



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

~  
**FEBRUARY 3, 2015 – 7:00 PM**

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING: NONE**

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

- Appointment of Steven F. Figueiredo to the Zoning Board of Appeals

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1-18 Com. from City Solicitor – Procedures to follow in order to deny, revoke, or suspend local licenses and permits for failure to pay municipal financial obligations
- Pg. 19-20 Com. from Superintendent of Buildings – Notifying of School Buildings – Exterior Lighting Inventory

**COMMUNICATIONS FROM CITIZENS**

- Pg. 21 Com. from Gerard Perry, Director of Accounts, Massachusetts Department of Revenue, Division of Local Services – Notification of Free Cash approval - Taunton
- Pg. 22 Com. from Brian Gillis, Field Engineer, Columbia Gas of Massachusetts, 995 Belmont St., Brockton – Columbia Gas of Massachusetts Roadway Moratorium Excavation Washington St. @ Avon St. Intersection
- Pg. 23 Com. from Deborah Carvalho, Hart St., Taunton – Expressing gratitude
- Pg. 24-25 Com. from Richard Tabczynski, Vice President, Atlandic Design Engineers, Inc., P.O. Box 1328, Hyannis, MA – Requesting a waterline extension

**PETITIONS**

RECEIVED  
CITY CLERK'S OFFICE  
2015 JAN 30 A 10:09  
TAUNTON, MA  
CITY CLERK

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND RESOLUTIONS**

**NEW BUSINESS**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read "Rm Blackwell". The signature is written in a cursive, somewhat stylized font.

**Rose Marie Blackwell**

**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

January 21, 2015

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

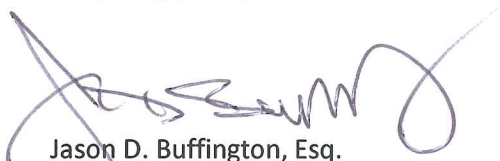
**RE: Procedures to Follow in Order to Deny, Revoke, or Suspend Local Licenses and Permits for Failure to Pay Municipal Financial Obligations**

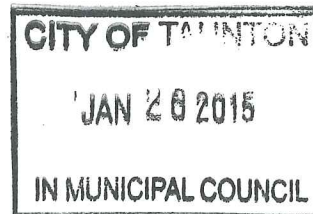
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Dear Mayor Hoye and Members of the Municipal Council:

At the January 20, 2015 meeting, the Municipal Council requested that the Law Department provide guidance on this matter. Attached to this letter please find the Law Department's February 5, 2013 legal opinion on this issue and the ordinance passed by the Council on March 5, 2013.

Very truly yours,

  
Jason D. Buffington, Esq.  
City Solicitor

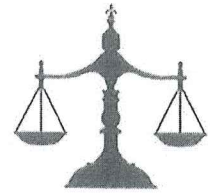


*Move to next week's  
Agenda (2-3-2015)  
Jennifer Regan  
Asst. City Clerk*



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 5, 2013

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

**RE: Legal Opinion re: Denial, Revocation, or Suspension of Local Licenses and Permits  
for Failure to Pay Municipal Taxes or Charges**

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Dear Mayor Hoye and Members of the Municipal Council:

The Municipal Council voted to refer the above-referenced matter to the Law Department for a legal opinion. After a great deal of research, I am happy to provide to you the following opinion, with applicable legal citations, as well as recommendations for changes to the manner in which the City currently operates.

**Existing Local Ordinances**

I have located four separate sections of the Revised Ordinances of the City of Taunton that are applicable to this discussion:

1. Section 4-43: Tax Status Form (adopted in 2009): This ordinance states as follows:

Notwithstanding the provisions of any other section of the Ordinances, no application for a permit, license or zoning variance shall be granted to any person, business, charity, corporation or association if the

applicant or the owner of the property upon which the business is located has any delinquent municipal tax, fee or other municipal charges, whether or not the same appears on a Tax Status Form.

- 2. Section 7-48: Penalty on Overdue Fire Detail Invoices (adopted in 2002, amended in 2004): Subsection 2 of this ordinance states as follows:

The local licensing authorities shall not issue, transfer or renew any existing license, permits for any individual, business, corporation, agency or unincorporated association who has unpaid detail monies due to the municipal corporation.

- 3. Section 18-71: Penalty on Overdue Police Detail Invoices (adopted in 2002, amended in 2004): Subsection 2 of this ordinance states as follows:

The local licensing authorities shall not issue, transfer, or renew any existing license, permits for any individual, business, corporation, agency or unincorporated association who has unpaid detail monies due to the municipal corporation.

- 4. Section 12-1: Licenses and permits; denial, revocation or suspension (adopted in 1986, amended in 2003, June 2004, and November 2004):

As this ordinance is too large to be reproduced verbatim herein, a copy of it is attached. Please note that this ordinance was first adopted in December 1986 and that the language of the ordinance, while not identical, is substantially similar to the language that appears within Section 57 of Chapter 40 of the Massachusetts General Laws. This statute is discussed further below.

**State Law**

The controlling state law is G.L. c. 40, § 57. This statute was inserted into the General Laws of Massachusetts by Chapter 640 of the Acts of 1985, which was passed by the Legislature and approved by the Governor on December 23, 1985. The title of said enactment was *An Act Relative to the Granting or Renewing of Certain Licenses and Permits in Cities and Towns*.

Since its codification in 1985, G.L. c. 40, § 57 has been amended in 1992, 1993, and 1996. A copy of the current version of this law is attached hereto. It is what is known as a local option statute.

Under this law, a city may by ordinance 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 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 21D assessments). Furthermore, G.L. c. 40, § 57 does not restrict the city from taking such action against only the applicant. The statute specifically contemplates that a city could take such similar action when the “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 ... on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.”

G.L. c. 40, § 57 mandates that any ordinance passed thereunder must contain certain provisions. Among them are:

- Creation of a list. The treasurer/collector must annually furnish to each licensing authority a list of those parties who have neglected or refused to pay municipal charges for not less than a twelve month period. This means that, in order to be on the list, a party must be at least one year late in paying some municipal charge. Further, a party cannot be placed on the list if that party has filed in good faith a pending application for abatement of a tax or a petition before the appellate tax board. G.L. c. 40, § 57 (a).
- Grant of authority to deny, revoke or suspend a license or permit. The ordinance must provide that the licensing authority “may” deny, revoke, or suspend any license or permit when the applicant or property owner appears on the list. The ordinance cannot mandate an automatic disqualification just because the applicant or property owner appears thereon. G.L. c. 40, § 57(b).
- Written Notice. The licensing authority must give written notice to the party and the treasurer/collector that it is considering taking adverse action as a result of the party’s name appearing on the list. Id.
- Hearing. The licensing authority must afford the party a hearing at least 14 days after the written notice is issued. At the hearing, the list would constitute *prima facie* evidence for the denial, revocation or suspension of a license or permit to any party. The treasurer/collector must be given the right to intervene in any such hearing. In the event that, after the hearing, the licensing authority denies, suspends, or revokes a license or permit, the same may not be reissued until the

licensing authority receives a certificate from the treasurer/collector that the party has come into good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the city as the date of issuance of the certificate<sup>1</sup>. Id.

- Payment Agreement. The statute states that “any party shall be given an opportunity to enter into a payment agreement...” This would allow the licensing authority to issue limitations to the license or permit and the validity of the license or permit would be expressly conditioned upon the satisfactory compliance with the agreement. Failure to comply with the agreement would constitute grounds for suspension or revocation, so long as written notice and a hearing were provided as aforesaid. G.L. c. 40, § 57(c).
- Authority to Waive Denial, Suspension or Revocation if only Property Owner Delinquent and No Business Interest by Property Owner in Activity Proposed to be Permitted/Licensed on Property. The law states that, if a local licensing authority denies a permit or license to an applicant due to the property owner owing municipal charges, then the Municipal Council<sup>2</sup> “may waive” the denial of the permit or license “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 ... in the business or activity conducted in or on said property<sup>3</sup>.” G.L. c. 40, § 57(d).

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<sup>1</sup> This provision makes it clear that, while a party must be “not less than” twelve months behind on some municipal tax or charge in order to appear on the list, once the local licensing authority denies, suspends, or revokes a permit or license in accordance with G.L. c. 40, § 57, the license or permit could not be reissued until that party receives a dated certificate from the tax collector stating that the party is in good standing on all municipal charges as of the date of the certificate, including all charges due and owing in the current year.

<sup>2</sup> The exact language of the statute provides that “the board of selectmen may waive such denial...” However, under G.L. c. 39, § 1, “boards of aldermen shall have the powers, perform the duties and be subject to the liabilities of selectmen, except with respect to appointments...” G.L. c. 39, § 1 also provides that “in cities having a single legislative board other than a board of aldermen, such board shall ... have the powers, perform the duties and be subject to the liabilities of the board of aldermen.” Under G.L. c. 4, § 7, clause the First, “board of aldermen ... shall, in a city which has no such body..., mean the board ... having like powers and duties.” Taunton does not have a board of alderman, but does have a single legislative board known as the Municipal Council. Thus, the power conferred by G.L. c. 40, § 57(d) to the “board of selectmen” would be exercised in Taunton by the Municipal Council.

<sup>3</sup> This provision essentially gives the Municipal Council the authority to override the denial, suspension, or revocation of a license or permit by another local licensing authority in the event that the other local licensing authority has taken adverse action on an applicant under G.L. c. 40, § 57 due solely to the fact that the owner of the property owes municipal charges. In order to override the other local licensing authority’s adverse action for

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- Certain Licenses Exempt from Law. The law states that the following licenses and permits cannot be denied, suspended, or revoked on the basis of non-payment of municipal charges:
  - Open burning permit under G.L. c. 48, § 13
  - Bicycle permit under G.L. c. 85, § 11A
  - Sales of articles for charitable purposes under G.L. c. 101, § 33
  - Child work permits under G.L. c. 149, § 69
  - Licenses to clubs or associations dispensing food or beverages under G.L. c. 140, § 21E
  - Dog licenses under G.L. c. 140, § 137
  - Licenses for hunting, trapping, and fishing under G.L. c. 131, § 12
  - Marriage licenses under G.L. c. 207, § 28
  - Permits for theatrical events and public exhibitions under G.L. c. 140, § 181
  
- Local Option to Exclude Any Other Local License or Permit from this Procedure. Finally, G.L. c. 40, § 57 states that the City could, in its discretion, delineate by ordinance any additional local licenses or permits to the list of those that cannot be denied, suspended, or revoked on the basis of non-payment of municipal charges.

Discussion

1. Local Acceptance of G.L. c. 40, § 57

As an initial matter, G.L. c. 40, § 57 is a local option statute and only becomes effective in those cities and towns that have officially accepted it. G.L. c. 40, § 57 does not appear in the "Table of statutes and General Laws which have been accepted," as appearing in the most recent version of the city ordinance book published in 2010.

The City Clerk informs me that she has located no specific record of G.L. c. 40, § 57 having being accepted by the City. However, at the same time, she has provided me with the minutes of the September 15, 1986 Municipal Council meeting at which Chapter 640 of the Acts of 1985 were accepted by the City.

G.L. c. 4, § 4 provides for the mode of acceptance of a statute by a municipality. In pertinent part, this law provides as follows: "Wherever a statute is to take effect upon its

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that reason, the Municipal Council must specifically find that "there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family ... in the business or activity conducted in or on said property."



acceptance by a municipality ..., or is to be effective in municipalities ... accepting its provisions, this acceptance shall be, ... in a municipality, by vote of its legislative body, subject to the charter of the municipality....”

G.L. c. 40, § 57 provides that “Any city or town which accepts the provisions of *this section* may ... by ordinance deny any application...” (emphasis added). In enacting G.L. c. 40, § 57, the Legislature required municipalities to accept “this section.” While it seems clear that the Municipal Council intended to accept G.L. c. 40, § 57 on September 15, 1986, it did not specifically do so. For purposes of clarity<sup>4</sup>, it is the recommendation of this office that the Municipal Council adopt an order in the very near future formally accepting the provisions of G.L. c. 40, § 57.

2. Conflicts with State Law

It is black-letter law that municipalities may not adopt by-laws or ordinances that are inconsistent with state law. Boston Gas Co. v. Newton, 425 Mass. 697 (1997). See also § 15.16, Randall and Franklin, *Municipal Law*, Massachusetts Practice Series (5<sup>th</sup> ed., 2006). Further, when an ordinance and a statute relate to a matter that is fully, exclusively and validly covered by the statute, the municipal ordinance cannot prevail. See generally, Doherty v. Woburn, 345 Mass. 523 (1963), Dudley v. Cambridge, 347 Mass. 543 (1964), Bartley v. Town of Watertown, 350 Mass. 622 (1966), Del Duca v. Town Administrator of Methuen, 368 Mass. 1 (1975), and Boston Edison Co. v. Town of Bedford, 444 Mass. 775 (2005).

In the current situation, G.L. c. 40, § 57 not only provides municipalities with the authority to deny, suspend, or revoke local permits and licenses for non-payment of municipal taxes and charges, it specifically sets forth the manner and procedure which must be followed in the event a municipality wishes to exercise this authority. Furthermore, G.L. c. 40, § 57 states that any municipality who wishes to exercise this authority must pass an ordinance to do so and mandates that any such ordinance contain certain specific requirements. Therefore, in order for such an ordinance to be lawful, it cannot be inconsistent with the plain terms of G.L. c. 40, § 57.

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<sup>4</sup> This should in no way be construed to be an admission that the City has not accepted the provisions of G.L. c. 40, § 57. The Municipal Council clearly intended to do so in September of 1986 when it voted to accept Chapter 640 of the Acts of 1985, prior to enacting an ordinance mirroring G.L. c. 40, § 57 that would eventually become § 12-1. This opinion merely sets forth a recommendation to the Mayor and Municipal Council that, for purposes of clarity, an official acceptance of G.L. c. 40, § 57 should be performed.

For the reasons set forth herein, it is the opinion of this office that §§ 4-43, 7-48(2), and 18-71(2) of the Revised Ordinances of the City of Taunton are all inconsistent with G.L. c. 40, § 57 and are therefore unlawful and unenforceable under Massachusetts law. This office recommends that all local licensing authorities, including the Municipal Council, immediately cease the enforcement of these ordinances. These ordinances should also be officially repealed.

Section 4-43, entitled Tax Status Form, purports to prohibit the grant of a license or permit to any party "if the applicant or the owner of the property ... has *any delinquent municipal tax, fee or other municipal charges...*" (emphasis added). The language from this ordinance that I have set forth in italics is in direct conflict with the mandatory terms of G.L. c. 40, § 57(b), which, prior to authorizing<sup>5</sup> a denial, suspension, or revocation of a permit or license for this reason, requires the party's name to be on a certain list. Furthermore, G.L. c.40, § 57(b) requires this list to be furnished by the treasurer/collector and, in order to be placed on such list, the party must have "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..." (emphasis added). In failing to require the mandated list and in failing to require a municipal charge to be no less than twelve months old prior to taking adverse action, Section 4-43 runs afoul of G.L. c. 40, § 57.

Section 4-43, by mandating the denial of permits and licenses whenever municipal charges are owed, also violates state law by (1) failing to provide applicants written notice, (2) failing to provide applicants a hearing and the opportunity to be heard prior to a denial, (3) failing to provide parties the opportunity to enter into a payment agreement, (4) failing to provide an applicant the opportunity to demonstrate that the property owner who owes municipal charges has no business interest in the activity to be conducted by the applicant, and (5) failing to exempt the required permits and licenses required to be exempted by law. All of these things are specifically required by G.L. c. 40, § 57.

Sections 7-48(2) and 18-71(2) of the Revised Ordinances also violate state law. These ordinances purport to prohibit local licensing authorities from issuing, transferring, or renewing licenses or permits to any party "who has unpaid detail monies due to the municipal corporation." These ordinances are inconsistent with G.L. c. 40, § 57, for the same reasons cited with respect to § 4-43 of the Revised Ordinances.

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<sup>5</sup> G.L. c. 40, § 57(b) uses permissive language in that a licensing authority "may" deny, revoke, or suspend a license or permit under certain delineated circumstances. Contrast that with the language of § 4-43 of the Revised Ordinances which *prohibits* the grant of any license or permit under certain other circumstances.

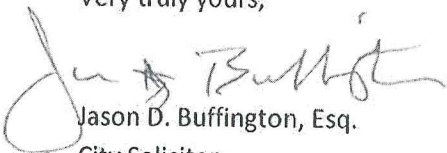
Conclusions and Recommendations

For the reasons set forth above, it is the opinion of this office that §§ 4-43, 7-48(2), and 18-71(2) of the Revised Ordinances of the City of Taunton conflict with G.L. c. 40, § 57 and are therefore unlawful and unenforceable under Massachusetts law. This office recommends the following course of action:

1. All local licensing authorities should immediately cease the enforcement of §§ 4-43, 7-48(2), and 18-71(2) of the Revised Ordinances of the City of Taunton.
2. The Municipal Council should repeal §§ 4-43, 7-48(2), and 18-71(2) of the Revised Ordinances of the City of Taunton.
3. The City should officially accept G.L. c. 40, §57.
4. The Municipal Council should amend § 12-1 of the Revised Ordinances of the City of Taunton to correct a few typographical errors and to otherwise take full advantage of the provisions of G.L. c. 40, § 57. Follow-up and coordination with the Treasurer/Collector, Police and Fire Departments, and all local licensing authorities will also be needed to ensure the effectiveness of this ordinance.
5. The Municipal Council should correct a minor typographical error<sup>6</sup> I discovered in §7-48(4) of the Revised Ordinances of the City of Taunton.

I would be happy to draft a proposed new ordinance to accomplish these objectives, should you so desire. Thank you, as always, for allowing the Law Department to be of assistance to you and the citizens of Taunton.

Very truly yours,



Jason D. Buffington, Esq.  
City Solicitor

Enclosures:

1. § 12-1, Revised Ordinances of the City of Taunton
2. G.L. c. 40, § 57

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<sup>6</sup> §7-48 is entitled "Penalty on Overdue Fire Detail Invoices." Subsection 4 of this ordinance incorrectly refers to "police details," when it should instead refer to "fire details."

## Chapter 12

### LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS"

- Art I. In General, secs 12-1--12-16
- Art II. Billiard Rooms, Poolrooms and Bowling Alleys, secs 12-17 - 12-36
- Art. III. Jukeboxes, secs 12-37-12-55
- Art. IV. Storage, Etc., of Flammables, secs 12-56--12-73
- Art. V. Hawkers and Peddlers, secs 12-74--12-94
- Art. VI. Junk, Old Metal, Antiques and Secondhand Articles, secs 12-95-12-122
- Art. VII. Lunch Carts, secs 12-123--12-140
- Art. VIII. Newsboys, secs 12-141-12-157
- Art. IX. Pawnbrokers, secs 12-158-12-178
- Art. X. Public Service Vehicles, secs 12-179--12-214
- Art. XI. Sale of Secondhand Motor Vehicles, secs 12-215--12-227
- Art. XII. Uniform Commercial Code Filings, secs 12-228--12-239
- Art. XIII. Sidewalk Cafes, secs 12-240--12-250

#### ARTICLE I. IN GENERAL

##### Sec. 12-1, Licenses and permits; denial, revocation or suspension .

(a) The treasurer/ collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, police details, fire details or proceeds from the sale of official City of Taunton waste bags and other municipal charges, hereinafter referred to as the "treasurer/collector," shall furnish on a quarterly basis, and at any and all other times as directed by the Municipal Council, 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, police details, fire details or proceeds from the sale of official City of Taunton waste bags or other municipal charges for not less than 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.

\*Cross references-Inspector of weights and measures, Ch. 2, Art. III, Div. 7;use of streets for advertising purposes. sec; 13-16.  
State law reference-License generally, M.G.L.A., c. 140.

(b) 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; 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 (14) 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

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relevant to or introduced in any other 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, police details, fire details or proceeds from the sale of official City of Taunton waste bags or other municipal charges payable to the City of Taunton as the date of issuance of said certificate.

(c) 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 is given notice and a hearing as required by applicable provisions of law.

(d) 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 the immediate family, as defined in M.G.L. Chapter 268, Section 1, in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits:

<i>Licenses or Permits for</i>	<i>Chapter/ Section</i>	
(1) Open burning	48	13
(2) Bicycles permit	85	11A
(3) Sales of articles for charitable purposes	101	33
(4) Children work permits	149	69
(5) Clubs, associations dispensing food or beverages	140	21E
(6) Dog licenses	140	37
(7) Fishing, hunting and trapping licenses	131	12
(8) Marriage licenses	207	28
(9) Theatrical events and public exhibition permits	140	181

(Ord. of 12-28-86, secs 1—5; Ord of 1-14-2003 Ord of 6-1-2004; Ord of 11-9-2004)

Editor's note--The provisions of an ordinance adopted Dec. 23, 1986, were not enacted as a specific amendment or addition to the Code, and hence are included herein as a new sec 12-1 at the editor's discretion.

State law reference-See Ch. 641 of the Acts of 1985.

**Sec 12-2 Closing Hours for Commercial Establishments**

(a) Generally. No shops, stores, or other places of trade or entertainment shall be kept open between 1:00 a.m. and 4:00 a.m., except as hereinafter provided.

(b) Licensing exceptions. Licensed taverns, drugstores, hotels, motels, gasoline stations, self-service laundries, restaurants, and such other businesses as may be approved by the Municipal Council, may keep open between the hours of 1:00 a.m. and 4:00 a.m., provided that a permit therefor has been obtained from the Municipal Council, and further provided that the operation of

Classification of real property, see c. 59, § 2A.  
 Electrical generation facilities, inclusion in tax base, see c. 59, § 38H.

**American Law Reports**

Requirement of full-value real property taxation assessments. 42 ALR4th 676.

**Law Review and Journal Commentaries**

Real estate taxation, legislation, classification amendment. Richard A. Goren, 26 Ann. Surv.Mass.L. 478 (1979).  
 Local property taxation: 1979 classification legislation. Edward F. Hines, Jr. (1980) 24 Boston B.J. No. 6, p. 5.  
 A new system of property taxation. Richard A. Goren (1980) 65 Mass.L.Rev. 209.

**Library References**

Municipal Corporations §970 et seq.  
 Towns §58.  
 C.J.S. Municipal Corporations § 2042.  
 C.J.S. Towns § 162.  
 Local taxation, other duties of assessors, see M.P.S. vol. 18B, Randall and Franklin, § 1587.  
 Texts and Treatises  
 72 Am Jur 2d, State and Local Taxation §§ 704-718.  
 22 Am Jur Pl & Pr Forms (Rev), State and Local Taxation, Forms 1 et seq., 11 et seq.

**Comments.**

Local taxation, allocation of levy, see M.P.S. vol. 18B, Randall and Franklin, § 1673.

**Notes of Decisions**

**In general 1**

**1. In general**

Reliance by board of assessors on certified valuations for three-year period despite increase in property values did not constitute deliberate scheme of disproportionate assessment, and, thus, owners of rent controlled apartment buildings were not entitled to tax relief on basis

of disproportionate assessment, even though apartment buildings had been assessed at higher percentage of fair cash value than single-family homes during three-year period, in absence of any evidence that apartment buildings were less affected by escalating market than were single family residences. *Brown v. Board of Assessors of Brookline* (1997) 682 N.E.2d 1373, 43 Mass.App.Ct. 327, review granted 686 N.E.2d 200, 426 Mass. 1102.

**LICENSES AND PERMITS OF DELINQUENT TAXPAYERS**

*Caption editorially supplied*

**§ 57. Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges**

Any city or town which accepts the provisions of this section, may by by-law or ordinance 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, department 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 section twenty-one D 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

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**CITIES AND TOWN**

on or about real estat taxes, fees, assessment law or ordinances sha

(a) The tax collecto municipal taxes, asses after referred to as the board, commission or ty, that issues licenses person, corporation, c that has neglected or ments or other munic that such party has abatement of such ta

(b) The licensing a permit, including ren said list furnished to respect to any activi license or permit and or is to be carried ou whose name appears tax collector; provide the tax collector, as r given a hearing, to t Said list shall be pri said license or permi intervene in any hear tion or suspension. 1 to such license deni purposes of such pro other proceeding at revocation or suspens under this section sh receives a certificate standing with respect or other municipal cl of said certificate.

(c) Any party shall ment, thereby allowi said limitations to the conditioned upon the comply with said agr of said license or pe and a hearing as requ

(d) The board of se if it finds there is no its officers or stockh

13

on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax 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.

(b) 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 tax 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 tax collector; provided, however, that written notice is given to the party and the tax 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 tax 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 tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) 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.

(d) The board of selectmen 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

5.

on: 1979 classification  
Hines, Jr. (1980) 24

duties of assessors, see  
Randall and Franklin,

and Local Taxation

(Rev), State and Local  
et seq., 11 et seq.

essment, even though  
been assessed at high-  
ish value than single-  
ee-year period, in ab-  
at apartment buildings  
scalating market than  
nces. *Brown v. Board*  
ie (1997) 682 N.E.2d  
:7, review granted 686  
02.

PAYERS

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a building permit,  
ers issued by any  
usiness enterprise,  
essments, better-  
:essed under the  
activity, event or  
id which activity,  
out or exercised

defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

Added by St.1985, c. 640. Amended by St.1992, c. 286, § 117; St.1993, c. 408, §§ 1, 2; St.1996, c. 74, §§ 1, 2.

Historical and Statutory Notes

St.1985, c. 640, was approved Dec. 23, 1985.

St.1992, c. 286, § 117, an emergency act, approved Dec. 23, 1992, in the first paragraph, in par. (d), substituted "sixty-eight A" for "sixty-eight".

St.1993, c. 408, § 1, approved Jan. 10, 1994, in the first paragraph, in the first sentence, added "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".

Section 2 of St.1993, c. 408, in the first paragraph, in par. (b), in the first sentence, inserted "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 tax collector".

St.1996, c. 74, § 1, approved April 26, 1996, in the first paragraph, in the first sentence, inserted "a building permit, or".

Section 2 of St.1996, c. 74, in the first paragraph, in the first sentence, inserted ", including amounts assessed under the provisions of section twenty-one D".

Library References

- Licenses ⇨38.
WESTLAW Topic No. 238.
C.J.S. Agriculture § 4.5.
C.J.S. Architects § 10.
C.J.S. Licenses §§ 48, 50 to 63.

Comments.

Licenses and permits, unpaid local taxes and charges, see M.P.S. vol. 18, Randall and Franklin, § 434.

MUNICIPAL CHARGES LIENS

Caption editorially supplied

§ 58. Municipal charges lien

Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said

14

lien shall be known vote at a town meeting charge or fee.

A municipal charge the recording of a and by the name of deeds of the county

If a charge or fee unpaid when the assessment committed under section charge of the collector taxes, if applicable to such charge or fee to the tax on the property to the collector of taxes

If the property to or fee shall be collected discharged by filing charges or fees collected thereon, have been a lien under this section Added by St.1987, c. 6

St.1987, c. 626, approved Dec. 30, 1987.

Superiority of special or creating such special

Municipal Corporation WESTLAW Topic No. C.J.S. Municipal Corporation

Comments. Financial admin charges lien, see M and Franklin, § 14

Tax increment financing seq.





**CITY OF TAUNTON**

**In the year two thousand and thirteen**

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

**Chapter 4  
Buildings**

**Chapter 7  
Fire Prevention  
And Protection**

**Chapter 12  
Licenses and  
Miscellaneous  
Business Regulations**

**Chapter 18  
Police**

*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>Citation to License/Permit</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.

City of Taunton

Presented to the Mayor and Approved:

In Municipal Council

First Reading: 2/12/2013

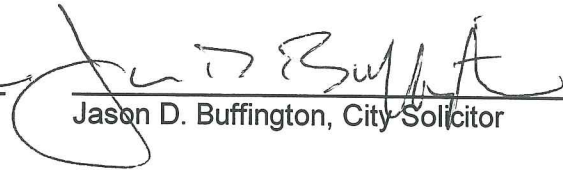
  
\_\_\_\_\_  
Thomas C. Hoye, Mayor

Second Reading: 2/26/2013

Passed to be Ordained: 3/5/2013

Approved as to Form and Character:

  
\_\_\_\_\_  
Rose Marie Blackwell, City Clerk

  
\_\_\_\_\_  
Jason D. Buffington, City Solicitor

19.

# 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](mailto:wwalkden@taunton-ma.gov)

January 30, 2015

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

Re: **SCHOOL BUILDINGS – EXTERIOR LIGHTING INVENTORY**

Dear Mayor and Councilors:

At a regular meeting of the Municipal Council held on Tuesday, January 6, 2015 Councilor Croteau motioned to refer to the Building Department, School Department, and TMLP for an inventory of all outside lighting at all City schools as it gets dark early and it is a dangerous situation that needs to be corrected as soon as possible.

The following is my response on behalf of the Building Department:

On January 23, I issued the following email to John Cabral:

John,

I recently received a notification by the Municipal Council addressed to you as well with reference for an inventory of all outside lighting at all City schools, also commenting on the dangerous situation that needs to be corrected as soon as possible.

I am unaware of any dangerous conditions that exist at any of the schools at this time due to lighting. I am aware that you have an inventory for the outdoor lighting. I assume TMLP has an inventory for their poles and lights as well. The Building Department does not maintain the inventory; however does respond to work order requests corresponding to light poles identified by number within Facility Dude by the School Department. The Building Department will continue to make repairs to light issues that are reported to us through the current work order system.

I will offer this email as my response to the Council unless you or TMLP would like to provide additional comment. Thank you.

Wayne E. Walkden  
Superintendent of Buildings  
City of Taunton  
141 Oak Street (Temporary Govt Offices)  
Taunton, MA 02780

Telephone: 508-821-1015  
Email: [wwalkden@taunton-ma.gov](mailto:wwalkden@taunton-ma.gov)

20.

John Cabral replied that "The school custodians are performing their quarterly lighting audits. My secretary Anne will compile the lists and send to Dave. This process has worked well."

After speaking with Building Department, Head Electrician, Dave Ingargiola, we remain unaware of any outstanding issues with exterior lighting. Again, the light pole inventory is maintained by the School Department and has not been shared with the Building Department. We remain committed to make repairs to the exterior lighting as reported to us by the School Department. I trust you will find this explanation consistent with current conditions at the schools.

Regards,

*Wayne E. Walkden*

Wayne E. Walkden  
Superintendent of Buildings

Cc: Julie Hackett, Supt of Schools  
John Cabral, Director of Operations  
Dave Ingargiola, Head Electrician

21.

Massachusetts Department of Revenue Division of Local Services  
Amy Pitter, Commissioner  
Joseph J. McDermott, Deputy Commissioner & Director of Municipal Affairs

Wednesday, January 14, 2015

Ann Hebert  
Auditor  
City of Taunton

Re: **NOTIFICATION OF FREE CASH APPROVAL - Taunton**

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2014 for the City of Taunton is:

General Fund		\$	6,372,917
Water Enterprise	Enterprise Fund	\$	2,484,007
Sewer Enterprise	Enterprise Fund	\$	1,734,750
Golf Enterprise	Enterprise Fund	\$	7,981
Nursing Home Enterprise	Enterprise Fund	\$	77,223

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,



Gerard D. Perry  
Director of Accounts

cc:

llabelle@taunton-ma.gov; astmayor@taunton-ma.gov; baugen@taunton-ma.gov; thoye@taunton-ma.gov; sdesan  
tis@taunton-ma.gov; ahebert@taunton-ma.gov

January 13, 2015

City of Taunton Mayor Tom Hoyer & Municipal Council  
Temporary City Hall  
141 Oak Street  
Taunton, MA 02780

**RE: Columbia Gas of Massachusetts Roadway Moratorium Excavation  
Washington St @ Avon St Intersection**

Dear Mr. Hoyer and Municipal Council:

Columbia Gas of Massachusetts (CMA) is proposing to complete a small gas main infrastructure replacement project at the intersection of Washington St and Avon St in conjunction with the construction completed during 2014 by the City of Taunton Phase 9 Infrastructure Upgrade project. The proposed work will involve the replacement of our existing low pressure cast iron leak prone gas main with approximately 90' of new low pressure HDPE plastic gas main.

To complete the overall scope of our project, CMA is requesting permission to cut into Washington St, currently under moratorium to install the new gas main and work this project during the month of January which would take approximately three days.

Upon being granted permission, CMA agrees to work closely with and communicate on a daily basis with the Taunton DPW on the projects status. 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 work this particular project during the winter months and perform excavation on Washington St. CMA is available to meet with the Council to discuss this request at its next scheduled meeting.

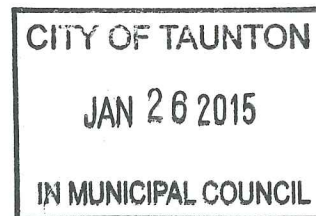
Should you have any questions, please do not hesitate to contact me at the office (508)-580-0100 ext. 1319 or by email at bgillis@nisource.com

Very truly yours,

Columbia Gas of Massachusetts

  
Brian Gillis  
Field Engineer

cc: file  
Fred Cornaglia (DPW)  
Tony Abreau (DPW)



move to next week's  
Agenda (2-3-2015)  
Jennifer Lopez  
Asst. City Clerk



23.

Wednesday, January 07, 2015

Temporary City Hall  
141 Oak Street  
Taunton, MA 02780

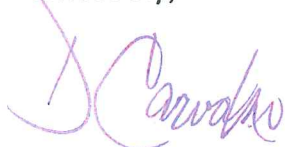
Good afternoon, Ms. Blackwell,

I got caught in the brief, but sudden, snow storm last Saturday (January 3<sup>rd</sup>), heading back to Taunton. The driving conditions on 24 South were treacherous and, frankly, frightening. Everyone was driving no faster than 40 mph, as the snow was accumulating and building up on the road rapidly. It was when I realized how much I was looking forward to getting to Taunton because our roads are always cleared so quickly.... making me to speed up to a whopping 42 mph to get there(!)....that I felt compelled to write this letter.

The Department of Public Works does such an incredible job in clearing our streets, giving me a real sense of safety driving within the Taunton city limits after it snows. With the severe winter weather conditions that we have to endure in New England, I can imagine how challenged our DPW is in getting our roads cleared quickly, making it safe for us to drive, but they never seem to fail. Please let each and every DPW staff member know how much I appreciate their hard work. Would you also be sure that this letter is read with the other "communications from citizens" at our next City Council Meeting, so that they are acknowledged publicly?

Thank you, Ms. Blackwell, and Happy New Year!

Sincerely,



Deborah Carvalho  
Hart Street, Taunton, MA

Cc: Fred Corngalia, Commissioner, Department of Public Works



DESIGN ENGINEERS, INC.

ENGINEERS & ENVIRONMENTAL SCIENTISTS



January 21, 2015

Mayor Thomas Hoye  
and Members of the Municipal Council  
City of Taunton  
141 Oak Street  
Taunton, MA 02780

**RE: Proposed Waterline Extension  
Cordial Road, Clayton Road, Mill Street  
Middleborough, MA  
ADE Project #2780.00**

Dear Mayor Hoye and Members of the Municipal Council:

We represent McLean Patrick Enterprises, the developers of a proposed 20,000 SF medical office facility at 15 Cordial Road in Middleborough, MA. By this letter, we are respectfully requesting, on behalf of McLean Patrick Enterprises, permission to extend the City of Taunton water system, approximately 1,600 feet to serve the proposed facility. The proposed 8" water main would be connected to an existing 8" main on Mill Street and extend northerly on Mill Street, westerly on Clayton Road and then northerly on Cordial Road to the project site. (See attached figure.)

The property is presently not served by any municipal water system and the Town of Middleborough presently does not serve this area of Town. The City of Taunton, however, does supply water to certain areas in this section of Middleborough, primarily along Route 44 and has approved extensions to serve properties on Mill Street in the past.

All work will be done to the City of Taunton Water Department specifications and any areas disturbed within the right of ways will be restored to existing conditions. Project costs will be paid for entirely by the developer, McLean Patrick Enterprises.

The Town of Middleborough Selectmen, at their meeting on 1/12/15, voted to allow this extension of the Taunton water system to serve this project.

If you have any questions, please do not hesitate to call me at (508) 888-9282. Thank you for your consideration in this matter and we look forward to working with you.

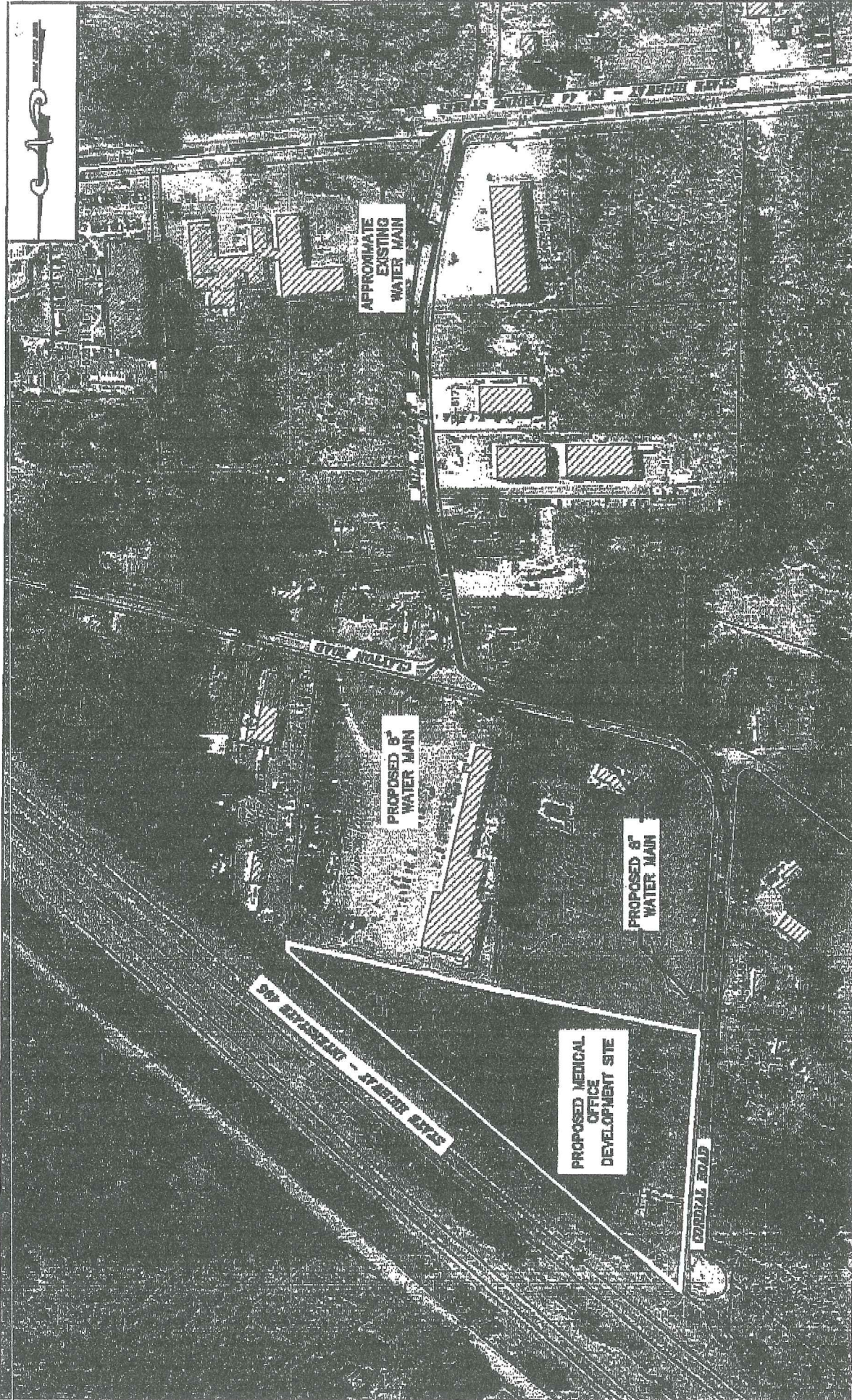
Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

  
Richard J. Tabaczynski, P.E.  
Vice President

cc. McLean Patrick Enterprises, P.O. Box 1328, Hyannis, MA 02601  
Robert G. Nunes – Middleborough Town Manager  
Christopher Peck – Middleborough Department of Public Works  
Cathal O'Brien – Taunton DPW, Water Division

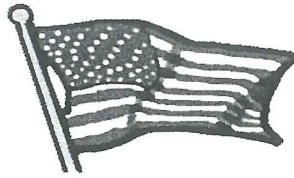
P.O. Box 1051  
Sandwich, MA 02563  
(508) 888-9282 • FAX 888-5859  
email: [ade@atlanticcompanies.com](mailto:ade@atlanticcompanies.com)  
[www.atlanticcompanies.com](http://www.atlanticcompanies.com)



**Atlantic** DESIGN ENGINEERS, INC.  
 P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

CONCEPTUAL WATER LINE EXTENSION PLAN  
 FOR  
**15 CORDIAL ROAD**  
 MIDDLEBOROUGH MASSACHUSETTS  
 JANUARY 22, 2015

Designed by : _____ Drawn by : _____ Checked by : _____ Survey chk. by : _____ Approved by : _____	SCALE 1" = 250'	PREPARED FOR: <b>CONSERV GROUP, INC.</b> 110 STATE ROAD SAGAMORE BEACH, MA 02562	FILE #2780.00-WATER-EXTENSION-FIGURE-COLOR SHEET 1 OF 1 JOB NUMBER <b>2780.00</b>
--	--------------------	---	--



FEBRUARY 3, 2015

HONORABLE THOMAS C. HOYE, JR., MAYOR  
COUNCIL PRESIDENT ESTELE BORGES  
AND MEMBERS OF THE MUNICIPAL COUNCIL

RECEIVED  
CITY CLERK'S OFFICE  
2015 JAN 30 A 9:47  
TAUNTON, MA  
CITY CLERK

**PLEASE NOTE:** *THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, FEBRUARY 3, 2015 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS*

5:30 P.M.

**THE COMMITTEE ON FINANCE & SALARIES**

1. MEET TO REVIEW THE WEEKLY VOUCHERS & 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*

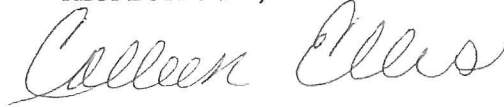
**THE COMMITTEE ON POLICE AND LICENSE**

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS TO OPERATE BETWEEN THE HOURS OF 1 A.M. AND 4 A.M. AS PER CITY ORDINANCE SEC. 12-2:
  - A. MAXI DRUG, INC. D/B/A RITE AID, 237 BROADWAY
  - B. TAUNTON MART, 1095 COUNTY STREET
  - C. TAUNTON SUNOCO RAPID REFILL, 231 BROADWAY
2. MEET WITH THE POLICE CHIEF, DETECTIVE SMITH AND THE CITY SOLICITOR TO DISCUSS TRANSFER OF CLASS II LICENSE FROM PREMIUM MOTORS, 340 WINTHROP STREET TO LEO'S AUTO SALES, 350R WINTHROP STREET
3. MEET TO INTERVIEW POLICE CANDIDATES
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

RESPECTFULLY,

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

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES