



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

~  
**FEBRUARY 4, 2014 – 7:00 PM**

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING:**

On the petition submitted by Attorney Jill A. Zajac on behalf of her clients, Harvey Street LLC, 490 Winthrop Street, Taunton and others for the acceptance of Brandy Lane as a public way

- Com. from City Engineer – Submitting a positive recommendation
- Com. from Chairman, Taunton Planning Board – Submitting a positive recommendation

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

Re-appointment of Renny Chapman, 125 West Lake Drive, Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Cornelius J. Kelly, 104 Partridge Circle, Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Steven Turner, 160 Seekell St., East Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of Ernest Enos, 47 Field St., Taunton to the Conservation Commission for a term of three (3) years expiring February 2017.

Re-appointment of David Tipping, 19 Briggs St., Taunton to the Mobile Home Park Eviction & Discontinuance Review Board for a term of two (2) years expiring February 2016.

Re-appointment of Benjamin Rosa, 450 Somerset Ave., Taunton to the Mobile Home Park Eviction & Discontinuance Review Board for a term of three (3) years expiring in February 2017.

RECEIVED  
CITY CLERK'S OFFICE  
2014 JAN 31 11:34  
TAUNTON, MA  
CITY CLERK'S OFFICE

## COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Administrator, Taunton Nursing Home – Requesting to transfer Free Cash
- Pg. 2 Com. from Assistant DPW Commissioner – Requesting additional funding
- Pg. 3-4 Com. from Water Supervisor – Requesting a transfer of funds
- Pg. 5 Com. from City Engineer – Requesting additional funding
- Pg. 6-10 Com. from Assessor – Requesting a transfer of funds
- Pg. 11-12 Com. from Director of Technology – Requesting to pay a prior year bill
- Pg. 13-14 Com. from Treasurer/Collector – Notifying of a Land Court decree
- Pg. 15-16 Com. from Treasurer/Collector – Notifying of a Land Court decree
- Pg. 17 Com. from Executive Director of Retirement – Notifying of a cancellation of a retirement
- Pg. 18 Com. from Assistant Director of Retirement – Notifying of a retirement
- Pg. 19 Com. from Fire Chief – Updating on 437 Whittenton Mills Fire Detail
- Pg. 20 Com. from Chairman, Zoning Board of Appeals –Increase in compensation
- Pg. 21 Com. from Chairman, Taunton Planning Board – Increase in compensation
- Pg. 22 Com. from Police Chief – Concerning Police Department new hires
- Pg. 23-24 Com. from Fire Chief – Extending Commendation for ice water rescue
- Pg. 25 Com. from Deputy Chief Dumont – Requesting Commendation
- Pg. 26-35 Com. from City Solicitor – George Ferreira et al. v. City of Taunton et. al

## PETITIONS

### Livery License

Petition submitted by Herbert Shoemaker, 24 Monroe St., Taunton requesting a **RENEWAL** of his 2012 and 2013 Livery License for Skip-A-Round Limousine, Inc. located at 24 Monroe St., Taunton (**1 Vehicle**)

**Hours of Operation License**

1. E-Z Clean Laundry Center, Inc. located at 89 Winthrop St., Taunton

**Claims**

Claim submitted by Judith Bruno, 46 Indian Cove, South Easton seeking reimbursement for damages to her vehicle from hitting a pothole on Tremont Street near Crapo and Wildwood Streets.

Claim submitted by Michael McCloud, 211 Copley Dr., Taunton seeking reimbursement for damages to his vehicle from hitting a pothole on Ingell Street between High Street and County Street.

Claim submitted by Alicia Rapojo, 110 Grant Ave., Somerset seeking reimbursement for damages to her vehicle from hitting a pothole on Cohannet Street near number 899.

Claim submitted by Jillian Ford, 3 General Cobb St., Taunton seeking reimbursement for damages to her vehicle from hitting a pothole on Pratt St. near number 36.

Claim submitted by David Ricci, 254 East St., Attleboro seeking reimbursement for damages to his vehicle from hitting a pothole on Tremont Street near number 605.

Claim submitted by Robert Bianchi, 64 White Pine Dr., Taunton seeking reimbursement for damages to his mailbox from a snowplow hitting it.

Claim submitted by Theresa Charest, 55 Reynolds Av., Rehoboth seeking reimbursement for damages to her vehicle from hitting a pothole on Tremont Street near number 603.

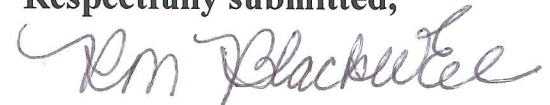
**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND RESOLUTIONS**

**NEW BUSINESS**

**Respectfully submitted,**



**Rose Marie Blackwell  
City Clerk**

# HEARING



**CITY of TAUNTON**  
**DEPARTMENT OF PUBLIC WORKS**  
**ENGINEERING DIVISION**

*90 Ingell Street*  
*Taunton, Massachusetts 02780-3430*  
*Phone: 508-821-1027, Fax: 508-821-1336, coteng@tmlp.net*



*Mark B. Slusarz, P.E.*  
*City Engineer*

December 10, 2013

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

Re: Brandy Lane Street Acceptance

Dear Mayor Hoye, Councilors;

The Engineering Division has reviewed the Plan and Legal description for the acceptance of Brandy Lane and found them to be satisfactory. The project was completed earlier this year and meets all requirements set forth by this office and the Planning Board. I therefore recommend Brandy Lane be accepted as a city street.

Sincerely,  
City of Taunton

Mark B. Slusarz, P.E.  
City Engineer

Cc: Fred Cornaglia, DPW Commissioner

# 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 23, 2014

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

c/o Rosemarie Blackwell, City Clerk

**RE: Street Acceptance - Brandy Lane**

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that at our regularly scheduled meeting held on October 3, 2013 the Taunton Planning Board voted to send a positive recommendation to the Municipal Council to accept Brandy Lane as a public way in the City.

Very Truly Yours,

Daniel P. Dermody, Chairman  
Taunton Planning Board

DPD/djp

# City of Taunton Office of the Mayor

*Thomas C. Hoye, Jr.*  
Mayor

*Alyssa Gracia*  
Chief of Staff

*Gill E. Enos*  
Budget Director



141 Oak Street  
Temporary City Hall  
Taunton, MA 02780  
Tel. (508) 821-1000  
Fax. (508) 821-1005

January 28, 2013

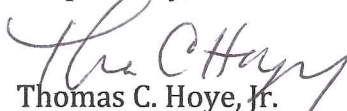
Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing Renny Chapman of 125 West Lake Drive to the *Conservation Commission* for a term of (3) years, which will expire the last day of February, 2017.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

  
Thomas C. Hoye, Jr.  
Mayor

# City of Taunton Office of the Mayor

*Thomas C. Hoye, Jr.*  
*Mayor*

*Alyssa Gracia*  
*Chief of Staff*

*Gill E. Enos*  
*Budget Director*



*141 Oak Street*  
*Temporary City Hall*  
*Taunton, MA 02780*  
*Tel. (508) 821-1000*  
*Fax (508) 821-1005*

January 28, 2013

Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing Cornelius J. Kelly of 104 Partridge Circle to the *Conservation Commission* for a term of (3) years, which will expire the last day of February, 2017.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

Thomas C. Hoye, Jr.  
Mayor

# City of Taunton Office of the Mayor

*Thomas C. Hoye, Jr.*  
Mayor

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January 28, 2013

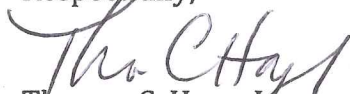
Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing Steven Turner of 160 Seekell Street to the *Conservation Commission* for a term of (3) years, which will expire the last day of February, 2017.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

  
Thomas C. Hoye, Jr.  
Mayor



# City of Taunton Office of the Mayor

Thomas C. Hoye, Jr.  
Mayor

Alyssa Gracia  
Chief of Staff

Gill E. Enos  
Budget Director



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Temporary City Hall  
Taunton, MA 02780  
Tel. (508) 821-1000  
Fax. (508) 821-1005

January 28, 2013


Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing Ernest Enos of 47 Field Street to the *Conservation Commission* for a term of (3) years, which will expire the last day of February, 2017.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

  
Thomas C. Hoye, Jr.  
Mayor

*City of Taunton  
Office of the Mayor*

*Thomas C. Hoye, Jr.  
Mayor*

*Alyssa Gracia  
Chief of Staff*

*Gill E. Enos  
Budget Director*



*141 Oak Street  
Temporary City Hall  
Taunton, MA 02780  
Tel. (508) 821-1000  
Fax. (508) 821-1005*

January 27, 2013

Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing David Tipping of 19 Briggs Street to the *Mobile Home Park Eviction & Discontinuance Review Board* for a term of (2) years, which will expire the last day of February, 2016.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

A handwritten signature in black ink that reads "Thomas C. Hoye, Jr." in a cursive style.

Thomas C. Hoye, Jr.  
Mayor

# City of Taunton Office of the Mayor

*Thomas C. Hoye, Jr.*  
Mayor

*Alyssa Gracia*  
Chief of Staff

*Gill E. Enos*  
Budget Director



141 Oak Street  
Temporary City Hall  
Taunton, MA 02780  
Tel. (508) 821-1000  
Fax. (508) 821-1005

January 27, 2013

Council President AJ Marshall  
Members of the Taunton Municipal Council  
141 Oak Street  
Taunton, MA 02780

Dear Council President Marshall:

Please be advised that I am re-appointing Benjamin Rosa of 450 Somerset Avenue to the *Mobile Home Park Eviction & Discontinuance Review Board* for a term of (3) years, which will expire the last day of February, 2017.

If you have any questions or concerns, please feel free to contact me.

Respectfully,

A handwritten signature in black ink that reads "Thomas C. Hoye, Jr." in a cursive style.

Thomas C. Hoye, Jr.  
Mayor



# Taunton Nursing Home

350 Norton Avenue • Taunton, Massachusetts 02780  
Tel. (508) 822-1132 • Fax (508) 880-8663

**DATE:** January 29, 2014  
**TO:** Mayor Thomas C. Hoye, Jr.  
Taunton Municipal Council  
Rose Marie Blackwell, City Clerk  
Colleen Ellis, Clerk of Council Committees  
**FROM:** John A. Brennan, Administrator  
**RE:** Capital Expenditures FY2014

TNH is pleased our Free Cash for FY 2013 totaled \$461,000.00.

We request that \$17,000.00 be transferred from Free Cash to this year's Capital Budget Account Number 64-520-203-5870.

This will be used for:

Exterior Plumbing	\$10,000.00
Front Rail Replacement	\$ 3,000.00
Mold Removal Basement	\$ 2,000.00
Elevator Lighting Upgrade	\$ 2,000.00
	<u>\$17,000.00</u>

cc: TNH Board of Directors  
Gill Enos, Budget Director



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City of Taunton, Massachusetts  
DEPARTMENT OF PUBLIC WORKS

*Fred J. Cornaglia*  
Commissioner

*Anthony Abreau*  
Assistant Commissioner

*Angela C. Santos*  
Fiscal Agent

January 24, 2014

Honorable Mayor Thomas Hoye, and  
Members of the Municipal Council  
15 Summer Street  
Taunton, MA 02780

**RE: Request Funding \$42,895.00 – COTMA contractual pay raises & vacation/sick buyouts**

Dear Mayor Hoye and Councilors:

This office respectfully requests additional funding for the DPW Commissioner's budget. See the breakdown below for an explanation of needed funds:

- **\$10,895.00** for COTMA contractual pay raises
- **\$32,000.00** needed to cover the cost of vacation and sick buyouts

The funds should be transferred to the Commissioner's budget account number **1-400-201-5100**.

If you should have any questions regarding this request please feel free to contact me.

Respectfully,

Anthony Abreau  
Assistant Commissioner, DPW

Cc: Gill Enos, Budget Director

**Craig C. Sherman Operations Center**

90 Ingell Street  
Taunton, Massachusetts 02780  
Telephone: (508) 821-1434  
Fax: (508) 821-1437



CITY OF TAUNTON 3  
DEPARTMENT OF PUBLIC WORKS  
WATER DIVISION  
CITY HALL  
TAUNTON, MASSACHUSETTS 02780  
Phone: (508) 821-1045 / Fax: (508) 821-1059

Cathal D. O'Brien  
Water Division Supervisor

January 7, 2014

Honorable Mayor Thomas Hoye, and  
Members of the Municipal Council  
141 Oak Street-Temporary City Hall  
Taunton, Ma 02780

**RE: Request to transfer funds from Water Free Cash to 203 capital line item**

Dear Mayor Hoye and Councilors:

This office respectfully requests permission to transfer funds in the amount of \$189,984.44. Please see the following line items to be adjusted and explanation for transfer. Also see the attached Transfer Request Sheet for specific line item numbers and amount to be transferred.

<b>From:</b>	<b>To:</b>	<b>Amount:</b>	<b>Explanation:</b>
Water Free Cash	60-450-203-5870	\$189,984.44	Need to transfer funds from Water Free Cash to the 203 capital line item.

If you should have any questions regarding this explanation please feel free to contact me.

Respectfully,

Cathal O'Brien  
Water Supervisor, DPW

COB/mmh

# COUNCIL ORDER TRANSFER REQUEST

4

Date: January 7, 2014

Department Requesting: DPW-Water

Amount Requesting: \$189,984.44

Reason For Request: Trnsfr frm Wtr Free Cash to Capital Equip

\*\*\*\*\*

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


TRANSFER FROM: \_\_\_\_\_  
NAME: WATER FREE CASH  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: 189,984.44  
BALANCE REMAINING: \_\_\_\_\_

TRANSFER TO: 60 450 203 5870  
NAME: Capital Equipment  
BEGINNING BALANCE: \$ 37,841.00  
AMOUNT: 189,984.44  
BALANCE REMAINING: 227,825.44

\*\*\*\*\*

TRANSFER FROM: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ 0.00  
AMOUNT: 0.00  
BALANCE REMAINING: 0.00

TRANSFER TO: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ 0.00  
AMOUNT: 0.00  
BALANCE REMAINING: 0.00

DEPARTMENT HEAD SIGNATURE:   
TITLE: Supervisor

\*\*\*\*\*

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:  
DATE REFERRED TO COMMITTEE ON FINANCE & SALARIES: \_\_\_\_\_  
THE ABOVE REQUEST IS HEREBY: \_\_\_\_\_APPROVED \_\_\_\_\_DENIED  
AVAILABLE FUNDS TO BE USED (IF REQUESTED): \_\_\_\_\_  
IF DENIED, REASON FOR DENIAL: \_\_\_\_\_  
COUNCIL ORDER NUMBER ASSIGNED: \_\_\_\_\_

\*\*\*\*\*

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

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



**CITY of TAUNTON**  
**DEPARTMENT OF PUBLIC WORKS**  
**ENGINEERING DIVISION**  
*90 Ingell Street*  
*Taunton, Massachusetts 02780-3430*  
*Phone: 508-821-1027, Fax: 508-821-1336, coteng@tmlp.net*



*Mark B. Slusarz, P.E.*  
*City Engineer*

January 24, 2014

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

Re: Additional Funding

Dear Mayor Hoye, Councilors;

Due to the new COTMA contract with the City, the Engineering Division has a \$5,730.52 shortfall in its salaries budget. This shortfall cannot be covered by other budget items as they are already committed. I am therefore asking the Council to allocate an additional \$5730 to the Engineering FY 2014 budget.

Sincerely,  
City of Taunton

Mark B. Slusarz, P.E.  
City Engineer



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

**141 Oak Street Taunton, Massachusetts 02780  
Tel (508) 821-1011 Fax (508) 821-1096**

**Barry Cooperstein, Chairman  
Scott DeSantis  
Kathy Grein**

January 27, 2014

Mayor Thomas Hoye, Jr.  
Council President Andrew J. Marshall, Jr.  
and Municipal Councilors

Attached please find four "Council Order Transfer Request" forms which reflect the following transfers within our department, and for which no additional revenue is requested:

- 1-141-202-5320 Reval Service Contract to 1-141-201-5101 Asst. Dept Head (2)  
COTMA contract \$2,109.70
- 1-141-202-5320 Reval Service Contract to 1-141-201-5109 Assistant Assessor  
COTMA contract \$651.23
- 1-141-202-5320 Reval Service Contract to 1-141-201-5107 Clerical  
Promotion 1144 \$861.61
- 1-141-202-5320 Reval Service Contract to 1-141-201-5193 Unused Sick Leave Buyout  
Per COTMA contract \$13,000.00
- 1-141-202-5320 Reval Service Contract to 1-141-201-5191 Unused Personal Buyback  
Per COTMA contract \$2,799.30
- 1-141-201-5100 Dept. Head (Payroll) to 1-141-201-5197 Unused Vacation Buyout  
Per COTMA contract \$21,535.01

Thank you

Barry Cooperstein

*clerk*

COUNCIL ORDER TRANSFER REQUEST

DATE: January 27, 2014

DEPARTMENT REQUESTING: Assessors

AMOUNT REQUESTING: \_\_\_\_\_

REASON FOR REQUEST: COTMA CONTRACT, 1144 PROMOTION, VAC/SICK/PERS buyout

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

TRANSFER FROM: 1 -141-202-5320  
NAME: Reval Service Contracts  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 2,760.93  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1 -141-201-5101  
NAME: Asst. Dept. Head (Payroll)  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 2,109.70  
NEW BALANCE: \$ \_\_\_\_\_

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

TRANSFER TO: 1 -141-201-5109  
NAME: Asst. Assessor (Payroll)  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 651.23  
NEW BALANCE: \$ \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: [Signature]  
TITLE: Chairman, Board of Assessors

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

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

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

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

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

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

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

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

2 of 4 8

COUNCIL ORDER TRANSFER REQUEST

DATE: January 27, 2014

DEPARTMENT REQUESTING: Assessors

AMOUNT REQUESTING: \_\_\_\_\_

REASON FOR REQUEST: COTMA CONTRACT, 1144 PROMOTION, VAC/SICK/PERS buyout

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

TRANSFER FROM: 1-141-202-5320  
NAME: Reval Service Contracts  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 13,861.61  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1-141-201-5107  
NAME: Clerical  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 861.61  
NEW BALANCE: \$ \_\_\_\_\_

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

TRANSFER TO: 1-141-201-5193  
NAME: Unused Sick leave Buyback  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 13,000.00  
NEW BALANCE: \$ \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: [Signature]  
TITLE: Chairman, Board Assessors

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

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

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

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

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

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

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

COUNCIL ORDER TRANSFER REQUEST

DATE: January 27, 2014

DEPARTMENT REQUESTING: Assessors

AMOUNT REQUESTING: \_\_\_\_\_

REASON FOR REQUEST: OTMA CONTRACT; 1144 Promotion; vac/sick/pers. Buyout

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

TRANSFER FROM: 1-141-202-5320  
NAME: Reval Service Contracts  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 2,799.30  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1-141-201-5191  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 2,799.30  
NEW BALANCE: \$ \_\_\_\_\_

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

TRANSFER TO: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ \_\_\_\_\_  
NEW BALANCE: \$ \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: [Signature]  
TITLE: Chairman Board of Assessors

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

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

THE ABOVE REQUEST IS HEREBY:  APPROVED  DENIED

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

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

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

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

4 of 4 10

COUNCIL ORDER TRANSFER REQUEST

DATE: January 27, 2014

DEPARTMENT REQUESTING: Assessors

AMOUNT REQUESTING: \_\_\_\_\_

REASON FOR REQUEST: COTMA CONTRACT; 1144 Promotion; vcc/sictc/Pers Buyback

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

TRANSFER FROM: 1-141-201-5100  
NAME: Department Head  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 21,535.01  
BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: 1-141-201-5197  
NAME: Unused Vacation Pay Buyout  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ 21,535.01  
NEW BALANCE: \$ \_\_\_\_\_

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

TRANSFER TO: \_\_\_\_\_  
NAME: \_\_\_\_\_  
BEGINNING BALANCE: \$ \_\_\_\_\_  
AMOUNT: \$ \_\_\_\_\_  
NEW BALANCE: \$ \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: [Signature]  
TITLE: Chairman, Board Assessors

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:  
DATE REFERRED TO COMMITTEE ON FINANCE & SALARIES: \_\_\_\_\_  
THE ABOVE REQUEST IS HEREBY:  APPROVED  DENIED  
AVAILABLE FUNDS TO BE USED (IF REQUESTED): \_\_\_\_\_  
IF DENIED, REASON FOR DENIAL: \_\_\_\_\_  
COUNCIL ORDER NUMBER ASSIGNED: \_\_\_\_\_

FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM WITH A FORMAL COVER LETTER REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE FOLLOWING:  
City Clerk - Original  
Mayor's Office  
Clerk of Council Committee  
City Auditor



CITY OF TAUNTON  
MASSACHUSETTS 02780

IT DEPARTMENT  
CITY HALL  
(508) 821 - 1070

11  
**Paul Arikian**  
1/28/14

Mayor Thomas Hoyer  
And members of the Municipal Council

Dear Mayor Thomas C. Hoyer Jr and Members of the City Council,

I'm requesting payment of a prior fiscal year bill in the amount of \$301.62 to Sprint for invoices that were misplaced prior to my arrival.

Respectfully Submitted,

  
Paul M. Arikian  
Director of Technology  
City of Taunton

**COUNCIL ORDER TRANSFER REQUEST**

DATE: 1/28/14

DEPARTMENT REQUESTING: IT

AMOUNT REQUESTING: \$307.62

REASON FOR REQUEST: LOST INVOICE

\*\*\*\*\*

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

TRANSFER FROM: 01-155-202-5341

NAME: Tele phone Expense

BEGINNING BALANCE: \$ \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

BALANCE REMAINING: \$ \_\_\_\_\_

\*\*\*\*\*

TRANSFER TO: 01-155206-5341

NAME: Telephone Expense

BEGINNING BALANCE: \$ \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

NEW BALANCE: \$ \_\_\_\_\_

TRANSFER FROM: \_\_\_\_\_

NAME: \_\_\_\_\_

BEGINNING BALANCE: \$ \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

BALANCE REMAINING: \$ \_\_\_\_\_

TRANSFER TO: \_\_\_\_\_

NAME: \_\_\_\_\_

BEGINNING BALANCE: \$ \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

NEW BALANCE: \$ \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: Paul M. Cedeno

TITLE: Dir. of Technology

\*\*\*\*\*

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

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

THE ABOVE REQUEST IS HEREBY:  APPROVED  DENIED

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

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

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

\*\*\*\*\*

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

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



CITY OF TAUNTON  
MASSACHUSETTS

13

TREASURY DEPARTMENT

BARBARA A AUGER, CMMT  
TREASURER/COLLECTOR

15 Summer Street  
Taunton, MA 02780

Telephone (508) 821-1057  
FAX (508) 821-1007

January 24, 2014

Thomas C Hoye, Jr. Mayor and  
✓Members of the Municipal Council  
141 Oak St. Temp. City Hall  
Taunton, Ma 02780

RE: Land Court Northeast Capital Corporation  
Parcels # 63-1 - Glebe Street & 63-4 North Walker Street

Dear Mayor Hoye and Councilors;

I have received the attached notice indicating the Land Court entered a foreclosure decree on a tax title parcel assessed to **Northeast Capital Corporation** for property located at Glebe Street and North Walker Streets. The City of Taunton is now the owner of the property and should make every effort to insure and secure the premises, as all responsibility and liability for this property now rests with the City of Taunton.

Once we receive the recorded judgment decree I will transfer the parcels to the Tax Possession Custodian.

If you have any questions or concerns regarding this property, please contact this Office.

Sincerely,

Barbara A Auger, CMMT  
Treasurer/Collector

cc: Assessor  
Auditor  
Tax Possession Custodian



Land Court costs \$1,804.95

Legal Fees \$3,486.67 (estimated)

[SEAL]

RE: Pcl I - Glebe St-Pcl 63-1 - Pcl II - No. Walker Street-Pcl 63-4

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT

14

Case No.: 10 TL 140287

JUDGMENT IN TAX LIEN CASE

City of Taunton

vs.

Northeast Capital Corporation

RECEIVED  
JAN 15 2016

BY: \_\_\_\_\_

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

**ADJUDGED and ORDERED** that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the City of Taunton in Bristol County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	11/29/2006	16434	132		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY  
ATTEST:

*Deborah J. Patterson*  
RECORDER

\_\_\_\_\_  
Deborah J. Patterson  
Recorder

Entered: December 13, 2013



CITY OF TAUNTON  
MASSACHUSETTS

15

TREASURY DEPARTMENT

BARBARA A AUGER, CMMT  
TREASURER/COLLECTOR

15 Summer Street  
Taunton, MA 02780

Telephone (508) 821-1057  
FAX (508) 821-1007

January 27, 2014

Thomas C Hoye, Jr. Mayor and  
Members of the Municipal Council  
141 Oak St. Temp. City Hall  
Taunton, Ma 02780

RE: Land Court Peter Matthew Stroyny  
Parcel # 106-151 – 40 Pratt Street

Dear Mayor Hoye and Councilors;

I have received the attached notice indicating the Land Court entered a foreclosure decree on a tax title parcel assessed to **Peter Matthew Stroyny** for property located at 40 Pratt Street. The City of Taunton is now the owner of the property and should make every effort to insure and secure the premises, as all responsibility and liability for this property now rests with the City of Taunton.

Once we receive the recorded judgment decree I will transfer the parcels to the Tax Possession Custodian.

If you have any questions or concerns regarding this property, please contact this Office.

Sincerely,

Barbara A Auger, CMMT  
Treasurer/Collector

cc: Assessor  
Auditor  
Tax Possession Custodian

Land Court costs \$984.85

Legal Fees \$1,640.01 (estimated)

[SEAL]

RE: 40 Pratt Street (bldgs) - Parcel: 106 - -151

*ORIGINAL  
to BARBARA*

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT

*16*

Case No.: 12 TL 144102

JUDGMENT IN TAX LIEN CASE

City of Taunton

vs.

Peter Matthew Stroyny

This case came on to be heard and was argued by counsel, and thereupon, upon consideration thereof, it is

**ADJUDGED and ORDERED** that all rights of redemption are forever foreclosed and barred under the following deed(s) given by and/or the tax taking(s) made by the Collector of Taxes for the City of Taunton in Bristol County and said Commonwealth:

<u>Land Type</u>	<u>Tax Taking Date</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Document No.</u>	<u>Certificate of Title No.</u>
Recorded	12/03/2008	17805	307		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY  
ATTEST:

*Deborah J. Patterson*  
RECORDER

\_\_\_\_\_  
Deborah J. Patterson  
Recorder

Entered: December 31, 2013



**CITY OF TAUNTON**  
**Contributory Retirement System**  
40 Dean Street, Unit 3  
Taunton, Massachusetts 02780  
(508) 821-1052 Fax (508) 821-1063  
[www.tauntonretirement.com](http://www.tauntonretirement.com)

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**BOARD OF  
RETIREMENT**

**Chairperson:**  
Ann Marie Hebert, City Auditor

**Elected member:** Richard T. Avila  
**Elected member:** Peter H. Corr  
**Mayoral appointee:** Gill E. Enos  
**Board appointee:** A. Joan Ventura

**STAFF**

**Executive  
Director:**  
Paul J. Slivinski

**Assistant  
Director:**  
Kathy A. Maki


January 28, 2014

Hon. Thomas C. Hoye, Jr.  
Council President Andrew Marshall and  
Members of the Municipal Council  
141 Oak St., Temporary City Hall  
Taunton, MA. 02780

Dear Mayor Hoye and Councilors:

Please be advised of the **cancellation** of the retirement for Superannuation of Mark Riendeau, an employee of the Taunton Fire Dept., which was scheduled to take effect on February 22, 2014.

Respectfully yours,

  
Paul J. Slivinski, CPP  
Executive Director

cc: Mark Riendeau  
Tim Bradshaw, Fire Chief  
Human Resources  
City Auditor  
Treasurer Collector  
City Clerk  
File



**CITY OF TAUNTON**  
*Contributory Retirement System*

40 Dean Street, Unit 3  
Taunton, Massachusetts 02780  
[www.tauntonretirement.com](http://www.tauntonretirement.com)  
(508) 821-1052  
Fax (508) 821-1063

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**BOARD OF  
RETIREMENT**

**CHAIRMAN**

Ann Marie Hebert

Peter H. Corr

Richard T. Avila

Gill E. Enos

A. Joan Ventura

**EXECUTIVE  
DIRECTOR**

Paul J. Slivinski

**ASSISTANT  
DIRECTOR**

Kathy A. Maki

January 28, 2014

Hon. Thomas Hoye, Mayor and Taunton Municipal Council  
Maxham School  
Oak Street  
Taunton, MA 02780

Dear Mayor Hoye and Councilors:

Please be advised of the retirement for Superannuation of Colby L. Crossman, an employee of the Police Department on February 15, 2014 under the provisions set forth in Section #5 of Chapter 32 of the General Laws of Massachusetts.

Please pay accumulated benefits up to the date of retirement.

If you have any questions, please feel free to contact our office.

Respectfully yours,

Kathy Maki

Assistant Director

cc: C. Crossman  
E. Walsh, Police Chief  
L. Henriques, Police Dept.  
City Treasurer  
City Auditor  
Human Resources  
City Clerk  
file



# CITY OF TAUNTON FIRE DEPARTMENT

19

50 School Street

Taunton, MA 02780

Tel. (508) 821-1452 • Fax (508) 821-1495

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

**KATE GOVER**  
*Administrative Assistant*

January 29, 2014

Mayor Thomas Hoye and  
Taunton City Council  
141 Oak Street  
Taunton, MA 02780

**RE: 437 Whittenton Mills Fire Detail Update**

Dear Honorable Mayor and Council Members;

The following numbers represents the amount due from Jefferson Development Partners LLC for unpaid fire details and fines since 2011 at the above referenced property:

<b>Unpaid Fire Details Through 01/25/2014</b>	<b>\$374,186.14</b>
<b>Unpaid Fire Prevention Fines 01/25/2014</b>	<b><u>\$ 5,500.00</u></b>
<b>Total Due Through 01/25/2013</b>	<b>\$379,686.14</b>

The fire detail remains in effect and recently perspective buyers have visited the property. Also, the Fire Prevention Office will be meeting with a new sprinkler contractor shortly to discuss work that needs to be done in order to get the system up and functioning. A majority of the buildings there are still open to the elements and continue to deteriorate. These structures will have to be secured and the interiors properly heated to prevent these sprinkler breaks from reoccurring.

Respectfully Submitted,

Timothy J. Bradshaw  
Chief of Department



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**CITY of TAUNTON**  
**ZONING BOARD of APPEALS**

*15 Summer Street*  
*Taunton, Massachusetts 02780*

*Phone 508-821-1051/ 1043*

*Fax 508-821-1665*

*Denise J. Paiva, Secretary*

January 28, 2014

Honorable Mayor Thomas Hoye & Municipal Council  
141 Oak St., Temp. City Hall  
Taunton, Ma. 02780  
**C/O Rose Marie Blackwell, City Clerk**

**RE: ZBA - Increase in Compensation**

Dear Mayor Hoye & Municipal Council:

At our regular meeting held on January 9, 2014 the Zoning Board of Appeals discussed an increase in the compensation for the Chairman, Clerk and Members.

The Board voted to request the pays to be doubled for the Chairman, Clerk and Members. There has not been pay increase in the last 18 years and the Board has been involved in many large developments and Chapter 40 B project which require more review.

The Board requests your consideration in increasing the Chairman's compensation \$1,500, Clerk's compensation \$1,200 and the Board members compensation \$1,000. The total increase would be \$7,700.

Respectfully yours,

Dennis I. Ackerman, Chairman  
Zoning Board of Appeals  
DIA/djp

Cc: Kevin Scanlon, City Planner  
Daniel Dermody, P.B Chairman

21



# TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

*Denise J. Paiva, Secretary*

Phone 508-821-1051

Fax 508-821-1665

January 28, 2014

Honorable Mayor Thomas Hoye & Municipal Council  
141 Oak St., Temp. City Hall  
Taunton, Ma. 02780

**C/O Rose Marie Blackwell, City Clerk**

**RE: Increase in Compensation**

Dear Mayor Hoye & Municipal Council:

At our regular meeting held on January 16, 2014 the Planning Board discussed an increase in compensation for the Chairman, Vice Chairman and Planning Board Members.

As you are aware the Planning Board incurred more responsibility with the change in the Zoning Ordinance resulting in the Planning Board being the appointing authority for all Site Plan Reviews. The Board also has not had an increase in compensation in the last 18 years.

The Board requests your consideration in increasing the Chairman's compensation \$1,500, Clerk's compensation \$1,200 and Board members compensation \$1,000. The total increase would be \$7,700.

Respectfully yours,

Daniel P. Dermody, Chairman  
Taunton Planning Board

DPD/djp

CC: City Planner  
P.B. members





## CITY OF TAUNTON POLICE DEPARTMENT

CHIEF  
EDWARD JAMES WALSH

22  
23 SUMMER STREET  
TAUNTON, MA 02780  
(508) 821-1471  
January 30, 2014

The Honorable Thomas Hoye, Mayor  
And Members of the Municipal Council  
Temporary City Hall  
141 Oak Street  
Taunton, MA 02780

In the very near future the Municipal Council will be seeking to fill two of the four current vacancies in the police department through new hires. I have been told that the list should be to the Council by mid-February. I support hiring these two officers however I am looking for direction from the Council on how it wants to proceed with the two to three additional hires as well and the opening created by the pending retirement of Sergeant Crossman.

As I cautioned the Council during our hiring process, there are strict guidelines from the Massachusetts Police Training Committee (MPTC) relative to obtaining recruit academy slot. One of the requirements for a reservation is that the recruit be appointed to a full time status and that the appointment letter accompany the application. This has not happen yet so I cannot secure an academy slot for our potential new hires. As it stands right now, the scheduled recruit academy in March 2014 in Plymouth is full. The next scheduled MPTC academies are Reading on September 8<sup>th</sup>, 2014, Plymouth on September 15<sup>th</sup>, 2014, and Springfield in February 2015. We have also reached out to the non-MPTC academies and there are no vacancies there as well with the Lowell Police Academy currently having a 120 person wait list.

So with this being said, the two candidates we have already committed to hiring will not likely start a police academy until September this year with a graduation of next February. With field training, they will likely not actually be working the streets until the summer of 2015. So the reality is that any recruit we hire over the next several months will not actually work the streets for 16 months from now.

There has been much discussion in the past on the value of hiring veteran officers through the lateral process. I currently have five funded vacancies that I am unable to fill because of lack of academy space. I think it may be time to re-visit this issue and evaluate whether in the interim we consider hiring a few laterals in addition to recruits.

Thank you for your consideration on this matter.

Respectfully,



Edward James Walsh  
Chief of Police



# 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*

January 24, 2014

Mayor Thomas Hoyer and  
Taunton City Council Members  
Taunton City Hall  
141 Oak Street  
Taunton, MA 02780

**RE: Ice Water Rescue Commendation Request for January 18, 2014 Incident**

Dear Honorable Mayor and Council Members;

At approximately 4:15 AM on January 18, 2014 the Taunton Fire Department received an emergency call reporting a "man in the Taunton River" on Cape Road in the vicinity of Globe Liquors. Engine 1 was dispatched to the call with Lieutenant Gary Trudeau, Engineer Chad Larivee, and Firefighters Jeffrey Harden and Gerald Peterson on board. Firefighters Harden and Peterson donned Cold Water Rescue Suits en route to the call. The crew arrived on the scene which already contained several police cruisers and an ambulance from AMR. They quickly identified the location of the man in distress as he fought to keep his head above water. The river presented a strong current that night and the victim began to move downstream. Our firefighters quickly assessed the situation, and adjusted their approach to enter downstream. The rescuers were then tethered with safety lines manned by Trudeau and Larivee. Without hesitation, Firefighters Harden and Peterson entered the frigid waters and began making their way toward the individual who became combative as the Firefighters approached. Using cold water training regularly practiced in the department, the two Firefighters were able to gain control of the victim and remove him from the river. The victim showed significant signs of hypothermia as he was being loaded into the waiting ambulance.

24

This call is an example of the courage and abilities that members of your fire department display on a regular basis. The Taunton Fire Department routinely responds to many incidents that go unrecognized, although their performance at each of these emergency scenes makes a difference in the lives of the citizens of our community. Both Deputy Chief Eric Dumont and Lieutenant Gary Trudeau thought that extraordinary nature of this call and the performance, dedication and professionalism shown by the crew of Engine 1 should be commended.

Sincerely,



Timothy Bradshaw  
Chief of Department



TEL: 821-1456

## FIRE DEPARTMENT

50 SCHOOL STREET

TAUNTON, MASS 02780

OFFICE OF DEPUTY CHIEF

25

January 23, 2014

Chief,

On January 18, 2014 Engine One's crew pulled a young adult male out of the river behind Globe Liquors. Lieutenant Trudeau had his two backend men in the water within 4 minutes of going on the air. Both of the firefighters, Pvts. Harden and Peterson, were in Mustang suits and tethered off. Both Lt. Trudeau and Pvt. Larivee held the safety lines while Harden and Peterson worked in the dark and dealt with the current of the river, while retrieving the victim. I feel Lt. Trudeau and his crew should be commended for their quick and courageous actions. Within 10 minutes they had the victim out of the cold water and into the waiting ambulance.

Respectfully,

Deputy Chief Eric Dumont

houlr



# City of Taunton

## LAW DEPARTMENT

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



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Thomas C. Hoye, Jr.  
MAYOR

Jason D. Buffington  
CITY SOLICITOR

Daniel F. de Abreu  
ASST. CITY SOLICITOR

January 31, 2014

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

**RE: George Ferreira et al. v. City of Taunton et al  
Bristol County Superior Court, Docket No. BRCV2010-01199**

Dear Mayor Hoye and Members of the Municipal Council:

As you will recall, in 2010, Attorney John Holgerson filed four lawsuits against the City centering on sewer betterments and I&I Fees. Three of those cases were filed in July 2010, and the fourth one, the so-called *Ferreira* case referenced above (concerning Railroad Avenue residents), was filed in October 2010.

In October 9, 2012, after an Appeals Court victory for the City, the Superior Court entered final judgment in the first three cases in the City's favor and returned to the City a check in the amount of \$360,685.59. Since that time, the City has taken additional steps to seek dismissal of the *Ferreira* case.

On January 13, 2014, the Superior Court (Moses, J.) allowed the City's motion to dismiss the *Ferreira* case as well. Attached hereto is a copy of the judgment and memorandum of decision. It is unknown whether or not the Plaintiffs will seek an appeal of this decision, but please know that the Law Department stands ready to defend such an appeal should it be attempted. I would also like to take the opportunity to commend Assistant City Solicitor Daniel de Abreu for his continued excellent work on this matter.

Very truly yours,

  
Jason D. Buffington, Esq.  
City Solicitor

JAN 14 2014

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

CIVIL DOCKET# BRCV2010-01199A

George Ferreira et al,  
Plaintiff(s)

vs

City of Taunton, et al,  
Defendant(s)

**JUDGMENT ON MOTION TO DISMISS**  
**(Mass.R.Civ.P. 12b)**

This action came on for hearing before the Court, Richard T. Moses, Justice upon the Defendants' Thomas C. Hoye, Jr., as Member, Jason D. Buffington, as Member, Andrew J. Marshall, as Member, Gerald A. Croteau, as Member, David W. Pottier, as Member, Deborah Carr, as Member, Daniel Mansour Barbour, as Member, Sherry Costa-Hanlon, as Member, Ryan C. Colton, as Member, Barry Cooperstein, as Assessor, Jayne D. Ross, as Treasurer/Collector, Ann Hebert, as Auditor, Fred Cornaglia, as Commissioner, City of Taunton, motion to dismiss pursuant to Mass. R.Civ.P. 12(b), and upon consideration thereof,

It is **ORDERED** and **ADJUDGED**:

That the Complaint of the plaintiffs insofar as it challenges the validity of the subject sewer assessments is **DISMISSED** with prejudice.

The complaint insofar as it challenges the I/I removal fees is **ORDERED** to be **DISMISSED** without prejudice.

Dated at New Bedford, Massachusetts this 14th day of January, 2014.

By:.....

Assistant Clerk

Entered: January 14, 2014

Copies mailed 01/14/2014

22.

28

JAN 13 2014

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE  
BRISTOL, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.: 2010-01199

GEORGE FERREIRA, ET AL,<sup>1</sup>  
Plaintiffs,

vs.

CITY OF TAUNTON, ET AL,<sup>2</sup>  
Defendants.

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANTS'  
MOTION TO DISMISS**

The present action was filed on October 7, 2010, with an amended complaint being filed on December 10, 2010. The action was filed by George Ferreira and other residents who own homes on Railroad Avenue in Taunton, Massachusetts, hereinafter collectively referred to as the "Residents." Named in the action are various members of the Department of Public Works for the City of Taunton, members of its municipal counsel, the Town Treasurer, the City Auditor, the Commissioner of Public Works and the City of Taunton, all hereinafter collectively referred to as

---

<sup>1</sup> Anne Ferreira, Frances Perry, Glen Perry, Katherine Dunham, Darrell Stroh, Susan Stroh, Matthew Souza, Michelle Souza, Anthony Girard, Nancy Girard, Paulette Ward, Robert J. Woods, Sheryl D. Woods, Earl Taylor, Debra Taylor, Richard Bryce, Donna Bryce, Robert Hebert, Dorothy Hebert, Steven Blackwell, Avis Blackwell, Angelo Medeiros, Mary Medeiros, Trinity United Methodist Church, Carole D. Silvia, James Hathaway, Jayne Hathaway, Flora Borges, Lori Sousa, Carlos Desa, Melissa Tavares, Gilbert Cambra, Joyce Cambra, Walter Bickford, Donna Bickford, Ann T. Carr, Dustin Preston, Tara Preston, Laura A. Baker, James Morgan, Linda Morgan, and David Rocha, as They Constitute Owners of Property Situated on Railroad Avenue in Taunton, Bristol County, Massachusetts.

<sup>2</sup> Thomas C. Hoyer, John Rhyno., Jason D. Buffington, Andrew J. Marshall, Gerald A. Croteau and David W. Pottier, as they are members of the Committee on the Department of Public Works of the Taunton Municipal Council and members of the Taunton Municipal Council, Deborah Carr, Daniel Mansour Barbour, Sherry Costa-Hanson and Ryan C. Colton, as they are members of the Taunton Municipal Council, Barry Cooperstein, as he is Assessor for the City of Taunton, Jayne D. Ross, as she is Treasurer/Collector for the City of Taunton, Ann Hebert, as she is Auditor of the City of Taunton, Fred Cornaglia, as he is Commissioner for the Department of Public Works for the City of Taunton, and the City of Taunton.

“Taunton.” The amended complaint seeks declaratory relief that sewer betterment assessments against the Residents must be calculated in accordance with St. 1904, c. 384, § 3, as incorporated in § 19.1(f) of the city of Taunton’s charter. The amended complaint further seeks a declaration that the Inflow/Infiltration Fees (the “I/I-Fees”) provided for in § 19-60 through § 19-67 of the Revised Ordinance of the City of Taunton are expenditures for the maintenance and repair of the City of Taunton’s sewer system, and must be paid out of annual sewer charges levied upon present sewer users, or paid out of the general tax revenues of the city as mandated by St. 1904, c. 384. The amended complaint further seeks a determination that the I/I-Fees are unlawful taxes rather than valid fees. Furthermore, the Residents seek a declaration that the interest rate for the apportionment of the sewer betterment assessments must be set at four percent per annum, over fifteen years, as provided for in St. 1904, c. 384, § 4. Finally, the amended complaint seeks a determination that the sewer betterment assessments voted by the Taunton Municipal Council on July 21, 2009, are not in accordance with the mandates of St. 1904, c. 384, as specifically incorporated in § 19.1(f) of the city of Taunton’s charter.

Taunton has moved to dismiss the amended complaint relying on G.L. c. 80, §§ 5 and 7, claiming that the Residents did not bring their action prior to the commitment of the subject fees to the collector, and failed to exhaust administrative remedies in the form of filing a petition for abatement as provided by law. In the alternative, the Residents seek dismissal based upon the reasoning contained in MacDonald v. City of Taunton, 82 Mass. App. Ct. 1110 (2012) (unpublished).

In response to Taunton’s motion to dismiss, the Residents argue, inter alia, that they did not have an administrative remedy to pursue, that the assessors failed to provide, “seasonable notice”



of the subject assessments, and thus, they are not barred from maintaining their action, and that the court should not follow MacDonald v. City of Taunton.

The matter was set down for hearing, and thereafter taken under advisement.

**BACKGROUND**

The following facts are taken from the amended complaint, with attached exhibits.<sup>3</sup> By notice dated January 2, 2007, the City of Taunton Department of Public Works (“DPW”) notified property owners on Railroad Avenue that the City had begun construction of sanitary sewers and improvements to the drainage system on Railroad Avenue and Garden Street. A questionnaire was issued to all property owners in order to assist the DPW of finding the most appropriate location for each sewer stub. By letter dated August 13, 2007, the DPW notified property owners on Railroad Avenue and Garden Street that the sewer pipe and services had been installed, tested, and the system was ready for use.

Pursuant to provisions of G.L. c. 80, §§ 1 and 2, an assessment was made on July 21, 2009, by the City of Taunton, by and through its committee on the Department of Public Works (the “Committee”). The Committee voted that the sewer system on residential property for the Railroad Avenue sewer extension would be based upon the cost of the sewers, and the assessment would be 100 percent of the cost of the project, divided by the number of sewer stubs, with an assessment for each stub to an owner’s property. The order reflected that the total cost of the system is a special benefit to the area served by the system, and that 100 percent of the estimated cost of the system is \$875,472.00. The order further provided that no assessment calculated thereunder would exceed the adjudged benefit or advantage. The Committee therefore voted :

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<sup>3</sup> The amended complaint incorporates exhibits which were attached to the original complaint.

“ . . . under the authority and power vested in us under the Revised Ordinances of the City of Taunton and by General Laws Chapter 80 and 83, as amended, and every other power and authority hereto enabling, do hereby determine and adjudge that public convenience and necessity and the public health require us to establish sewer assessments under the Land Assessment Plan for the system of sewerage shown and described on the Land Assessment Plan at a fixed unit method based upon the cost of constructing the sewer system and according to price per stub with the fixed uniform rate to be \$22,448.00 for each stub.”

Attached to the aforesaid order is a notice relating to a lien established thereby stating that it is effective upon recording. Also attached thereto, is a schedule of the various residents, by name and address, situated on Railroad Avenue and Somerset Avenue. The aforementioned documents were recorded in the applicable Registry of Deeds on August 6, 2009, in accordance with G.L. c. 80, § 2, which requires such recording within ninety (90) days from the adoption of the subject order.

By letter dated August 11, 2009, the Residents received notice of the assessment for their sewer betterment in the amount of \$22,448.00, providing them with notice of their option to pay the same within thirty (30) days, or to have the betterment apportioned over twenty years, with interest at five percent (5%) per annum (*Exhibit 20*). Also, on August 11, 2009, a notice was issued by the City of Taunton’s tax collector to the Residents that the sewer betterment assessments had been levied, and constituted a lien upon their property in the amount of \$22,448.00 (*Exhibit 21*).

The aforementioned notices appear on their face to conform to G.L. c. 80, § 4, which provides, *inter alia*,

“Within a reasonable time after making the assessment the board shall certify to the assessors the list of assessments upon land in each town who shall forthwith commit such assessments with their warrant to the collector of taxes thereof, and he shall forthwith send notice in accordance, except as to the date of notice, with section three of chapter sixty, to the person designated under section one as the owner of each parcel assessed, and any demand for the payment of such assessment shall be made upon such person. Except as otherwise herein provided, the collector shall have the same powers and be subject to the same duties with respect to such assessments as in the case of the

annual taxes upon real estate . . . .”

The Residents argue that the aforementioned statute mandates that assessors comply with G.L. c. 59, § 29, which provides, inter alia,

“Assessors before making an assessment shall give seasonable notice thereof to all persons subject to taxation in their respective towns. Such notice shall be posted in one or more public places in each town, or shall be given in some other sufficient manner, and shall require the said persons to bring into the assessors, before a date therein specified, in case of residents a true list, containing the items required by the commissioner in the form prescribed by him . . . .”

The Residents therefore argue that, in the present circumstances, the notice in question was not “seasonable,” and that before special assessments can be charged against private property, the owners must be given notice with an opportunity to be heard to contest the validity and fairness of the assessment. Citing 14 E. McQuillin, *Municipal Corporations* § 38.101 (3rd Ed. 1950) (citations omitted).

Taunton has asserted, however, that the present action which was filed on October 7, 2010, is barred by virtue of the fact that it was not filed prior to the commitment of the assessment to the tax collector, which occurred sometime between August 6 and August 11, 2009. They further claim that the appropriate remedy for the residents was to file a petition for abatement within six months after such commitment in accordance with G.L. c. 80, § 5. In support of their position, they cite Gudnanowski v. Northbridge, 17 Mass. App. Ct. 414, 421 (1984), citing Gallo v. Division of Water Pollution Control, 374 Mass. 278, 287-288 (1978), in which a request for declaratory relief in a sewer abatement case was dismissed because the plaintiffs,

“. . . may have been able to challenge the validity of the assessment in a suit for declaratory relief brought prior to the commitment of the assessment to the tax collector. . . . However, it appears from the complaint that the assessment has been committed to the tax collector for collection. Therefore, [the] only avenue of relief lies with the administrative remedies provided by G. L. c. 80, by way of a petition for

abatement filed with the board of selectmen . . . with a right of appeal to either the Superior Court or to the county commissioners . . . .” (Citations omitted).

The court finds that while there appears to be literal compliance with the provisions of G.L. c. 80, §§ 1, 2 and 4, the fact that notice of the subject assessment ,which was almost simultaneously followed by notice of commitment to the tax collector, gave minimal ,if any, opportunity to the Residents to challenge the validity of the assessment. The court therefore, at this stage of the proceeding, is disinclined to dismiss the complaint for want of a timely filing.

**TAUNTON’S CHALLENGE TO THE COMPLAINT  
PURSUANT TO MASS. R. CIV. P. 12(b) (6)**

As an alternative remedy, Taunton seeks the dismissal of the complaint based upon the decision of the Appeals Court in MacDonald v. City of Taunton, 82 Mass. App. Ct. 1110 (2012), an unpublished decision.<sup>4</sup> The MacDonald decision was an appeal in three consolidated Bristol County Superior Court actions challenging sewer betterment assessments made by the City of Taunton, as well as challenging the I/I-Fees imposed by Taunton. In paragraph five of the Residents’ amended complaint, they make reference to such consolidated actions in support of their position that declaratory relief is appropriate.

“This position is further supported by the pendency of Larkin, et al v. Hoye, et al, BRCV2010-00850-C, MacDonald, et al v. Hoye, et al, BRCV2010-0848-A, and Powers, et al v. Hoye, et al, BRCV2010-0849-B in this same Court wherein the same issues are presented to this Court, respectively . . . .”

Likewise, attached to Taunton’s motion to dismiss as Exhibit B, is a memorandum of law which had been served upon Taunton in support of a motion to consolidate the present action with the aforementioned three actions, which memorandum states, inter alia,

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<sup>4</sup> A petition for review of such decision was denied by the Supreme Judicial Court.

“[t]he single issue, universal to all three of those cases as well as the instant case, is whether or not, as a matter of law, Chapter 384 of the Acts of 1904 as incorporated specifically in subsection [f] of Section 19.1 of the city of Taunton charter controls sewer betterment assessments in said city.”

While the MacDonald decision may only be considered for its persuasive effect, the court finds said decision to be most persuasive. In MacDonald, the Court upheld the Superior Court judge’s determination that statutory changes since the 1904 legislation, now codified in G.L. c. 83, § 23, are controlling, and that,

“ . . . Taunton properly assessed the plaintiffs for the ninety percent of the cost of construction remaining after application of the federal grant. The judge’s ruling is based on an accurate analysis of the relevant statutory history of sewer assessments, along with the careful consideration of the arguments of the plaintiffs.”

The court need not repeat the entire holding in MacDonald, except to state that the Court concluded that, having properly determined the authority to determine the portion of the cost of sewer construction to be paid by assessments resides in Taunton’s municipal council, and that the judge did not err in declaring that the subject sewer assessment and interest charges conformed with applicable statutory law.

The court finds that the precise issues raised and determined in MacDonald govern the present action, and that the Residents’ challenge to the sewer assessment cannot be maintained, and therefore the complaint, insofar as it asserts such challenge, must be dismissed.

An identical challenge was made in the Superior Court cases which were decided by MacDonald in connection with the I/I-Fees. In the consolidated action, the Superior Court judge had concluded, based upon Denver Street, LLC v. Saugus, 78 Mass. App. Ct. 526 (2011), that the Taunton I/I-Fees system failed to constitute a lawful fee and must be nullified. The Appeals Court noted, however, that the issue was not properly before the court since the record revealed that it had

not been alleged and admitted by pleadings that any of the plaintiffs had paid the I/I removal fee, and asserted that the fees were improper. The Court further noted that the pleadings were barren of any allegation that Taunton charged any of the plaintiffs for an I/I removal fee. The court thus concluded that a petition for declaratory relief could not be maintained since there was no "actual controversy" appearing in the pleadings, sufficient to withstand a motion to **dismiss**. Citing Massachusetts Ass'n of Indep. Ins. Agents & Brokers, Inc. v. Commissioner of Ins., 373 Mass. 290, 292 (1977). The Appeals Court further noted that Denver Street, LLC v. Saugus, *supra*, upon further appellate review by the Supreme Judicial Court had concluded that the subject I/I-Fee has the requisite characteristics of a fee rather than an impermissible tax. Denver Street, LLC v. Saugus, 462 Mass. 651, 652 (2012).

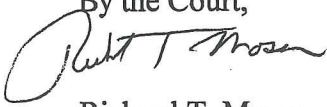
In the case at bar, the pleadings are lacking as they were in the aforementioned consolidated actions relating to sufficient allegations to establish an actual controversy, and hence, the complaint challenging the same must be dismissed.

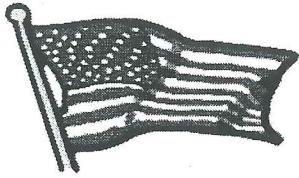
**ORDER**

For the foregoing reasons, the motion of the defendants to dismiss the subject complaint be and is hereby **ALLOWED**.

- 1). **The complaint insofar as it challenges the validity of the subject sewer assessments is ORDERED to be DISMISSED with prejudice.**
- 2). **The complaint insofar as it challenges the I/I removal fees is ORDERED to be DISMISSED without prejudice.**

DATED: January 13, 2014

By the Court,  
  
 Richard T. Moses  
 Justice of the Superior Court



FEBRUARY 4, 2014

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

RECEIVED  
CITY CLERK'S OFFICE  
2014 JAN 31 A 9:39  
TAUNTON, MA  
CITY CLERK

**PLEASE NOTE:** *THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, FEBRUARY 4, 2014 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS*

**5:30 P.M.**

**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*

**6:00 P.M.**

**THE COMMITTEE ON POLICE AND LICENSE**

1. MEET FOR A HEARING REGARDING HARRY SOARES TOWING COMPANY
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*

**THE COMMITTEE ON SOLID WASTE**

1. MEET TO DISCUSS LANDFILL EXTENSION FEASIBILITY STUDY.
2. MEET TO DISCUSS PAY AS YOU THROW PROGRAM
3. MEET TO REVIEW MATTERS IN FILE

**EASE 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