



**MUNICIPAL COUNCIL AGENDA  
CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS  
141 OAK STREET, TAUNTON, MA 02780**

**FEBRUARY 26, 2013 - 7:00 PM**

RECEIVED  
CITY CLERK'S OFFICE  
2013 FEB 22 A 11:39  
TAUNTON, MA  
CITY CLERK

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING:** Upon the petition of the City of Taunton to adopt a Zoning change in relation to the newly passed medical Marijuana law

- Com. from Director of Planning and Conservation – Submitting Zoning Ordinance
- Com. from Chairman, Planning Board – Submitting recommendation

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1 Com. from Director, Veterans Services – Submitting request for additional funding.
- Pg. 2-3 Com. from Fire Chief – Submitting unpaid fire detail information.
- Pg. 4-8 Com. from City Solicitor – Notifying of Court decision at 107-111 Main Street.
- Pg. 9 Com. from City Solicitor – Submitting Memoranda of Agreement.(Separate packet)

**PETITIONS**

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**MOTION TO TABLE** MOTION WAS MADE FROM THE FEBRUARY 19, 2013 COUNCIL MEETING TO DISCUSS THE RENEWAL OF WILLIAM GARCIA CONSTABLE LICENSE.

**ORDERS, ORDINANCES AND RESOLUTIONS**

**ORDINANCE FOR A SECOND READING TO BE PASSED TO A THIRD READING**

**AN ORDINANCE PERTAINING TO THE DENIAL, REVOCATION, OR SUSPENSION OF LOCAL LICENSES AND PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES**

<u>Chapter 4</u>	<u>Chapter 7</u>	<u>Chapter 12</u>	<u>Chapter 18</u>
<b>Buildings</b>	<b>Fire Prevention And Protection</b>	<b>Licenses and Miscellaneous Business Regulations</b>	<b>Police</b>

*Be it ordained by the Municipal Council of the City of Taunton and by authority of the same as follows:*

**SECTION 1.** Section 4-43 of Article III of Chapter 4 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 2.** Subsection (2) of Section 7-48 of Article II of Chapter 7 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 3.** The first sentence of subsection (4) of said Section 7-48 of said Article II of said Chapter 7, as amended, is hereby further amended by striking out the words "police details" and inserting in place thereof the following words:-- fire details

**SECTION 4.** Article I of Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking out the entirety of Section 12-1 and inserting in place thereof the following section:--

**Section 12-1. Licenses and Permits; denial, revocation, or suspension**

- (a) This ordinance is enacted pursuant to, and under the authority of, Massachusetts General Laws, Chapter 40, Section 57, the provisions of which have been accepted by the City of Taunton.
- (b) The purpose of this ordinance is to set forth a mechanism by which any licensing or permitting authority in the City of Taunton may deny any application for, or revoke or suspend a building permit or any local license or permit, including renewals and transfers, issued by any board, officer, or department of the City of Taunton for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, including amounts assessed under the provisions of G.L. c. 40, § 21D, or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- (c) For the purposes of this ordinance, the term "local taxes, fees, assessments, betterments or other municipal charges" shall be construed to include, without limitation, police details, fire details, proceeds from the sale of official City of Taunton waste bags, or any other sum lawfully due to the City of Taunton.
- (d) The treasurer/collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- (e) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the treasurer/collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the treasurer/collector; provided, however, that written notice is given to the party and the treasurer/collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The treasurer/collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation, or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in

any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the treasurer/collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges as of the date of issuance of said certificate.

- (f) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (g) The Municipal Council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in G.L. c. 268A, § 1, in the business or activity conducted in or on said property.
- (h) This ordinance shall not apply to the following licenses and permits:

<u>Type of License/Permit</u> <u>License/Permit</u>	<u>Citation to</u>
(1) Open burning permit	G.L. c. 48, § 13
(2) Bicycle permit	G.L. c. 85, § 11A
(3) Sales of articles for charitable purposes	G.L. c. 101, § 33
(4) Child work permits	G.L. c. 149, § 69
(5) Licenses to clubs or associations dispensing food or beverages	G.L. c. 140, § 21E
(6) Dog licenses	G.L. c. 140, § 137
(7) Licenses for fishing, hunting, trapping	G.L. c. 131, § 12
(8) Marriage licenses	G.L. c. 207, § 28
(9) Permits for theatrical events and public exhibitions	G.L. c. 140, § 181

- (i) If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION 5.** Subsection (2) of Section 18-71 of Article III of Chapter 18 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 6.** All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

**ORDER FOR A FIRST READING TO BE PASSED TO A SECOND READING**

*Ordered, That*

\$486,741.00 is appropriated, in addition to the \$270,000 previously appropriated (a total of \$756,741) for the purpose of paying costs of a roof repair/replacement at Galligan School, 15 Sheridan Street, Taunton, MA including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Taunton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Taunton's Building Committee. To meet this appropriation, the Treasurer with the approval of the Mayor is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority. The City of Taunton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs The City of Taunton incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City of Taunton; provided that any grant that the City may receive from the MSBA for the project shall not exceed the lesser of (i) 74 percent of eligible, approved costs, as determined by MSBA, or (ii) the total maximum grant amount determined by the MSBA ; provided that the borrowing authorized pursuant to this order shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Taunton and the MSBA; and that the Mayor is authorized to take any other action necessary to carry out this project.

**NEW BUSINESS**

Respectfully submitted,



**Rose Marie Blackwell  
City Clerk**



*Hearing*

**City of Taunton, Massachusetts**  
**DEPARTMENT OF**  
**PLANNING AND CONSERVATION**

15 Summer Street  
 Taunton, Massachusetts 02780

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

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

CITY OF TAUNTON  
 DEC 11 2012  
 IN MUNICIPAL COUNCIL

December 4, 2012

Honorable Thomas C Hoye Jr, Mayor  
 Municipal Council  
 141 Oak Street  
 Taunton, Ma 02780

Refer to the Planning Board to start the Public Hearing process. That Mr. Scanlon provide the Council with a map of where the ID locations are. Refer to bd. of Health for their input. To also consider designated area that has medical use area. Also submitted and attached is proposed changes (amend) Sections 7 to be advertised along with sections 2 and 5. Also to receive input from our Police Chief concerning police detail if required. Also Cou. Pottier stated he does not want to spot zone.

*[Signature]*  
 RM Blackwell, City Clerk

**RE: Medical marijuana**

Dear Mayor Hoye and Members of the Municipal Council,

This letter is in reference to your request for zoning changes in relation to the newly passed medical marijuana law. I recommend the following zoning changes be adopted;

**Add to section 2.1 Definitions the following definition**

**MEDICAL MARIJUANA TREATMENT CENTER**-- An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for ostensibly medical purposes

**Add to section 5.2 business and Industrial Use Regulations**

Medical Marijuana Treatment Center- SP2 in Industrial District and prohibited in all other districts

Use	RRD	SRD	URD	BD	CBD	OD	HBD	ID	OSC	FLPLN
Medical Marijuana Treatment Center	-	-	-	-	-	-	-	SP2	-	-

- Means prohibited Use  
 SP2 means Special Permit Municipal Council

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

Sincerely,

*[Signature]*  
 Kevin R Scanlon,  
 Director AICP

Hearing

**AN ORDINANCE**

**AMENDING SECTION 7 OF THE CITY OF TAUNTON ZONING ORDINANCE**

Part I:

That Section 7 of the Zoning Ordinance of the City of Taunton is hereby amended by adding a new §7.13 "Medical Marijuana Treatment Center Overlay District" as follows:

**§7.13 Medical Marijuana Treatment Center Overlay District.**

**A. District established.** A Medical Marijuana Overlay District is hereby established, and shall be considered as superimposed over any other districts established by this Ordinance, and is shown as an overlay on the Zoning Map of the City of Taunton, Massachusetts, dated October 2008, as hereby amended. This District shall be constituted as follows:

A Location in an Industrial District that meets following criteria:

1. Seven hundred and fifty (750) feet from any residential zone (includes Urban Residential, Suburban Residential, and Rural Residential Districts);
2. Seven hundred and fifty (750) feet from any public or private school;
3. Seven hundred and fifty (750) feet from any open space zone or any public park
4. Seven hundred and fifty (750) feet from any day care center or nursery school
5. Seven hundred and fifty (750) feet from any church or other religious facility or institution;

**B. Medical Marijuana Treatment Center Special Permit.** Within the Medical Marijuana Treatment Center Overlay District, and only within the Medical Marijuana Treatment Center Overlay District, a Medical Marijuana Treatment Center (hereinafter "MMTC") may be permitted, provided that a special permit is first obtained from the Municipal Council, subject to the following standards and conditions.

**C. Application.** The Medical Marijuana Treatment Center property owner of record and MMTC proposed operator or owner shall complete an application containing the following.

- (1) Owners shall provide demonstration that the proposed Medical Marijuana Treatment Center is eligible for Department of Public Health approval and is within all DPH registration limitations including number of treatment center limits for both the state and the county.
- (2) Owners shall demonstrate that the Medical Marijuana Treatment Center is a not-for-profit entity as defined under the laws of the Commonwealth.
- (3) If the MMTC proposes to cultivate medical marijuana, the application shall indicate the parcel upon which the cultivation is proposed.
- (4) Owners shall demonstrate that the Medical Marijuana Treatment Center has applied for registration with the Massachusetts Department of Public Health and shall not commence operations until the registration is approved.
- (5) A manager responsible for the operation of the establishment shall be designated by the owner, if the owner is not the manager. The manager shall register with the Police Chief, the Building Commissioner and the Board of Health.

Hearing

- (6) The business license history of the MMTC applicant for any marijuana retail, treatment center or marijuana medical facility, including whether such person, in previously operating in this or another municipality, county, or state under license has had such license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation;
- (7) A list of each criminal conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant was convicted;
- (8) The names of all employees, volunteers, independent contractors, and other persons who will work at the MMTC and the cultivation parcel if any;
- (9) Demonstration that the proposed security arrangements for the MMTC and any MMTC cultivation parcel, adequately ensure the safety of MMTC personnel and adequately protect the MMTC premises and any cultivation parcel from theft;
- (10) Authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (11) Owners, operators, employees, volunteers and designated managers of the establishment shall attest and demonstrate that:
  - (a) They have not been convicted of violating MGL Ch. 94C §§ 32, 32A-K, 33-35 (crimes involving controlled substances); MGL Ch. 119, § 63, (Inducing or abetting delinquency of a child) or MGL Ch. 272 § 28, (Matter harmful to minors, etc.), or similar laws in other states. The Municipal Council shall not issue a special permit to an owner convicted of violating the above referenced laws.
  - (b) They have not had a previous registration revoked in Massachusetts or another jurisdiction.

#### **D. Special Permit Issuance.**

- (1) Before the issuance of a special permit, the Municipal Council shall find that the proposal complies with the criteria of this section. With regard to criteria C.6 and C.7, the Board may seek a recommendation from the Chief of Police or his designee as to the applicant's suitability to operate an MMTC within the City of Taunton.
- (2) The special permit shall be issued to the owner of the Medical Marijuana Treatment Center and shall not transfer with a change in ownership of the business and/or property.
- (3) Where necessary to shield adjacent uses, the Municipal Council may require buffering by fencing, vegetation or other screening methods.
- (4) A Medical Marijuana Treatment Center shall not be allowed within a building containing residential use, or upon a lot with residential use.
- (5) The Municipal Council may establish the hours of operation.
- (6) The Municipal Council may require periodic inspections during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements the special permit.
- (7) The special permit shall lapse after two years, unless a shorter term is specified by the Municipal Council. Upon receipt of a valid application, the Municipal Council may grant a subsequent special permit, provided that the Municipal Council finds:
  - (a) Property and use have remained in compliance with all standards and conditions of this Section 7.17 and,



Hearing

(b) Property and use have remained in compliance with all conditions of approval of the Municipal Council.

**E. Revocation/Non-renewal.**

- (1) The Municipal Council shall condition the MMTC special permit to be null and void if the Medical Marijuana Treatment Center's registration is revoked by the Massachusetts Department of Public Health. The special permit shall not be renewed and may be subject to revocation if any illegal activity has taken place on the premises
- (2) Violation of any of the conditions of approval of the special permit shall be grounds for non-renewal of the special permit as provided for in this section.

**F. Relationship to Other Laws.** Nothing in this law poses an obstacle to federal enforcement of federal law. Nothing in this law supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for non-medical purposes. Nothing in this law requires the violation of federal law or purports to give immunity under federal law.

**G. Severability.** The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

**Part II**

That Section 7 of the Zoning Ordinance of the City of Taunton is hereby amended by adding the following definitions:

**Dispensary Agent** - an employee, staff volunteer, officer, or board member of a non-profit medical marijuana treatment center, who shall be at least twenty-one (21) years of age.

**Enclosed, locked facility** - a closet, room, greenhouse, or other area equipped with locks or other security devices, accessible only to dispensary agents, patients, or personal caregivers.

**Marijuana** - has the meaning given "marihuana" in Chapter 94C of the General Laws.

**Medical Marijuana Treatment Center** - A non-profit, as defined by Massachusetts law, treatment center that transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana and related supplies to Department of Public Health (DPH) registered patients or their DPH registered caregivers. Treatment Centers may also cultivate marijuana as may be necessary for the operation of the treatment center and may also develop related products such as food, tinctures, aerosols, oils, or ointments.

A treatment center shall have a Department of Public Health (DPH) registration, be operated only by DPH registered personnel or DPH registered volunteers and operate according to procedures in compliance with DPH regulations, including cultivation and storage of marijuana only in enclosed, locked facilities. The treatment center shall not dispense medical marijuana to anyone other than a DPH registered patient or DPH registered caregiver that provide documentation of the required DPH registration granted accordance with DPH regulations.

Hearing

**Medical Marijuana Cultivation—Medical Marijuana Treatment Center** - A Department of Public Health registered MMTC located in the City of Taunton may cultivate medical marijuana in accordance with the terms of an MMTC special permit issued by the Municipal Council. Such cultivation shall take place in an enclosed, locked facility available only to MMTC personnel and may only cultivate the amount of medical marijuana necessary to operate the Medical Marijuana Treatment Center. Medical Marijuana Treatment Center Cultivation shall not be located within:

1. Seven hundred and fifty (750) feet of any residential zone (includes Urban Residential, Suburban Residential, and Rural Residential Districts);
2. Seven hundred and fifty (750) feet from any public or private school;
3. Seven hundred and fifty (750) feet from any open space zone or any public park
4. Seven hundred and fifty (750) feet from any day care center or nursery school
5. Seven hundred and fifty (750) feet from any church or other religious facility or institution;

The proposed security arrangements for the MMTC cultivation shall adequately ensure the safety of MMTC personnel and adequately protect the MMTC cultivation from theft.

**Medical Marijuana Cultivation - Hardship**—A qualifying Department of Public Health (DPH) registered patient or DPH registered caregiver providing to the Chief of Police, or his designee, cultivation registration documentation from DPH issued due to limited access to a treatment center through financial hardship, physical inability to access reasonable transportation, or distance may cultivate medical marijuana. Such cultivation is strictly limited to the number of plants necessary to yield a 60-day supply of marijuana for the registered patient's own use. This cultivation and storage of medical marijuana shall be limited to an enclosed, locked facility (such as a greenhouse) and is allowed only for the personal use of the registered patient. Such hardship cultivation by a DPH registered patient or DPH registered caregiver should be within or as close as reasonably possible to the patient or caregiver's home.

**Sixty-day Supply of Medical Marijuana**—The amount of marijuana that a qualifying patient would reasonably be expected to need over a period of sixty days for their personal medical use.

Hearing



## TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

January 4, 2013

Honorable Thomas Hoye and  
Members of the Municipal Council  
141 Oak St., Temp. City Hall  
Taunton, MA 02780

C/O Rosemarie Blackwell, City Clerk

**RE: Propose Zoning Changes – Medical Marijuana Treatment Center**

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on January 3, 2013 the Taunton Planning Board held their public hearing on the proposed zoning changes relative to Medical Marijuana in relation to the newly passed medical marijuana law.

The Planning Board unanimously voted to forward a recommendation to adopt the following:

**Add to Section 2.1 – Definitions the following definition**

MEDICAL MARIJUANA TREATMENT CENTER – an establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments) transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for ostensibly medical purposes.

**Add to Section 5.2 Business and Industrial Uses Requirements –**

Medical Marijuana Treatment Center – SP2 in Industrial District and prohibited in all other districts. SP2 means Special Permit Municipal Council.

The Board also voted that the Municipal Council consider adopting a City Ordinance that will license and regulate the operation of said establishments.

Very truly yours,

*Daniel P. Dermody (opp)*

Daniel P. Dermody, Chairperson  
TAUNTON PLANNING BOARD

DPD/djp



Armand G. Provencal  
Director

# CITY OF TAUNTON

MASSACHUSETTS 02780

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Veterans Service Department  
And  
Information Center

February 20, 2013

Honorable Mayor Thomas Hoyer and  
the Municipal Council

Dear Sirs & Madams:

It is now necessary for this office to request additional funding in our Veterans Benefits Account #1-543-202-5770 in the amount of \$275,000.00.

At this time, we are averaging \$77,000.00 in benefits paid monthly. As you are aware, it is impossible to know exactly what our expenses will be from month to month. We feel confident that we will have a sufficient balance to cover our monthly benefits through the first two weeks of March.

The State will reimburse the City of Taunton at a rate of 75%, making an actual total for this request \$68,750.00.

Thank you for your anticipated cooperation in this matter.

Respectfully submitted,

Armand Provencal  
Director Agent

/ck

2.



# CITY OF TAUNTON FIRE DEPARTMENT

50 School Street  
Taunton, MA 02780  
Tel. (508) 821-1452 • Fax (508) 821-1495

**TIMOTHY J. BRADSHAW**  
*Chief of Department*

**KATE GOVER**  
*Administrative Assistant*

February 22, 2013

Mayor Thomas Hoye and  
Taunton City Council Members  
15 Summer Street  
Taunton, MA 02780

**RE: Fire Details**

Dear Honorable Mayor and Council Members;

Attached find information requested regarding the unpaid fire details. We currently have one ongoing fire watch at the Whittenton Mills.

Respectfully,

Timothy J. Bradshaw  
Chief of Department

3.

**OUTSTANDING UNPAID DETAILS**  
as of February 20, 2013  
**TAUNTON FIRE DEPARTMENT**

	BILLING NAME:	LOCATION:	AMOUNT DUE:
<b>OLDEST BILLS</b>			
2010	Balance Forward	BACON FELT MGT. LLC	BACON FELT BLDG 13,411.59
2010-2012	Balance Forward	JEFFERSON DEVELOPMENT	WHITTENTON MILLS 35,611.19
2010	Balance Forward	MADEIRA CONSRUCTION	320 WHITTENTON ST. 753.03
2010	Balance Forward	MICHAEL O'DONNELL	111 MAIN ST. 160,808.59
			210,584.40
<b>2011</b>			
1/28/2011		COLUMBIA ELECTRIC	100 OAK STREET 1,799.93
02/04/11		COLUMBIA ELECTRIC	100 OAK STREET 4,200.77
03/01/11		COLUMBIA ELECTRIC	100 OAK STREET 259.25
04/12/12		TAUNTON YOUTH COUNCIL	THS 129.62
05/18/12		FREEMAN MIDDLE SCHOOL	FREIDMAN MIDDLE 412.44
05/25/11		D'S WELDING	INGELL STREET 259.25
08/12/11		BMF WELDING	103 HART ST 129.62
09/30/11		NORTHEAST REFRIGERATED	81 INGELL STREET 268.05
09/15/11		TAUNTON PUBLIC SCHOOL	ET ELEMENTARY 117.84
11/03/11		BRISTOL PROPERTY MGT	75 DEPOT ST 233.44
11/23/11		BLACKSTREET CAPITAL	BOSTON APPARELL 494.89
12/05/11		MARTIN MIDDLE SCHOOL	431 CASWELL 117.84
12/05/11		CB RICHARD ELLIS	300 CONSTITUTION DR 4,404.00
12/05/11		CB RICHARD ELLIS	300 CONSTITUTION DR 1,045.79
12/05/11		TRI STATE FIRE PROTECTION	JC PENNY 198.84
12/09/11		CB RICHARD ELLIS	300 CONSTITUTION DR 527.30
			14,598.87
<b>2012</b>			
03/01/12		CITY OF TAUNTON	SOLID WASTE MTG. 117.84
06/15/12		STUDIO C DANCE ACADEMY	FRIEDMAN MIDDLE 259.25
11/21/12		THS STUDENT COUNCIL	BONEFIRE 117.84
12/13/12		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 2,126.78
12/19/12		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 1,063.39
			3,685.10
<b>2013</b>			
01/10/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 4,191.97
01/17/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 6,196.23
01/17/13		JC CANNISKARO	VERIZON DETAIL 891.17
01/24/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 6,008.10
01/31/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 5,505.81
01/31/13		FIFTY WASHINGTON ST ASSOC	50 WASHINGTON ST 1,045.79
01/31/13		MICHEAL O'DONNELL	15-17 WINTHROP ST 786.54
02/11/13		FIFTY WASHINGTON ST ASSOC	50 WASHINGTON ST 5,505.81
02/11/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 5,505.81
02/16/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 5,505.81
02/16/13		FIFTY WASHINGTON ST ASSOC	50 WASHINGTON ST 5,505.81
02/16/13		CHATEAU ESTATES ACQUISITION	103 HART ST 388.87
02/23/13		JEFFERSON DEVELOPMENT	WHITTENTON MILLS 5,894.68
02/23/13		FIFTY WASHINGTON ST ASSOC	50 WASHINGTON ST 5,894.68
			58,827.08
		OUTSTANDING ALL	287,695.45
		HIGEST BALANCES DUE:	
		MICHAEL O'DONNELL	161,595.13
		JEFFERSON DEVELOPMENT DUE	95,561.86
		FIFTY WASHINGTON STREET	17,952.09



City of Taunton  
LAW DEPARTMENT

141 Oak Street  
Taunton, Massachusetts 02780  
Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

February 22, 2013

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

**RE: City of Taunton et al. v. Michael O'Donnell et al.  
Southeastern Division of the Housing Court, Docket No. 10-CV-00127**

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Dear Mayor Hoye and Members of the Municipal Council:

As you are aware, the trial of this matter was held late last summer. Enclosed please find a copy of Judge Chaplin's decision that I received today. As you can see, the Court has ordered the Defendant in this case to perform substantial work to the building located at 107-111 Main Street to ensure its structural integrity.

This decision represents a significant legal victory for the City of Taunton. Please know that the Law Department will remain steadfast in ensuring that the Defendant complies with this order.

I wish to thank, among others, Building Inspector Robert Pirozzi and Fire Captain Robert Bastis for their perseverance and hard work in obtaining this result.

Very truly yours,

  
Jason D. Buffington, Esq.  
City Solicitor

11 Bob Bastard  
Bob Bastard 51

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT

BRISTOL, SS  
PLYMOUTH, SS

HOUSING COURT DEPARTMENT  
SOUTHEASTERN DIVISION  
Docket No. 10-CV-00127

\*\*\*\*\*

City of Taunton Fire Department and \*  
City of Taunton Building Department, \*  
PLAINTIFFS \*  
\*  
\*

v. \*  
\*  
\*

Michael O'Donnell, Trustee of \*  
Boston Financial Trust, and \*  
Michael O'Donnell individually \*  
DEFENDANT \*  
\*

\*\*\*\*\*

ORDER

After hearing on the **Plaintiffs' Motion For Order Requiring Repairs**, the Court rules  
as follows:

The plaintiffs and the defendant Michael O'Donnell individually ("O'Donnell") have  
each engaged the services of structural engineers in this action, Jack A. Wood, P.E. for the  
plaintiffs and John Spink, P.E. for the defendant O'Donnell, for the purpose of determining the  
scope of repairs that are required in order to bring the building located at 107-111 Main Street,  
Taunton, MA ("the building") up to the applicable building codes. The Court finds that Mr.  
Wood has submitted a report dated January 24, 2012 ("**Wood Report**") and Mr. Spink has  
submitted reports dated May 16, 2010 ("**Spink Report I**") and January 28, 2012 ("**Spink Report  
II**") , setting forth the scope of work required. The Court credits the testimony of Mr. Wood and  
Mr. Spink at the various hearings in this action, and credits the opinions of each structural



6.

engineer on the scope of work that is required to be performed at the building, as set forth in their Reports. Accordingly, the **Plaintiffs' Motion For Order Requiring Repairs** is **ALLOWED** on the following terms and conditions:

The defendant O'Donnell individually shall obtain all necessary building permits prior to the commencement of any work on the building, and all work shall be performed in accordance with all applicable laws and codes.

The defendant O'Donnell individually shall cause the following inspections to be made and the following work to be performed upon the building:

1. Prior to the commencement of any work, the outside of the building, including the roof, shall be inspected by the contractor for any unsecured pieces of material that pose a risk of falling from the building and all materials shall be correctly and safely secured forthwith. In addition, the entire building shall be inspected by the contractor for the purposes of detecting any deterioration or missing elements that could cause any materials to fall from the building. Any repairs necessary to prevent materials from falling from the building shall be made forthwith.

2. The exterior brick work over the arched opening on the Leonard Court side of the building shall be inspected by the contractor to determine the cause of the failure and appropriate remedial action. At a minimum, the two (2) window lintels shall be replaced, the brick work beside and above the windows shall be rebuilt and the brick work in and around the windows shall be repointed. (**Wood Report; Spink Report II**).

3. A mason shall check all stone foundation work and point any joints as needed. (**Spink Report I at 1**). A mason shall point the brickwork and mortar joints. (**Spink Report I at 1**). A mason shall point the brickwork to keep the envelope of the building weathertight. (**Spink**

**Report I at 1-2).** A mason shall review the exterior of the building and replace any deteriorating or missing mortar. The missing bricks shall be filled in with brick to remove the potential for future water/freeze damage. (**Spink Report I at 2**). Additionally, a mason shall reset any loose brick.

4. The brick wall on the west side of the building shall be repaired. The repair shall be performed in accordance with the recommendations contained in the **Spink Report I at 2**, including, by way of illustration and not of limitation, the construction of a temporary support structure to support the roof above the damaged area, the removal of the affected brickwork, removal of the deteriorated roof structure timbers, reconstruction of the brick wall, reconstruction of the timber roof and replacement of the roofing and flashing as needed. (**Spink Report I at 2**).

5. The steel support columns in the front of the building shall be tested for thickness. If the columns are found to be sufficiently thick, then they should be cleaned by wire brushing or sand blasting and coated with paint or epoxy to create a waterproof protective layer. The columns shall then be covered again with a watertight facade. If, however, the columns are found to be of insufficient thickness, they shall be replaced in accordance with the recommendation contained in the **Spink Report I at 3**.

6. The third floor ceiling over the stage and the roof above the stage shall be repaired. The repairs shall be made either as set forth in the **Spink Report I at 4-5** or by the construction of a stud wall with sheathing on both sides. (**Wood Report; Spink Report II**).

7. The fourth floor shall be repaired. (**Spink Report I at 4-5**). The flooring along the front edge of the building on the fourth floor shall be repaired and replaced. The damaged flooring shall be removed. A rim board shall be attached to the front wall. New flooring shall be

8.

installed. (**Spink Report I at 5**). In addition, new anchors shall be placed on the front wall and tied to the floor framing. New ceiling sheathing shall be added to create a floor diaphragm.

(**Wood Report; Spink Report II**).

8. The roof shall be repaired to make it weatherproof. (**Spink Report I at 4**). The roof shall be repaired along the front west corner of the building. The material at the wall roof interface shall be repaired forthwith. (**Spink Report I at 5**). The wall roof interface along the eastern side of the building shall be repaired. Repairs at the front west corner and along the eastern wall shall include sistering the existing roof rafters with the same size timbers and replacing any sill plate material as needed.

9. The bay window at the northeast corner facing east shall be repaired or removed. (**Spink Report I at 5-6**).

10. The floor on the first floor west side approximately halfway back shall be repaired. The repair shall include removal of the rug and floorboards and replacement of the floorboards with new floorboards/deck to match the thickness of the existing floorboards. (**Spink Report I at 2-3**).

11. All work listed in paragraphs 2 through 10 of this Order shall be completed within five (5) months of the date of this Order.

  
ANNE KENNEY CHAPLIN  
FIRST JUSTICE

Date: February 20 , 2013

cc: Jason D. Buffington, Esq.  
Michael O'Donnell, Trustee  
Boston Financial Trust  
Michael O'Donnell, individually



City of Taunton  
LAW DEPARTMENT

141 Oak Street  
Taunton, Massachusetts 02780  
Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

February 22, 2013

Honorable John McCaul, President  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton MA 02780

**RE: Collective Bargaining Memoranda of Agreement**

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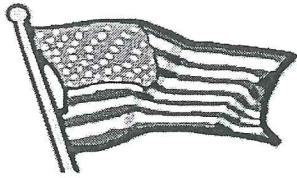
Dear President McCaul and Members of the Municipal Council:

Enclosed please find the three signed Memoranda of Agreement between the City and the following three collective bargaining entities: (1) Taunton Police Patrolmen's Association, (2) Taunton Police Supervisory Personnel Association, and (3) Taunton Fire Fighters, Local 1391, IAFF.

I respectfully request that you approve the funding required for the implementation of these memoranda of agreement.

Very truly yours,

Jason D. Buffington, Esq.  
City Solicitor



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2013 FEB 21 P 3:31

TAUNTON, MA

\_\_\_\_\_  
CITY CLERK

FEBRUARY 26, 2013

HONORABLE THOMAS C. HOYE, JR., MAYOR  
COUNCIL PRESIDENT JOHN M. McCAUL  
AND MEMBERS OF THE MUNICIPAL COUNCIL

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, FEBRUARY 26, 2013 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 PM.

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 PUBLIC PROPERTY

1. MEET WITH BUILDING SUPERINTENDENT WAYNE WALKDEN AND ATTORNEY ALAN MEDEIROS REGARDING EASEMENTS AND WALKER SCHOOL PROPERTY
2. MEET WITH BUILDING SUPERINTENDENT WAYNE WALKDEN TO DISCUSS HIS ANNUAL PUBLIC BUILDING CONDITION REPORT FOR 2013
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 OF THE COUNCIL AS A WHOLE**

1. MEET FOR A PRE-REVIEW HEARING ON SPECIAL PERMIT FOR ENTERTAINMENT IN CONJUNCTION WITH AN ART SPACE AT 3 TRESCOTT STREET LOCATED IN THE CENTRAL BUSINESS DISTRICT.
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**

RESPECTFULLY SUBMITTED;



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES