



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

~
MARCH 19, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

RECEIVED
CITY CLERK'S OFFICE
2013 MAR 15 A 10:47
TAUNTON, MA
CITY CLERK

HEARING:

On the petition for the issuance of a special permit to allow entertainment in conjunction with a restaurant (TJ's Diner) at 413 Bay Street, Taunton located in the Business District submitted by Attorney Nicholas A. Felici, Feinberg & Felici, 127 Cambridge St., Burlington on behalf of his client Antonio Pires, 413 Bay St., Taunton.

- Com. from Chairman, Taunton Planning Board – Submitting a recommendation with conditions and communications from various City Officers
- Maps of interior and exterior of location

COMMUNICATIONS FROM THE MAYOR

- Citation for the 6th grade girls Lightning Orange Basketball Team
- Citation in recognition of Paula Farrales for volunteer work

APPOINTMENTS

- Appointment of Director/Agent of Veterans Services
- Re-appointment to the Golf Course Commission

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-2 Com. from Acting Treasurer/Collector – Notifying of a land court decree
- Pg. 3 Com. from Acting Treasurer/Collector – Notifying of a land court decree
- Pg. 4 Com from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 5 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing

- Pg. 6 Com. from Attorney David Gay, 73 Washington St., P.O. Box 988 Taunton on behalf of his client– Requesting a Class II License name change
- Pg. 7 Com. from John Nelson, 93 Country Way, Taunton – Requesting a public vote
- Pg. 8 Com. from City Solicitor – 40 Norton Avenue

PETITIONS

Constable License

Application submitted by Herve Vandal, Jr. requesting a **RENEWAL** of his Constable License desiring to service civil process.

Claim

Claim submitted by Nicole Arraiol, 96 Harvestwood Dr., Taunton seeking reimbursement for damages to her automobile from hitting a pothole on Dunbar Street heading toward Norton Ave. from Fremont Street.

Claim submitted by Donna Griffin, 60 Kins Court, P.O. Box 1517, Onset, MA seeking reimbursement for damages to her automobile from hitting a pothole on Route 140 (County Street) in the vicinity of Pete’s Mart.

Claim submitted by Andrew Buckley, 25 Settlers Dr., Lakeville seeking reimbursement for damages to his automobile from hitting a pothole on Hart Street near the railroad crossing heading toward the Weir Village.

Claim submitted by Marcio DeAndrade, 25 Indian Trail, Taunton seeking reimbursement for damages to his automobile from hitting a pothole on County Street between Mechanics Cooperative Bank and before the school.

Claim submitted by Jarod Gagnon, 10 Friend St., Taunton seeking reimbursement for damages to his automobile from hitting a pothole in the vicinity of 40 Plain Street, Taunton.

Class II License

Application submitted by Gary Maltais, 418D Drift Road, Westport, for a **NEW** Class II License –DBA- Marli Motors to be located at 17 Tremont St., Taunton.

Miscellaneous

Site Plan Review for property located at 316 Broadway for the demolition of the existing bar/restaurant and replace it with a bank submitted by 1877 TPM Corp., Joseph Baptista, President, Mechanic’s Co-Operative Bank, 308 Bay St., Taunton. **(Public Hearing not Required.)**

COMMITTEE REPORTS

UNFINISHED BUSINESS

ORDERS, ORDINANCES AND RESOLUTIONS

NEW BUSINESS

Respectfully submitted,

A handwritten signature in cursive script that reads "Rm Blackwell".

Rose Marie Blackwell

City Clerk



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 8, 2013

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

C/O Rosemarie Blackwell, City Clerk

RE: SPECIAL PERMIT – 413 Bay Street – Restaurant with Entertainment

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on March 7, 2013 the Taunton Planning Board reviewed the proposal for the addition of entertainment to the existing restaurant located at 413 Bay Street (TJ's Diner) located in the Business District.

The Taunton Planning voted to send the Municipal Council a positive recommendation for this proposal with the following conditions:

1. The Special Permit for Entertainment is for the **REAR BUILDING ONLY, known as 4 Alger Avenue.**
2. Entrance off Bay Street (One-Way) and Exit off Alger Avenue. Petitioner to post One-Way and Do-Not-Enter Sign.

Sincerely,

Daniel P. Dermody, Chairman
TAUNTON PLANNING BOARD

DPD/djp



CITY of TAUNTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

141 Oak Street
Taunton, Massachusetts 02780-3430
Phone: 508-821-1027, Fax: 508-821-1336

Mark B. Slusarz, P.E.
City Engineer



M E M O R A N D U M

TO: Dan Dermody, Members of the Taunton Planning Board
FROM: Mark Slusarz, P.E., City Engineer *MS*
CC: Kevin Scanlon, City Planner
DATE: February 27, 2013
RE: 413 Bay Street, Restaurant with Entertainment

I have reviewed the plans and reports for the above reference project, and have the following comments:

1. The angled parking (approx. 60°), and the relatively narrow curb cut on Bay Street suggest that this should operate as an entrance only. One-way and Do-Not-Enter signs would be appropriate here.

rec'd
2-13-13



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

*15 Summer Street
Taunton, Massachusetts 02780*

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

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

February 13, 2013

Dan Dermody, Chairperson
Members of the Planning Board
15 Summer Street, City Hall
Taunton, MA 02780

RE: 413 Bay Street- Restaurant with Entertainment

Dear Mr Dermody and Planning Board Members:

This letter is in regards to the requested special permit at 413 Bay Street for a restaurant with entertainment.

I recommend that the requested special permit be granted as presented.

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

Sincerely,

Kevin R Scanlon,
Director AICP

rec'd.
1-31-13-



City of Taunton, Massachusetts
**CONSERVATION
COMMISSION**

*15 Summer Street
Annex Building
Taunton, Massachusetts 02780*

*Phone 508-821-1095 Fax 508-821-1665
www.ci.taunton.ma.us*

Conservation Commissioners

*Brian Marques, Chair
Debbie Botellio, Vice Chair
Renwick Chapman, PE
Ernest Enos
Marla Isaac
Neil Kelly
Stephen Turner*

January 31, 2013

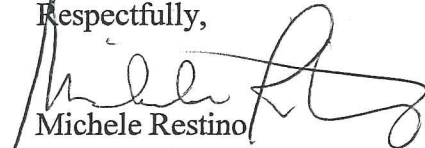
**Daniel Dermody, Chair
Members of Taunton Planning Board
15 Summer Street
Taunton, MA 02780**

RE: Special Permit – 413 Bay Street, Restaurant and Entertainment

Dear Mr. Dermody and Members of the Taunton Planning Board,

There are no conservation issues regarding this request.

Respectfully,


Michele Restino
Conservation Agent

rec'd.
2-14-13



CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
EDWARD JAMES WALSH

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471

February 4, 2013

Planning Board
15 Summer Street
Taunton, MA 02780

Mr. Scanlon and members of the Planning Board,

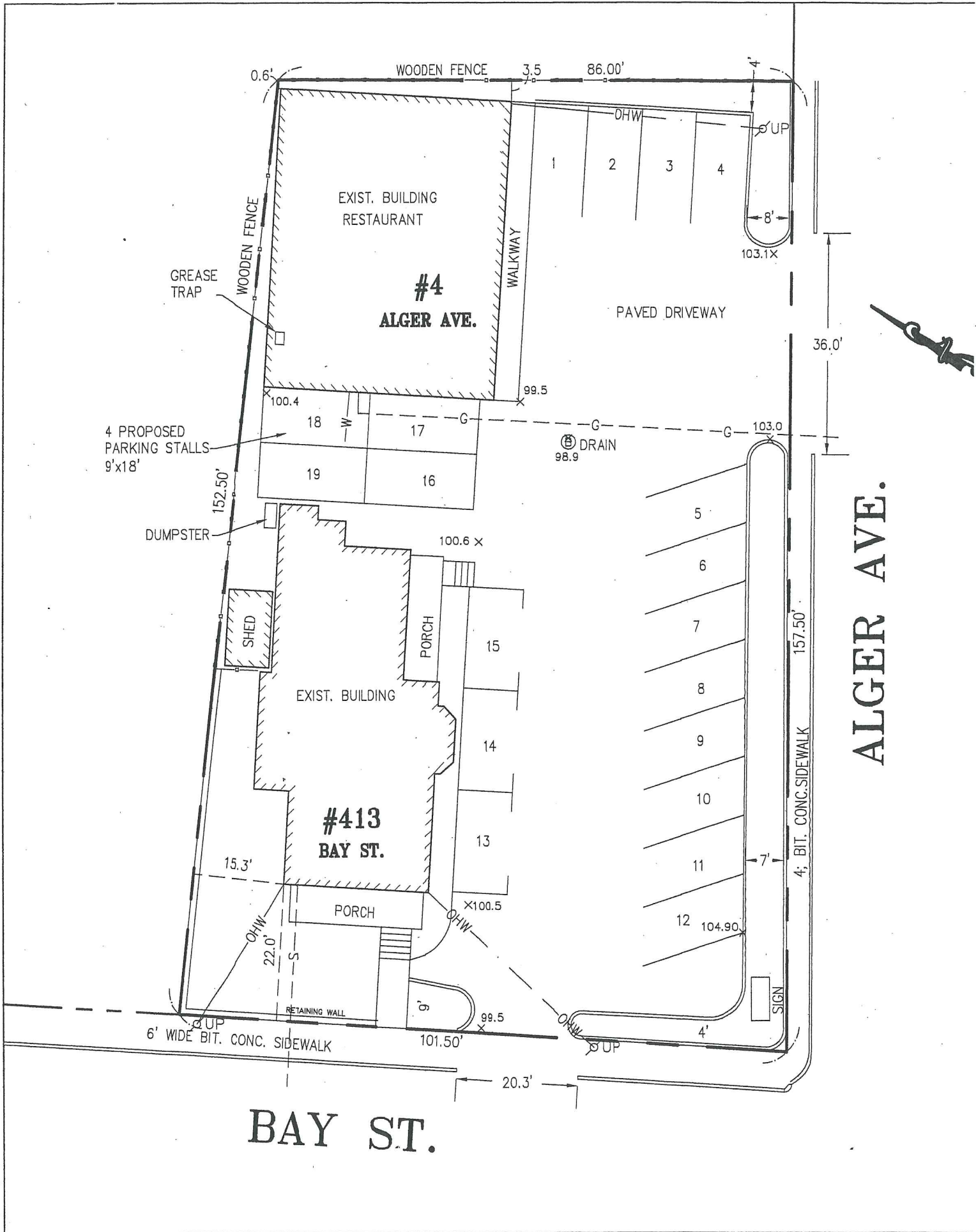
I am the commander of the Taunton Police Department Licensing Division. I am writing in reference to an application for a Special Permit for entertainment submitted by Antonio Pires. The address on the petition is 413 Bay Street..

Ilhia Brava, Incorporated, doing business as T.J.'s Restuarant is an establishment licensed by the Taunton License Commission to serve alcoholic beverages to be consumed on the premises under the Liquor Control Act. The licensed premises are identified as 4 Alger Avenue. Mr. Pires is an officer of Ilhia Brava, Inc. and it appears that there is but one deed for both buildings, 413 Bay Street and 4 Alger Avenue. The Assessor recognizes only one lot, 413 Bay Street, but nonetheless, it contains two separate and distinct buildings. I respectfully request that any decision by the Board regarding this petition specifically reference that the Special Permit for entertainment is for the rear building, known as 4 Alger Avenue, as that is the building where the entertainment will be conducted.

Respectfully submitted,

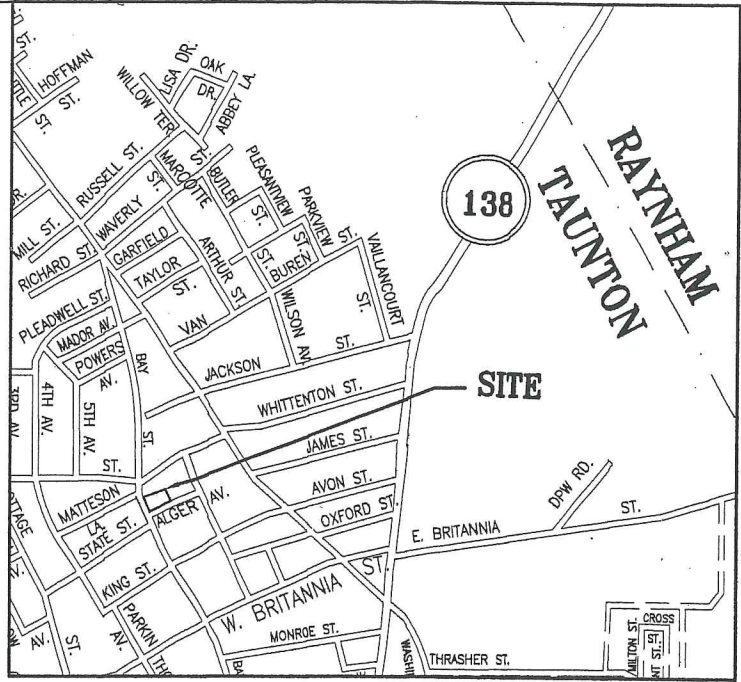
Daniel P. McCabe
Detective Lieutenant
Licensing Division

C:\dwg\413 Bay Rd. Taunton\dwg\413 Bay Rd.dwg, 12/24/2012 10:53:49 AM



ALGER AVE.

BAY ST.



LOCUS MAP

NOT TO SCALE



SITE PLAN

SCALE 1"=20'

PREPARED BY:

MICHAEL P. ANTONINO
 REGISTERED LAND SURVEYOR
 31 LEDGEBROOK AV. STOUGHTON, MA 02072
 PHONE/FAX 781-344-4550

SITE PLAN

**PLAN OF LAND
 #413 BAY STREET &
 #4 ALGER AVE.
 TAUNTON, MA**



SCALE	DATE	ACAD FILE	DWG NO.
1" = 20'	12/24/2012	413 BAY	1

*City of Taunton
Office of the Mayor*

*Thomas C. Hoye, Jr.
Mayor*

*Alyssa Gracia
Assistant to the Mayor*

*Gill E. Enos
Budget Director*



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

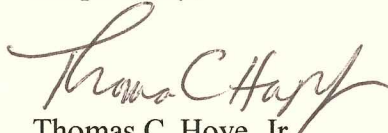
March 18, 2013

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

Dear Council President McCaul:

Please be advised that I am appointing Bolivar Rubiano of 701 Winthrop Street #314, Taunton, MA to the position of Director/Agent of Veterans Services for a term of (3) years. His term will expire March 2016.

Respectfully,


Thomas C. Hoye, Jr.
Mayor

City of Taunton Office of the Mayor

Thomas C. Hoye, Jr.
Mayor

Alyssa Gracia
Assistant to the Mayor

Gill E. Enos
Budget Director



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

March 19, 2013

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

Dear Council President McCaul:

Please be advised that I am re-appointing Aline Mulhern of 36 Fisher Street, Taunton, MA to the Golf Course Commission for a term of (3) years. Her term will expire January 2016.

Respectfully,

Thomas C. Hoye, Jr.
Mayor



CITY OF TAUNTON
MASSACHUSETTS

TREASURY DEPARTMENT

JAYNE D ROSS, CMMT, CMMC
Treasurer/Collector

15 Summer Street
Taunton, MA 02780

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

March 8, 2013

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

Re: Land Court Decree Lynn & Charles Rowe
Parcel # 15-0-087-0 Field St

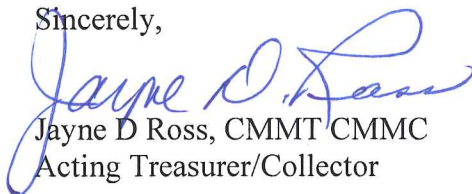
Dear Mayor Hoye and Councilors:

I have been notified that the Land Court entered a foreclosure decree on a tax title parcel assessed to Lynn & Charles Rowe. This property is located on Field Street. The City of Taunton is now the owner of this 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 parcel to the Tax Possession Custodian.

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

Sincerely,


Jayne D Ross, CMMT/CMMC
Acting Treasurer/Collector

cc: Assessor
Auditor
Tax Possession Custodian

[SEAL]

Land Court costs \$560.50

Legal \$878.34 (estimated)

RE: Field Street - Parcel # 15- -87-

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

2.
COPY

Case No.: 12 TL 144103

JUDGMENT IN TAX LIEN CASE

City of Taunton

vs.

Lynn M. Rowe, Charles F. Rowe, III

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	12/18/2007	17248	315		

By the Court: Deborah J. Patterson

Attest:

A TRUE COPY

ATTEST:

Deborah J. Patterson
RECORDER

Deborah J. Patterson
Recorder

Entered: January 30, 2013



CITY OF TAUNTON
MASSACHUSETTS

3

TREASURY DEPARTMENT

JAYNE D ROSS, CMMT, CMMC
Treasurer/Collector

15 Summer Street
Taunton, MA 02780

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

March 14, 2013

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

Re: Land Court Decree Danny E Leonard
Parcel # 45-0-132-0 Norton Ave
Parcel # 43-0-1-0 Worcester St

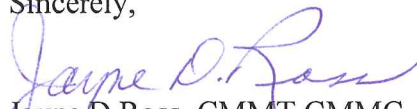
Dear Mayor Hoye and Councilors:

I have been notified that the Land Court entered a foreclosure decree on tax title parcels assessed to Danny E Leonard. These properties are located on Field Street and Norton Ave. The City of Taunton is now the owner of this 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.

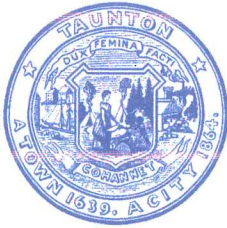
Once we receive the recorded judgment decree I will transfer the parcel to the Tax Possession Custodian.

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

Sincerely,


Jayne D Ross, CMMT CMMC
Acting Treasurer/Collector

cc: Assessor
Auditor
Tax Possession Custodian



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 12, 2013

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

C/O Rose Marie Blackwell, City Clerk

RE: Site Plan Review - 316 Broadway

Dear Mayor Hoye and Members of the Municipal Council:

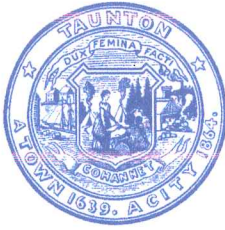
Please be advised the Taunton Planning Board is in receipt of a Site Plan Review for property located at 316 Broadway for the demolition of the existing bar/restaurant and replace it with a bank, submitted by 1877 TPM Corp., Joseph Baptista, President, Mechanic's Co-Operative Bank, 308 Bay St., Taunton, Ma.

The next scheduled meeting for this petition will be on **Tuesday, March 26, 2013 at 10:00 AM** which time the application shall be reviewed by the DIRB and The Taunton Planning Board has scheduled a public meeting on this proposal for **Thursday, April 4, 2013 at 5:30 PM.** at Maxham School, 141 Oak St., Taunton, Ma. in the Chester R. Martin Municipal Council Chambers.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

March 14, 2013

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

C/O Rose Marie Blackwell, City Clerk

RE: Form J – Waiver of Frontage Requirement - & Special Permit for common driveway - 815 Middleboro Avenue – Fremette

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board has received a Form J Plan – Waiver of Frontage Requirements & Special Permit for Common Driveway for property located at 815 Middleboro Avenue, E. Taunton, Ma. submitted by William Frenette, 563 Hart St., Dighton, Ma. The proposal is for the division of one lot into 4 lots (lot 5 not buildable) and a Special Permit for a common driveway.

The Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, April 4, 2013 at 5:30 PM.** at Maxham School, 141 Oak St., Taunton, Ma. in the Chester R. Martin Municipal Council Chambers.

Respectfully,

Daniel P. Dermody, Chairman
Taunton Planning Board

DPD/djp

6.

GAY & GAY, P.C.

73 Washington Street
P.O. Box 988
Taunton, Massachusetts 02780

David T. Gay
Thomas P. Gay
John L. Holgerson
Matthew J. Costa
Leo M. Spano

Peter B. Gay
1915-2010
Tel. (508) 822-2071
Fax (508) 880-2602

March 7, 2013

HAND DELIVERED

Taunton Municipal Council
Police and License Committee
City Hall
141 Oak Street
Taunton, MA 02780

RE: Class II Used Car Dealers License/Property location: 13 Cape Road, Taunton, MA Issued to Best Price, Inc./Request for Change of Name of Licensee

Dear Members of the Municipal Council Police and License Committee:

Please be advised that this office represents the licensee as to the above-referenced Class II Used Car Dealer's License.

As you may recall the Police and License Committee voted to renew the above-referenced License at its meeting of January 22, 2013.

The license is presently issued in the name Best Price Inc.

Please accept this letter as a formal request for a change in the licensee's name from Best Price Inc. to Prestige Car Wash & Gas of Taunton, Inc.

Both of these corporate entities are owned and operated by the same individual, Mr. Ronen Drory, the proprietor of Prestige Car Wash at 13 Cape Road, Taunton, MA. No change in the premises is being requested. This request is solely a request to change the name of the licensee from Best Price, Inc. to Prestige Car Wash & Gas of Taunton, Inc.

The reason for this request is that the business at 13 Cape Road, Taunton, MA is, with the exception of the Class II License, operated by Prestige Car Wash & Gas of Taunton, Inc. and the proprietor would like to include the Class II Dealers License under the same corporate entity.

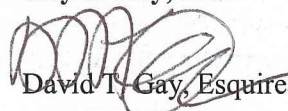
Please advise as to the date and time that this request will be considered by the committee.

I note that the revised site plan requested by the committee at its meeting on January 22, 2013 will be filed within the time frame requested under separate cover.

Thank you for your attention and assistance with regard to this request.

Very truly yours,

Gay & Gay, P.C.


David T. Gay, Esquire

DTG/bd

cc: The Titanium Group, LLC
Attn: Ronen Drory

via email ronendrory@msn.com

3/4/13

7.

To: Taunton city council and mayor
From: John G. Nelson @ 93 Country Way, Taunton, Ma.
Re: Request on enlarging ^{age} qualified citizens of Mass. Chapter 59

Dear Members:

This is a written request to have a public vote in council to extend the hardship abatement from the now age 70 required by Mass. General Law Chapter 59, Section 5, Clause 17D and for clause 41C to the lower age of 60 years of age to conform with the ruling of elderly at 60. All rules and regulations would remain the same except for the age requirement. Thus those on limited incomes would have their tax burden lower when their ability to have service is less. After carrying the heavy tax burden for so many years this would be a relief.

Your office of assessor should have this knowledge as a part of the office information and could certify all questions about this issue.

Thank you,



John G Nelson, 93 Country Way, Taunton, MA



City of Taunton

LAW DEPARTMENT

141 Oak Street

Taunton, Massachusetts 02780

Phone (508) 821-1036 Facsimile (508) 821-1064



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

March 15, 2013

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

RE: 40 Norton Avenue

Dear Mayor Hoye and Members of the Municipal Council:

On March 14, 2013, the Law Department learned that the City acquired title to this parcel of real estate via the tax taking process. Upon my review of the docket, the Land Court entered judgment in the City's favor on December 3, 2010. The City has owned this property for over two years.

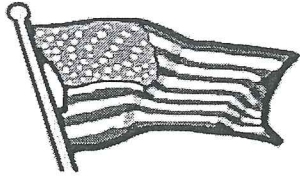
On March 15, 2013, I personally went to the property. There is a single family residence and two sheds on the property. It is safe to say that the property, and the structures thereon, are in deplorable condition. There is also a person residing there.

I had occasion to speak with the occupant. He states that he inherited the property years ago and that he was aware that back taxes were due. He also claims that he received no notice from the Land Court. He states that he has no means to pay the back taxes.

I wanted to bring this issue to your attention and request that you promptly act on this matter. I will investigate further to determine how much taxes were owed at the time of the judgment, for how long of a period of time taxes have been unpaid, and what kind of notice the owner received from the Court.

Very truly yours,

Jason D. Buffington, Esq.
City Solicitor



RECEIVED
CITY CLERK'S OFFICE

2013 MAR 15 A 9:37

TAUNTON, MA

CITY CLERK

MARCH 19, 2013

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

PLEASE NOTE:

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, MARCH 19, 2013 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

5:30 PM.

THE COMMITTEE ON FINANCE & SALARIES

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

PLEASE NOTE:

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

6:00 P.M.

THE COMMITTEE OF THE COUNCIL AS A WHOLE

1. MEET WITH JEAN FOX, PROJECT MANAGER FOR AN UPDATE ON THE SOUTH COAST RAIL PROJECT
2. MEET TO REVIEW MATTERS IN FILE

PLEASE NOTE:

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

RESPECTFULLY,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES