

PLEASE NOTE :

**THE MUNICIPAL COUNCIL
COMMITTEE MEETINGS
SCHEDULED FOR:**

**TUESDAY, JULY 1, 2014
WILL BE HELD ON
MONDAY, JUNE 30, 2014**

*** AT 7:30 IN THE MORNING ***

~

**Meetings will be held in the
Chester R. Martin
Municipal Council Chambers**

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TAUNTON, MA
CITY CLERK



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

~
JUNE 30, 2014 – 7:30 AM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Chairman, Board of Health – Request for additional staffing
- Pg. 2 Com. from Craig Foley, Transmission and Distribution Manager, TMLP – Solar Street Lights
- Pg. 3-4 Com. from Treasurer/Collector – Notifying of a Land Court Decree
- Pg. 5-6 Com. from Kathleen Campanirio, 110 North Walker Street, Taunton – Requesting re-evaluation of a speed limit
- Pg. 7-9 Com. from Massachusetts Municipal Association, One Winthrop Sq., Boston, MA – Telecom Industry Proposals

PETITIONS

Claims

Claim submitted by Sandra Moreira, 17 Oak Ave., Taunton seeking reimbursement for damages to her automobile from hitting a pothole between 22 and 25 Oak Ave., Taunton.

Claim submitted by Jon Albert, 151 Weir St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole and manhole cover in front of 151 Weir St., Taunton.

COMMITTEE REPORTS

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UNFINISHED BUSINESS

Continued from the Municipal Council Meeting of June 17, 2014

- Com. from Michael Horrigan, General Manager, TMLP - Submitting report of action on street lights

ORDERS, ORDINANCES AND RESOLUTIONS

FY2015 Preliminary Budget for a second reading to be ordained on a roll call vote

	<u>Salary & Wages</u>	<u>Other Expenses</u>	<u>Capital Expenses</u>	<u>Total Budget</u>
General Government	\$ 3,151,429.57	\$ 2,312,847.58	\$ 55,000.00	\$ 5,519,277.15
Public Safety	\$ 23,848,060.66	\$ 1,722,069.00	\$ 112,423.35	\$ 25,682,553.01
Education	\$ -	\$ 75,658,875.00	\$ -	\$ 75,658,875.00
Public Works/Facilities	\$ 3,201,603.31	\$ 5,409,103.76	\$ 622,134.96	\$ 9,232,842.03
Health/Citizen Services	\$ 1,406,450.06	\$ 1,098,568.68	\$ -	\$ 2,505,018.74
Culture & Recreation	\$ 1,727,935.41	\$ 743,695.55	\$ 22,170.00	\$ 2,493,800.96
Debt & Interest	\$ -	\$ 7,529,234.50	\$ -	\$ 7,529,234.50
Miscellaneous	\$ -	\$ 9,041.80	\$ -	\$ 9,041.80
Employee Benefits	\$ 71,065.88	\$ 46,120,938.78	\$ -	\$ 46,192,004.66
Other Financing Uses	\$ -	\$ 9,851,770.00	\$ -	\$ 9,851,770.00
Enterprise Accounts	\$ 6,625,914.44	\$ 17,160,529.94	\$ 18,540.00	\$ 23,804,984.38
Total Budget	\$ 40,032,459.33	\$ 167,616,674.59	\$ 830,268.31	\$ 208,479,402.23

Ordinance for a first reading to be passed to a second reading

CITY OF TAUNTON

In the year two thousand and fourteen

AN ORDINANCE

Chapter 19

Sewers and Drains

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

SECTION 1. Chapter 19 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by inserting the following sections 19-4.1 through 19-4.20.

City of Taunton Stormwater Management Ordinance

GENERAL PROVISIONS

Section 19-4.1. Purpose

The purpose of this ordinance is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction stormwater runoff which is necessary for the protection of the City of Taunton's water bodies and groundwater. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

1. To comply with state and federal statutes and regulations relating to stormwater discharges;
2. To prevent pollutants from entering the City's MS4;
3. To prohibit illicit connections and unauthorized discharges to the City's MS4 and require their removal;
4. To establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
5. To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
6. To establish the City's legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring and enforcement.

Section 19-4.2. Definitions.

For the purposes of this ordinance, the following shall mean:

Agriculture. The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

Alter. Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. The term "alter" shall include "alteration of drainage characteristics" and "conducting land disturbance activities."

Authorized Enforcement Agency. The City of Taunton Department of Public Works, its employees or agents, designated to enforce this ordinance.

Best Management Practices (BMPs). An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing. Any activity that removes vegetative surface cover.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Construction and Waste Materials. Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

Development. The modification of land to accommodate a new use or expansion of use, usually involving construction.

Discharge of Pollutants. The addition from any source of any pollutant or combination of pollutants into the municipal separate storm sewer system, Wetland Resource Areas, or into the Waters of the United States or Commonwealth of Massachusetts from any source.

Erosion. The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles

Estimated Habitat of Rare Wildlife and Certified Vernal Pools. Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

Grading. Changing the level or shape of the ground surface.

Groundwater. All water beneath the surface of the ground.

Grubbing. The act of clearing land surface by digging up roots and stumps.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impervious Surface. Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Infiltration. The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

Land Disturbance. Construction activities including clearing, grading, and excavating which removes the vegetative ground cover and/or covers the existing vegetative cover with fill or any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

Low Impact Development (LID). LID incorporates non-structural and natural approaches to new and redevelopment projects to reduce adverse effects on water quality and the natural environment by conserving natural areas, reducing impervious cover, and better integrating stormwater treatment.

Massachusetts Endangered Species Act. (G.L. c. 131A) and its implementing regulations (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

Massachusetts Stormwater Management Policy. The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56.

Municipal separate storm sewer system (MS4) or municipal storm drain system. The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain,

pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Taunton.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by Environmental Protection Agency or jointly with a State that authorizes the discharge of pollutants to waters of the United States.

New Development. Any construction or land disturbance on a lot, or on a portion of a lot, that is currently in a vegetated state.

Nonpoint Source Pollution. Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants, finally depositing them into water resource areas.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Nuisance. An activity or condition posing a danger to public health and safety.

Outfall. The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

Owner. A person with a legal or equitable interest in property.

Person. Any individual, association, organization, partnership, firm, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non point source, that is or may be introduced into the City of Taunton municipal storm drain system or Waters of the United States or Waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

1. Paints, varnishes, and solvents;
2. Oil and other automotive fluids;
3. Non-hazardous liquid and solid wastes and yard wastes;
4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
5. Pesticides, herbicides, and fertilizers;
6. Hazardous materials and wastes;
7. Sewage, fecal coliform and pathogens;
8. Dissolved and particulate metals;

9. Animal wastes;
10. Rock, sand, salt, soils;
11. Construction wastes and residues;
12. Vegetable oil and waste vegetable oil;
13. And noxious or offensive matter of any kind.

Pre-Construction. All activity in preparation for construction.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Priority Habitat Of Rare Species. Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

Process Wastewater. Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge. The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Redevelopment. Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

Runoff. Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment. Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

Sedimentation. The process or act of deposition of sediment.

Site. Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

Slope. The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil. Any earth, sand, rock, gravel, or similar material.

Stabilization. The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to

identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Strip. Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

Surface Water Discharge Permit. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste. Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Uncontaminated. Water containing no pollutants.

Wastewater. Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Watercourses. A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth. All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wetland Resource Areas. All wetlands and watercourses protected under the Massachusetts Wetlands Protection Act and the City of Taunton Conservation Ordinance.

Section 19-4.3. Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

Section 19-4.4. Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 19-4.5. Authority

The Department of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Commissioner of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 19-4.6. Regulations

The Committee on the Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this ordinance. Failure of the Committee on the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

Section 19-4.7. Prohibited Activities

1. **Prohibition of Illegal Discharges.** No person shall dump, discharge, cause or allow to be discharged into the municipal separate storm sewer system, into a watercourse, or into the waters of the Commonwealth any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
2. **Prohibition of Illicit Connections.** No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal separate storm sewer system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. **Obstruction of Municipal Separate Storm Sewer System.** No person shall obstruct or interfere with the normal flow of storm water into or out of municipal separate storm sewer system without prior approval from the authorized enforcement agency.
4. **Exemptions.** The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - a. Discharge or flow resulting from fire fighting activities;
 - b. The following non-storm water discharges or flows are exempt from prohibitions of non-storm waters provided that the source is not a significant contributor of a pollutant to the municipal separate storm sewer system:
 - i. Water line flushing or flow from other potable water sources;
 - ii. Landscape irrigation or lawn watering;
 - iii. Rising groundwater;
 - iv. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater;
 - v. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation, conducted in such a way as not to cause a nuisance;
 - vi. Springs;

- vii. Non-commercial washing of vehicles and temporary fund-raising car wash events;
 - viii. Natural riparian habitat or wet-land flows;
 - ix. Discharges from street sweepers of minor amounts of water during operations
 - x. Normal maintenance or improvement of land in agricultural or aquacultural use conducted in such a way as not to cause a nuisance.
- c. The following non-storm water discharges or flows are exempt from prohibitions of non-storm waters provided that the authorized enforcement agency is verbally notified prior to the activity:
- i. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;
 - ii. Dye testing is an allowable discharge;
 - iii. Discharges from de-chlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Section 19-4.8. Suspension of Municipal Separate Storm Sewer System Access

1. **Suspension due to Illicit Discharges in Emergency Situations.** The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
2. **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 19-4.9. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said

permit may be required in a form acceptable to the authorized enforcement agency prior to the allowing of discharges to the MS4.

Section 19-4.10. Notification of Spills

In addition to other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. or Commonwealth, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via Taunton Fire Department. In the event of a release of non-hazardous materials, said person shall notify the Department of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department of Public Works, 90 Ingell Street, Taunton, MA 02780, within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 19-4.11. Enforcement

1. **Regulatory Controls.** The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
2. **Civil Relief.** If anyone violates the provisions of this ordinance, regulations, permit, notice, or order issued there under, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to abate or remediate the violation.
3. **Orders.** The Department of Public Works may issue a written order to enforce the provisions of this ordinance or the regulations there under, which may include:
 - a. Elimination of illicit connections or discharges to the storm drainage system;
 - b. termination of access to the storm drainage;
 - c. performance of monitoring, analysis, and reporting;
 - d. cessation of unlawful discharges, practices, or operations; and
 - e. remediation of contamination in connection therewith.

If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs

incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a municipal charge against the property owner. The Department of Public Works shall impose a municipal charges lien as provided in G.L. c. 40 s. 58 and so notify the Collector. The passage of this ordinance by the Municipal Council shall constitute a separate vote for this type of charge.

4. **Criminal And Civil Penalties.** Any person who violates any provision of this ordinance, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the city in any court of competent jurisdiction.
5. **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the City of Taunton may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, s 21D. The Department of Public Works shall be the enforcing entity. The penalty for the First violation (1st) shall be one hundred dollars (\$100.00). The penalty for the Second violation (2nd) shall be two hundred dollars (\$200.00). The penalty for the Third violation (3rd) and subsequent violations shall be three hundred dollars (\$300.00). Each calendar day in which a violation occurs or continues shall constitute a separate offense.
6. **Entry To Perform Duties Under This Ordinance.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, or officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.
7. **Appeals.** The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.
8. **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 19-4.12. Transitional Provisions

Residential property owners shall have one hundred and eighty (180) days from the effective date of the ordinance to comply with its provisions provided good cause is shown for the failure to comply with the ordinance during that period.

STORMWATER MANAGEMENT SYSTEMS ON PRIVATE PROPERTY

Section 19-4.13. Applicability

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land without a permit from the Authorized Enforcement Agency or as otherwise provided in this ordinance.

Any person that fails to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Authorized Enforcement Agency Regulations shall be in violation of the City of Taunton Ordinances.

Section 19-4.14. Exemptions

The activities are exempt from requirements of Article III of this ordinance:

1. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
2. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
3. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
4. Normal maintenance and improvement of land in agricultural or aquacultural use; and
5. Disturbance of one or more acres of land that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in a valid Order of Conditions issued by the Conservation Commission.

Section 19-4.15. Administration

The City of Taunton Department of Public Works shall administer, implement and enforce Article III of this ordinance. Any powers granted to or duties imposed upon the City of Taunton Department of Public Works may be delegated in writing to its employees or agents. Henceforth, the City of Taunton Department of Public Works shall be referred to as the "Administrating Authority" or "Authorized Enforcement Agency" of Article III of this ordinance.

Section 19-4.16. Rules and Regulations

The Committee on the Department of Public Works shall adopt, and may periodically amend, rules and regulations relating to the procedures and administration of Article III of this ordinance. Failure by the Committee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

Section 19-4.17. Permits and Procedure

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and review process shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

Section 19-4.18. Performance Standards

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

Section 19-4.19. Waivers

1. The Department of Public Works may waive strict compliance with any requirement of this ordinance or the rules and regulations promulgated hereunder, where:
 - a. such action is allowed by federal, state and local statutes and/or regulations; and
 - b. is in the public interest; and
 - c. is consistent with the purpose and intent of this ordinance and/or regulations.
2. The process for granting a waiver shall be defined and included as part of the regulations promulgated under Article III, Section 4 of this ordinance.

Section 19-4.20. Enforcement

1. **Regulatory Controls.** The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.
2. **Orders.** If the City determines that a person's failure to follow the requirements of this ordinance or the rules and regulations is creating an adverse impact to a water resource, the City may issue a written order to the person to remediate the adverse impact.

If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a municipal charge against the property owner. The Department of Public Works shall impose a municipal charges lien as provided in G.L. c. 40 s. 58 and so notify the

Collector. The passage of this ordinance by the Municipal Council shall constitute a separate vote for this type of charge.

3. **Criminal And Civil Penalties.** Any person who violates any provision of this ordinance, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the city in any court of competent jurisdiction.
4. **Appeals.** The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.
5. **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed.

NEW BUSINESS

Respectfully submitted,



**Rose Marie Blackwell
City Clerk**



City of Taunton

Board of Health

45 School Street
Massachusetts 02780-5212

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

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

ADAM S. VICKSTROM
ASSISTANT EXECUTIVE DIRECTOR

June 24, 2014

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

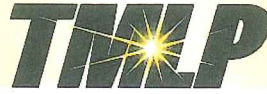
RE: Request for Additional Staffing

Dear Mayor Hoye and Members of the Municipal Council:

The Board of Health is respectfully requesting additional funding for a Part-Time Public Health Nurse position to assist our existing Public Health Nurse. Also, we are requesting a Part-Time Clerical position to assist our existing Head Clerk. Thank you very much in advance for your consideration. If you have any other questions, please feel free to contact this office.

Sincerely,

C. Nason Burden, MD
Chairman



2.

Serving a Public Power Community

Mrs. Rose Marie Blackwell
City Clerk
City Hall
Taunton, MA 02780

June 23, 2014

Re: Solar Street Lights

Dear Mrs. Blackwell,

The Taunton Municipal Lighting Plant has been in discussions with multiple vendors regarding a solar (Photovoltaic) street light, however the present technology required to produce enough lumens for a street light application still requires the following:

- Solar panel ranging from 2'x5' to 3'x6'
- Lead Sealed battery for energy storage
- Battery charger / conditioner
- Controller to manage available storage in battery
- LED Light fixture

Aside from the current cost being between two and three thousand dollars more than just the LED fixture itself, the size of the solar panel is too large to install on poles with primaries and secondaries on them.

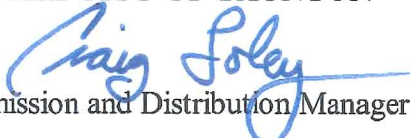
The TMLP however is completing a trial of LED lights, with positive results and will be establishing new rates in the very near future. The biggest location for savings will be the Washington Antique Posts where energy consumption will be cut down from 319 watts to 118 watts. The potential savings to the city will be in the range of \$20.00 per month per fixture; with 115 fixtures in the City will result in approximately \$27,600 of savings per year after all the lights have been retro fitted.

The TMLP is also going to be using LED streetlights for all fixtures in the future which will allow us to add solar to the fixture in the future as technology progresses.

If you have any questions please contact me at (508) 824-3167

Very truly yours,

**MUNICIPAL LIGHT COMMISSION
OF THE CITY OF TAUNTON**


Transmission and Distribution Manager

Taunton Municipal Lighting Plant

PO Box 870 Taunton, MA 02780-0870 Ph: 508.824.5844 Fx: 508.823.6931

Cleary-Flood Station Fx: 508.822.3782

www.tmlp.com



CITY OF TAUNTON
MASSACHUSETTS

3.

TREASURY DEPARTMENT

BARBARA A AUGER, CMMT
TREASURER/COLLECTOR

15 Summer Street
Taunton, MA 02780

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

June 20, 2014

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

RE: Land Court Leif H. Nelson
Parcels # 89-160 and 89-161 – 430 Winthrop Street

Dear Mayor Hoyer and Councilors;

I have received the attached notice indicating the Land Court entered a foreclosure decree on a tax title parcels assessed to **Leif H. Nelson** for property located at 430 Winthrop Street. The City of Taunton is now the owner of the properties 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 \$2,049.20 Legal Fees \$3,403.51 (estimated)
[SEAL] Pcl I - Winthrop St - Pcl # 89 - 160-
Pcl II - 430 Winthrop St (bldgs) - Pcl # 89 - 161-

4

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

Case No.: 12 TL 144120

JUDGMENT IN TAX LIEN CASE

City of Taunton

vs.

Leif H. Nelson

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	208		
Recorded	12/09/2008	17805	209		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

Entered: May 16, 2014

June 23, 2014

Honorable Thomas Hoye, Mayor

Members of the Taunton City Council

City Hall

Oak Street

Taunton, MA 02780

5

Dear Mayor and Council members;

I have been a resident of North Walker Street since 1966. I have seen all the changes to the neighborhood because of the expansion of North Walker Street to a Chapter 90 Road. I have asked different members of the State Police and Taunton Safety officers a simple question. Why does the Westville side of North Walker Street have a 45 mile an hour speed limit? No one seems to know why or who can change it.

Our end of the thoroughfare is just as congested and the other side toward Oakland. I have checked other major roads and they are usually posted at 35 miles per hour (Routes 44,138 and 140). Presently vehicles enter from Worcester Street at 30 MPH and cross over the North Walker Street and it is also posted 30 MPH. Some instances as you proceed, it drops to 25 MPH. That is until they pass the fire station. Then it increases to 45 MPH. As vehicles pass the pond they are notified that the speed will be reduced and they should slow for children. This is humorous because they are increasing the speed to go up a hill and enter another densely populated side of our street. The speed is reduced to 25 MPH only as they approach the corner of Winthrop Street. The demographics of our population have changed and more families with children reside here. Occasionally we have an electronic speed monitor or a cruiser at the side of the road. This is usually at off peak times of the day. In the mornings trucks are going well over 50 MPH through this area. Believe me this is a conservative estimate.

I would like to request that this speed limit be reevaluated by the appropriate parties.

My home's stone wall has been struck three times by speeding cars. You will note many of our homes have large boulders in strategic places to void being killed in their beds. The topography of our end of the street is hilly and curvy. One must be very careful coming out of Fisher Street for example. Cars are on top of you before you know it. My home shakes from large trucks speeding by, and I am surprised that no one has been injured.

Please re-examine this situation, as it is unimaginable that this can be allowed to continue.

I have also enclosed signatures from other neighbors equally concerned over this matter.

Sincerely



Kathleen Campanario

110 North Walker Street

Taunton, MA 02780-2146

Make our neighborhood safer by reducing the speed limit to 30 mph.

The following residents do not understand how North Walker Street can have one end of the street have below 30 mph speed limits yet the western end is set at 45 mph. Our demographics have changed with elderly and young children growing in numbers. The Vehicles speed as they travel on our street is excessive, no matter how many times you check it with a speed monitor. We have to have large stones in the front of homes to protect the residents within. Please determine how to reduce the speed limit. Make our street safer Now.

Name	Street	City
Penny Dermody	135 N Walker St	Taunton
Jack McGann	40 N. Walker St	Taunton
Blaire Young	126 N. Walker St	Taunton
My H. Young	126 N Walker	Taunton
Jeremy Leatherwood	185 Rocky Woods	Taunton
Robin Leatherwood	185 Rocky Woods St	Taunton
James Leatherwood	145 Rocky Woods	Taunton
Joan Smith	190 N Walker	Taunton

Make our neighborhood safer by reducing the speed limit to 30 mph.

The following residents do not understand how North Walker Street can have one end of the street have below 30 mph speed limits yet the western end is set at 45 mph. Our demographics have changed with elderly and young children growing in numbers. The Vehicles speed as they travel on our street is excessive, no matter how many times you check it with a speed monitor. We have to have large stones in the front of homes to protect the residents within. Please determine how to reduce the speed limit. Make our street safer Now.

Name	Street	City
Edward De Castro	91 No. Walker St.	Taunton
Robert PALMER	3 Hawthorne way	TAUNTON
Kathleen Campanaro	110 N. Walker St	Taunton
James Regalberto	113 N Walker St	Taunton
Jim [unclear]	135 N. Walker St	Taunton
Pat McKenna	225 R S. WALKER ST	Taunton
Joan McKenna	225R S Walker ST	Taunton
Gregory Gay	127 N. Walker St	Taunton
Dorothy Spencer	175 S. Walker St	Taunton
Byron Dempsey	80 N. walker st	Taunton
Alto [unclear]	129 North Walker	Taunton
Kathleen [unclear]	104 NORTH WALKER ST.	TAUNTON
Robert Pontes	99 N. Walker St.	Taunton
Art Holdrup	105 N. Walker St.	Taunton
Mareline Holdrup	105 No. Walker St.	Taunton



OPPOSE TELECOM INDUSTRY PROPOSALS TO REMOVE LOCAL AUTHORITY IN SITING OF WIRELESS ANTENNAS AND EQUIPMENT

**Industry Legislation in S. 2183 and House Economic Development Bill would Strip Cities,
Towns and Residents of any Effective Site Review of Wireless Facilities**

**The FCC Will Issue Nationwide Siting Standards for Wireless Antennas Later this Year,
and the Legislature Should Not Act until the FCC Finishes Its Process**

June 17, 2014

The Honorable Marc R. Pacheco
Senator
State House, Room 312B
Boston, MA 02133

Dear Senator Pacheco,

The telecommunications industry is moving quickly to fast-track legislation to preempt virtually all municipal zoning or control over the siting of wireless antennas and equipment in Massachusetts. We respectfully ask you to oppose this far-reaching effort to prevent cities, towns and citizens from having any effective say in how the build-out of wireless networks impacts their neighborhoods.

These powerful companies are determined to pass a state law that would allow them to place wireless antennas and equipment on virtually any building or structure in any location in any community, and override all municipal zoning bylaws, ordinances, and local authority to protect neighborhoods and the public from unsightly and intrusive antennas.

The Telecom Industry is Pursuing Two Routes

- **The Legislature's Economic Development Bill.** Last week, by a voice vote, House members attached this industry-written language to the House's economic development bill (Sections 74 and 75 of H. 4181), which was passed by the House of Representatives and is now before you in the Senate. With your own economic development bill expected to emerge shortly, it is certain that the wireless telecommunications companies will attempt to attach the same language to override local control.
- **S. 2183 – "An Act Upgrading Mobile Broadband Coverage in the Commonwealth."** This stand-alone bill with language identical to Sections 74 and 75 of the House economic development bill has also been sent from the Committee on Telecommunications and Energy, and is now before the Senate Ways and Means Committee.

The Telecom Industry Bill Would Override All Local Decision-Making

S. 2183 and Sections 74 and 75 of the House economic development bill would allow telecommunications companies to "collocate" unlimited new antennas and equipment on any and all existing buildings and structures, regardless of the impact on neighborhoods or interference with public right-of-ways.

The legislation would allow all wireless telecommunications companies to install or upgrade wireless antennas and equipment on any building or structure in Massachusetts. These structures could include commercial or residential buildings, water towers, billboards and even homes – with NO effective local government authority to regulate. The telecom companies could ignore all municipal zoning provisions, ordinances and bylaws – including height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in.

Municipalities would also have no recourse to ensure that unused or abandoned facilities must be removed in the future. The wireless telecommunications provider would only need to comply with the state building code, which is simply a technical construction standard.

The measure envisions no role for the general public, and fails to recognize that citizens have a right to basic zoning protections that guarantee accountability on the part of developers.

Under this proposal, in order to obtain a “collocation” permit, a mobile broadband provider would merely need to submit an application to the appropriate issuing authority in a municipality, and the city or town would have only 90 calendar days to review and act upon the “collocation” application, and could only reject applications that fail to meet the state building code. Under the language of the bill, telecom companies could start the “90-day shot clock” by submitting incomplete applications, and have up to 45 days to complete their submissions, leaving cities and towns only 45 days to review a completed application. If a municipality does not complete its review 90 days from the start of the “shot clock,” applicants could immediately go to court to compel the issuance of a license, short-circuiting the local process. This irresponsible provision would in no way benefit the community.

The cities and towns of the Commonwealth strongly support expanding and upgrading wireless telecommunications services throughout the state for the benefit of consumers, but the expansion simply cannot come at the expense of the quality of life for residents.

Specific provisions of the telecom industry’s legislation include:

- No zoning ordinance or bylaw could regulate, restrict or prohibit collocation of wireless facilities on existing structures in any way inconsistent with the industry legislation;
- The issuing authority of a city or town must grant approval of all applications for the “collocation” of wireless antennas and equipment on any existing building or structure (except utility poles), as long as the application complies with the state building code;
- Cities and towns must also approve all applications to expand existing stand-alone cell towers (including monopoles), unless the proposals would increase the height or width of the tower by more than 10 percent or 20 feet (whichever is more) – which means that the industry could take a current monopole with antennas hidden inside and attach a 20-foot wide antenna, and go up 20 feet, and communities would have NO say regarding this complete change of appearance;
- The issuing authority has only 90 days to approve the application – if cities and towns take longer than 90 days, then the telecom companies could immediately go to court, with approval virtually assured because the court’s only standard would be compliance with the state building code, and NO local bylaws, ordinances or zoning provisions would be allowed;
- Communities could NOT require companies to remove obsolete, abandoned or unused antennas and equipment;
- Telecom companies could even bypass local Historic Commissions and install antennas inside local historic districts, as long as the targeted building is not listed on the register of historic structures (it

could be right next to a listed building!), and could even get clearance from the state historic preservation officer to put an antenna directly on a building that is listed on the register; and

- Communities could not require a higher fee for reviewing an application than for other types of commercial applications, and fees for technical consulting would be capped at \$1,000.

The FCC is Promulgating National Standards on Wireless Antenna Siting – But the Telecomm Industry is Working Feverishly to Win More Favorable Rules in Massachusetts

In 2012, Congress and the President enacted “The Spectrum Act” that will implement a nationwide uniform process for the collocation of wireless antennas and equipment. At this moment, the FCC is promulgating final regulations (FCC 13-122) that will govern the build-out of the wireless telecommunications network, and it is expected that the FCC will give industry its often-stated top goal of a time-limited expedited application process. The FCC has received detailed input from all stakeholders in this process, including industry and municipal organizations. It is expected that the FCC will issue its final rules later this year.

Why is the telecom industry jumping to Massachusetts and other states to win a complete override of local zoning, when the FCC is on the verge of issuing its decision? The answer is clear: the FCC may give deference to local zoning rules, and allow cities and towns to act in the public interest. In particular, the FCC could allow municipalities to have zoning provisions, ordinances and bylaws on height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in. In effect, the telecom industry wants to preempt all local rules AND preempt any FCC provisions to protect municipal authority and public input.

The Legislature should reject this fast-track attempt by the wireless industry to ignore the FCC process, and instead wait until the federal government issues its final rules on uniform national standards later this year.

Please oppose any attempt to pass S. 2183 or any amendment to the Senate’s economic development bill that would strip cities and towns of the ability to regulate wireless antennas. The Legislature should wait until the FCC makes its final ruling on national standards. If you have any questions, please do not hesitate to contact me, Catherine Rollins or John Robertson of the MMA staff at any time.

Thank you very much.

Sincerely,



Geoffrey C. Beckwith
Executive Director

cc: The Chief Municipal Officials in Berkley, Bridgewater, Carver, Dighton, Marion, Middleborough, Raynham, Taunton, and Wareham



Serving a Public Power Community

*Tabled -
Unfinished
Business*

May 27, 2014

Rose Marie Blackwell
City Clerk
City Hall
Taunton, Mass 02780

By vote of the Municipal Light Commission on, May 6, 2014, the following is a report of action taken on street- lights.

Colton Drive
Located in Myles Standish Industrial Park

Recommend to transfer cost of lighting from Taunton Development/Mass Development Corp to the City of Taunton. Lights to be transferred would be 12-250w high-pressure sodium lights on aluminum standard poles, 1 through 12 on Colton Drive Taunton, which now is a City approved street.

Transfer of cost requested by Taunton Development/Mass Development Corp.

- Estimate cost is \$ 163.32 per month
- Cost of each light is \$ 13.61.
- Does not include fuel adjustment credit

It is requested that this street lighting report be presented to the Municipal Council, for approval of the energy services.

Very truly yours,
MUNICIPAL LIGHT COMMISSION

Michael J. Horrigan

MICHAEL J. HARRIGAN
General Manager

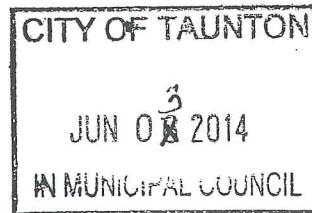
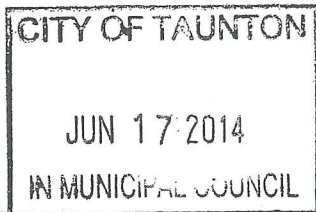
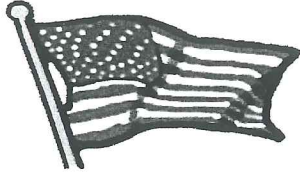


Table this. Check to see who is paying for the other poles in the Industrial Park and why 12 poles are needed. Bring this up in 2 weeks.

*Jennifer Reger
Asst. City Clerk*

*Refer for 2 weeks.
(June 30th)*



JUNE 30, 2014

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

PLEASE NOTE: **THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR MONDAY, JUNE 30, 2014 AT 7:30 A.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS**

7:30 A.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**

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

CITY CLERK

TAUNTON, MA

2014 JUN 25 P 2:17

RECEIVED
CITY CLERK'S OFFICE