I would request that Sergeant Manual DaRosa, the department's senior Sergeant, be temporary promoted to Lieutenant.

I look forward to any questions that you may have on this issue. If I can be of any further assistance, feel free to contact me at 508-821-1471 x120.

Sincerely,


Edward James Walsh
Chief of Police



City of Taunton

Board of Health

45 School Street
Massachusetts 02780-3212

BOARD MEMBERS
DR. BRUCE E. BODNER
DR. C. NASON BURDEN
DR. JOSEPH F. NATES

HEATHER L. GALLANT, MPH, RS, CHO
EXECUTIVE DIRECTOR

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

November 7, 2011

City of Taunton Municipal Council
Taunton Temporary City Hall
141 Oak Street
Taunton, MA 02780

RE: Tattoo parlors or shops

Dear Municipal Council:

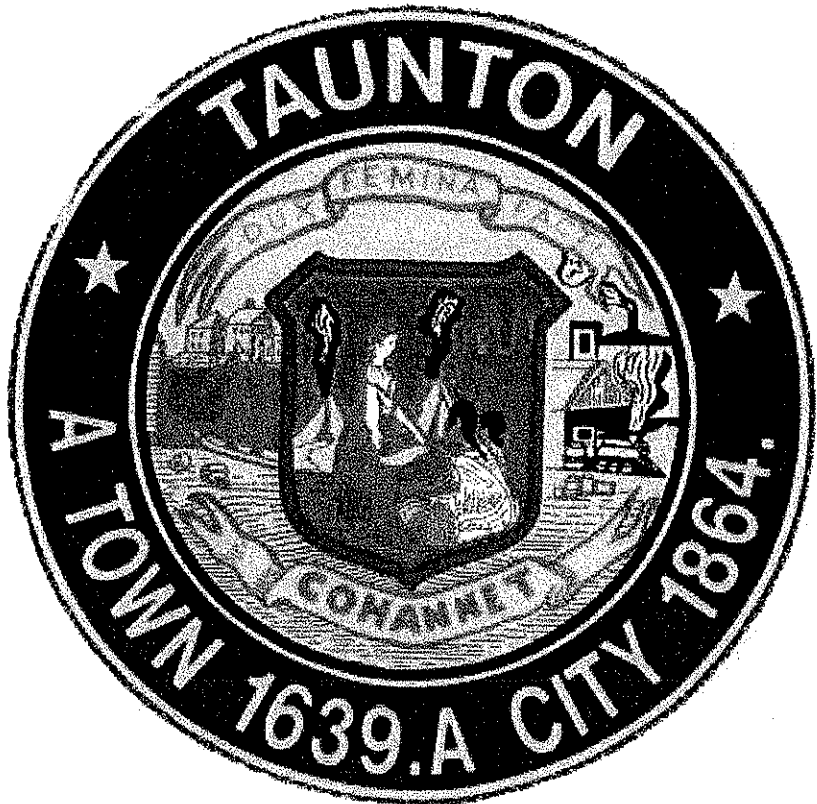
In response to your request regarding regulations for tattoo parlors or shops, the Taunton Board of Health voted on October 4, 2011 to amend their existing Body Art Regulations. One of the establishments in the City, Action Ink, requested a hearing at the November Board of Health meeting to be heard regarding these regulations. This request was granted and they were heard on November 1, 2011. As a result of this hearing and the businesses input, the regulations were amended (enclosed) during this hearing and the establishment owner expressed his gratitude towards the Board. The businesses and public always have an opportunity to be heard on agenda items, as the Board meetings are public meetings and are posted as such. Additionally, several months ago, the Board's Public Health Nurse, Kathi Driscoll, informed the Body Art establishments in the City that the Board was considering revising the regulations. Please let us know if you need any more information.

Sincerely,

Taunton Board of Health

Enclosure

City of Taunton



Body Art Regulations

Taunton Board of Health
45 School Street
Taunton, MA 02780

Adopted: NOVEMBER 1, 2011

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1. Purpose and Scope

The purpose of these regulations is to set forth the licensure procedures and requirements for Body Art Practitioners and the licensure procedures and requirements for the maintenance and operation of Body Art establishments.

2. Definitions

The following terms used in this chapter, unless the context otherwise requires, shall have the following meaning:

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

Applicant means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

Antiseptic means and agent that destroys disease-causing microorganisms on human skin or mucosa.

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens.

Board of Health or Board means the Board of Health that has jurisdiction in the community in which a body art establishment is located including the Board of officer having like powers and duties in towns where there is no Board of Health.

Body Art means the practice of physical body adornment by permitted establishments and practitioners using the technique of tattooing. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

Body Art Establishment or establishment means a location, place, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

Body Piercing shall refer to the form of Body Art requiring or consisting of the puncturing or penetration of the skin or of a membrane of a person for the purpose of the temporary or permanent placement or insertion of jewelry or other adornment or device therein.

Braiding shall refer to the form of Body Art requiring or consisting of the cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

Branding shall refer to the form of Body Art consisting of or requiring the inducement of a burn and /or the resulting scarring of the skin of a person by means of the use of a heated instrument or object.

Cleaning Area shall mean the area in a Body Art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of Body Art.

Client means a member of the public who requests a body art procedure at a body art establishment.

Contaminated Waste shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any waste containing blood or other potentially infectious materials, as defined in 29 Code of Federal Regulation part 1910.1030, as defined in 105 Code of Massachusetts Regulation 480.00 et seq, or in this Body Art Regulation.

Cosmetic Tattooing, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, shall refer to the form of Body Art requiring the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.

Customer Waiting Area, shall mean the area in a Body Art establishment for use and occupation by persons and clients prior to and after the conduct of Body Art.

Department, means the Taunton Board of Health, or its authorized representatives.

Disinfectant, means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

Disinfection, means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Dermis, means the deeper, thicker portion on the skin lying beneath the epidermis, to include the subcutaneous layer.

Ear Piercing, means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

Epidermis, means the outer layer of skin which is composed of four recognizable layers of cells usually a total of about 0.1 mm thick.

Equipment, means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Exposure, means an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

Exposure Control Plan shall mean a plan drafted by an Operator pursuant to the requirements of the U.S. Occupational Safety and Health administration to eliminate or minimize the potential for an Exposure.

Exposure Incident Report, shall mean a written report detailing the circumstances of an Exposure.

Hand Sink, means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot Water, means water that attains and maintains a temperature 110° and 130° F.

Instruments Used for Body Art, means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

Invasive, means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry, means any device or adornment inserted into a pierced or incised area or portion of the body.

License, means a document issued by the Department pursuant to this Body Art Ordinance authorizing a person to conduct allowed Body Art procedures in the City of Taunton.

Minor, means any person under the age of eighteen (18) years.

Mobile Body Art Establishment, means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat one desires to or actually does conduct Body Art procedures, excepting only a Licensed Body Art Establishment.

Operator, means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

Parenteral, means the invasion of the skin barrier or mucous membranes.

Permit, means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these model regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within community or political subdivision comprising the Board's jurisdiction.

Person, means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician, means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L.c. 112 section 2.

Procedure surface, means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

Prohibited Forms of Body Art, shall refer to those forms of Body Art prohibited under this Body Art Regulations.

Sanitize, means the process of reducing the number of microorganisms on a surface to a safe level using a Liquid Chemical Germicide. The application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Scarification, refers to a form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar

Sharps, means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container, means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single Use Items, means products or items that are intended for one-time, one-person use and are disposed of after use of each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilize, means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial spores.

Tattoo, means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing, means the act or process of creating a tattoo.

Tattoo Gun, means an electric, vertically vibrating tool used for tattooing.

Tattoo Inks/Pigments/Dyes or Inks/Pigments/Dyes, means the metal or salt-based substance injected into the subcutaneous portion of the skin in the act or process of creating a tattoo.

Temporary Body Art Establishment, means the same as Mobile Body Art Establishment.

Three Dimensional "3D" Body Art or Beading or Implantation, means the form of Body Art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

Ultrasonic Cleaning Unit, means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions, means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMR), June 23, 1989, Vol.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol.40, No RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

Workstation, means an area within a Body Art Facility designated for use in the conducting of Body Art activities.

3. The Practice of Body Art- Body art Practitioner License Required

- A.** No person shall conduct any form of Body Art activity unless such person holds a valid Body Art Practitioner License issued by the Taunton Board of Health pursuant to this Body Art Regulation.
- B.** A practitioner shall be a minimum of 18 years of age.
- C.** A practitioner permit shall be valid from the date of issuance and shall automatically expire on March 31st of the calendar year.
- D.** Application for a practitioner permit shall include:

 - Name;
 - Date of birth;
 - Residence address;
 - Mailing address;
 - Phone number;
 - Place of employment as a practitioner; and
 - Training and/or experience as set out in (E) below.

4. Practitioner Training and Experience

- A. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
- B. Training for all practitioners shall be approved by the Board and at a minimum, shall include the following:

 - a. For a Body Art Practitioner License enabling one to perform Body Piercing, the completion of a complete course in Anatomy and physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin).
 - b. For a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing, the successful completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin). This requirement does not apply to existing practitioners that are already licensed by this Board of Health. Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for a Body Art Practitioner License that enables one to perform Tattooing, but not Body Piercing.

- c. Current bloodborne pathogen training program , which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques.
- d. First Aid and cardiopulmonary resuscitation (CPR).
- e. Upon conclusion of courses as describe above, an examination based on the information covered by the entity administering the course, with documentation of the results for each attendee provided to him or her. The Body art Practitioner License applicant shall provide the results of such examination to the Board.
- f. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these model regulations.
- g. Body Art Practitioners shall hold general liability insurance of \$100,000 to perform body art procedures. Evidence of insurance shall be made available to the Board upon submittal of both initial and renewal applications for all Body Art practitioners.
- h. Practitioner permit fee voted on by the Board.

5. Body art Practitioner License – Acting Within Scope of License

A Body Art Practitioner shall only perform those forms of Body Art for which he/she holds a Body art Practitioner License issued by the Department.

6. Body Art Practitioner License - Posting Requirement

A Body Art Practitioner and/or Operator shall post in an area of the Body Art Establishment accessible to the Department and to Clients the original of the current Body Art Practitioner License of the Body Art Practitioner.

7. Standards of Practice

A. Practitioners are required to comply with the following minimum health standards:

- a. A practitioner shall perform all tattooing in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- b. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- c. No Body Art Practitioner shall conduct any form of Body Art activity while under the influence of alcohol or drugs.
- d. No practitioner shall use an ear piercing system on any part of the client's body.

- e. Health History and Client Informed Consent Prior to performing a body art procedure on a client, the practitioner shall:
- B. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure.
- a. history of diabetes;
 - b. history of hemophilia (bleeding);
 - c. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc;
 - d. history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - e. history of epilepsy, seizures, fainting, or narcolepsy;
 - f. use of medications such a anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - g. any other conditions such as hepatitis or HIV
- C. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions a required.
- a. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
 - b. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with sec. (F) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program
 - c. The skin of a practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory

infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

- d. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- e. Preparation and care of a client's skin area must comply with the following:
 - Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following having, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- f. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- g. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - on the proper cleaning of the area which received the body art.
 - to consult a health care provider for;
 - ◆ unexpected redness, tenderness or swelling at the site of the body art procedure;
 - ◆ any rash;
 - ◆ unexpected drainage at or from the site of the body art procedure; or
 - ◆ a fever within 24 hours of the body art procedure;

- the address, and phone number of the establishment. A copy shall be provided to the client. A model set of after care instructions shall be made available by the department.

h. Contaminated waste shall be stored, treated and disposed in Accordance with 105 CMR 480.000: Storage and Disposal of infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

8. Restriction of Certain Body Art Activities

A. No Body Art Practitioner shall;

- a. Tattoo a Minor Client;
- b. Brand a Minor Client;
- c. Scar or perform Scarification upon a Minor Client;
- d. Pierce the genitalia of a Minor Client
- e. Piercing in minor clients (ages 14 – 17) is limited to belly button and facial procedures allowed by these regulations only
- f. Perform or engage in any of the activities prohibited under the Boards Body Art Regulations.

9. Body Art Practitioner – Use of Mobile or Temporary Body Art Establishmnet – Prohibited

No Body Art Practitioner shall conduct any form of Body Art activity in a Mobile or Temporary Body Art Establishment.

10. Multiple Body Art Activities

A. The following shall be deemed to be multiple Body Art activities on a single Client, each requiring proper washing, cleaning, Sanitization and Sterilization of Instruments, Workstations and other Equipment and areas as set forth under these regulations:

- a. Creating two or more Tattoos on different areas of the body of a single Client;
- b. The use of more than one needle or scalpel during the conduct of Body Art upon a single Client; or
- c. Creating one Tattoo and the use of one needle or scalpel on a single Client.

11. Prohibited Activities

- Piercing Gun – Use
- Cosmetic Tattooing – Micro – pigmentation, etc.
- Particular Body Piercing Prohibition/Restriction
- Tongue Splitting

- Braiding
- Branding
- Scarification
- Three Dimensional/Implantation
- Tooth Filling
- Cartilage Notching
- Amputation
- Genital Modification
- Introduction of Saline or Other Liquids
- No tattooing or piercing shall be performed in mobile establishments or in private homes.

12. Piercing Gun

The Use of a Piercing Gun is prohibited at all times.

13. Cosmetic Tattooing – Micro-pigmentation, etc.

Cosmetic Tattooing, also known as permanent cosmetics, micro pigment implantation or dermal pigmentation, is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts or such other person that receives a license, permit or registration by the Commonwealth of Massachusetts specifically to perform such activities.

14. Particular Body Piercings – Prohibition/Restriction

A. The following Body Piercings are hereby prohibited.

- a. Piercing of the Uvula.
- b. Piercing of the tracheal area.
- c. Piercing of the neck.
- d. Piercing of the ankle.
- e. Piercing between the ribs or vertebrae.
- f. Piercing of the web area of the hand or foot.
- g. Piercing of the lingual frenum (tongue web).
- h. Piercing of the clitoris.
- i. Any form of chest or deep muscle piercing – excluding piercing the nipple.
- j. Piercing of the anus.
- k. Piercing of an eyelid, whether the top or bottom.
- l. The form of Body Piercing known as “pocketing”.
- m. Piercing of the gums.
- n. Piercing or skewering of a testicle.
- o. So-called “deep” piercing of the penis – meaning piercing through the shaft of the penis, or “trans-penis” piercing in any area from the corona glandis to the public bone.

- p. So-called “deep” piercing of the scrotum – meaning piercing through the scrotum, or “trans-scrotal” piercing.
- q. So-called “deep” piercing of the vagina – to include, but not limited to-so-called “triangles”.
- r. Tongue Splitting – The cutting, splitting or other bifurcation of the tongue is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- s. Braiding - The Braiding of the skin is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- t. Branding – shall refer to the form of Body art consisting of or requiring the inducement of a burn and / or the resulting scarring of the skin of a person by means of the use of a heated instrument of object is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- u. Scarification – refers to a form of Body Art that requires the use of an instrument to cut a design into the skin to produce a scar.
- v. Three Dimensional / Implantation – Three Dimensional Body Art, including “beading,” and implantation is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.
- w. Tooth Filing / Fracturing / Removal – The filing or shaping or the intentional fracturing or extraction of a tooth is hereby prohibited unless performed by a dentist licensed by the Commonwealth of Massachusetts.
- x. Cartilage Modification – The cutting, notching, sculpting or other modification of cartilage is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.
- y. Amputation – The intentional amputation of any part of the body is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.
- z. Genital Modification – Modification of the genitalia by means of sub-incision, bifurcation, castration, male or female mollification or other surgical means is hereby prohibited unless performed by a doctor licensed by the Commonwealth of Massachusetts.
- aa. Introduction of Saline or Other Liquids – The introduction of saline solution or other liquid or semi-liquid substance into the body of another for the purpose of causing a modification of the body is hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts.

15. Injury Reports

- A. A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:
 - a. The name of the affected client;
 - b. The name and location of the body art establishment involved;
 - c. The nature of the injury, infection complication or disease;
 - d. The name and address of the affected client’s health care provider, if any;
 - e. Any other information considered relevant to the situation.

16. Apprenticeship Program

A. Purpose and Scope:

The purpose of this regulation is to set forth the licensure procedures and requirements of body art apprentices and licensure procedures and requirements.

B. Definitions:

Apprentice means a person who is learning a trade, art, or occupation under a skilled worker for a prescribed period of time.

C. Application for Body Art Apprentice Permit

- a. No person shall practice body art without first obtaining an apprentice practitioner permit from the Board. The Board shall set a reasonable fee for such permits
- b. An apprentice shall be a minimum of 18 years of age.
- c. An apprentice permit shall be valid from the date of issuance
- d. And shall automatically expire one year from the date of issuance unless revoked by the Board.
- e. Application for an apprentice permit shall include.
 - 1. Name
 - 2. Residence address
 - 3. Date of Birth
 - 4. Mailing Address
 - 5. Phone number
 - 6. Name of the establishment where apprentice will be training
 - 7. Name of Body Art Practitioner the apprentice will be training under.

D. Apprentice Training and Experience

- a. Training for all apprentices shall be approved by the Board and at a minimum, shall include the following:
 - 1. For a Body Art Apprentice Practitioner License enabling one to be trained to perform Piercing, the completion of a complete course I Anatomy and Physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin).

2. For a Body Art Apprentice Practitioner License enabling one to Tattoo, but not Body Piercing, the successful completion of a complete course in Anatomy and Physiology, (i.e. Anatomy & Physiology I & II) with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course work must include instruction on the systems of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the course in anatomy & physiology otherwise required of an applicant for Body Art Apprentice Practitioner License that enables one to perform Tattooing, but not Body Piercing.
3. Current bloodborne pathogen training program, which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques.
4. First Aid and Cardiopulmonary resuscitation (CPR).
5. Upon conclusion of courses as described above, an examination based on the information covered by the entity administering the course, with documentation of the results for each attendee provided to him or her. The Body Art Apprentice Practitioner License applicant shall provide the results of such examination to the Board.
6. An Apprentice Practitioner permit shall be conditioned upon continued compliance with all applicable provisions of these model regulations.
7. Body Art Practitioners shall hold general liability insurance of \$100,000 to perform body art procedures. Evidence of insurance shall be made available to the Board upon submittal of both initial and renewal applications for all Body Art Practitioners.

E. Standards of Practice

Body Art Apprentices are required to comply with the same standards of practice as a licensed practitioner, as stated in “City of Taunton Body Art Regulations”.

F. Clients – Notice and Consent

- a. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, that Client shall be advised that the person to conduct such Body art activity is in fact an apprentice and is acting only under a Body Art Practitioner Apprentice License.
- b. Before a person acting under a Body Art Practitioner Apprentice License conducts any form of Body Art activity upon a Client, such person must obtain the Client’s written consent. This written consent shall be physically affixed to the Application and Consent Form for Body Art Activity.

G. Grounds for Denial of Apprentice Permit, Revocation of Apprentice Permit, or Refusal to Renew Apprentice Permit.

Body Art Apprentices may be subject to Permit revocation, permit refusal or renewal under the same conditions, as stated in “City of Taunton Body Art Regulation”.

H. Grounds for Suspension of Permit

The Board may summarily suspend a permit pending in final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that and apprentice is an immediate and serious threat to the publics health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

I. Procedure for Hearings

The procedure for hearing is the same, as stated in “City of Taunton Body Art Regulation”.

J. Unauthorized Practice of Body Art Apprentice

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art, performed by an apprentice.

17. Customers /Clients

A. Application and Consent Form for Body Art Activity Requirement

Every client shall complete an application and consent form approved by the Department prior to having any Body Art activity performed upon or to their body.

B. Application and Consent Form for Body Art Activity - Content

- a. Every application and consent form, required by the “City of Taunton Body Art Regulation” shall contain a minimum of the following:
- b. General information regarding Body Art, including, at a minimum, the following statements:
 - ◆ Tattoos should be considered permanent: and
 - ◆ The removal of Tattoos and Scars would require surgery or other medical procedure that may result in scarring or additional scarring of the skin;
- c. Information as to the side effects of Body Art, including, but not limited to, hypertrophic scarring, possible adverse reaction to ink/dye/pigment, possible change in color of ink/dye/pigment over time, a decreased ability of physician to locate skin melanoma in regions

concealed by Tattoos, Brands, Scars and other forms of Body Art, possible nerve damage, febrile illness, tetanus, systemic infection, and keloid formation;

d. Client information, including:

- ◆ Name;
- ◆ Age and valid identification;
- ◆ In the case of a Minor Client, the Parent's or legal Guardian's name, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent's or legal guardian's relationship to the Minor Client, and the consent to the conduct of the contemplated Body Art activity upon the Minor Client;
- ◆ The type of the Body Art activity to be performed.

e. Instructions requiring the Client to adhere to the Exposure Control Plan as such Plan relates to the Client's conduct in the Body Art Establishment;

f. The address and phone number of the Department and instructions for the Client, or in the case of a Minor Client – the Minor Client and his/her Parent or Legal Guardian, to contact the Department with any questions or concerns regarding safety, Sanitization or Sterilization procedures;

g. The name of the Body Art Practitioner who is to conduct the Body Art upon the Client or Minor Client and that Practitioner's Department registration number;

h. The manufacturer codes, if any, the identity of the manufacturer, and lot numbers of any Dye/Ink or Pigment to be used in the Body Art activity;

i. Signature of Client;

j. In the case of a Minor Client, the signature of Client's parent or legal guardian, The parent or legal guardian shall sign the consent form in the presence of the Body Art Practitioner;

k. The signature of Body Art Practitioner;

l. The date(s) of all signature(s); and,

m. The date(s) of the Body Art procedure, including a daily estimate of progress for the conduct of Body Art requiring multiple days to complete.

C. Disclosure of Certain Health Related Information

a. A Client shall inform the Body Art Practitioner of any known chronic medical or communicable conditions, including, but not limited to the following:

- Diabetes
 - History of hemophilia (bleeding)
 - History of skin disease skin lesions or skin sensitivities to soap, disinfectants, etc.:
 - History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
 - History of epilepsy, seizures, fainting or narcolepsy;
 - The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting.
 - History of or suspicion of adverse reaction to latex or products containing latex.
- b. A Client shall inform the Body Art Practitioner of a known pregnancy or possibility of pregnancy.
- c. The Body Art Practitioner shall require the Client to sign a release form confirming that the above information was obtained or attempted to be obtained and the Client refused to disclose the same.

D. Impairment by Drugs or alcohol

No person shall receive any form of Body Art activity who is under the influence of drugs or alcohol.

E. Aftercare Instructions

All Clients shall obtain and read and follow the Department approved Aftercare Instructions appropriate for the form of Body Art conducted upon such person.

F. Aftercare Instructions – Minimum Content

- a. Aftercare Instructions shall be approved by the Department and shall include, at a minimum the following:
- Responsibilities and proper care following the procedure;
 - Restrictions, if any, upon the client;
 - Signs and symptoms of infection; and,
 - Instructions to contact a physician if possible signs of infection occur.

G. Age Requirements for Certain Body Art Activities

- a. No Minor Client shall receive a Tattoo.
- b. No Minor Client shall be Branded.
- c. No Minor Client shall be Scarred.
- d. No Minor Client shall have his or her genitalia pierced.

- e. Piercing in minor clients (ages 14 – 17) is limited to belly button and facial procedures allowed by these regulations only

H. Rash, Lesion or Visible Signs of Infection

- a. The skin area or mucosa of a Client to receive any form of Body Art activity shall be free of rash, any lesion or from any visible sign of infection.

18. Body Art Establishment Permit – Application - Registration

A person seeking registration under this Body Art Regulation so as to obtain a Body Art Establishment Permit shall submit a completed application provided by the Department and shall pay a fee voted on by the Board to the City of Taunton. A Body Art Establishment Permit shall be valid for no more than one year. The Department may renew a Body Art Establishment Permit under this Body Art Regulation and each applicant for such renewal shall pay to the City of Taunton a renewal. All Body Art Establishment Permits shall expire on March 31 of the year of issuance.

- A. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - a. Name, address, and telephone number of:
 - the body art establishment
 - the operator of the establishment;
 - the body art practitioner(s) working at the establishments;
 - b. The manufacturer, model number, model year, and
 - Serial number, where applicable, of the autoclave used in the establishment.
 - c. A signed and dated acknowledgement that the
 - Applicant has received, read and understood the requirements of the Board’s body art regulations;
 - d. A drawing of the floor plan of the proposed
 - Establishment to scale for a plan review by the Board, as part of the permit application process;
 - e. Plan approval shall be granted or denied within 45 Calendar days after the submission of said plans. If the Board of Health does not approve said plans within such time, the plans shall be deemed to have been approved. Approval shall be denied only if such plans establish that the proposed tattoo establishment will violate provisions of the Taunton Board of Health Regulations for Tattoo Establishments or other applicable laws, ordinances or regulations; and,

- f. Plan review fee to be voted on by the Board.
- g. Such additional information as the Board may reasonably require.

B. The Board shall set a reasonable fee for such permit.

C. A permit for a body art establishment shall not be transferable from one place or person to another.

D. Application for a tattoo establishment permit under this section that operation and maintenance of a tattoo establishment under these regulations shall constitute consent to inspection of said premises at any time by an agent of the Board of Health of the City of Taunton and said refusal of inspection upon notice shall constitute grounds for immediate revocation of the permit.

19. Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew Permit

A. The Board may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew;

- a. any actions which would indicate that the health or safety of the public would be at risk.
- b. fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
- c. Criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- d. any present or past violation of the Board’s regulations governing the practice of body art;
- e. practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- f. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- g. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
- h. continuing to practice while his /her permit is lapsed, suspended, or revoked; and

- i. Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.
 - j. other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art;
- B. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant establishment or practitioner fails to comply after said seven (7) days.
- C. Applicants denied a permit may reapply at any time after denial.
- D. Refusal of an applicant to allow an inspection of the premises by an authorized agent of the Board of Health upon any complaint or for any other reason, including consent to an inspection under Section 9 shall be deemed immediate grounds for revocation of the permit issued under these rules.

20. Grounds for Suspension of Permit

The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and /or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

21. Procedure For Hearings

A. Suspension of a Permit

- a. After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty – one (21) calendar days after the effective date of the suspension.
- b. Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
- c. In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

B. Denial, Revocation, or Refusal to Renew a Permit

- a. If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.
- b. Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

22. Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

23. Severability

If any provision contained in the model regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

24. Operation of Body Art Establishments

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

A. Physical Plant

- a. Walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- b. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- c. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
- d. Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a divider or partition at a minimum
- e. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles

shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled

- f. A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist – or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
- g. There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
- h. At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
- i. At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.
- j. All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- k. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
- l. The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
- m. No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
- n. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

A. Requirements for Single Use Items Including Inks, Dyes and Pigments

- a. Single use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
- b. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
- c. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
- d. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

B. Sanitation and Sterilization Measures and Procedures

- a. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- b. After being cleaned, all non-disposable Instruments used for body art shall be packed Individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
- c. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturers recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
- d. Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.

- e. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedure shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- f. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- g. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- h. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- i. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

C. Posting Requirements

The following shall be prominently displayed:

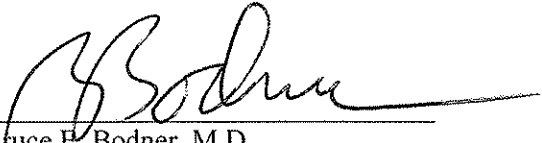
- a. A Disclosure Statement, a model of which shall be available from the Department. A Disclosure shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- b. The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.
- c. An Emergency Plan, including:
 - a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- d. An occupancy and use permit as issued by the local building official.
- e. A current establishment permit.
- f. Each practitioner's permit.

D. Establishment Recordkeeping

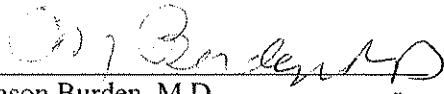
- A. The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:
- a. Establishment information, which shall include:
 1. establishment name;
 2. hours of operation;
 3. owner's name and address;
 4. a complete description of all body art procedures performed;
 5. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement.
 6. A Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
 7. A copy of these regulations.
 - b. Employee information, which shall include:
 1. full names and exact duties;
 2. date of birth;
 3. home address;
 4. home/work phone numbers; and
 - c. Client Information, which shall include:
 1. name;
 2. date of birth;
 3. address of the client;
 4. date of the procedure;
 5. name of the practitioner who performed the procedure(s);
 6. description of procedure(s) performed and the location on the body;
 7. a signed consent form as specified by 6(D)(2); and
 8. if the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian.
 - d. Client information shall be kept confidential at all times.
- B. The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

JFU

Joseph F. Nates, M.D.



Bruce E. Bodner, M.D.



Nason Burden, M.D.

Adopted NOVEMBER 1, 2011



41

CITY of TAUNTON
ZONING BOARD of APPEALS
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051/ 1043

Fax 508-821-1043

November 15, 2011

Honorable Mayor Charles Crowley & Municipal Council
Maxham School, Temporary City Hall
141 Oak St
Taunton, Ma. 02780

C/O Rosemarie Blackwell, City Clerk

RE: Zoning Ordinance - Departmental Site Plan Review Process

Dear Mayor Crowley & Municipal Council Members:

At their regular scheduled meeting held on November 10, 2011 the Zoning Board of Appeals discussed Section 15.2 of the City of Taunton Zoning Ordinances relative to amending the Site Plan Review Thresholds. The Board's original request dates back to February 2, 2011 and on February 8, 2011 it was referred to the Committee on Zoning. However as of this date the Board has not heard anything regarding this matter.

The Board voted AGAIN to request the Municipal Council to review the possibility of amending the criteria of the departmental site plan review process by placing a provision that if there are no changes to the building, parking, or traffic flow a departmental site plan is not required.

The Board request to be kept abreast of any and all action on this matter.

Respectfully,

Dennis I. Ackerman, Chairman
Zoning Board of Appeals



CITY of TAUNTON
ZONING BOARD of APPEALS
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary
September 29, 2011

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

Committee on Zoning
Maxham School, 141 Oak St.
Taunton, Ma. 02780

RE: Departmental Site Plan Review Process

Dear Committee Members:

Attached you will find a copy of our letter that was sent to the Municipal Council and then referred to the Committee on Zoning relative to the Site Plan Review Process.

To this date the Board has not received any updates from your Committee relative to the possibility of amending the criteria of the process.

~~The Board is again requesting an update on this communication as it dates back to February 2011.~~

Respectfully yours,

Dennis I. Ackerman, Chairman
Zoning Board of Appeals

DIA/djp

Attachment

43



**CITY of TAUNTON
ZONING BOARD of APPEALS**

**15 Summer Street
Taunton, Massachusetts 02780**

Denise J. Paiva, Secretary

Phone 508-821-1051/ 1043

Fax 508-821-~~1043~~ 1065

May 13, 2011

Committee on Zoning
Maxham School, 141 Oak St.
Temporary City Hall
Taunton, Ma. 02780

RE: Department al Site Plan Review Process

Dear Committee Members:

Attached you will find a copy of our letter that was sent to the Municipal Council and then refereed to the Committee on Zoning relative to the Site Plan Review Process.

The Zoning Board of Appeal s requests an update from your Committee on the possibly of amending the criteria of the departmental site plan review process.

Respectfully yours,

Dennis I. Ackerman, Chairman
Zoning Board of Appeals

DIA/djp

Paiva



**CITY of TAUNTON
ZONING BOARD of APPEALS**
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

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

February 2, 2011

Mayor Charles Crowley & Members of the Municipal Council
Maxham School, temporary City Hall
141 Oak St.,
Taunton, Ma. 02780

C/O Rosemarie Blackwell, City Clerk

RE: Departmental Site Plan Review Process

Dear Mayor Crowley & Municipal Council Members:

At their recent meeting held on January 20, 2011 the Zoning Board of Appeals discussed Section 15.2 of the Zoning Ordinance relative to Site Plan Review Thresholds after approving a Special Permit for a change of use from printing business to storage and stamping and finishing of small metal part for fire alarm boxes and related materials.

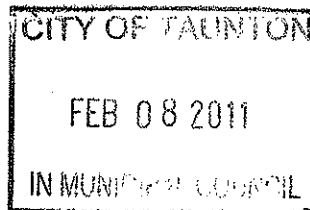
The approval prompted a discussion relative to the departmental site plan review process. The Board voted to request the Municipal Council to review the possibility of amending the criteria of departmental site plan review process by placing a provision that if there are no changes to the building, parking, or traffic flow a departmental site plan review is not required.

Your cooperation in this matter will be greatly appreciated.

Respectfully yours,

Dennis I. Ackerman, Chairman
Zoning Board of Appeals

DIA/djp



*Refer to the Com on
Zoning
RM Blackwell
City Clerk*



Denise J. Paiva, Secretary

**CITY of TAUNTON
ZONING BOARD of APPEALS**

**15 Summer Street
Taunton, Massachusetts 02780**

Phone 508-821-1051/ 1043

Fax 508-821-1043

February 2, 2011

Mayor Charles Crowley & Members of the Municipal Council
Maxham School, temporary City Hall
141 Oak St.,
Taunton, Ma. 02780

C/O Rosemarie Blackwell, City Clerk

RE: Departmental Site Plan Review Process

Dear Mayor Crowley & Municipal Council Members:

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The approval prompted a discussion relative to the departmental site plan review process. The Board voted to request the Municipal Council to review the possibility of amending the criteria of departmental site plan review process by placing a provision that if there are no changes to the building, parking, or traffic flow a departmental site plan review is not required.

Your cooperation in this matter will be greatly appreciated.

Respectfully yours,

Dennis I. Ackerman, Chairman
Zoning Board of Appeals

DIA/djp

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Taunton Christmas Parade Committee



Taunton Christmas Parade "Peace on Earth"

November 7, 2011

*Mayor Charles Crowley
Members of the Municipal Council
141 Oak Street
Taunton, MA 02780*

Dear Mayor Crowley & Council Members:

The Taunton Christmas Parade Committee cordially invites you to participate in the 32nd Annual Christmas Parade. The parade will be held on Sunday, December 4, 2011 at 12:00 Noon from Liberty & Union Plaza on Broadway.

It is our hope that you will again participate in this parade. We ask that you kindly respond by Friday, November 18th to the Parks, Cemeteries & Public Grounds Office at 508-821-1415 or in the evening to 508-880-0029.

All parade participants will be contacted one week prior to inform you of the time you should report and the street location of your division. We look forward to your participation!

Sincerely,

A handwritten signature in cursive script that reads "Gene".

*Gene Alger
Chairman*

Gene Alger – Chairman

Marilyn Greene Deborah Carr Dan Barbour Renée Menard Norma Barbour Paul Allison Jack Donahue



Special Olympics
Massachusetts

47

November 16, 2011

Mayor Charles Crowley
And Taunton City Council
Taunton City Hall
141 Oak Street
Taunton, MA 02780

Dear Mayor Crowley and members of the Taunton City Council,

I am writing this to ask for Special Olympics Massachusetts (SOMA) to be added to the agenda for the upcoming City Council meeting on Tuesday, November 29, 2011. We would like to speak briefly about the upcoming Jolly Jaunt 5K road race. The event is scheduled to be on Saturday, December 3, 2011.

Thank you for your consideration,

Cory J. Zarrella
Special Olympics MA





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Special Olympics

November 9, 2011

Massachusetts

Rose Marie Blackwell
Councilor
Taunton City Hall
141 Oak Street
Taunton, MA 02780

Dear Rose Marie,

On behalf of the athletes, families, volunteers and staff of Special Olympics Massachusetts (SOMA), I cordially invite you and your family to the **22nd annual Jolly Jaunt Taunton** to be held on Saturday, December 3 at the Taunton Holiday Inn in the Myles Standish Industrial Park. Attended and supported by more than 1,000 people each year, the certified 5K run and 2K fun walk received its acclaim right here in Taunton. It has become our largest annual fundraiser in the region and supports local Special Olympics athletes, the teams they are a part of, and the events and activities that they attend in and around Taunton and southeastern MA.

The event schedule is:

- 10:30 am Arrival/registration
- 11:30 am Junior Jaunt Race (ages 8 & under)
- 12 noon Road Race starts, Fun Walk starts, Chili Head BBQ Holiday Party follows (ends 3pm)
- 1:30 pm Welcoming Remarks/Sponsor appreciation/Awards

Jolly Jaunt Taunton assists SOMA in securing sports training, equipment, uniforms and competition opportunities to our 4,274 adults and children with intellectual disabilities throughout the year. Our athletes are given an opportunity to set and achieve goals, learn life skills and lessons, and become accepted members of their local communities from the benefits of sports-related activities provided by Special Olympics.

To learn more about Jolly Jaunt Taunton, or about Special Olympics activities in Taunton and southeastern Massachusetts, please visit the website www.jollyjaunt.org or contact me at 508-821-3635 or cory.zarella@specialolympicsma.org. As a respected member of the Taunton community, and long-time friend and supporter of Special Olympics, your presence at this year's Jolly Jaunt Taunton would be a great addition to a wonderful day.

In the Spirit of Special Olympics,

Cory J. Zarella
Associate Section Director



Raymond F Sidor
Stanley J Sidor
55 Washington St.
Taunton, MA 02780

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November 18, 2011

Hand delivered

Attn. Rosemarie Blackwell, City Clerk
City Hall, Oak Street
Taunton, Massachusetts

RE: municipal parking lot construction, 18 Pleasant Street

Dear Mdm.:

Please accept this as a **NOTICE OF APPEAL** of the decision/review of the DIRB filed 10/4/2011 and a request to **IMMEDIATELY STOP WORK** on the municipal parking lot on 18 Pleasant Street given the City's failure to address drainage and other issues in its initial "decision/review" and the subsequent alteration, without notice to the abutters, of the scope and area of the project to **121 parking spaces instead of 95 parking spaces** as shown on the original DIRB notice and plan. This is unlawful and a violation of the municipal ordinances.

RECEIVED
CITY CLERK'S OFFICE
2011 NOV 18 PM 1:25

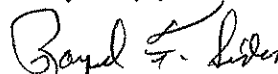
As abutters, Trustees and owners of property at 53, 531/2 & 55 Washington Street we received notice of the DIRB hearing. As permitted by law we submitted our concerns as drainage and runoff and other concerns. There were also other neighbors with concerns. When we noticed activity at the site without having received a copy of the "decision/review" of the DIRB, we went to the office of city planner, on November 10, 2011. On that day we learned that the decision had been made.

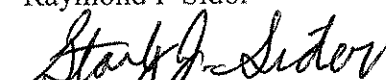
When reviewing the plan, I noticed that the City vastly increased the size of the parking lot project to 121 spaces without ANY new notice to the abutters. The original plan and the "modified plan" will negatively affect the drainage and parking lot runoff issues which are one of my concerns.

Since receiving the new plan, I have contacted the City Planner, City Engineer and discussed the matter with him. I was referred to contact Mr. Paul Patneude the project engineer and I also contacted Jordan Fiore Assistant City Solicitor. There are serious drainage issues which exist and which will cause irreparable harm to my property and to the abutter's properties. I am hopeful that this will be resolved without immediate legal action for the benefit of all.

We also respectfully request that this matter be placed on the Municipal Council agenda for immediate attention.

Very truly yours,


Raymond F Sidor


Stanley J Sidor

Enclosures:

site plan review notice – 95 vehicles, letter of 8/21/2011, DIRB decision, excerpt of plans, 11/16/2011 letter to Attorney Fiore

50

Raymond F.Sidor
Stanley J. Sidor
55 Washington St.
Taunton,Mass.02780

Nov.16,2011

Attorney Jordon Fiore
City of Taunton
Law Department
City Hall
141 Oak Street
Taunton,Mass.02780

Post-it® Fax Note 7671		Date 11-16-11	# of pages 7
To ATT. JORDAN FIORE	From RJ #5 J Sidor		
Co./Dept TAUNTON-LAW DEPT	Co.		
Phone # 508-821-1036	Phone # 508-823-8881		
Fax # 508-821-1034	Fax #		

RE:Proposed parking lot for 18 Pleasant Street
Fax and Mail

Dear Attorney Fiore:

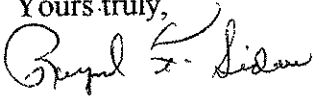
Attached you will find several pages marked TA-01-11 to TA-06-11. These are documents I spoke to you about on the phone earlier today.

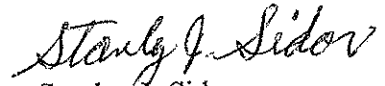
There was a abutter notification sent out in August and we responded with our concerns in a August 21,2011 letter and related material to the City Planners office. These were based on a site plan by ESC dated rev .Aug.10,2011. We were never notified(mail), regarding the DIRB decision.

Last week,after seeing activity at the site,I went to the City Planners office.I asked for a copy of the DIRB decision dated Sept.20,2011. It stated in the decision the Site Plan called for 121 spaces.,not the 95 as indicated in the notice sent to us. This is from another plan from ESC dated Sept.14,2011. How can this be llegal! One should be given proper notification.

Please contact us as soon as possible.

Enclosures:6 pages

Yours truly,

Raymond F. Sidor


Stanley J. Sidor

CITY OF TAUNTON
SITE PLAN REVIEW
ABUTTER NOTIFICATION

The following form allows for your input on the proposed use seeking to located near your property. This form should be filled out and returned no later than Monday August 22, 2011 and return to City Planner, 15 Summer Street, Taunton, Ma 02780. Please review the following information and respond by filling in the last section of this form. **ONLY FILL OUT THIS FORM IF THERE ARE SITE SPECIFIC CONCERNS** (i.e.: landscaping, drainage, lighting, building, etc...).

SITE PLAN REVIEW APPLICATION Departmental Site Plan Review for a 95 vehicle municipal parking lot at 18 Pleasant Street located in the Office District.

EXISTING CONDITIONS AT THE SITE staging area for court house construction

EXPECTED SITE CHANGES WITH PROPOSED USE 95 vehicle parking lot

PLEASE WRITE ANY CONCERNS, RECOMMENDATIONS AND/OR COMMENTS ON THE PROPOSED USE AS THEY PERTAIN TO THE SITE

see attached letter and related material, dated 8/21/11, and pages DIRB-01-11 to DIRB-08-11.

Your comments from this form will be read at the Development Impact Review Board (DIRB) meeting scheduled for Tuesday August 23, 2011 at 10:00 am in the Chester R Martin, Municipal Council Chambers at 141 Oak Street, Taunton Ma. The DIRB will take your responses from this form and address them at the meeting. If you have any further questions regarding this petition, please do not hesitate to call, Kevin Scanlon, Director of Planning and Conservation and Chairman of the DIRB, at 821-1051.

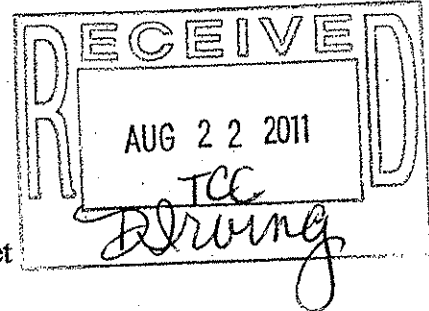
TA-01-11
DIRB-08-11

Raymond F. Sidor
Stanley J. Sidor
55 Washington Street
Taunton, Mass. 02780

August 21, 2011

52

City of Taunton
Development Impact Review Board
15 Summer Street
Taunton, Mass. 02780



RE: Proposed parking lot for 18 Pleasant Street

Dear Sir or Madam:

Attached you will find several items labeled DIRB-01-11 to DIRB-08-11. These photos we took, along with an overhead view (satellite imagery) of the area and a summary of concerns, listed on pages 1 and 2 relating to the subject site.

On page DIRB-05-11, you will see in the top photo a drainage basin located at the corner of Pleasant and Broadway. There are similar ones in the Washington and Pleasant Street areas. You can see it is of major concern, not to dump harmful substances into the drainage system, that would have an adverse impact on fish and wildlife in the Mill River. As the City is well aware, there are ongoing plans to remove obstacles (dams), that would allow fish to migrate upstream. The site (18 Pleasant) could have an adverse impact if not engineered properly.

There are two other photos on the same page, showing the Court Street parking lot directly across from King's Court. You can see parking islands and perimeter landscaping. These photos were taken last week in the morning between 9:15 and 10:30 A.M. You can see many vacant places in the parking lot. This is common every day. If the proper signs were installed, this site would be better utilized and people would park here when doing business in the area. The attendant could collect more revenue and it would benefit the City.

On the page marked DIRB-06-11, the photo shows water run-off this past winter and into the spring. These properties are located on Washington St., downgradient of the subject site. The bottom photo indicates water ponding in properties next to our property and above it. The middle photo, #53 1/2 Washington, with water ponding. The top photo shows that 18 Pleasant is upgradient of our properties. Eventually, this water percolates into the soil and my basement. Something needs to be done to correct this problem.

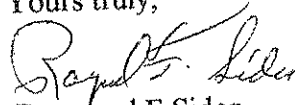
On the page marked DIRB-07-11, you will see photos of Jersey barriers along the Washington Street properties. In the top photo, soil has washed away, causing a gully and

TA-02-11

exposing the stones. Even the homeless people, placed planking to bridge this gap. This indicates that drainage is a serious issue and needs to be engineered properly.

I would like to thank the DIRB members in advance, for their time in carefully reviewing this matter.

Enclosures:
DIRB-01-11 to DIRB-08-11

Yours truly,

Raymond F. Sidor


Stanley J. Sidor

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

54

September 20, 2011

Owner/ Petitioner City of Taunton.
141 Oak Street
Taunton, Ma 02780
For- 18 Pleasant Street, Taunton, Ma

CITY OF TAUNTON
OCT 04 2011
IN MUNICIPAL COUNCIL

*Rec'd & placed on file -
RM Blawie, City*

The petition is for a Departmental Site Plan Review for a 121 space parking lot at 18 Pleasant Street, Taunton, Ma which is located in the Central Business District. On or about August 9, 2011 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 August 22, 2011 and again on September 20, 2011 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 August 5, 2011 and revised through September 14, 2011

Condition #2) No gates will be installed on the entrance and exits.

Condition #3) Two sets of updated plans shall be provided that conform to the requirements of this decision before any construction

Condition #4) 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.

Condition #5) Lighting shall not illuminate any portion of abutting properties not owned by the City of Taunton

Condition #6) Landscaping shall be a class II buffer with the width waivers as shown on the plan.

Condition #7) The project must meet stormwater regulations

Condition #8) a post and rail fence shall be installed between the 10 existing spaces and the access aisle in the southeasterly corner

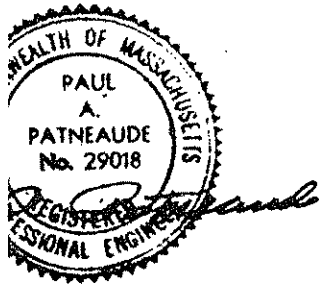
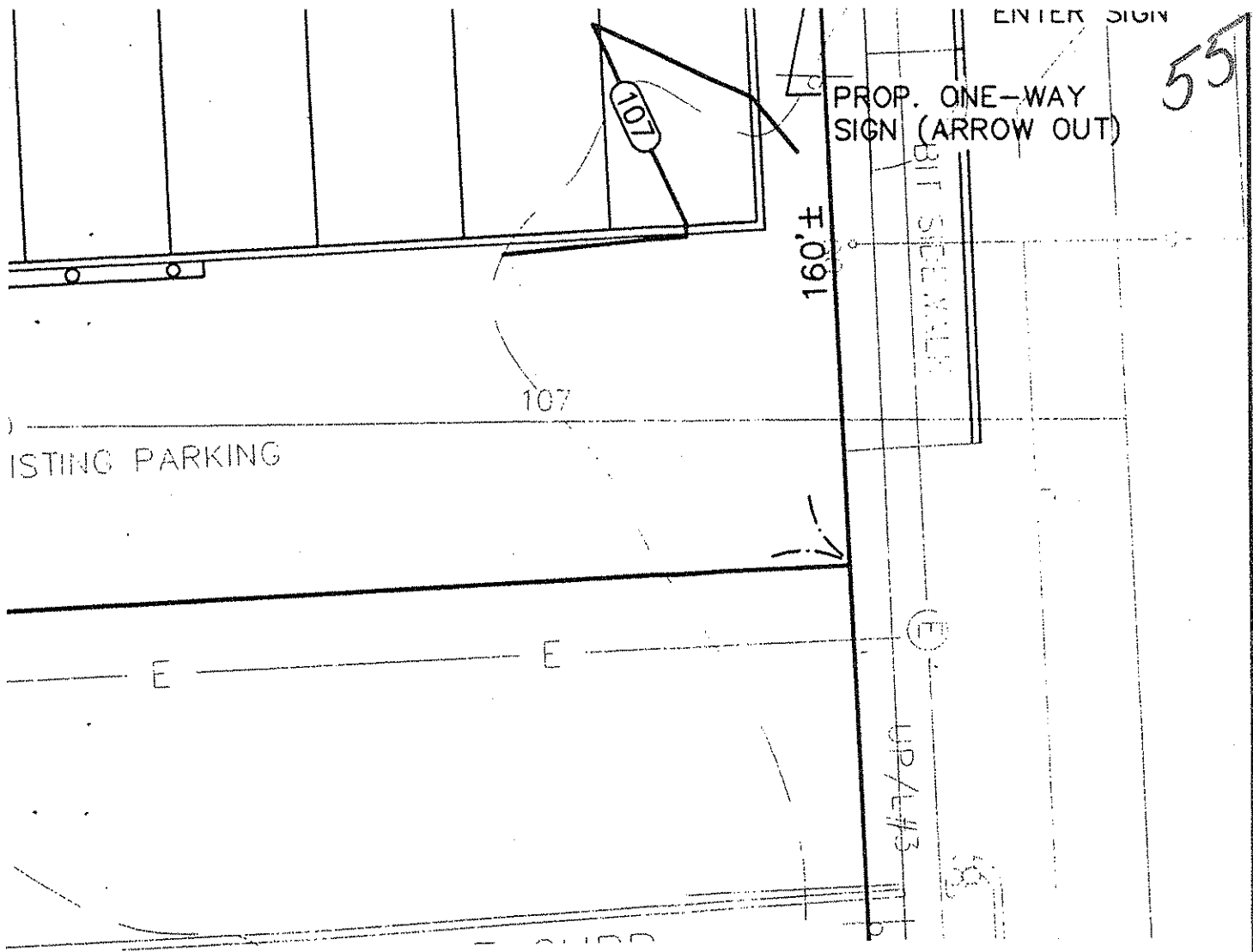
Condition #9) All of the required 2,588 sq ft of area designated as "interior landscaping" shall be planted in conformance with section 7.1.2 for trees and shrubs per each 200 sq ft of area

Sincerely,



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

TA-04-11



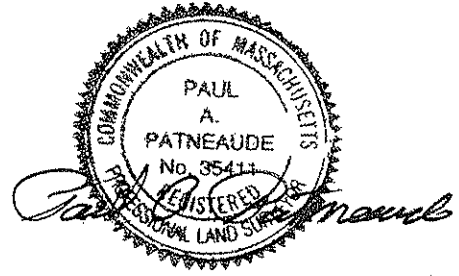
SITE PLAN
PROPOSED PARKING LOT
18 PLEASANT STREET
TAUNTON, MA.
 PREPARED FOR
CITY OF TAUNTON
 PREPARED BY
ESC EARTH SERVICES CORPORATION
 198 CRANE AVE. SOUTH TAUNTON MA 02780
 (508) 823-1093
 DATE: AUGUST 5, 2011 SCALE: AS SHOWN
 REV: AUGUST 10, 2011 SHEET 1 OF 2 SHEETS




TA-05-11

handicap ramp and sloping must built in accordance with current ADA standards.

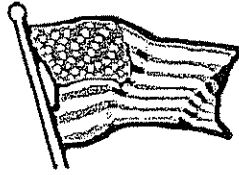
54



SITE PLAN
PROPOSED PARKING LOT
18 PLEASANT STREET
TAUNTON, MA.
PREPARED FOR
CITY OF TAUNTON
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 EARTH SERVICES CORPORATION
198 CRANE AVE. SOUTH TAUNTON MA 02780
(508) 823-1093
DATE: AUGUST 5, 2011 SCALE: AS SHOWN
REV: SEPTEMBER 14, 2011 SHEET 1 OF 2 SHEETS

↗

TA-06-11



NOVEMBER 22, 2011

HONORABLE CHARLES CROWLEY, MAYOR
COUNCIL PRESIDENT SHERRY COSTA-HANLON
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR **TUESDAY, NOVEMBER 22, 2011 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS**

5:30 P.M.

THE COMMITTEE ON FINANCE & SALARIES

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

THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS

1. MEET WITH REPRESENTATIVE FROM THE TOWN OF LAKEVILLE, ASSISTANT CITY SOLICITOR AND WATER DIVISION SUPERVISOR CATHAL O'BRIEN TO DISCUSS THE TOWN OF LAKEVILLE INTER MUNICIPAL AGREEMENT
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON SOLID WASTE

1. MEET WITH JIM BINDER OF A.R.I., ATTORNEY RODNEY HOFFMAN OF DEUTSCH WILLIAMS, MEMBERS OF THE D.P.W. TEAM AND BOARD OF HEALTH TO DISCUSS THE DRAFT CONTRACT PROPOSAL BETWEEN IWT AND THE CITY OF TAUNTON
2. MEET TO REVIEW MATTERS IN FILE

THE COMMITTEE ON PUBLIC PROPERTY

1. MEET WITH THE SUPERINTENDENT OF PUBLIC BUILDINGS TO DISCUSS THE GAS TANK ISSUE AT THE GOLF COURSE
2. MEET WITH THE SUPERINTENDENT OF BUILDINGS FOR HIS REPORT ON RAZING THE LEONARD SCHOOL AND THE OLD ELIZABETH POLE SCHOOL
3. MEET TO REVIEW MATTERS IN FILE


PAGE TWO

MUNICIPAL COUNCIL COMMITTEE AGENDA - CONTINUED

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

1. MEET TO REVIEW DRAFT ORDINANCE INCREASING THE FINE FOR METER VIOLATIONS FROM \$15.00 TO \$20.00.
2. MEET TO REVIEW DRAFT ORDINANCE REGARDING FLEA MARKETS
3. MEET TO REVIEW DRAFT ORDINANCE REGARDING PARKING KIOSKS
4. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

A handwritten signature in cursive script, appearing to read "Colleen M. Ellis".

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES