



**MUNICIPAL COUNCIL AGENDA
TEMPORARY CITY HALL
141 OAK STREET, TAUNTON, MA 02780**

DECEMBER 9, 2014 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-8 Com. from Assistant City Solicitor – Proposed Solid Waste, Recycling and Composting Regulations
- Pg. 9-10 Com. from Superintendent of Buildings – Massachusetts DEP Annual Fee for Central Fire Station
- Pg. 11 Com. from Chairman, Taunton Planning Board – Notifying of a public Meeting
- Pg. 12-38 Com. from City Solicitor – City of Taunton v. Michael O'Donnell et al., 115 Tremont St., Taunton
- Pg. 39-42 Com. from Superintendent of Buildings – New timeline for improvements to the Municipal Council Chamber Microphones
- Pg. 43-44 Brian Gillis, Associate Engineer, Columbia Gas of Massachusetts, 995 Belmont St., Brockton – Request for extended construction season within public roadways

PETITIONS

Class II License Renewal and Transfer

Petition submitted by Gary Maltais –DBA- Marli Motors, 17 Tremont Street, Taunton respectfully requesting to **RENEW and TRANSFER** (due to the possibility that approval of the transfer could take 3-4 months) his Class II License to Robert L. Martin Jr. –DBA- RM Auto Sales to be located at 263 Broadway, Taunton.

TAUNTON, MA
CITY CLERK

2014 DEC - 5 1 A 10: 32

RECEIVED
CITY CLERK'S OFFICE

Petition submitted by Anthony Sniger –DBA- Happy Bear, Inc. requesting to **RENEW and TRANSFER** his Class II License to his son, David Snigier –DBA- Happy Bear, Inc. to be located at the same location.

The Following are Renewals for Class II Licenses

1. Corrao Motor Cars, Inc. located at 251 Broadway, Taunton
2. Mann Clan, Inc. –dba- Auto Gallery located at 283 Broadway, Taunton
3. Professional Car Zone, LLC located at 381 Weir St., Taunton
4. Scott’s Service Center, Inc. located at 129-131 Ingell St., Taunton
5. Tucan Auto Sales, Corp. located at 295 Broadway, Taunton
6. Walt’s Auto Speciality, Inc. located at 289 Broadway, Taunton

New Class II License Available

Petition submitted by Henry Johnson, 829 Blue Hill Ave. Apt. 2A, Dorchester requesting a **NEW** Class II License available –dba- Hank’s Hoopty’s Cheap and Reliable Sales to be located at 405 Winthrop St., Taunton.

Claims

Claim submitted by Paula Allsop, 103 Hart St., #2-208, Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Plain Street near the Atlantic Café, Taunton.

Claim submitted by Keith Woolley, 50 Hall St., Raynham, seeking reimbursement for damages to his automobile from hitting a pothole on Linden Street between 79-83 Linden St., Taunton.

Claim submitted by Eric Kay, 6 Scott St., Holbrook seeking reimbursement for damages to his automobile from hitting a raised sewer cover on Dean Street near River Road, Taunton.

COMMITTEE REPORTS

UNFINISHED BUSINESS

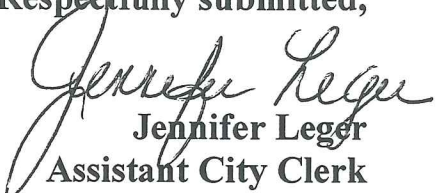
Executive Session:

Meet with the Mayor, City Solicitor and Water Superintendent to discuss potential acquisition of Lakeville Water Tower. This meeting involves contract negotiation.

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,


Jennifer Leger
Assistant City Clerk



City of Taunton
LAW DEPARTMENT

141 Oak Street
Taunton, Massachusetts 02780
Phone (508) 821-1036 Facsimile (508) 821-1397



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

October 20, 2014

Fred Cornaglia,
Commissioner, DPW
90 Ingell Street
Taunton, MA 02780

RE: Proposed Solid Waste, Recycling and Composting Regulations

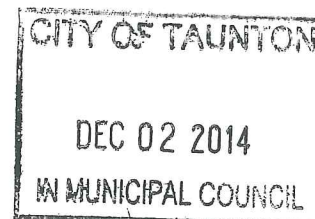
Dear Commissioner Cornaglia:

Please allow this letter to confirm that I have reviewed the October 1, 2014 draft of the proposed Solid Waste, Recycling and Composting Regulations and that I would approve them. Please contact me with any questions or concerns.

Respectfully,

Daniel de Abreu
Assistant City Solicitor

cc: Jason D. Buffington, City Solicitor



*Im Blackwell,
City Clerk*

*Refer to the Committee on
Solid Waste for next
WEEK. to make any
changes the Council
would like to see for
adoption.*

The primary changes to the Solid Waste regulations:

- Updated language to reflect PAYT bag program
- Added language about single stream recycling collection
- Strengthened mandatory recycling requirement
- Added section on landfill
- Aligned these regulations with the curbside contract, Board of Health regulations, and other City Ordinances recently updated

**CITY OF TAUNTON
MASSACHUSETTS**

DEPARTMENT OF PUBLIC WORKS

90 Ingell Street
Taunton, Massachusetts 02780-1595
(508) 821-1431 Fax (508) 821-1437

Solid Waste, Recycling and Composting Regulations
As ratified by the Municipal Council Committee on Solid Waste on April 2nd, 1996
And amended through July 28, 1998
Further amended through January 1, 2015

Pursuant to the provisions of the Revised Ordinances of the City of Taunton, Section 8-3, the following regulations regarding the preparation, sorting, and collection of solid waste, recyclables, and compostables are hereby issued, to be effective January 1, 2015:

Section I. Curbside Collection Program

Purpose

This regulation is enacted in order to protect public health and the environment by reducing the amount of solid waste sent to landfills and incinerators and to comply with Massachusetts Department of Environmental Protection Waste Ban Regulations (310 CMR 19.017). In addition, M.G.L. Chapter 40, Section 8H authorizes cities and towns to establish recycling programs and require residents, schools and businesses to separate solid waste for recycling ("mandatory recycling rules"). It is the policy of the City to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible. All elements of these regulations shall be in compliance with applicable local, state, and federal laws and regulations.

DEFINITIONS

Bulky Items: shall mean individual items too large or too heavy for a City of Taunton PAYT Bag, but not classified as (a) White Goods or Metal Bulk Waste; (b) other MassDEP Solid waste banned items (such as CRTs); or (c) items explicitly excluded from normal solid waste collection per the City's municipal solid waste and recycling collection contract. Examples of Bulky Items are upholstered chairs, furniture, beds, mattresses, sofas, and the like. The City will not collect more than one Bulky Item per week from each residential unit. The City may require stickers on Bulky Items in the future to offset the cost of managing these items.

Bulk Metal: shall mean recyclable metal that is (a) too large for inclusion in the commingled sort of the Designated Recyclables (such as bedsprings, gas grills, metal barrels, bicycles); and (b) not White Goods.

City of Taunton Pay As You Throw (PAYT) Bags: shall mean official bags that have been purchased with the logo that identifies them as City of Taunton bags, to be used to dispose of residential solid waste.

Recyclables: shall mean discarded items that the City authorizes for mandatory collection for the intent of recycling and shall include Designated Recyclables as listed in the City's solid waste and recycling collection contract, including: paper/cardboard stream and commingled container stream (glass, steel, aluminum, and plastic containers). Items included in this list may be modified over time to accommodate MassDEP waste bans as well as new markets for discarded materials.

Service Recipients: shall mean customers who receive collection services provided through the City's solid waste and recycling collection contract.

Solid Waste: shall mean all materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, and consists of without limitation, garbage and refuse, rubbish, Residential Garbage, Bulky Waste and solid waste as defined in 310 CMR 19.006. Unacceptable Waste is specifically

excluded from Solid Waste. Bulky Items, White Goods, Bulk Metal, Acceptable Yard Waste, Tires, and CRTs (cathode ray tubes) are also specifically excluded from Solid Waste.

Unacceptable Solid Waste: shall mean all Hazardous Waste, Commercial Waste, items banned from disposal as per 310 CMR 19.017 (MassDEP Waste Bans), those items covered under the mercury disposal prohibition 310 CMR 76.00, all solid waste rejected from a disposal facility, Residential Construction Debris, Construction and Demolition Waste from contracted or commercial work, ashes from heating plants, wood and coal stoves, stones, rocks, automobile parts, waste oils, pesticides, sewage waste, and other items identified in the City's solid waste and recycling collection contract.

Waste Bans: prohibitions on the disposal and transfer for disposal of certain toxic and/or recyclable items per 310 CMR 19.017.

White Goods: appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items. These typically include refrigerators, freezers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, air conditioners, and hot water heaters. White Goods shall be classified as either Freon-containing or non-Freon containing.

Yard Waste: shall mean all tree trimmings, grass cuttings, leaves, bushes, hedges, weeds, dead trees, wood chips and shavings, and other waste associated with residential yard maintenance.

A. General Rules for Curbside Collection of Residential Solid Waste, Recyclables and Yard Waste

Bags, Containers (Solid Waste containers and Recyclable Material containers), Bundles, White Goods, Bulky Waste, and Yard Waste shall be placed at the curb or at a point no further than five (5) feet from the back of the curb in front of that property. In areas where there are no curbs, pick-up shall refer to items placed no further than five (5) feet from the edge of the traveled roadway in front of that property. No materials will be placed in the roadway. In addition:

- Residential solid waste, recyclables, and yard waste shall be put out for collection no earlier than the day of collection (per 105 CMR 410.600), and should be placed out no later than 7:00 a.m. the day of collection.
- All sharp objects being disposed as residential waste, such as broken glass, shall be wrapped or packaged to prevent puncturing the container or injuring the collector.
- Waste must be generated from the specific household in front of which trash and recyclables are placed.
- Nothing of value will be placed at or near the collection point for household waste or recyclables (no gratuities). Only solid waste and recyclables set-out for collection in appropriate containers, as per these regulations, shall be placed at the collection point for curbside pick-up.
- Owner/Manager of a property shall be responsible for immediate removal of all trash and/or recyclables placed on or near the side of a street for collection which does not comply with these solid waste regulations. Failure to remove within 24 hours may result in a fine being issued.
- Household waste may not be disposed of in public trash receptacles or in municipal or school dumpsters.
- Waste and recyclables must be placed at curbside for collection.
- Landlords must ensure that each unit has a blue recycling bin and that the bins remain with each unit after changes in tenancy and are available to new tenants.
- Recycling receptacles that are lost or stolen will be replaced by the City under the following conditions (and as long as the City's supplies last): (a) If a resident claims their recycling bin has been stolen, the recycling foreman will determine if the claim is legitimate. A resident may receive one free replacement receptacle, (b) If resident claims their recycling bin is broken, the broken box must be exchanged for the new box. Residents with broken recycling bins may receive one free replacement.
- It is the owner's or designated agent's responsibility to maintain safe and sanitary conditions at the collection point.

B. Eligible Participants

Occupants of residential structures not exceeding four (4) units, as well as City facilities covered under contract (municipal buildings, schools, housing authority properties), may participate in the City's curbside collection program for solid waste, recyclables, and yard waste. Eligible items, generated by said participants in accordance with these rules and regulations, may

be placed on the curb in front of that property for scheduled collection by the City or its contractor(s), or at designated locations for City facilities.

The Commissioner may allow additional categories of waste generators to place eligible **recyclables** curbside for collection, provided there is no additional cost to the City, i.e. mobile home parks, condominium complexes, and large apartments.

C. Residential Solid Waste

Eligible Items

Acceptable residential wastes shall mean all solid wastes which can be placed into official City of Taunton PAYT bags not exceeding 35 lbs in weight, excluding, however, inherently dangerous, toxic, and hazardous wastes which shall from time to time be designated as "hazardous wastes" by State and/or Federal regulatory authorities having appropriate jurisdiction.

Solid Waste means all materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, and consists of only normal household materials such as wrappings, floor sweepings, broken or discarded drinking glasses and dishes, vegetable matter and putrescible wastes from residential kitchens and other similar routine household wastes.

Specifically excluded from acceptable solid wastes shall be:

- Construction/demolition/remodeling debris, defined as any material resulting from the excavation, construction, demolition or renovation or repairs to any structure regardless of cause of said operations
- In whole or in part, any of the following: auto hulks, engine blocks, transmission blocks, heavy machinery, ski mobiles, motorcycles, riding type lawn mowers, tractors
- All landfill banned wastes, including organic material such as tree stumps, limbs and brush of any size. Leaves, grass and Christmas trees may be picked up only under special conditions provided for by the City.
- Pathological wastes and animal carcasses
- Hazardous wastes, toxic and volatile chemicals and explosives
- Liquid wastes including specifically herbicides/pesticides/acids/bases and pool chemicals
- Items containing mercury
- Waste medications and sharps (hypodermic needles)
- Eligible recyclables and MassDEP waste disposal banned items

Containers and Placement

Residential solid waste may be placed curbside in front of the specific property in the following manner:

- All trash shall be placed in official City of Taunton PAYT bags, securely closed or tied, and bags shall not exceed thirty-five (35) lbs in weight.
- Closed PAYT trash bags may be placed curbside in plastic or metal trash barrels not exceeding 35 gallons in size, but the total weight of each barrel shall not exceed 50 lbs.
- Barrels must have handles or handholds for pick-up, and the top diameter may not be smaller than the rest of the barrel. Any number of bags can be placed in a barrel.
- One bulky item per week from each residential structure may be placed at the waste collection point. Bulky items include individual items too large or too heavy for a bag or barrel, but not classified as White Goods, Bulk Metal items, or televisions or computer monitors). Examples of bulky items are upholstered chairs, sofas, and mattresses (NO SOFA BEDS, NO RECLINERS).

D. Residential Recycling

Eligible Items

The following materials shall be separated from residential solid waste for recyclables collection:

- Paper/Cardboard Materials: newspapers (including all inserts), magazines, catalogs, telephone books, brown paper bags, office type paper, computer paper, junk mail; box/chipboard (cereal/ shoe/pasta boxes, etc.); books (with hard covers removed), corrugated cardboard 3' x 3' or smaller (flattened), and poly-coated juice/milk cartons.
- Commingled Materials: glass containers (clear and colored), metal containers (aluminum, steel, and tin cans), aluminum pans and foil, empty aerosol cans, plastic marked with a recycling symbol #1 through #7, bottle caps and lids OK.

Containers and Placement

- The City provides one recycling container per service recipient at no charge. These bins must remain with the property for exclusive use in the recycling program. Additional recycling bins are available at the City of Taunton DPW located at 90 Ingell Street.
- Residents shall use recycling containers provided by the City DPW for paper/cardboard materials and commingled recyclables (glass, plastic, metal containers). Paper/cardboard materials and commingled items will be placed loose in these containers, and shall not be placed in plastic bags inside of the containers.
- Recyclables must be clean and free of food debris and liquid before placement at the curb.
- Items and containers for recycling shall be kept clearly separate from residential solid waste.
- Effective July 1, 2014, the City's curbside recycling program will accept single stream recyclables for pick-up. Recyclables including paper/cardboard materials and commingled materials may be mixed together in one container for collection.
- Paper/cardboard/cereal-box type items may be placed in paper bags or bundled, and placed on top, inside, or next to the recycling container. Bundles shall not exceed 3 feet in length by 3 feet around and 50 lbs. in weight.
- Service recipients may also use a suitable alternative container acceptable to the City's recycling contractor, clearly marked for recycling and placed away from solid waste. The container must not weigh more than 50 lbs when full. The City of Taunton provides large "Recycling Stickers" that can be affixed to containers used for recycling. These are available at the City of Taunton DPW located at 90 Ingell Street.

It shall be mandatory for each owner or occupant who receives City-provided solid waste and recycling collection services to separate from solid waste all recyclable materials designated by the DPW Commissioner in these regulations. Recyclable materials collected at the curb shall be placed in clearly marked recycling containers. Containers with mixed residential waste and recyclables will not be collected.

- In addition, white goods (refrigerators, washing machines, etc.) and Bulk Metal items (e.g., gas grill with tank removed) may, if provided for by contractor, be placed at the curb one day per month by appointment for collection by the City's contractor. Resident must contact the Contractor to schedule such pick-up.

E. Residential Yard Waste

Eligible Items

- Leaves and Yard Waste for Composting: tree trimmings, grass cuttings, leaves, bushes, hedges, weeds, dead trees, wood chips and shavings, and other waste associated with residential yard maintenance.

Containers and Placement

- Leaves and yard waste to be composted may be picked up through special collections, as scheduled by the City and its Contractor. Such material will be placed at the curb on the designated date(s) in barrels, boxes, or paper bags. No plastic bags shall be used for these special collections.
- Christmas trees may be picked up through a special collection. Decorations, tinsel, etc., must be removed by the resident. Christmas trees shall be placed at the curb on the designated date(s) for pick-up. Residents shall insure the trees do not blow out into the street.

F. Violations

Violation of any of the above rules regarding preparation, or the inclusion of ineligible items in either residential solid waste or recyclables will cause the City or its contractor to leave behind waste, recyclables, and/or yard waste at the curb. The City or its contractor(s) will affix stickers identifying the problem to educate the resident. Violation of these regulations may result in fines as noted below. Curbside residential solid waste that is not in official PAYT bags will not be picked up by the City trash collector (other than as permitted by the DPW Commissioner, for one bulk item per week, items allowed under special white good, yard waste, and other collections, and for dumpster collection included in the municipal curbside contract). If said material is not removed from the curb by 7:00 p.m. on the day after collection, the individuals responsible for the placement of the items shall be subject to fines, as noted below. Removal for public safety reasons (solid waste, white goods, bulky items, etc.) by an agent of the City of Taunton, shall be charged a fee at the City's current cost.

Curbside recyclables that are mixed with solid waste, either in the recycling container or in the trash, and are visible to the City's contracted waste hauler or any party responsible for municipal waste collection, will not be picked up. Uncollected materials will be stickered and left at the curb, notifying resident of the noncompliant action and where to get information to remedy the problem. If said material is not removed from the curb by 7:00 p.m. on the day after collection, the individuals responsible for the placement of the items shall be subject to fines, as noted below. Removal for public safety reasons (solid waste, white goods, bulky items, etc.) by an agent of the City of Taunton, shall be charged a fee at the City's current cost.

Individuals responsible for the placement of waste from ineligible structures at the curb or in other locations other than legal disposal sites shall be charged with illegal dumping, and shall be fined pursuant to Chapter 8 of the City Ordinances. Owners of rental or commercial properties that do not provide for alternative means of collection and disposal shall also be charged with a fine of \$200 per item, barrel, and/or bag, per day.

Each unit participating in the curbside trash program will obtain an official recycling bin from the City. Recycling bins issued by the City remain the property of the City of Taunton. Use for any other purpose than curbside recycling shall constitute a violation of public property ordinances.

The DPW Commissioner or his designee shall be authorized to enforce these provisions.

Violation of these regulations shall be punishable by fines per the Revised Ordinances of the City of Taunton, Section 8-28 (g) (2), as follows:

- (a) First violation: : \$50.00
- (b) Second violation: \$100.00
- (c) Third violation: \$200.00
- (d) Fourth and each subsequent violation: \$300.00

As per the Revised Ordinances of the City of Taunton, Section 8-28 (g) (2), this section may also be enforced by any lawful method, criminal process or by non-criminal disposition as provided in General Law Chapter 40, sec. 21D. Each occasion on which a violation is identified will be considered a separate offense and any person in violation of this section shall be subject to these fines.

Section II. Landfill/Recycling Drop Off

Use of the City's designated landfill/recycling drop-off which is operated by the City or its contractor is available to residents of Taunton, and to authorized persons engaged in business activities related to the disposal of solid waste at the landfill or depositing of recyclables at the drop-off area. All such use shall be in accordance with these regulations set forth by the Commissioner of Public Works.

- 1. The DPW Commissioner or his designee shall be authorized to enforce these provisions.
- 2. All persons, except City employees acting within the scope of their employment, using the landfill/recycling drop-off shall do so at their own risk.
- 3. Materials may only be delivered during operating hours, unless authorized by the DPW Commissioner.

4. No person or business shall dump solid waste or fee-based items without payment or authorization per the City of Taunton Revised Ordinances or Solid Waste, Recycling, and Composting Regulations. The attendant may authorize free disposal to Taunton residents if a) solid waste is in official PAYT bags, or b) Taunton residents age 65 and older deliver one bag of trash per day (with identification), or c) items are delivered for recycling.
5. Recyclables must be separated from solid waste as per these solid waste regulations and the direction of the station attendant. All material delivered to this facility shall be placed in the appropriate designated area or receptacle. No material which is rejected for any reason shall be left at this facility.
6. All vehicles entering this facility are subject to inspections of loads to identify any hazardous or prohibited material.
7. No scavenging is allowed in any area of this facility.
8. Smoking is prohibited at this facility.
9. The following items are banned from disposal as solid waste at this facility, per 310 CMR 19.017. However, some of these items may be delivered to the landfill for processing or proper disposal, see #11 or contact the landfill
 - a. Asphalt pavement, brick & concrete
 - b. Cathode ray tubes
 - c. Clean gypsum wallboard
 - d. Ferrous & non-ferrous metals
 - e. Glass & metal containers
 - f. Lead acid batteries
 - g. Leaves & yard waste
 - h. Recyclable paper, cardboard & paperboard
 - i. Single resin narrow-necked plastics
 - j. Treated & untreated wood & wood waste
 - k. White goods (large appliances)
 - l. Whole tires
10. Also excluded from disposal: Liquid wastes including specifically herbicides/pesticides/acids/bases and pool chemicals.
11. The items below are accepted for recycling or disposal at the landfill, as follows:
 - a. Residential solid waste in PAYT bags
 - b. Loose waste including construction and demolition debris (recycle) and acceptable solid waste (disposal) in excess of 500 pounds shall be weighed and charged a disposal fee with a 1/2 ton minimum charge (landfill fee schedule applies for smaller quantities).
 - c. Newspaper, mixed paper, and flattened cardboard: recycle, no charge for residents
 - d. Commingled bottles & cans (plastic/glass/metal): recycle, no charge for residents
 - e. Leaves, grass, and brush (less than 1" diameter): compost area, no charge for residents (proof of residency required). No plastic bags, barrels, solid waste, or other material shall be left in the compost area.
 - f. Brush (1" diameter or greater): compost, fee applies
 - g. Large branches and logs will be weighed and charged gate rate: fee applies
 - h. Leaves and yard waste from commercial sources will be weighed and charged gate rate: fee applies
 - i. White Goods: recycle, fee applies
 - j. Bulk Metal Items: recycle, fee applies
 - k. Mattresses: disposal, fee applies
 - l. Oil based paint: recycle, no charge
 - m. Tires: recycle, fee applies
 - n. Motor oil: recycle, no charge, limit 5 gal per day (residents only)
 - o. Automotive batteries: recycle, fee applies
 - p. Propane tanks: recycle, fee applies
 - q. Clothing/Textiles: recycle, no charge
 - r. TVs, computer monitors (CRTs and flat screen), and electronics: recycle, no charge
 - s. Mercury-containing items: recycle, no charge

Effective Date:

9.

CITY OF TAUNTON

MASSACHUSETTS

WAYNE E. WALKDEN,
MCPPO, CBO
SUPERINTENDENT OF
BUILDINGS

DEPARTMENT OF PUBLIC BUILDINGS



TEMPORARY
GOVERNMENT OFFICES
141 Oak Street
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019
Email: wwalkden@taunton-ma.gov

December 1, 2014

Honorable Mayor Thomas C. Hoye Jr.
Council President Andrew J. Marshall
And Members of the Municipal Council

Re: MASSACHUSETTS DEP Annual Fee for Central Fire Station

Dear Mayor and Councilors:

On August 26, 2014, the Municipal Council motioned that all future departmental fines/fees be reported to the Council as soon as the assessment has occurred.

Please be advised that the Building Department has received an invoice from the MDEP for Central Fire Station, in the amount of \$2,455.00, for the year ending 06.10.2014. (a copy of which is attached) Payment is due by 01.06.2015. Recent work to remove hazardous materials from the basement crawlspace area is nearly complete. Lab testing of soil samples will tell us whether or not the removal of more materials is required. We expect the lab reports in the next few days. As soon as the clean-up project is considered closed, we will work with the BETA Group at achieving a "permanent solution" status for the site in order to avoid future MDEP fees.

The Building Department will ensure that its future budget request of the Mayor's Office includes the annual assessment for this issue until the matter is closed with MDEP.

Regards,

Wayne E. Walkden

Wayne E. Walkden
Superintendent of Buildings

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INVOICE		Customer Name		Page 1
Remit to:		CITY OF TAUNTON		
DEPT. OF ENVIRON. PROTECTION COMMONWEALTH MASTER LOCKBOX P.O. Box 3982 BOSTON MA 02241-3982		Customer Number	Invoice Number	Notice Date
		VC6000192003	INTF67997RT4X0022229	11-08-14
		E-Payment ID	AR Dept BPRO	Due Date
		0051357459	EQE:SCAI	01-06-15
		Amount Due		Amount Enclosed
		\$2,455.00		

Bill to:
 CITY OF TAUNTON
 ATTN: WAYNE WALKDEN
 141 OAK ST
 TAUNTON MA 02780-4431

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to COMMONWEALTH OF MASSACHUSETTS



Commonwealth of Massachusetts
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
ORIGINAL

Page : 1

Customer Name		Invoice Number		Customer Number
CITY OF TAUNTON		INTF67997RT4X0022229		VC6000192003
		Notice Date	Due Date	
		11-08-14	01-06-15	

Invoice Charges

Ref Line No.	DESCRIPTION	Invoice Date	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	Year Ending 6/10/2014 TIER II Fee	11-07-14				\$2,455.00

Credit Payments Applied	\$0.00
Total Amount Due By 01-06-15	\$2,455.00

THIS INVOICE RELATES TO RTN 4-0022229, CENTRAL FIRE STATION, 19-23 LEONARD ST, TAUNTON, MA

DEP RECORDS INDICATE THAT THE ABOVE REFERENCED ANNUAL COMPLIANCE ASSURANCE FEE(S) ARE APPLICABLE TO THIS SITE FOR THE BILLABLE YEARS INDICATED ABOVE. PAYMENT IS NOT AN ADMISSION OF LIABILITY PURSUANT TO C.21E SECTION 5. TO ENSURE PROPER CREDITING, PLEASE INCLUDE YOUR FEDERAL TAX IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBER ON THE VERIFICATION FORM INCLUDED WITH THE ORIGINAL INVOICE. PLEASE CONTACT DEP FOR INFORMATION OR ASSISTANCE.

Instructions
 THE ENCLOSED BILLING RIGHTS ARE PART OF THIS 1ST INVOICE ISSUED TO YOU PURSUANT TO M.G.L.C.21E, SEC 3B & 310 CMR 40.0000. YOU MUST EITHER REMIT FULL PAYMENT OR REQUEST A REVIEW BY THE DUE DATE PURSUANT TO 310 CMR 4.03 (8) AND THE ENCLOSED BILLING RIGHTS. NON-PAYMENT WILL RESULT IN INTEREST, LATE CHARGES, INTERCEPT OF STATE PAYMENTS OR TAX REFUNDS, AND REFERRAL TO DEBT COLLECTION UNDER C.7A, C.62D AND 815 CMR 9.00.

CONTACT: Bureau of Waste Site Cleanup (617) 292-5545

OK Wayne Walkden
 12/11/14



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

December 3, 2014

Honorable Thomas Hoye, Mayor
Members of the Municipal Council
141 Oak St., Maxham School
Taunton, Ma. 02780

C/O Rose Marie Blackwell, City Clerk

RE: Modification of a Site Plan Review – 13 Cape Road

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board received a Site Plan Review for property located at 13 Cape Road for the Modification of a previously approved Site Plan Review for the re-configuration of a parking areas, submitted by Taunton Carwash & Gas Group, LLC.

The DIRB will meet on this on **Tuesday, December 16, 2014 at 10:00 AM** in the Taunton Planning Board Office, 15 Summer St., Annex Bldg., and then the Planning Board will meet on this proposal on **Thursday, January 8, 2015 at 5:30 PM** at Chester R Martin Municipal Council Chambers, 141 Oak St., Taunton, Ma.

Respectfully yours,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



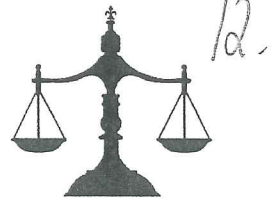
City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1397



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

December 3, 2014

Honorable Mayor Thomas C. Hoye, Jr.
Members of the Taunton Municipal Council
141 Oak Street
Taunton MA 02780

**RE: City of Taunton v. Michael O'Donnell et al.
Massachusetts Land Court, Docket No. 12-TL-144107**

Property Address: 115 Tremont Street, Taunton, MA

Dear Mayor Hoye and Members of the Municipal Council:

As you know, the Land Court entered judgment in this case in the City's favor back on December 16, 2013. Subsequent to the entry of judgment, Mr. O'Donnell embarked on a number of attempts to mislead and defraud the Court, all of which were ultimately unsuccessful.

You may recall that, shortly after the City began its initial clean-up of the property, Mr. O'Donnell claimed that the City was destroying personal belongings of his "tenants," and convinced the judge to temporarily stop the cleanup. An evidentiary hearing was held, the judge found that there were no tenants on the property, and the City then completed the clean-up of this longstanding eyesore.

Mr. O'Donnell then orchestrated another attempted fraud: this time to try to convince the Court that he filed an important motion with the Court in August of 2013 but, due to the Court's own error, the important motion was misfiled in a different case. If successful, this would have formed the basis for Mr. O'Donnell to argue that the Court never should have entered judgment in the City's favor and that the ownership of the property should revert back to him.

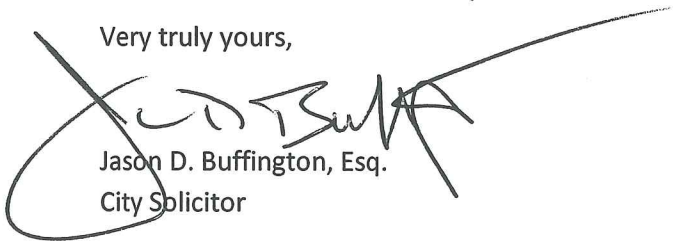
This attempt at fraud occurred in February 2014. It involved creating back-dated legal documents, fraudulently placing a false "Land Court – filed" date and time stamp on one of them, sending a person into the Land Court who, using a false name, secretly placed the falsified documents into a different Land Court file (the docket number of which was only one digit off from our case), and then sending another person into the Land Court who, posing as a person she was not, asked to view the other file and then "discovered" that the Land Court had misfiled Mr. O'Donnell's important August 2013 motion.

The "discovery" prompted the Court to initially conclude that Mr. O'Donnell had in fact filed the motion in August 2013 but that the Court had inadvertently not docketed the motion. When the Law Department learned of this, we were immediately suspicious and filed a motion with the Court to strike the August 2013 motion. We were granted an evidentiary hearing. Depositions were taken, subpoenas were issued, and an expert witness in the field of document examination and authentication was retained.

The evidentiary hearing took place over the course of several days in September and October of this year. Nine witnesses testified and over fifty exhibits were introduced. Enclosed please find a copy of Land Court Justice Robert B. Foster's recent decision which is decisively in the City's favor. Specifically, the Court found that the August 2013 court filings were "false documents created in February 2014 and planted in a Land Court file in a scheme by O'Donnell to perpetrate a fraud upon this Court."

This decision was the product of a great deal of hard work and attention to detail by a number of dedicated City employees. In particular, I would like to publicly thank and commend Assistant City Solicitor Daniel F. de Abreu, Law Department Legal Assistant Shannon Valentino, Assistant Treasurer/Collector Julie Bertram, former Assessor Kathy Grein, and Police Chief Edward J. Walsh for their efforts in this case. As a citizen of Taunton, I am grateful to have such fine people working for the taxpayers, and as a city employee, I am proud to work alongside of them. It is my hope that you share these sentiments.

Very truly yours,

Handwritten signature of Jason D. Buffington, Esq. The signature is written in black ink and is somewhat stylized, with a large loop at the beginning and a long horizontal stroke extending to the right.

Jason D. Buffington, Esq.
City Solicitor

(SEAL)

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

BRISTOL, ss

TAX LIEN CASE
NO. 12 TL 144107 (RBF)

CITY OF TAUNTON,

Plaintiff,

v.

MICHAEL O'DONNELL, TRUSTEE of
BOSTON FINANCIAL TRUST,

Defendant.

**FINDINGS ON EVIDENTIARY HEARING AND ORDER ALLOWING MOTION
TO STRIKE AND DENYING MOTION TO RECONSIDER**

This is a tax foreclosure action on a parcel of real property in Taunton, Massachusetts. On April 19, 2012, the City of Taunton (City) filed its Complaint to Foreclose Tax Lien. Michael O'Donnell, Trustee for Boston Financial Trust (O'Donnell), filed his Tax Lien Answer on June 7, 2013. The City filed its Motion for General Default and Affidavit of Legal Fees on July 24, 2013. On July 24, 2013, a Tax Lien hearing and a Motion for Legal Fees hearing were scheduled for August 1, 2013, but on July 31, 2013, both hearings were continued to August 8, 2013, when both hearings were again continued to August 15, 2013. On August 15, 2013, the hearings were held and O'Donnell was defaulted in open court for failure to appear and defend. Notice of entry of default against O'Donnell was sent to O'Donnell and to counsel for the City. On December 6, 2013, the City's Motion for General Default was allowed and final

judgment was entered against O'Donnell, foreclosing his right to redeem, on December 18, 2013 (Judgment). O'Donnell filed his Motion to Vacate Judgment on December 18, 2013. The court entered its Order Denying Motion to Vacate on January 31, 2014. As one, but not the sole, reason for denying the Motion to Vacate Judgment, the Order stated that "[d]uring that four-month period [between the entry of default and the entry of the Judgment O'Donnell] made no motion to remove the default."

On or about March 13, 2014, a pleading entitled "Motion to Remove Default" that bore a date stamp of August 21, 2013 (the August 2013 Motion to Remove Default) and a pleading entitled "Affidavit to Remove Default" were called to the court's attention. Both pleadings were purportedly misfiled with another tax matter and were not entered on the docket in this case. No certificate of service for these pleadings was filed, and neither was served upon the City.

By an order dated March 13, 2014, the August 2013 Motion to Remove Default and the Affidavit to Remove Default were docketed in this action as of August 21, 2013, and O'Donnell was given leave to file and serve upon the City a Motion for Reconsideration of the Motion to Vacate Judgment within ten days of the date of the order. The City was given ten days after service of the Motion for Reconsideration to file its opposition. Pursuant to Land Court Rule 9, after the filing of the Motion for Reconsideration and any opposition, the court reserved the option to either decide the Motion for Reconsideration without hearing or set the Motion down for a hearing that may, in the court's discretion, include the taking of further evidence.

On March 25, 2014, O'Donnell filed his "Motion to Remove Default" and his Affidavit in Support of Motion to Remove Default. Pursuant to its March 13, 2014 order,

the court treats the "Motion to Remove Default" as a motion for reconsideration under Land Court Rule 9 (Motion for Reconsideration). On April 7, 2014, the City filed City of Taunton's Opposition to Defendants' Motion to Reconsider (Entitled "Motion to Remove Default") and Motion to Strike Defendants' Motion to Remove Default That Was Purportedly Filed on August 21, 2013 (Opposition and Motion to Strike). In its Opposition and Motion to Strike, the City moved, pursuant to Mass. R. Civ. P. 77(c), to strike the August 2013 Motion to Remove Default and the Affidavit to Remove Default.

By an order dated April 11, 2014, the court held that under Rule 77(c), it was obligated to determine the question raised by the City, namely, whether the August 2013 Motion to Remove Default and the Affidavit to Remove Default were really filed on August 21, 2013 or at any time before the court's January 31, 2014 Order Denying Motion to Vacate. Therefore, the court set down O'Donnell's Motion for Reconsideration and the City's Motion to Strike for an evidentiary hearing.

At a status conference on April 25, 2014, the court determined that the two issues on which it would hear evidence were (a) the City's claims under Mass. R. Civ. P. 77(c) challenging the validity of the filing of the pleading entitled "Motion to Remove Default" that bore a date stamp of August 21, 2013 and a pleading entitled "Affidavit to Remove Default," and (b) the dispute between the parties as to the alleged June 11, 2012 payment of \$20,000 set forth in the Motion for Reconsideration. The remaining issues set forth in the Motion for Reconsideration would be decided without hearing. The court also determined that no Land Court personnel would be deposed or called to testify and no internal Land Court communications would be discoverable; copies of external emails between Land Court personnel and the parties were made part of the case file and

available for examination. The objections of both parties were noted for the record. The court also disclosed that the original versions of the pleadings entitled "Motion to Remove Default" that bore a date stamp of August 21, 2013 and "Affidavit to Remove Default" had disappeared from the case files, but that copies remained in the files. On May 6, 2014, the court stipulated to certain facts, which will be incorporated into the factual findings below. By its Order Allowing in Part and Denying in Part Plaintiff City of Taunton's Motion for Discovery and Allowing Defendant's Motion for Clarification and Discovery, dated May 22, 2014, the court stipulated to certain additional facts, which will be incorporated into the factual findings below.

The court held an evidentiary hearing and heard testimony on September 3, 2014, September 11, 2014, September 18, 2014 (which was continued due to a medical emergency), and October 17, 2014. Exhibits 1 through 55 were marked. Stipulated facts were read into evidence. The court heard sworn testimony from Roger W. Cochran, Jr., Paul Cochran, Alexis Eon, Katherine Grein, City of Taunton Assessor, Julie Bertram, City of Taunton Assistant Treasurer/Collector, Shannon Valentino, City of Taunton Law Department, Michael O'Donnell, Nancy McCann, and Edward J. Walsh, City of Taunton Chief of Police. The court also determined that all pleadings and affidavits previously filed in this action would be treated as part of the record of this evidentiary hearing. The court heard closing arguments. Both parties were given the opportunity to file proposed findings; the City filed Plaintiff's Proposed Findings of Fact and Conclusions of Law on November 3, 2014. These findings and order follow.

Findings of Fact

Based on the exhibits, stipulated facts, pleadings, testimony, and its assessment of credibility, the court makes the following findings of fact.

1. This action concerns real property located at 115 Tremont Street, in Taunton, Massachusetts (the Property). On April 19, 2012, the City of Taunton (City) filed its Complaint to Foreclose Tax Lien. The Complaint alleged that the property was taken by the City on December 18, 2007, and named Reintegration Services, Inc., fka Baystate Affordable Housing, as a person having interest in the property. The City filed its Motion to Amend on January 4, 2013, requesting that its Complaint be amended by striking "Reintegration Services, Inc. fka Baystate Affordable Housing, Inc." and substituting "Boston Financial Trust," as a person having interest in the property. The Motion to Amend was allowed on March 5, 2013. Defendants Commonwealth of Massachusetts, Taunton Municipal Lighting, and Boston Financial Trust were all successfully served by certified mail between March 21, 2013, and April 8, 2013. Citation by Deputy Sheriff on Michael O'Donnell, Trustee for Boston Financial Trust, was issued on May 17, 2013, and returned on June 6, 2013. Michael O'Donnell, Trustee for Boston Financial Trust (O'Donnell), filed his Tax Lien Answer on June 7, 2013.

Docket.

2. The City filed its Motion for General Default and Affidavit of Legal Fees on July 24, 2013. On July 24, 2013, a Tax Lien hearing and a Motion for Legal Fees hearing were scheduled for August 1, 2013, but on July 31, 2013, both hearings were continued to August 8, 2013, when both hearings were again continued to August 15, 2013. On August 15, 2013, the hearings were held and O'Donnell was defaulted in open

court for failure to appear and defend. Notice of entry of default against O'Donnell was sent to O'Donnell and to counsel for the City. Docket.

3. O'Donnell knew of the entry of the default as of August 19, 2013, after he spoke to John Harrington of the Land Court. He spoke again to Mr. Harrington on August 20, 2013, either in person at the Land Court or by phone, and asked Mr. Harrington how the default could be removed. Mr. Harrington said he would check. Exh. 19; Michael O'Donnell Testimony.

4. On August 23, 2013, Mr. Harrington spoke to and emailed O'Donnell, advising O'Donnell that Deputy Recorder Ellen M. Kelley had said that he should advise O'Donnell "that in order to have the default which entered in this case against you on August 15, 2013 [removed], you must file a motion to remove the default. A copy of this motion should be mailed by first-class mail to plaintiff's counsel no later than ten days before the day you have selected for the hearing of the motion." Mr. Harrington also left a voicemail for O'Donnell. Exh. 17, 18; Michael O'Donnell Testimony.

5. That same day at 3:55 pm, O'Donnell sent an email to Mr. Harrington complaining about the default. In the email, he did not state that he had filed any motion to remove the default. Exh. 18; Michael O'Donnell Testimony.

6. On August 26, 2013, Mr. Harrington and O'Donnell exchanged emails about the default. In that exchange, O'Donnell did not state that he had filed any motion to remove the default. Exh. 18; Michael O'Donnell Testimony.

7. On December 6, 2013, the City's Motion for General Default was allowed. Final judgment was entered against O'Donnell, foreclosing his right to redeem, on December 16, 2013 (Judgment). Docket; Michael O'Donnell Testimony.

8. The City entered the Property on December 17, 2013 and began removing the items at the Property. Exh. 19; Michael O'Donnell Testimony.

9. On December 18, 2013, O'Donnell filed his Motion to Vacate Judgment and Emergency Motion for Restraining Order, each accompanied by separate Affidavits of Michael O'Donnell. The court issued a temporary restraining order and set the preliminary injunction motion down for an evidentiary hearing. Docket, Exhs. 19, 20; Michael O'Donnell Testimony.

10. The court held the evidentiary hearing on O'Donnell's Emergency Motion for Preliminary Injunction on January 6, 2014. The evidence at the hearing was directed to whether there were tenants on the Property. Docket; Order Denying Motion for Preliminary Injunction.

11. On January 14, 2014, O'Donnell filed his Memorandum in Support of Motion for Injunction along with the Affidavit of Michael O'Donnell in Support of Motion of Injunction, and his Memorandum in Support of Motion to Vacate Decree along with the Affidavit of Michael O'Donnell in Support of Motion to Vacate Decree, to which he attached a copy of the docket in this action. In neither of these affidavits did O'Donnell state that he had filed a motion to remove the default in August 2013, even though no such motion appeared on the docket. Docket; Exhs. 21, 22; Michael O'Donnell Testimony.

12. The court issued its Order Denying Motion for Preliminary Injunction and its Order Denying Motion to Vacate on January 31, 2014. In the Order Denying Motion to Vacate, the court stated as one of the grounds for denial that "[d]uring that four-month

period [between entry of default and the Judgment, O'Donnell] made no motion to remove the default." Order Denying Motion to Vacate; Michael O'Donnell Testimony.

13. On February 10, 2014, O'Donnell's Motion to Remove Default and the Affidavit of Michael O'Donnell in Support of Motion to Remove Default were filed. Although filed on February 10, 2014, each of these is dated January 28, 2014. The Motion to Remove Default states: "Boston Financial Trust was under the impression that the Default was removed by the Sessions Clerk." O'Donnell's Affidavit states: "I, and Boston Financial Trust believed the Default entered on August 15, 2013 was removed." Neither document mentions the filing of a motion to remove the default in August 2013. Docket; Exhs. 13, 14, 23, 24; Michael O'Donnell Testimony.

14. The City's Law Department received copies of the Motion to Remove Default and the Affidavit of Michael O'Donnell in Support of Motion to Remove Default on February 11, 2014. These copies each bore original signatures of O'Donnell. Shannon Valentino, Legal Assistant in the Law Department, date stamped each of these copies. The envelope in which these copies were delivered bore a postmark of January 29, 2014. The two date-stamped copies along with the envelope in which they were delivered to the Law Department were marked as exhibits. Exhs. 12, 13, 14; Shannon Valentino Testimony.

15. On February 11, 2014, the court denied the Motion to Remove Default. The docket entry for the denial states: "Pursuant to Land Court Rule 6, the Court decides this motion without hearing. The Motion to Remove Default is DENIED. These exact issues were raised and decided in the defendant's Motion to Vacate Judgment, which was denied on January 31, 2014." Docket; Exh. 23.

22

Motion to Remove Default and Affidavit

16. On February 12, 2014, a person identifying himself as "Ed Cochran" appeared at the front desk of the Land Court and requested the file in tax foreclosure case 12 TL 144137, *Town of Winchendon v. Roger W. Cochran, Jr.* (the Cochran Action). This person completed the Land Court's form for requesting files. That form states that the person requesting the file was "Ed Cochran," with an address of 19 Vine Street, Winchendon, the address of the property that is the subject of the Cochran Action. The request form listed a telephone number of 774-432-1436. Exh. 1.

17. On February 26, 2014, a woman identifying herself as the niece of Roger W. Cochran, Jr. appeared at the Land Court and spoke to Mr. Harrington. Mr. Harrington went through the Cochran Action file. He discovered in the file a pleading for this action entitled "Motion to Remove Default," bearing an original signature of O'Donnell, dated August 20, 2013, and bearing a Land Court date stamp of August 21, 2013. Stapled to this motion was a document entitled "Affidavit to Remove Default," also signed by O'Donnell (although no one can recall if it bore an original signature) and dated August 20, 2013, but bearing no date stamp. Neither document included a certificate of service. May 6, 2014 Stipulation; May 22, 2014 Stipulation; Exhs. 15, 16, 26.

18. It is the protocol of the Land Court to date and time stamp each document that would be considered filed, whether or not such document is stapled to another document. The Land Court does not date and time stamp attachments, exhibits, or certificates of service relating to one document, whether or not these are stapled to the document. May 22, 2014 Stipulation.

19. On February 27, 2014, at 9:56 am, O'Donnell emailed Mr. Harrington. In the email, O'Donnell stated, in relevant part:

I received a call from someone that was at Land Court with you the other day. She was saying that I filed something in her uncles Tax Lien case, and wanted to know my interest in it. I believe she said it was in Winchester. This is the second time that I received a call about this, the other time was a few months ago, from her brother I believe. She said that she was going to send me a copy of the information. I do not have anything in the area. And I believe that Boston Financial doesn't either. Do you have the case number?

Exh. 25; Michael O'Donnell Testimony.

20. That same day at 3:41 pm, Mr. Harrington emailed O'Donnell, describing his conversation of the day before and informing O'Donnell that the Motion to Remove Default and the Affidavit to Remove Default would be filed with this case. Exh. 26; Michael O'Donnell Testimony.

21. On March 4, 2014, O'Donnell sent Mr. Harrington an email responding to Mr. Harrington's February 27th email, stating, in relevant part: "I have been sick and did not make it back in there. I am trying to head in there today. Thank you for straightening that out. The fax that she sent me is dated November 2013. The motion papers that she faxed is not time stamped like mine, why is that?" O'Donnell did not produce the fax referred to in this email at his deposition, even though it was requested, and he did not produce it at the evidentiary hearing. He testified that he gave a copy of the fax to Mr. Harrington; no such fax appears in the file of this case. The court does not credit O'Donnell's testimony and finds that this fax does not exist. Exh. 27; Michael O'Donnell Testimony.

22. The Motion to Remove Default and the Affidavit to Remove Default were docketed in this action as of August 21, 2013, the date of the date stamp, as it is the Land Court's practice to docket any document as of the date that it was date stamped, whether

the document is actually docketed on that date or on a later date. On March 25, 2014, Land Court personnel discovered that that the original Motion to Remove Default and the original Affidavit to Remove Default were missing from the file in this case. There remained copies. Docket; May 6, 2014 Stipulation; May 22, 2014 Stipulation.

23. O'Donnell testified that he filed the Motion to Remove Default and the Affidavit to Remove Default with the Land Court on August 21, 2013. As discussed below, the court does not credit this testimony. The court does credit O'Donnell's testimony that he did not serve the Motion to Remove Default and the Affidavit to Remove Default on the City, nor did he ever mark the motion up for hearing. Michael O'Donnell Testimony.

24. Roger W. Cochran, Jr., the defendant in the Cochran Action, and his brother Paul Cochran both testified. Roger Cochran has lived in the house at 19 Vine Street for more than 40 years. Paul Cochran lives about a mile to a mile and a half from his brother Roger, and sees him at least once a week. Each of them testified that they have no relative named "Ed Cochran," and no one named "Ed Cochran" has ever lived with Roger W. Cochran, Jr. Roger Cochran further testified that he never discussed the Cochran Action with any of his relatives. The court credits the testimony of Roger W. Cochran, Jr. and Paul Cochran. Roger W. Cochran, Jr. Testimony; Paul Cochran Testimony.

25. Alexis Eon testified. She has been employed by Verizon Wireless for 20 years, with the current title of Analyst, Executive Relations. Among her duties is to act as keeper of the records for Verizon Wireless in response to subpoenas. She responded to a subpoena from the City. For the period January 1, 2012 to the date of the evidentiary

hearing, Verizon Wireless does not have records of a customer named Ed Cochran at 19 Vine Street, Winchendon. The telephone number on the request form filled out by the person identifying himself as Ed Cochran is not an active Verizon Wireless telephone number issued to a customer. Instead, it is an internal routing number that is never issued to a customer. No Verizon Wireless customer can make a call using that number or receive a call at that number. The court credits Ms. Eon's testimony. Exhs. 1, 2; Alexis Eon Testimony.

26. The court finds that the person who obtained the file in the Cochran Action on February 12, 2014 was not named Ed Cochran and is not a relative of and does not live with Roger W. Cochran, Jr. This person provided a false name, address, and telephone number on the request form.

27. O'Donnell denied that he sent someone to the Land Court to pose as Ed Cochran. Michael O'Donnell Testimony. The court does not credit his testimony.

28. The court further finds that the woman who identified herself to Mr. Harrington as the niece of Roger W. Cochran, Jr. on February 26, 2014 was not truthful; she is not Mr. Cochran's niece.

29. O'Donnell denied that he sent someone to the Land Court to pose as the niece of Roger W. Cochran, Jr. Michael O'Donnell Testimony. The court does not credit his testimony.

30. With the Motion for Reconsideration, O'Donnell submitted his Affidavit in Support of Motion to Remove Default, dated March 20, 2014 (the March 2014 Affidavit). O'Donnell testified that Exhibit E to the March 2014 Affidavit is a copy of the August 2013 Motion to Vacate Judgment. The court does not credit O'Donnell's

testimony. Although the text of Exhibit E is identical to the text of the Motion to Remove Default found in the Cochran Action file, the documents have significant differences. There is a space between the caption and title on the Motion to Remove Default; there is no space between the caption and title on Exhibit E. The space between the text and the signature block on Exhibit E is greater than that space on the Motion to Remove Default. Finally, no telephone number appears on the Motion to Remove Default, but there is a telephone number written in hand on Exhibit E. The Court finds that Exhibit E is not a true and correct copy of the Motion to Remove Default. Exhs. 9, 15; Michael O'Donnell Testimony.

31. Shannon Valentino testified. She is a Legal Assistant with the City's Law Department. One of her duties is to get the mail sent to the Law Department. The Law Department has a mailbox in a public area off the main lobby of City Hall. The mailbox has no lock or cover. Her daily routine is to walk to the mailbox, take the mail, return to her office, open the mail, and immediately date-stamp the contents. Shannon Valentino Testimony.

32. As part of discovery for this evidentiary hearing, the City noticed O'Donnell's deposition for July 7, 2014. O'Donnell did not attend the deposition. On July 8, 2014, Ms. Valentino opened an envelope addressed to the Law Department. This envelope had a printed return address for Rockland Trust that was crossed out by hand and under which was written "BFT c/o 73 Main St Taunton MA." The envelope appeared to bear postage from a postage meter dated June 28, 2014, in red ink, and a United States Postal Service (USPS) cancellation in black ink with a date that appears to be either June 26 or 28, 2014. Inside was a letter from O'Donnell to counsel for the City dated June 28,

2014. The letter read: "Attorney Buffington: It appears that you are attempting to Depose me. The notice does not comply with Massachusetts Rules of Civil Procedure. Please be advised that I am unavailable on July 7th. I am available on July 1,2, or 3." O'Donnell testified that he mailed this letter to the Law Department. Exhs. 10, 11; Shannon Valentino Testimony; Michael O'Donnell Testimony; Plaintiff's Motion for Sanctions for Failure of Michael O'Donnell to Attend His Own Deposition.

33. Ms. Valentino date-stamped the letter, and also saved and date-stamped the envelope. She saved and date-stamped the envelope because it appeared dirty and had what appeared to be multiple postmarks. She didn't know if it had come off the floor. The court credits Ms. Valentino's testimony. Exhs. 10, 11; Shannon Valentino Testimony.

34. Nancy McCann testified. She is a forensic handwriting and document examiner. She has her own business, McCann Associates, 223 Commonwealth Avenue, Boston. She has been trained to examine all aspects of documents, including their authenticity. She has been engaged in this profession for 20 years. She apprenticed with Joan McCann, Document Examiner, from 1992 to 1994, was a Senior Associate from 1994 to 1999, and became a partner in 1999. She has passed the Level I and Level II tests of the Association of Forensic Document Examiners, has 240 hours of seminar/classroom instruction between 1993 and the present, and has taken other seminars. She is a member of the Association of Certified Fraud Examiners and the Association of Forensic Document Examiners. She has taught multiple seminars and courses for law schools, lawyers, and law enforcement. She has testified multiple times in state and federal courts in Massachusetts, Rhode Island, Vermont, and Maine. The court credits her testimony

and recognizes Ms. McCann as an expert witness in the field of document examination and authentication. Exh. 32; Nancy McCann Testimony.

35. Ms. McCann was retained by the City in April 2014 to examine the copy of the Motion to Remove Default, in particular the August 23, 2013 date stamp on the copy. She compared that document (marked as Exhibit 15) with exemplars of original date stamps from each of the four date-stamp machines at the Land Court (marked as Exhibits 33, 34, 35, and 36). She also compared the date stamp on the Motion to Remove Default with the date stamps on other documents filed by O'Donnell in this action. Exhs. 8, 9, 15, 19, 20, 21, 24, 33, 34, 35, 36; Nancy McCann Testimony.

36. Ms. McCann was not able to examine the ink on the date stamp on the Motion to Remove Default, as the original copy had disappeared and was not available. She compared the letters, font styles, and location on the page of the date stamp on the Motion to Remove Default to those of the date stamps on other uncontested documents and on the exemplars. She is familiar with the date stamp machines used by the Land Court, and testified that those machines only allow date stamps in a fixed position. Exhs. 8, 9, 15, 19, 20, 21, 24, 33, 34, 35, 36; Nancy McCann Testimony.

37. Based on her examination of the Motion to Remove Default, the original date stamp exemplars, and the comparison documents, she concluded that the placement on the page of the date stamp on the Motion to Remove Default is not consistent with where the Land Court date stamp machines place date stamps on a page. The stamp on the Motion to Remove Default is placed lower on the page than any of the date stamp examples—it is approximately 7 centimeters from the top of the page to the bottom of the stamp on the Motion to Remove Default, while the original exemplars average 4

centimeters from top of page to bottom of stamp. It is possible to scan an image of a date stamp onto the page, but because she did not have the original Motion to Remove Default, she could not compare the ink on the date stamp on that document. The court credits Ms. McCann's testimony. Exhs. 8, 9, 15, 19, 20, 21, 24, 33, 34, 35, 36; Nancy McCann Testimony.

38. Ms. McCann was also asked to examine the envelope that was delivered to the City's Law Department in July 2014 and that O'Donnell testified that he sent, marked as Exhibit 11 (the July 2014 envelope) and the envelope with the January 29, 2014 USPS stamp, marked as Exhibit 12, in which O'Donnell sent the Law Department his Motion to Remove Default and Affidavit, dated January 28, 2014, and that the City received on February 11, 2014 (the January 2014 envelope). In particular, she was asked to determine the authenticity of the Pitney Bowes postage meter stamp and the USPS cancellation stamp on the July 2014 envelope and the authenticity of the USPS stamp on the January 2014 envelope. Exhs. 11, 12, 13, 14; Nancy McCann Testimony.

39. Ms. McCann compared the two envelopes to eight exemplar envelopes that she randomly pulled from her own mail that bore Pitney Bowes and USPS stamps. The comparison envelopes were placed in two plastic sleeves which were marked as Exhibits 37 and 38. She examined the Pitney Bowes and USPS stamps on the January and July 2014 envelopes and on the exemplar envelopes under a stereoscopic microscope at 15x to 60x magnification. Using the microscope, she compared the ink on the Pitney Bowes and USPS stamps on the January and July 2014 envelopes to the ink on the Pitney Bowes and USPS stamps on the exemplar envelopes. Exhs. 11, 12, 37, 38; Nancy McCann Testimony.

30

40. Her examination disclosed that the ink on the stamps on the exemplar envelopes, when viewed under a microscope, is solidly-colored red or black. This is consistent with the envelopes having been run through a Pitney Bowes machine or the USPS cancelling machine, both of which she is familiar with, and both of which imprint their respective stamps with ink. Exhs. 39, 40, 41, 42; Nancy McCann Testimony.

41. When viewed under a microscope, the ink on the Pitney Bowes and USPS stamps on the January and July 2014 envelopes was different. Magnified, the ink on those stamps separated into a series of colored dots. These dots are consistent with an image created by an inkjet printer. An inkjet printer creates color images, including shades of red and black, by spraying dots of four different colors, black, cyan, magenta, and yellow, in combinations that, combined together, create an image in the desired color. Exhs. 43, 44, 45, 46; Nancy McCann Testimony.

42. Based on this examination and her professional experience, Ms. McCann reached the opinion that the Pitney Bowes stamp and the USPS stamp on the July 2014 envelope and the USPS stamp on the January 2014 envelope were not placed there by a Pitney Bowes postage meter or by the USPS, but are consistent with an image created on a computer and then scanned or printed onto the two envelopes with an inkjet printer. Nancy McCann Testimony. The court credits Ms. McCann's testimony and opinion.

43. Based on this evidence, the court finds that O'Donnell created a back-dated USPS cancellation stamp on the January 2014 envelope and delivered it or had it delivered to and placed in the City Law Department's mail box in an attempt to give the City the false belief that he served the Motion to Remove Default and the Affidavit of Michael O'Donnell in Support of Motion to Remove Default not on February 11 or 12,

2014, but on January 29, 2014, before the court issued its Order Denying Motion to Vacate on January 31, 2014.

44. Based on this evidence, the court finds that O'Donnell created a back-dated Pitney Bowes postage meter date and USPS cancellation stamp on the July 2014 envelope and delivered it or had it delivered to and placed in the City Law Department's mail box in an attempt to give the City the false belief that he mailed his letter to the Law Department before the date of his July 7, 2014 deposition.

45. Edward J. Walsh testified. He is the Chief of Police for the City of Taunton. He has been a police officer in Taunton for 25 years and chief for five years. He has also spent 27 years in military intelligence.

46. Chief Walsh compared the August 21, 2013 date stamp on the Motion to Remove Default, Exhibit 15, to approximately 30 other documents stamped with a Land Court date stamp that were in the City Law Department files, and with the Land Court date stamp exemplars marked as Exhibits 33, 34, 35, and 36. Based on his examination, it appeared to him that while the August 21, 2013 date stamp on the Motion to Remove Default looked like a legitimate Land Court date stamp, its location on the page was different from the location of the date stamps on all of the other stamped documents and the exemplars—it was farther down the page. Exhs. 15, 33, 34, 35, 36; Edward Walsh Testimony.

47. Chief Walsh purchased, using his own money, a Rapidprint date stamp machine, model AR-E. This is the same model as the date stamp machines used by the Land Court, and this particular machine had a serial number within the range of serial numbers of the Land Court's machines. Using that machine, he attempted to place a date

stamp on a sheet of paper in the same location as the date stamp on the Motion to Remove Default. He was unable to do so by placing the sheet of paper into the machine. The machine places a date stamp approximately 4 centimeters from the top of the page. He then folded the piece of paper and inserted it in the machine, to see if the stamp could be placed in the same location as on the Motion to Remove Default. The stamp could be placed in the same location, but the ink smeared. Exhs. 33, 34, 35, 36, 47, 48; Edward Walsh Testimony.

48. Chief Walsh then attempted to reproduce a date stamp in the same location as on the Motion to Remove Default by other means. He took a photograph with his cellphone of an original Land Court date stamp on a document in the Law Department files, downloaded the photograph to his computer, manipulated the image, and then placed the image on a form pleading document in Word format that he took from the Massachusetts Practice series and printed it out. He did this using Photoshop and other programs on his computer; he did not use any specialized programs and or any specialized computer skills. He created and printed three separate documents in an attempt to reproduce the date stamp in a color most approximating the color of the original Land Court date stamp exemplars; all three test documents were admitted as exhibits along with the document from which he took the photograph. Exhs. 49, 50, 51, 52; Edward Walsh Testimony.

49. The court credits Chief Walsh's testimony. Based on his testimony and the test documents marked as exhibits, the court finds that the August 21, 2013 date stamp on the Motion to Remove Default, Exhibit 15, could not have been placed on that document by a Land Court date stamp machine; it is in a location on the page on which a date stamp

cannot be placed. Instead, it was placed on that document by someone who scanned a color image of an original Land Court date stamp, placed it on the document using a computer in the way that Chief Walsh did, and then printed out the document with the date stamp on it.

50. The court further finds that O'Donnell had the ability and means to have placed the August 21, 2013 date stamp on the Motion to Remove Default, Exhibit 15, using a computer. The evidence is that he did the same thing to place a Pitney Bowes stamp and USPS stamps on the January and July 2014 envelopes.

51. Based on the foregoing findings of fact, the court does not credit O'Donnell's testimony, both in person and by affidavit, that he filed the Motion to Remove Default and the accompanying Affidavit to Remove Default with the Land Court on August 21, 2013 and that the Land Court did not docket these pleadings because they were misfiled in the Cochran Action file. The court notes particularly that O'Donnell never claimed that he had filed the Motion to Remove Default and Affidavit to Remove Default even after the Judgment was entered and even after he knew the Motion and Affidavit did not appear on the docket in this action, despite filing multiple motions, affidavits, and memoranda between December 2013 and February 2014. The court also notes the lack of a date stamp on the Affidavit to Remove Default, contrary to the Land Court procedure to date stamp all pleadings when received, even those attached to other pleadings.

52. The court finds, rather, that the following occurred. Sometime in early February 2014, after the court issued its January 31, 2014 Order Denying Motion to Vacate in which the court relied in part on his failure to move to remove the default,

O'Donnell created the Motion to Remove Default and the Affidavit to Remove Default, and, using his computer, placed on it the image of a Land Court date stamp bearing the date August 21, 2013. He also created the Affidavit to Remove Default. He signed both documents and stapled the Affidavit to the Motion to Remove Default.

53. He then had a confederate posing as "Ed Cochran" go to the Land Court on February 12, 2014, and request the file in the Cochran Action. The reason for requesting this file is that its case number, 12 TL 144137, is one digit different from the case number of this action, 12 TL 144107. This confederate placed the Motion to Remove Default and the Affidavit to Remove Default in the Cochran Action file.

54. He then had another confederate, a woman, contact Mr. Harrington, identify herself as Roger Cochran's niece, and claim that she had found the Motion to Remove Default and Affidavit to Remove Default misfiled in the Cochran Action file. O'Donnell also contacted Mr. Harrington at this time, late February 2014, to claim that he had been previously contacted by this alleged niece about the misfiled pleadings.

55. O'Donnell's purpose in this scheme was to try to convince the Land Court that he had filed the Motion to Remove Default and Affidavit to Remove Default days after the default had been entered in August 2013, and that it was the Land Court's mistake that the Motion and Affidavit were not docketed. This mistake would then form the basis of a further motion to vacate the Judgment.

June 11, 2012 Check for \$20,000

56. On or about June 11, 2012, O'Donnell obtained an official check, or cashier's check, from Sovereign Bank, payable to O'Donnell in the amount of \$20,000.00 (2012 Check). Exhs. 9, 55; Michael O'Donnell Testimony.

57. O'Donnell testified that he sent the 2012 Check to the City in July 2012 as a payment for real estate taxes on the Property. He testified that he either mailed it or had someone deliver it to the City for him. Michael O'Donnell Testimony.

58. The 2012 Check was never cashed. O'Donnell testified that he first became aware that the 2012 Check had never been cashed in January or February 2014. Michael O'Donnell Testimony; Julie Bertram Testimony.

59. O'Donnell stopped payment on the 2012 Check in March 2014 and Santander Bank, the successor to Sovereign Bank, issued a new official check payable to him in the amount of \$20,000 on April 17, 2014. Exh. 54; Michael O'Donnell Testimony.

60. Julie Bertram testified. She is the Assistant Treasurer/Collector for the City. She has worked in the Treasurer/Collector's office for nine years. Her principle duty is to receive and enter real estate tax payments to the City. The procedure in the Treasurer/Collector's office when receiving a check is to run the check through a machine that photocopies the check and to record the check number and dollar amount. Ms. Bertram checked the records of the Treasurer/Collector's office and found no record of the office's ever having received the 2012 Check. The last payment her office received for real estate taxes on the Property was in August 2009. The court credits Ms. Bertram's testimony. The City never received the 2012 Check. Exh. 9; Julie Bertram Testimony.

61. Between June 2012 and January or February 2014, O'Donnell never made any inquiry with the City as to whether the 2012 Check had been received or cashed. He does not recall if he informed counsel for the City in this action that he had submitted the 2012 Check to the City, either in his June 2013 answer to the complaint or at any other time. Michael O'Donnell Testimony.

62. The Court does not credit O'Donnell's testimony that he submitted the 2012 Check to the City, in July 2012 or at any other time. While the 2012 Check appears to be a genuine official check issued by Sovereign Bank in June 2012, O'Donnell never submitted the 2012 Check to the City.

63. Based on the foregoing, the court finds that O'Donnell's testimony, that he filed the Motion to Remove Default and the Affidavit to Remove Default in August 2013, that he did not create these two documents with a false date stamp and have them placed in the file in the Cochran Action, and that he submitted the 2012 Check to the City, was not truthful.

Conclusions of Law

The evidence in this proceeding was heard for the purpose of deciding two motions: the City's Motion to Strike, and O'Donnell's Motion for Reconsideration. In its Motion to Strike, the City seeks to strike from the docket in this action the August 2013 Motion to Remove Default and Affidavit to Remove Default. The Motion to Strike is based on Rule 77(c) of the Massachusetts Rules of Civil Procedure. Rule 77(c) provides:

The clerk shall date-stamp all papers whatsoever received by him, whether by hand or by mail. Any paper so received, whether stamped or not, shall be deemed to have been filed as of the date of receipt. If at any subsequent time, any party disputes the fact of such filing, the court shall determine the question, taking whatever evidence it deems appropriate. Proof of mailing shall constitute prima facie proof of receipt.

Mass. R. Civ. P. 77(c) (emphasis supplied).

The August 2013 Motion to Remove Default and the Affidavit to Remove Default have no certificate of service or other proof of mailing; therefore, there is no prima facie proof that the Land Court received these documents on August 21, 2013 as the date stamp suggests. Based on the foregoing findings of fact, the court finds that the August 2013

Motion to Remove Default and the Affidavit to Remove Default were not filed with the Land Court on August 21, 2013. Rather, they are false documents created in February 2014 and planted in a Land Court file in a scheme by O'Donnell to perpetrate a fraud upon this Court. The court determines that the Motion to Remove Default and the Affidavit to Remove Default shall be stricken from the docket in this action. The Motion to Strike is allowed.


The Motion for Reconsideration makes several arguments for vacating the Judgment and reopening this action. Arguments about the August 2013 Motion to Remove Default have been disposed of above. The Motion for Reconsideration also argues that the Judgment should be vacated because the City did not credit O'Donnell with the \$20,000 payment represented by the 2012 Check. The court has found that the City never received the 2012 Check. Thus, there was no \$20,000 payment that the City failed to account for, and that alleged payment cannot provide a basis for vacating the Judgment. The remainder of the arguments in the Motion for Reconsideration have been considered and rejected in previous motions by O'Donnell to vacate the Judgment. The Motion for Reconsideration is denied.

Conclusion

City of Taunton's Motion to Strike Defendants' Motion to Remove Default That Was Purportedly Filed on August 21, 2013 is **ALLOWED**. The Motion to Remove Default and the Affidavit to Remove Default, both docketed as of August 21, 2013, are hereby **STRICKEN** from the docket. The defendant's Motion to Remove Default, docketed March 25, 2014, is **DENIED**.

Since the Judgment entered in this action, defendant Michael O'Donnell, in various capacities, has filed a motion for preliminary injunction, a motion to vacate the Judgment, a Motion to Remove Default, and the Motion to Remove Default decided by this Order, all of which have been denied. No further motions to reconsider or to vacate the Judgment shall be filed in this action without first obtaining leave of the court.

SO ORDERED.

 By the Court (Foster, J.)

Attest:

Deborah J. Patterson, Recorder

Dated: November 21, 2014

ATRUE COPY
ATTEST:
Deborah J. Patterson
RECORDER

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CITY OF TAUNTON

MASSACHUSETTS

DEPARTMENT OF PUBLIC BUILDINGS

WAYNE E. WALKDEN,
MCPPO, CBO
SUPERINTENDENT OF
BUILDINGS

TEMPORARY
GOVERNMENT OFFICES
141 Oak Street
TAUNTON, MA 02780-3464
(508) 821-1015
FAX (508) 821-1019
Email: wwalkden@taunton-ma.gov



December 4, 2014

Honorable Mayor Thomas C. Hoyer Jr.
Council President Andrew J. Marshall
And Members of the Municipal Council

Re: New timeline for improvements to the Municipal Council Chamber microphones

Dear Mayor and Councilors:

At a regular meeting of the Municipal Council held on Tuesday, December 2, 2014, Councilor Croteau motioned that I provide a new timeline relative to anticipated improvements to the Council Chamber microphones.

Please review the attachment which represents an update by Tom Pestana as to why we were not able to complete the installation prior to Thanksgiving. As the report indicates, in recent weeks, many unforeseen and urgent repairs were made to the Public Building life safety systems. Many of those repairs were made to ensure that the facilities remained operational, without the need for a fire watch.

Rather than give you a date certain as to when we expect to complete the microphone project, please be assured that we will get this work done as expeditiously as possible.

If you have additional questions or concerns about this issue, Tom and I would be happy to meet with you to offer further details.

Regards,

Wayne E. Walkden

Wayne E. Walkden
Superintendent of Buildings

Cc: Tom Pestana, City of Taunton, Electronic Systems Manager

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Wayne Walkden

From: Tom Pestana <TPestana@tauntonschoools.org>
Sent: Wednesday, December 03, 2014 2:01 PM
To: Wayne Walkden
Subject: Council Chamber microphone system status report.

Wayne,

The following report is in regard to your request for the status on the Council Chamber microphone system. The extensive work required to upgrade the microphone system is ongoing.

Two of the new microphones have been installed. A total of 22 microphones will be installed, and the new amplifier equipment that the microphones will be connected to is in the process of being installed as well.

In addition to installing the new amplifier equipment, the existing Council Chamber table and desks will also be modified and rewired in order to accommodate the new microphones. The work required to upgrade the microphone system in the Council Chamber is extensive and complicated with the additional challenge of keeping the existing microphones operational during the system upgrade.

Unfortunately due to unforeseen emergencies and required repairs to life safety systems in the schools, the completion of the new microphone system has been delayed.

The Council Chamber is also frequently used for meetings and events which have hindered me from working on the new microphone system as well.

The following is a list of all the work from September 1st 2014 to November 26th 2014 that has required my attention. This work is in addition to the ongoing installation of the new microphone system in the Council Chamber.

1. **City Hall-Maxham** -- Installing new fire alarm system, this is a Fire Dept. and City Council directive. (work is ongoing)
2. **E. T. Elem. School** -- Fire alarm system, repaired smoke duct detector unit in kitchen air handler.
3. **Hopewell School** -- Fire alarm system, repaired cafeteria smoke beam detector.
4. **Oak St Fire Station** -- Emergency repair of fire alarm radio master box.
5. **Oak St. Fire Station** -- Fire alarm inspection and testing.
6. **Barnum School** -- Fire alarm inspection and testing.
7. **Hopewell School** -- Emergency repair of fire alarm replaced damaged fire alarm control panel, tested system.
8. **F.B. Rogers** -- Radio Master box repair work with Sig-Com.
9. **E.T. Elem School** -- Perform elevator recall inspection and test with state inspector and elevator contractor.
10. **THS** -- Perform elevator recall inspection and test with state inspector and elevator contractor.
11. **Galligan School** -- Fire sprinkler system backflow preventer testing.

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12. **Weir Fire Station** -- Fire alarm system inspection and testing.
13. **Library** -- Fire alarm system inspection and testing.
14. **Inspection reports** -- Provide Fire alarm inspection reports for all city buildings.
15. **THS** -- Repairs and programming of Key Fob card access system.
16. **THS** -- Corrected false alarm problem with fire alarm from steam discharge at loading dock area.
17. **E.T. Elem. School** -- Upgrade of Fire alarm system research and quotes, (work is ongoing).
18. **Parker School** -- Repair problem with Key Fob card access system and system programming.
19. **Radio Master Boxes** -- All city buildings and schools inspect Master Boxes and replace emergency batteries.
20. **THS** -- Repair defective electric door lock for card access system at loading dock entrance.
21. **THS Stadium renovation** -- Required to participate in design and construction oversight of systems technology.
22. **Walker School** -- Emergency repair work required on fire alarm system as result of vandalism and subsequent installation of security alarm system to help protect the building.
23. **Central Fire Station** -- Sprinkler system upgrade of hose tower fire suppression system. (quote work ongoing)
24. **Star Theater** -- Emergency fire alarm system work required in order for the ongoing demolition to continue.
25. **Taunton Green** -- Repair flag pole speakers for Christmas music.
26. **Taunton Green** -- Install and test Christmas music system for downtown.
27. **Police Station** -- Research on upgrade of camera security system.
28. **Leonard School** -- Emergency repair of the fire alarm radio master box.
29. **E. T. Elem. School** -- Fire alarm system repairs replaced 35 malfunctioning speaker strobe units.
30. **F.B Rogers** -- Research and design of a system to secure the building.
31. **All Schools** -- Created an updated alarm event contact list, for alarm central data base.

Wayne,

This is not all of my work load, I have another list of projects that are on hold in an attempt to make time to install the Council Chamber microphone system and the City Hall fire alarm system as well.

The City Council requested a time line with a completion date. This can be difficult to comply with when emergencies occur that are beyond one's anticipation or control, in addition to the requirement to perform maintenance on the life safety systems in all the schools and city buildings.

Sincerely,

Tom Pestana
Electronic Systems Manager

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December 5, 2014

Taunton City Council President Andrew Marshall
Temporary City Hall
141 Oak Street
Taunton, MA 02780

**RE: Columbia Gas of Massachusetts
Request for Extended Construction Season within Public Roadways**

Dear President Marshall:

Columbia Gas of Massachusetts (CMA) hereby requests permission to extend their 2014 construction season consisting of excavations on public roadways within the City of Taunton until Friday December 19, 2014, weather permitting. This request is an extension to the previously approved extension until to December 12th which we obtained approval from City Council on the evening of October 28, 2014.

As of December 5, 2014, CMA is anticipating on having nearly all of its remaining gas main replacement projects complete. Work which we anticipate on completing past December 12th will consist of gas service replacements associated with main replacement projects, gas main abandonments and up to 14 new customer gas service installations to Taunton residents.

CMA is also requesting permission to work on the MassDOT Washington St Bridge over the Mill River project throughout the winter. Our remaining work to be scheduled and could take up to 10 days to complete and will consist of excavation within Washington St and directly at the new bridge. Approval of our work is crucial to MassDOT maintaining the bridge projects schedule.

Upon being granted permission, CMA will continue to work closely with and communicate on a daily basis with the Taunton DPW on current jobs in progress and their respective locations. Also, CMA will closely monitor the weather for any forecasted snow or freezing conditions to ensure safe construction activities. Lastly, road plates, if used, will be done so with the prior notice to the Taunton DPW and will not be left in place if there is any chance of snow in the forecast.

CMA respectfully requests approval to continue working the requested extended work season and is available to meet with the Council to discuss this request at its next scheduled meeting.

Should you have any questions, please do not hesitate to contact me at the office (508)-580-0100 ext. 1319 or by email at bgillis@nisource.com

Very truly yours,

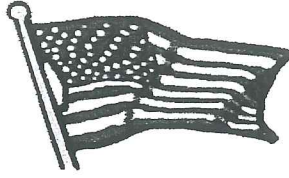
Columbia Gas of Massachusetts


Brian Gillis
Associate Engineer

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cc: Mayor Tom Hoye
Taunton City Council Members
City Clerk Rose Marie Blackwell
Assistant City Solicitor Daniel de Abreu
Fred Cornaglia (DPW)
Tony Abreau (DPW)
John F. Rooney, III (Melick & Porter, LLP)
file

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DECEMBER 9, 2014

HONORABLE THOMAS C. HOYE, JR., MAYOR
COUNCIL PRESIDENT ANDREW J. MARSHALL
AND MEMBERS OF THE MUNICIPAL COUNCIL

RECEIVED
CITY CLERK'S OFFICE
2014 DEC - 5 A 10: 10
TAUNTON, MA
CITY CLERK

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, DECEMBER 9, 2014 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.

MUNICIPAL COUNCIL PHOTOGRAPH

THE COMMITTEE ON FINANCE & SALARIES

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

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

THE COMMITTEE ON POLICE AND LICENSE

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR RENEWAL OF CLASS II LICENSES:
 - A. ACME FABRICATION & EQUIPMENT LEASING CO., LLC, 91 ARLINGTON STREET
 - B. AFTER HOURS AUTO BODY, INC. D/B/A AFTER HOURS AUTO SALES, 20 NORTH AVENUE
 - C. AMORIM AUTO SALES, INC., 265 LONGMEADOW ROAD
 - D. BRENO'S COLLISION & SALES, INC., 408 WINTHROP STREET
 - E. DIPSON CONVENIENCE & REPAIR, INC. D/B/A DIPSON & SONS AUTO SALES, 146 TREMONT STREET
 - F. FOGG AUTO SALES, INC., 346 WINTHROP STREET
 - G. FRANK'S AUTO BODY, INC., 265 BROADWAY
 - H. JAIME'S AUTO BODY, INC., 111 ARLINGTON STREET
 - I. LOFTUS AUTO CITY, INC., 450 WINTHROP STREET
 - J. NORTHEAST AUTO EXCHANGE, INC., 406 TREMONT STREET
 - K. PERRY'S TOWING & SERVICES, INC., 143 BROADWAY
 - L. PREMIER MOTORS, INC., 420 BROADWAY

- M. PRESTIGE AUTO MART, INC. D/B/A PRESTIGE 3, 288 BROADWAY
- N. R & F MOTORS, INC., 35 DANA STREET
- O. TAUNTON SERVICE CENTER, INC., 48 BROADWAY
- P. WINTHROP STREET MOTORS, INC., 347 WINTHROP STREET
- 2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF KEISHA AUGUSTE, 242 WEIR STREET FOR A NEW SECOND HAND ARTICLE LICENSE FOR BEAUTY PARTY & A CLOSET, 24 WEIR STREET
- 3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH TO DISCUSS A CLASS II LICENSE INVESTIGATION CONCERNING BORGES AUTO SALES, 157 DEAN STREET
- 4. MEET TO REVIEW MATTERS IN FILE
- 5. PUBLIC INPUT

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

THE COMMITTEE ON PUBLIC PROPERTY

- 1. MEET TO DISCUSS REQUEST FOR LAND DONATION
- 2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

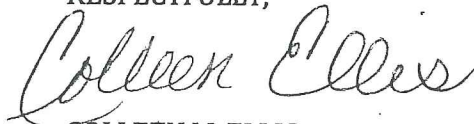
COMMITTEE ON SOLID WASTE

- 1. MEET TO DISCUSS UPDATING THE CITY'S SOLID WASTE REGULATIONS
- 2. MEET TO REVIEW MATTERS IN FILE
- 3. PUBLIC INPUT

PLEASE NOTE:

A "MEETING" OF THE ENTIRE MUNICIPAL COUNCIL, AS SAID TERM IS DEFINED IN MASS. GEN. L. C. 30A, §18 MAY OCCUR CONCURRENTLY WITH THIS COMMITTEE MEETING

RESPECTFULLY,



COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES