



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

RECEIVED  
CITY CLERK'S OFFICE  
2013 MAY -3 A 10:35

~  
**MAY 7, 2013 – 7:00 PM**

TAUNTON, MA

CITY CLERK

**INVOCATION**  
**ROLL CALL**  
**RECORDS**

**HEARING:** On the petition submitted by Verizon New England, Inc. and Taunton Municipal Lighting Plant proposing to place one (1) new pole, #EL-2s on Berkley Street, Taunton.

- Map showing location

**HEARING:** On the petition submitted by Verizon New England, Inc. and Taunton Municipal Lighting Plant proposing to place one (1) new pole, #24 ½ on Norton Ave., Taunton.

- Map showing location

**COMMUNICATIONS FROM THE MAYOR**

- Requesting a vote to initiate public hearings to consider proposed changes to Section 6.3 of our current zoning regulations

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

- Pg. 1 Com. from Executive Director, Retirement – Submitting the Annual Statement for the Financial Condition of the City of Taunton Contributory Retirement System for the year ended December 31, 2012 (**SEPARATE PACKET**)
- Pg. 2-4 Com. from City Clerk – Appointment of two (2) Full-Time Firefighters
- Pg. 5-6 Com. from Matt Burns, IT Department – Requesting a transfer of funds
- Pg. 7 Com. from Chairman, Taunton Planning Board – Notifying of a Public Meeting

- Pg. 8 Com. from Commissioner, Parks, Cemeteries and Public Grounds – Soper Memorial Fountain maintenance
- Pg. 9-11 Com. from City Solicitor – Taunton Fire Dept., et al. v. Michael O’Donnell, et al. Southeast Housing Court
- Pg. 12-26 Com. from City Solicitor – City of Taunton v. Michael O’Donnell Massachusetts Land Court
- Pg. 27-28 Com. from Police Chief – Responding to Council request
- Pg. 29 Com. from Joseph Fernandes, Jr., Principal Electrical Engineer, TMLP – Responding on traffic signals on Purchase St. at Broadway
- Pg. 30 Com. from Cedric Cromwell, Chairman, Mashpee Wampanoag Tribe – Notifying of his attendance at a Council Meeting
- Pg. 31 Com. from Susan Emerson, 181 Bedford St., Middleboro – Requesting to tie into Taunton water main

## **PETITIONS**

### **Constable License**

Application submitted by Tex Holloway requesting a **RENEWAL** of his Constable License desiring to serve civil process.

### **Antique Dealer License**

Petition submitted by Michael Keene, 28 Bayview Ave., Berkley requesting a **RENEWAL** of his Antique Dealer License for Taunton Antiques Center, Inc. located at 19 Main St., Taunton.

Petition submitted by James Silvia, Jr. 45 Baylies Rd., Taunton requesting a **RENEWAL** of his Antique Dealers License for Memorable Memorabilia located at 45 Baylies Rd., Taunton for internet sales.

### **Billiard Table License**

Petition submitted by Diane Paiva, President Clube Irmandade Do Espirito Santo Dos Acores, Inc. requesting a **RENEWAL** their Billiard Table License located at 88 Wales St. Taunton **(1 Table)**

Petition submitted by Helder Freitas, 63 County Rd., Berkley requesting a **RENEWAL** of his Billiard Table License –DBA- Ward 5 Athletic Club, Inc. located at 29 Winter St., Taunton. **(2 Tables)**

Petition submitted by Manuel Rodrigues, Vice-President of Taunton Sports Club, Inc. requesting a **RENEWAL** of their Billiard Table License located at 33 Baker Road, Taunton. **(1 Table)**

Petition submitted by Frank Teixeira, 7 Crossman St., Taunton requesting a **RENEWAL** of his Billiard Table License for Frank's Goodtime Lounge, Inc. located at 381 Winthrop St., Taunton. **(1 Table)**

**Junk Collector's License**

Petition submitted by Arthur G. Pimenta, Jr., 142R Fremont St., Taunton requesting a **RENEWAL** of his Junk Collector's License –DBA- Arthur Pimenta, Jr. located at 147 Fremont St., Taunton.

Petition submitted by Sidney Kerley requesting a **RENEWAL** of his Junk Collector's License for Automotive Recovery Services, Inc. –DBA- Insurance Auto Auctions located at 580 Myricks St., East Taunton.

**Junk Collector and Junk Dealer Licenses**

Petition submitted by Joseph Enos, 730 Cohannet St., Taunton requesting a **RENEWAL** of his Junk Collector and Junk Dealer Licenses for Sone Alloys Inc. –DBA- Enos Métals located at 18-28 Dana St., Taunton.

**News Rack License**

Petition submitted by Russell Wotten, 74 Emerald Dr., No. Dartmouth requesting a **RENEWAL** of his News Rack License for Spectrum Marketing Group, LLC –DBA- The Real Estate Book. **(4 News Racks)**

**Second Hand Article License**

Petition submitted by Thomas Quinn, South St., Raynham requesting a **RENEWAL** and waiver of fees of the Second Hand Article License for the non-profit Saint Vincent DePaul Taunton District, Inc. –DBA- Pennies from Heaven located at 141 Washington St., Taunton

Petition submitted by Michael Ventura, 59 Washington St., Taunton requesting a **RENEWAL** of his Second Hand Article License –DBA- Collector's Corner located at 1 St. Mary's Square, Taunton.

Petition submitted by Raymond Beauvais, 53 E. Glen Dr., Taunton requesting a **RENEWAL** of his Second Hand Article License –DBA- Beauvais Bicycle Shop located at 181 Whittenton St., Taunton

**Temporary Fixed Vendor License**

Petition submitted by George M. DeVincent, 107 Castle Dr., Wareham, requesting a **RENEWAL** of his Temporary Fixed Vendor License for George's Christmas Trees located at 1940 Bay St., Taunton (North Baptist Church) to sell Christmas Trees.

Petition submitted by Mark Guzman, 8 Alpine Ave., Taunton requesting a **RENEWAL** of his Temporary Fixed Vendor License for Mark's Bay St. Take-Out located at 314 Bay St., Taunton.

Petition submitted by Paul Castigliero, 28 Sunny Side Ave., Bristol, RI requesting a **RENEWAL** of his Temporary Fixed Vendor License –DBA- Fresh Seafood located at Hartshorn Field on Longmeadow Road, Taunton.

**Old Gold, Second Hand Article, Junk Dealer, Pawn Broker Licenses**

Petition submitted by Kenneth Ferreira, 58 Sevens St., East Taunton requesting a RENEWAL of his Old Gold, Second Hand Article, Junk Dealer, Pawn Broker Licenses -DBA- Money Tree located at 49 Weir St., Taunton

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

**ORDERS, ORDINANCES AND RESOLUTIONS**

**NEW BUSINESS**

**Respectfully submitted,**



**Rose Marie Blackwell  
City Clerk**



# HEARING - BERKLEY ST

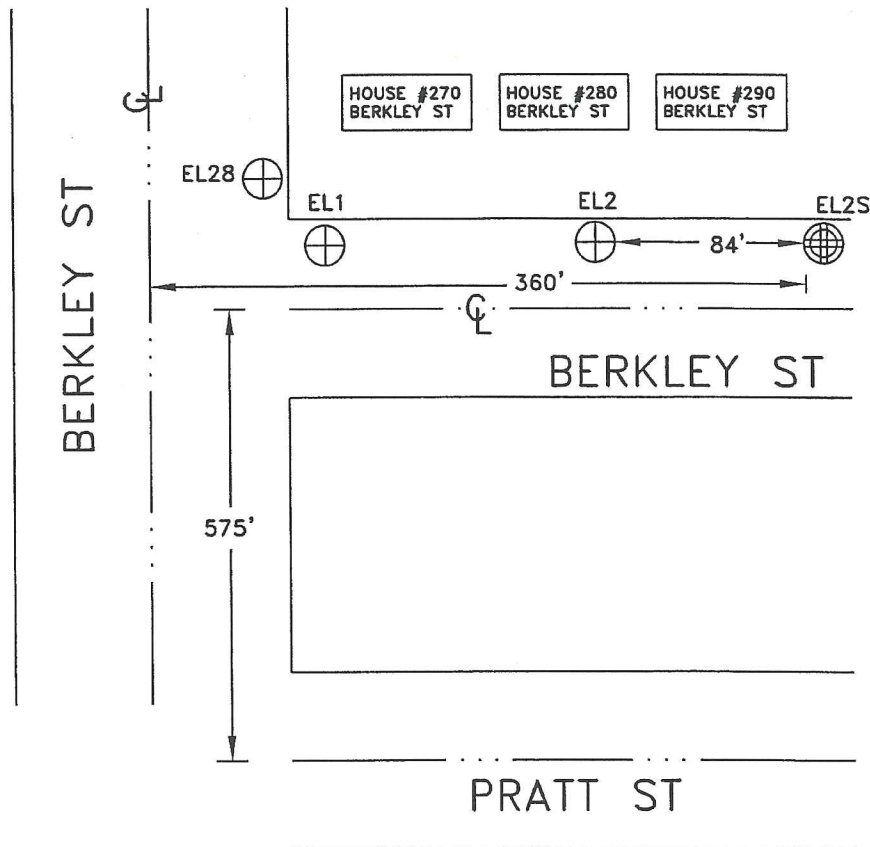
T.M.L.P. NO. 041312

MUNICIPALITY: TAUNTON, MA

APRIL 13 2012

PLAN FOR PROPOSED NEW JOINT POLE LOCATION

TO ACCOMPANY PETITION OF  
TAUNTON MUNICIPAL LIGHTING PLANT  
AND VERIZON



**KEY:**



PROPOSED NEW JOINT  
POLE LOCATION



EXISTING JOINT  
POLE LOCATION

KEY: AS SHOWN SCALE: NONE DWN. BY: CB CHKD. BY: OS APPVD. BY: CF

VZ N.E. INC. No. 2013-08 MUNICIPALITY taunton

DATED 01/31/13

NOT TO SCALE

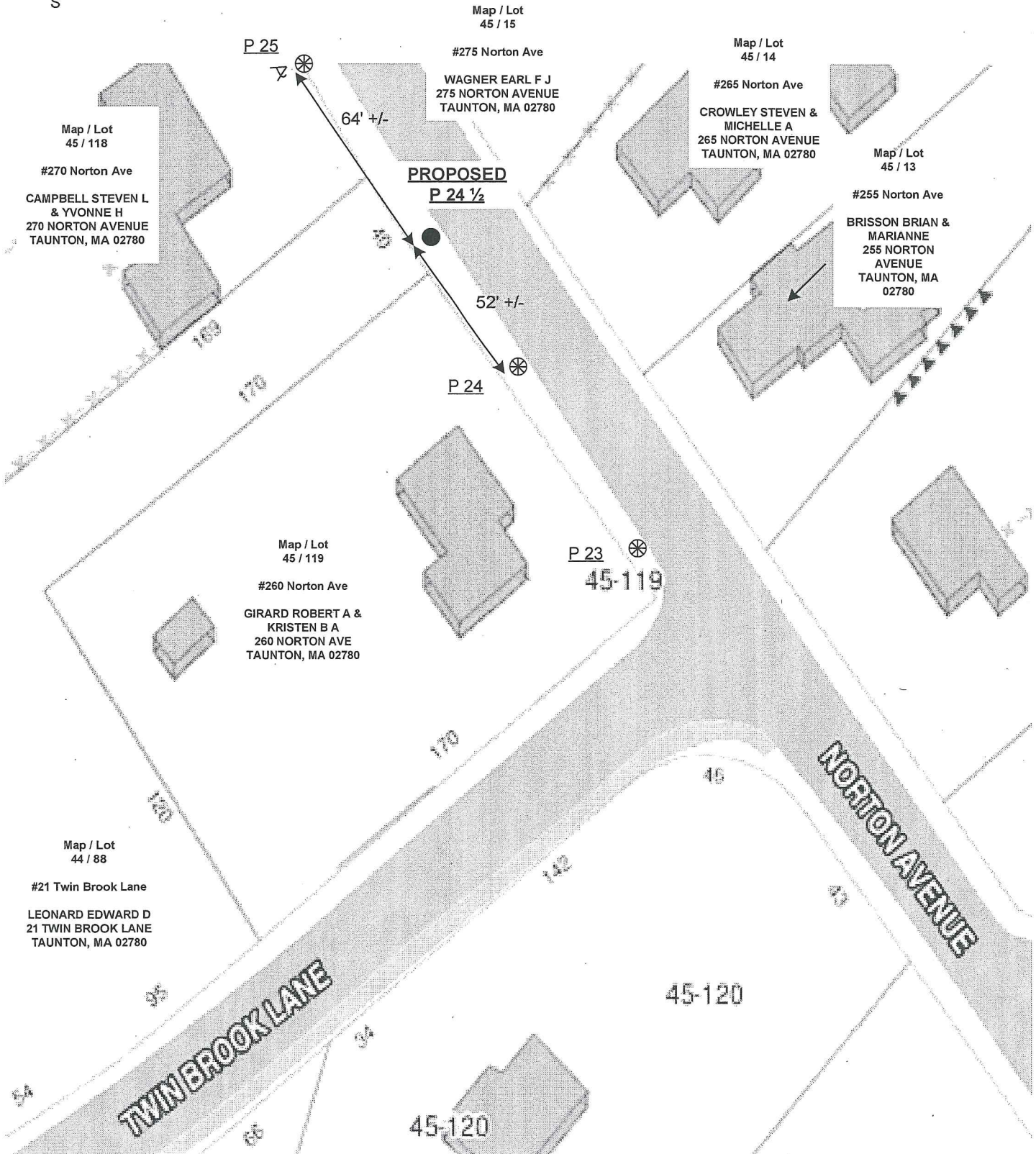
LEGEND:

- - - - P/L - - - - PROPERTY LINE
- EOR — EDGE OF ROAD
- ⊗ EXISTING POLE
- △ EXISTING ANCHOR
- PROPOSED POLE

PLAN FOR PLACEMENT OF NEW POLE 24 1/2 NORTON AVENUE



TO ACCOMPANY PETITION OF VERIZON NEW ENGLAND INC. AND TAUNTON MUNICIPAL LIGHTING PLANT



# 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*

May 2, 2013

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

Dear Council President McCaul and Members of the Municipal Council,


I respectfully request that you vote to initiate public hearings to consider proposed changes to Section 6.3 of our current zoning regulations (please see attached). As you know, when I sought this office, I made a pledge to grow our city's tax base by fostering a more favorable atmosphere for economic growth.

As your Mayor, I have had the opportunity to meet with prospective developers who are interested in investing significantly in our community. A common refrain that I hear is that in some respects our existing zoning regulations are too restrictive. I have consulted with Kevin Scanlon, Director of Planning and Conservation, and together we have drafted the proposed zoning changes that are attached.

Many of the developers are interested in redeveloping former mills, old schools and brownfield sites, most of which are located in urban residential districts. My administration feels that the proposed changes are consistent with our smart growth philosophy, and such changes would effectively promote the re-development of blemished properties making them more attractive to potential developers. This will only help our City in the long run by fostering economic development and increasing our tax base.

Thank you for your attention to this important matter.

Best Regards,

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



## Proposed changes to the City of Taunton Zoning Ordinance dated May 2, 2013

### Section 6.3 Intensity of Use Regulations

#### Urban Residential District

<b>Other residential</b>	<b>Currently Reads</b>	<b>Proposed to Read</b>
Min Lot area	43,560	43,560
Min dry Area	43,560	43,560
Min Contiguous frontage	125	<b>100</b>
Min front yard setback	40	<b>25</b>
Min side yard setback	40	<b>15</b>
Min rear yard setback	40	<b>20</b>
Max height in stories	3	<b>4</b>
Max height in feet	40	<b>50</b>
Max percent total lot coverage	75	75
Max percent structure lot coverage	40	40
Max FAR to (GFA)lot size	-	-
Other density standards	12 units/acre	<b>32 units/acre</b>

### Section 10.4.6 Development Density

**Currently reads:** The density criteria for multi-family residential structures shall conform to the standards set forth in section 6.3

**Change to Read:** The maximum permissible density criteria for multi-family residential structures shall conform to the standards set forth in section 6.3. In addition to the maximum permissible density criteria in section 6.3, a density bonus of up to 15% above and beyond the maximum density specified in section 6.3 for developments on a brown field site and/or the renovation and re-use of a building more than 50 years old may be requested by the petitioner as part of the Special Permit request for the proposed development.





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

**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

April 26, 2013

Commonwealth of Massachusetts  
Public Employee Retirement Administration Commission  
Mr. Joseph Connarton, Executive Director  
5 Middlesex Avenue, Suite 304  
Somerville, MA. 02145

Dear Mr. Connarton:

Enclosed is the Annual Statement for the Financial Condition of the City of Taunton Contributory Retirement System for the year ended December 31, 2012. The Annual Statement was approved by the Taunton Retirement Board at its meeting on April 26, 2013. This statement is being submitted in accordance with the provisions of Massachusetts General Laws, Chapter 32, § 20(5)h, § 23(1)c and § 23(2)e.

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

Respectfully yours,

Paul J. Slivinski  
Executive Director

cc: Hon. Thomas C. Hoye Jr., Mayor  
Taunton Municipal Council  
Taunton Municipal Light Plant  
Treasurer-collector  
City Auditor  
Taunton Housing Authority  
Greater Attleboro-Taunton Regional Transit Authority  
Dahab Associates

Encl.

2.

**ROSTER CERTIFICATION**

Requisition Number: 00621 Date: 4/16/2013

**CITY OF TAUNTON  
TEMPORARY CITY HALL, 141 OAK STREET  
TAUNTON, MA 02780**

LOCATION: Taunton  
2 Vacancies for Full-Time Fire Fighter  
Selection must be 1 of the first 3 highest who will accept

**NAME AND ADDRESS OF ELIGIBLE CANDIDATES**

Preference <u>REMP</u> Veteran Status <u>CIV</u>	REPORT ON CERTIFICATION	
	DECLINE APPT.	WILLING TO ACCEPT APPT.
Harvey, Jessie E.	SIGNATURE OF APPLICANT <i>Jessie E Harvey</i>	

Preference <u>REMP</u> Veteran Status <u>CIV</u>	REPORT ON CERTIFICATION	
	DECLINE APPT.	WILLING TO ACCEPT APPT.
DeBenedictis, Louis C.	SIGNATURE OF APPLICANT	

Signature of Appointing Authority: \_\_\_\_\_

Please Type or Print: \_\_\_\_\_  
NAME

Please Type or Print: \_\_\_\_\_  
TITLE

**ROSTER CERTIFICATION**

Requisition Number: 00613 Date: 4/16/2013

**CITY OF TAUNTON  
TEMPORARY CITY HALL, 141 OAK STREET  
TAUNTON, MA 02780**

LOCATION: Taunton  
2 Vacancies for Full-Time Fire Fighter  
Selection must be 1 of the first 3 highest who will accept

NAME AND ADDRESS OF ELIGIBLE CANDIDATES

Preference	<u>534 CSC</u>	REPORT ON CERTIFICATION	
Veteran Status	<u>VET</u>	DECLINE	<u>WILLING TO</u>
		APPT.	ACCEPT APPT.
Pachebat, Miguel A.		SIGNATURE OF APPLICANT <i>Miguel A. Pachebat</i>	

Preference	<u>402 A</u>	REPORT ON CERTIFICATION	
Veteran Status	<u>CIV</u>	DECLINE	WILLING TO
		APPT.	ACCEPT APPT.
Brotherton, Timothy R.		SIGNATURE OF APPLICANT	

Preference	<u>          </u>	REPORT ON CERTIFICATION	
Veteran Status	<u>          </u>	DECLINE	WILLING TO
		APPT.	ACCEPT APPT.
* Faria, Nicholas <i>Hired by Taunton Fire December 18, 2012 (RMA)</i>		SIGNATURE OF APPLICANT	

Preference	<u>          </u>	REPORT ON CERTIFICATION	
Veteran Status	<u>DV</u>	DECLINE	<u>WILLING TO</u>
		APPT.	ACCEPT APPT.
Rodriguez, Robert A. <i>Robert A. Rodriguez</i>		SIGNATURE OF APPLICANT	

Preference	<u>  /  </u>	REPORT ON CERTIFICATION
Veteran Status	<u>  DV  </u>	DECLINE WILLING TO APPT. ACCEPT APPT.
Smith, Robert H.		SIGNATURE OF APPLICANT

Preference	<u>  /  </u>	REPORT ON CERTIFICATION
Veteran Status	<u>  DV  </u>	DECLINE WILLING TO APPT. ACCEPT APPT.
Strojny, Zachary S.		SIGNATURE OF APPLICANT

Preference	<u>          </u>	REPORT ON CERTIFICATION
Veteran Status	<u>          </u>	DECLINE WILLING TO APPT. ACCEPT APPT.
* Hired by Taunton Fire December 20, 2012		SIGNATURE OF APPLICANT
Galante, David M.		<i>(emb)</i>

Preference	<u>  /  </u>	REPORT ON CERTIFICATION
Veteran Status	<u>  DV  </u>	DECLINE WILLING TO APPT. ACCEPT APPT.
Ingargiola, Jeffrey S.		SIGNATURE OF APPLICANT

Signature of Appointing Authority: \_\_\_\_\_

Please Type or Print: \_\_\_\_\_

NAME

Please Type or Print: \_\_\_\_\_

TITLE





CITY OF TAUNTON  
MASSACHUSETTS 02780

IT DEPARTMENT  
CITY HALL  
(508) 821 - 1070

**Matt Burns**  
4/30/13

Mayor Thomas Hoyer  
And members of the Municipal Council

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

I'm requesting you transfer \$24,475.22 into salary and wages from available funds, this will cover all accumulated vacation, personal and furlough time to be dispersed for Gerard Bouchard's Retirement.

Respectfully,

Matt Burns





## TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051

Fax 508-821-1665

April 30, 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 – 212 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 212 Broadway for Used Car Sales (7-12 cars) submitted by Kenneth Yelle.

The next scheduled meeting for this petition will be on **Tuesday, May 14, 2013 at 10:15 AM** in the Taunton Planning Board Office, 15 Summer St, Annex Bldg., Taunton, Ma. at 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, June 6, 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



CITY OF TAUNTON  
MASSACHUSETTS

-----  
PARKS, CEMETERIES & PUBLIC GROUNDS

Marilyn A. Greene  
Commissioner

170 Harris Street  
Taunton, MA 02780  
(508) 821-1415  
FAX (508) 821-1065  
E-mail:  
pcpgdir@tmlp.net

April 25, 2013

Mayor Thomas C. Hoye Jr. and  
Members of the Municipal Council  
Temporary City Hall  
141 Oak Street  
Taunton, MA 02780

Dear Mayor Hoye and Council Members:

This is to inform you that the Soper Memorial Fountain on Taunton Green will be cleaned and repainted in the next few weeks.

As many of you will remember, the City of Taunton received State funding for upgrades to Taunton Green and the Soper Fountain from lottery aid money, a bequest from former Commissioner Christine White and the remaining amount from the general operating budget. The Fountain was re-dedicated in September, 2002.

Since then, the fountain has never received any cosmetic cleaning of the finish. It is now in need of cleaning and repainting before the main bowls become decayed. The cost of the on-site repainting has been included in the Supplemental Budget as submitted by Mayor Hoye in October.

Robertson Iron Works of Alexander City, Alabama who originally performed the facelift to the Soper Fountain anticipates the on-site work to be approximately 5 days. The fountain will be hand cleaned, scrapped and finished/painted with "verde-gris".

If you require further information, feel free to contact me.

Sincerely,

Marilyn A. Greene, Commissioner





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

May 1, 2013

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

**RE: Taunton Fire Dept., et al. v. Michael O'Donnell, et al.  
Southeast Housing Court, Docket No. 10-CV-127**

---

Dear Mayor Hoye and Members of the Municipal Council:

As I wrote to you last month, the Defendant in the above-entitled case had been found in contempt of court on March 19, 2013. He was ordered to pay \$1,750 in court fines within 15 days and an additional \$3,264 in attorneys' fees to the City within 30 days, for a total of \$5,014.

Please be advised that there was a contempt review hearing held in this matter on April 30, 2013. Following the hearing, the Court found that the Defendant had not purged his contempt and ordered the body of the Defendant incarcerated until his contempt was purged by paying a total of \$5,014. Within a few hours of being incarcerated, the Defendant tendered payment in full.

Enclosed please find a certified bank check payable to the City in the amount of \$3,264.00. The Defendant was also ordered to pay an additional \$1,360 in further attorneys' fees in order to compensate the City for the efforts of the Law Department in enforcing the judgment. The Court gave the Defendant until May 30, 2013 to pay this additional amount, per the order that is attached.

Very truly yours,

Jason D. Buffington, Esq.  
City Solicitor

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M 658730

THIS DOCUMENT HAS A VOID PANTOGRAPH, HIGH RESOLUTION BORDER, CHEMICALLY REACTIVE PAPER, FLUORESCENT FIBERS AND A WATERMARK. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

**ROCKLAND  
TRUST**

**TREASURER'S CHECK**

**1636932**

53-447

113

DATE April 30, 2013

TO THE  
ORDER OF CITY OF TAUNTON

PAY THREE THOUSAND TWO HUNDRED SIXTY-FOUR AND 00/100

**\$3,264.00**

IF THIS CHECK IS LOST OR STOLEN, AN  
INDEMNITY BOND WILL BE REQUIRED FOR  
REPLACEMENT.

PURCHASER JACQUELINE CONNOLLY

RE: MICHAEL O'DONNELL



AUTHORIZED SIGNATURE

⑈01636932⑈ ⑆011304478⑆ ⑈1111111⑈







# 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

April 30, 2013

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

**RE: City of Taunton v. Michael O'Donnell  
Massachusetts Land Court, Docket No. 12 TL 144125**

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Dear Mayor Hoye and Members of the Municipal Council:

With respect to the above-entitled matter, enclosed please find a copy of Judge Long's decision, with exhibits. This case concerns the properties located at 4 and 6 High Street Extension.

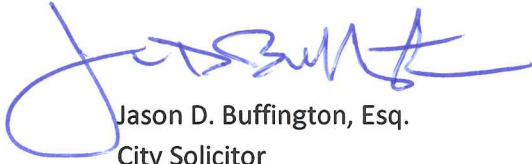
These properties are in deplorable condition. They are two of the properties at which city code enforcement agencies executed administration inspection warrants in December 2012. The inspections pursuant to the warrants proved instrumental in the city winning this case.

As you can see from the decision, the trial court judge did not find the Defendant credible and generally had little patience for the Defendant's attempted legal gamesmanship. As a result, the named Defendant no longer has any cognizable legal interest in these properties, and the City can finally move toward the goal of cleaning them up.

This was a result of a combined team effort. I would like to thank the following city employees for their hard work and assistance in obtaining this result: Police Chief Edward Walsh, Fire Captain Robert Bastis, Assistant City Solicitor Daniel de Abreu, Building Inspectors Robert Pirozzi and Mary Jane Benker, Adam Vickstrom and Dan Syriala from the Board of Health, and Conservation Agent Michele Restino. You should know that these dedicated people are truly a credit to the taxpayers of the City of Taunton.



Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason D. Buffington". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jason D. Buffington, Esq.  
City Solicitor

Enclosure

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SEAL

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
LAND COURT DEPARTMENT

BRISTOL, ss.

CASE NO. 12 TL 144125

<hr/>		)
CITY OF TAUNTON,		)
	Plaintiff,	)
v.		)
		)
MICHAEL O'DONNELL,		)
	Defendant.	)
<hr/>		)

MEMORANDUM AND ORDER ON DEFENDANT'S RENEWED MOTION TO  
VACATE JUDGMENT

*Introduction*

This is a tax lien case, brought by the City of Taunton to foreclose the right of redemption on two properties in Taunton. The first, a "land with dwelling containing about .16 acres" at 2-4 High Street Extension, was taken by instrument recorded at the Registry of Deeds on January 4, 2008. The second, a "land with dwelling containing about .05 acres" at 6 High Street Extension, was taken by instrument also recorded at the Registry on January 4, 2008. This action was filed April 23, 2012 and defendant Michael O'Donnell was duly served by certified mail on October 31, 2012, signing the receipt himself.<sup>1</sup> Mr. O'Donnell did not file an answer or other response. The City then filed a properly supported motion for entry of judgment, and Judgment was entered on January 30, 2013.

<sup>1</sup> Mr. O'Donnell denies signing the receipts acknowledging service (each has the signature and hand-printed name of "Michael O'Donnell" in handwriting and printing remarkably similar to those on the motions he has filed in this case) or, alternatively, "can't recall" whether he signed them or not (he claims to have an uncle with the same name). I find otherwise, as discussed below. In any event, the address to which the certified mail citation was sent (111 Main Street in Taunton) is the one indicated on his deed as the address to which documents are to be sent, and is the address on various checks he sent to the City. It was thus "reasonably calculated" to reach him and satisfies the statutory and Constitutional "due process" tests. See *Andover v. State Fin. Servs. Inc.*, 432 Mass. 571, 574-576 (2000).

On February 1, 2013, Mr. O'Donnell, acting *pro se*, filed a motion to vacate that judgment, marking the motion for hearing on February 21, 2013 at 2:00 p.m. No grounds were given in support of the motion, nor any supporting memorandum or other papers submitted. Moreover, Mr. O'Donnell did not attend the hearing. For those and other reasons, the motion to vacate was denied. See Mem. and Order Denying Motion. to Vacate Judgment (Feb. 22, 2013) (Long, J.).

Mr. O'Donnell has now filed a renewed motion to vacate (Mar. 11, 2013), more accurately a motion to reconsider the court's February 22, 2013 ruling and, as such, untimely. Mass. R. Civ. P. 59(e). Nonetheless, the motion was heard by the court (Long, J.) on March 25, 2013. Both Mr. O'Donnell and the City attended the hearing, argued, and submitted additional written materials. Further supplemental materials, requested by the court, were filed the next day. After consideration of the parties' submissions, arguments, and the other material of record, for the reasons set forth below, the motion to vacate is **DENIED**.

*Discussion*

The properties at issue are two vacant buildings in a residential neighborhood, acquired by Mr. O'Donnell on October 31, 2006 by "deed in lieu" in return for \$100 and his promise to pay all real estate taxes, water bills, and mortgages on the properties. Deed, Reintegration Services to Michael O'Donnell, Bristol (North) Registry of Deeds, Book 16317, Page 73 (Oct. 31, 2006). Their interior and exterior are in disrepair, rundown, full of debris, show signs of rodent and other animal infestation and appear to be abandoned. Aff. of Jason Buffington at 2, ¶6 (Mar. 22, 2013) ("Buffington Aff."). The City has received repeated calls from neighbors and, in response, conducted an inspection pursuant to Administrative Inspection Warrant issued by the Taunton District Court on December 20, 2012. Agents of the Board of Health, the Fire

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Department, the Conservation Department (the properties are on the banks of the Taunton River), the Police Department, the Building Department and the Massachusetts Attorney General's Office all participated in the inspection. Photographs taken that day show trash and abandoned items covering the yards, holes in the roofs and walls, broken windows, a collapsed shed, debris along the water's edge and, inside, blocked entrances and exits, broken appliances, boxes and trash piled from floor to ceiling in many areas, collapsed ceilings, bare and fraying electrical wires, peeling paint (perhaps lead), animal excrement (likely rats), and general chaos. Buffington Aff., Ex. C. Water has infiltrated the buildings for years, making their floors and walls structurally deficient. *Id.* at Ex. F. The Fire Department considers them an "extraordinary" fire hazard and an "imminent" risk to public safety, occupants, adjacent properties and firefighters. *Id.* The Conservation Commission identified a number of conditions affecting the River (trash, paint cans, tires and abandoned electronics either in or near the water). *Id.* at Ex. G. The City's records show that no taxes have been paid on the properties since August 1, 2009. Report by City of Taunton (Mar. 26, 2013).

Mr. O'Donnell makes three arguments in support of his motion to vacate. None survives scrutiny.

His first argument is that he was "unaware" of these tax proceedings until after judgment entered, and thus should not be precluded from challenging them. I do not find this credible.

Mr. O'Donnell is no stranger to court proceedings. He has appeared in at least two other actions in the tax session of this court,<sup>2</sup> and been a defendant in cases in other courts.<sup>3</sup> The Constable who serves process in Taunton (Charles Rose) keeps Mr. O'Donnell's mobile

<sup>2</sup> *Bridgewater v. McClure*, 10 TL 140416; *Taunton v. O'Donnell*, 11 TL 143120.

<sup>3</sup> *See, e.g., City of Taunton v. Michael O'Donnell*, Southeastern Division of the Housing Court, Docket No. 13-CV-125; *Taunton Fire Dept., et al. v. Michael O'Donnell*, Southeastern Division of the Housing Court, Docket No. 10-CV-127, *City of Taunton v. Michael O'Donnell*, Bristol Superior Court, Case No. 2010-CV-00219C.



telephone number on file, and now routinely calls him to come to the Constable's office to be served, saving the Constable the trip. Mr. O'Donnell thus recognizes court-related papers when he receives them, knows the importance of court proceedings, the need promptly to respond by filing an answer, and the consequences that may occur if timely response is not made.

The two certified mail receipts in this case, both sent to 111 Main Street in Taunton, bear the handwritten signature "Michael O'Donnell" and a hand-printed "Michael O'Donnell" immediately beneath them. They are strikingly similar to the signatures and hand-printing that appear on various submissions in this case that Mr. O'Donnell acknowledges as his. Mr. O'Donnell testified that an uncle, also named Michael O'Donnell, also uses the 111 Main Street address (apparently a commercial building), but admitted that *that* Michael O'Donnell does not sign for *this* Michael O'Donnell's mail. I thus find that the "correct" Michael O'Donnell (the defendant in this case) signed the certified mail receipts and received the citation.

In any event, whether the signatures are his or not, Mr. O'Donnell was properly served. Actual notice is not required; notice "reasonably calculated" to reach the defendant is statutorily and constitutionally sufficient. *Andover v. State Fin. Servs. Inc.*, 432 Mass. 571, 574-576 (2000). The address to which the certified mailings were sent was 111 Main Street in Taunton, apparently one of many addresses used by Mr. O'Donnell.<sup>4</sup> Mr. O'Donnell claims that notice should *properly* have been sent to 14 Estella Street in Boston, an address stated in the deed by which he acquired the property. But what he *neglects* to state — and, indeed, may have altered a document with the intent to deceive the court so that his "neglect" might not be detected — is that that *very deed* states that documents related to the property should be sent to 111 Main

<sup>4</sup> Others include 14 Estella Street in Boston (an apartment where he no longer lives, but claims to still maintain a mailbox), 73 Main Street in Taunton (a restaurant where he claims to have a mailbox), 107 Main Street in Taunton, 15 Winthrop Street in Taunton (a rooming house where he says he occasionally lives, and has now designated as the address to which this and future case-related mailings should be sent), and an unspecified address in Raynham.

Street. Compare Ex. 1 (attached) (Deed as it appears on record at the Registry (the circle, arrow and underlining are the court's to indicate the reference; the handwritten "return to" information is on the recorded Deed) with Ex. 2 (copy of the Deed as submitted to this court by Mr.

O'Donnell with the "return to" information whited-out). Moreover, Mr. O'Donnell's past checks in payment of the properties' taxes, including the most recent (Aug. 1, 2009), give the 111 Main Street address. See Exs. 3 & 4. Also, the City has previously sent tax bills for the properties to the 111 Main Street address, and Mr. O'Donnell was clearly receiving them as indicated by his payment of the Fiscal 2010 (1<sup>st</sup> quarter) and earlier bills. See, e.g., Ex. 5.

Mr. O'Donnell's second argument is that he has paid all taxes owed on the property, either by check or credit from overpayment in prior years (the taxes at issue are for fiscal year 2011, although the City's records indicate that taxes for other years — fiscal 2010 (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters), 2012 and 2013 — have also not been paid). This again is not credible. The overpayments from prior years (\$261.50 and \$247.42) were refunded in August 21, 2006 in accordance with the City's practice and, in any event, would not bring the account current.<sup>5</sup> See Report by City of Taunton (Mar. 26, 2013). Mr. O'Donnell claims to have sent a check and cover letter to the City on April 13, 2011 (Ex. 6), but there is no indication that they *were* in fact sent. The City has no record of having ever received them (they were never credited to the tax account, see Report by City of Taunton (Mar. 26, 2013)). The copy of the check submitted to the court by Mr. O'Donnell (Ex. 6) has been cut off at the bottom, perhaps intentionally (see discussion above comparing Exs. 1 & 2), so that the bank coding information that *should* be there if the check was, in fact, received and cashed, is entirely missing.<sup>6</sup> In any event, there is no indication that Mr. O'Donnell ever followed-up with the City to ensure this purported check

<sup>5</sup> Over \$14,105.34 is currently in arrears, dating back to the 2<sup>nd</sup> quarter of fiscal 2010.

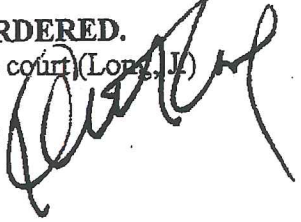
<sup>6</sup> Mr. O'Donnell has likewise not provided the court with a copy of the back of the check, which would indicate whether it was cashed or otherwise endorsed, and by whom.

was received and properly credited, and Mr. O'Donnell never brought it to the court's attention prior to entry of judgment.

Mr. O'Donnell's third and final argument is his willingness and alleged ability to now pay his overdue taxes in full. Again, I do not find this credible.<sup>7</sup> He does not, in fact, offer to pay the taxes but only to put money "in escrow" (presumably pending further proceedings in this case and whatever appeal he might take). And the check he proffered to show his ability to pay (Ex. 7) is strange indeed. It is made payable to "Michael O'Donnell" (him or his uncle? Would his endorsement be accepted by the bank on which the check is drawn?) and is dated June 11, 2012 — over nine months ago. It may no longer be good, *see* G.L. c. 106, §4-404, and, at the least, would be questioned by the bank at this late date to see if a "stop order" or other instruction had been placed against it. More importantly, if Mr. O'Donnell truly *had* these funds, why were they not used earlier to address his tax liabilities (on these and the other properties he owns in Taunton, presently in arrears) or, at the least, to clean up and repair the properties' deplorable conditions?

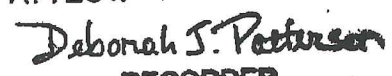
*Conclusion*

If filed within a year, as this one was, a motion to vacate a properly-entered judgment in a tax lien case is addressed to the discretion of the court. *See Lynch v. Boston*, 313 Mass. 478, 480 (1943). For the reasons set forth above, I DENY Mr. O'Donnell's motion to vacate.

SO ORDERED.  
By the court (Long, J.)  
Attest: 

Dated: 27 March 2013

Deborah J. Patterson, Recorder **A TRUE COPY**  
ATTEST:

  
**RECORDER**

<sup>7</sup> In addition to the instances already addressed in this Memorandum, the City points out other representations made by Mr. O'Donnell to this court which are less than truthful. *See Buffington Aff.* at 3-4 (Mar. 22, 2013). His representations regarding his interactions with the staff of this court have similar problems.



DEED in LIEU

Reintegration services inc formerly Baystate Affordable Housing Agency inc. a Massachusetts Corporation, of 6 High Street Ext. Taunton, County of Bristol, State of Massachusetts, for consideration paid, receipt of which is acknowledged of one hundred dollars (\$100.00), and payment of all real estate taxes, and water bills and discharge or assumption of all mortgages encumbering the property whether recorded or not, grant to Michael O'Donnell of 14 Estella Street Boston Ma, 02126 County of Suffolk, State of Massachusetts, the following two parcels of described land in Bristol County, State of Massachusetts with Quitclaim COVENANTS; to wit: The land in Taunton with the buildings and improvements thereon;  
Parcel A. situated on the northeasterly side of High Street Extension and being lots 39 and 40 as set forth on a plan entitled "Riverside Terrace" owned by Taunton Homestead Realty Co., Taunton, Ma, A.M. Fitch, Engr. Dated October, 1923 and recorded with Bristol County Northern District Registry of Deeds, plan book 17, page 49. See Deed recorded in Book 7671 pg 94


Parcel B. The remaining portion of lot #41 being more particularly bounded and described; beginning in the Northeasterly line of High Street Extension at a corner of land of Louis and Ida Romani, said point being 115 feet southeasterly from the corner of Ingell Street and High Street Extension, and thence running northeasterly by land of said Louis and Ida Romani 50 feet a corner thence north, westerly by said Romani land 15 feet to a corner of lot no. 9; thence southeasterly by lot no. 42 and part of lot no. 43, 32 feet more or less to lot no. 40 as shown on aforesaid plat; thence southwesterly by lot no. 40, 107 feet to High street extension 10 feet to the point of the beginning.

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances except for the mortgage to Boston Financial Trust which will be assumed by the Grantee; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the premises that may be reasonably required.

Being the same property conveyed to the Grantors by deed of Book 7671 Pages 94, 95  
WITNESS the hands and seal of said Grantors this 30<sup>th</sup> day of October, 2006

RETURN TO  
Boston Financial Trust  
111 Main St  
Boston MA 02110

Ching  
Ching Chang President and Treasurer of Reintegration Services Inc  
FOR CHING CHANG

 TING L WONG COMMONWEALTH OF MASSACHUSETTS  
NOTARY PUBLIC  
Commonwealth of Massachusetts ss, Suffolk  
My Commission Expires August 13, 2010

They personally appeared Ching Chang President and Treasurer, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity as President, Treasurer, and Clerk, and that by their signature(s) on the instrument the person(s), and the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

They personally appeared  
before me the above named  
Ching Chang and acknowledged  
the foregoing to be  
Free notary  
TING L WONG  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
August 13, 2010



21

DEED in LIEU

RETURN TO

Reintegration services inc formerly Baystate Affordable Housing Agency inc. a Massachusetts Corporation, of 6 High Street Ext. Taunton, County of Bristol, State of Massachusetts, for consideration paid, receipt of which is acknowledged of one hundred dollars (\$100.00), and payment of all real estate taxes, and water bills and discharge or assumption of all mortgages encumbering the property whether recorded or not, grant to Michael O'Donnell of 14 Estella Street Boston Ma, 02126 County of Suffolk, State of Massachusetts, the following two parcels of described land in Bristol County, State of Massachusetts with Quitclaim COVENANTS; to wit: The land in Taunton with the buildings and improvements thereon; Parcel A. situated on the northeasterly side of High Street Extension and being lots 39 and 40 as set forth on a plan entitled "Riverside Terrace" owned by Taunton Homestead Realty Co., Taunton, Ma, A.M. Fitch, Engr. Dated October, 1923 and recorded with Bristol County Northern District Registry of Deeds, plan book 17, page 49. See Deed recorded in Book 7671 pg 94

Parcel B. The remaining portion of lot #41 being more particularly bounded and described; beginning in the Northeasterly line of High Street Extension at a corner of land of Louis and Ida Romani, said point being 115 feet southeasterly from the corner of Ingell Street and High Street Extension, and thence running northeasterly by land of said Louis and Ida Romani 50 feet a corner thence north westerly by said Romani land 15 feet to a corner of lot no. 9; thence southeasterly by lot no. 42 and part of lot no. 43, 32 feet more or less to lot no. 40 as shown on aforesaid plat; thence southwesterly by lot no. 40, 107 feet to High street extension 10 feet to the point of the beginning.

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances except for the mortgage to Boston Financial Trust which will be assumed by the Grantee; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute and instrument necessary for the further assurance of the title to the premises that may be reasonably required.

Being the same property conveyed to the Grantors by deed of Book 7671 Pages 94, 95  
WITNESS the hands and seal of said Grantors this 30<sup>th</sup> day of October, 2006

Ching Chang  
Ching Chang President and Treasurer of Reintegration Services Inc  
FOR CHING CHANG



TING L. WONG COMMONWEALTH OF MASSACHUSETTS  
NOTARY PUBLIC  
My Commission Expires August 12, 2010  
ss, SUFFOLK

Then personally appeared: Ching Chang President and Treasurer, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity as President, Treasurer and Clerk, and that by their signature(s) on the instrument the person(s), and the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

then personally appeared  
before me to: above named  
Ching Chang and Acknowledged  
to me to do  
Free not  
TING L. WONG  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires  
August 12, 2010

End of Document

EXHIBIT 2

22

### ItemAge Document Detail Report

Taxpayer's Copy New preliminary tax for the fiscal year beginning July 1, 2008 and ending June 30, 2009 in the amount of \$482.45 Status described below is to follow:		Commonwealth of Massachusetts JAYNE D. ROSS - Collector of Taxes City of Taunton Preliminary Tax		Fiscal Year 2009 52 Number 18953 Parcel ID 66 - 350 -
Tax Rate Per \$1000	Assessment	Open Space	Commercial	Industrial
PAYABLE: CITY OF TAUNTON COLLECTOR OF TAXES 15 SUMNER ST TAUNTON MA. 02780		27 LEONARD CT AUG 11 2008		
MARTIN MANUEL A C/O O'DONNELL M W TR 27 LEONARD COURT TAUNTON MA 02780		Prelim Tax Balance	1st Payment Payable Aug. 1, 2008 502.45	2nd Payment Payable Nov. 1, 2008 502.45
12731010865000050245000000020050601200901001		Pay This Amount -> 502.45 Due and Payable -> 8/01/2008		

Date: 08/04/08  
 Batch Num: 720  
 Document ID: Real Estate Multi  
 Transaction: 28  
 Item Num: 7  
 Sequence: 731  
 Pocket Num: 1  
 Batch Type: Multiples (CAR)  
 Station: STA001

Amount Due: 502.45

Amount Paid: 502.45

Bill Type 1  
 Municipal Code 293  
 Filler 1  
 Bill Number 010865  
 Amount Due 000050245  
 Interest Due 00000000  
 Due Date 20080801  
 Fiscal Year 2009  
 Commitment Num 01  
 Sub-Commitment 00  
 Check Digit 1  
 Penalty Amount  
 Total Amount

R209 14437 1249 15581 1168 12953 12952 10865

MICHAEL O'DONNELL  
 111 MAIN ST.  
 TAUNTON, MA 02780

58-7172/2113  
 770009157

DATE 8/1/08

PAY TO THE ORDER OF City of Taunton \$ 6545.58

Sixty Five Hundred Forty Five and 58/100 DOLLARS

Dedham Savings  
 Your Acct.  
 Dedham, MA 02026

MEMO  
 211371722 770009157 0194

Date: 08/04/08  
 Batch Num: 720  
 Document ID: Multi Check  
 Transaction: 28  
 Item Num: 8  
 Sequence: 732  
 Pocket Num: 5  
 Batch Type: Multiples (CAR)  
 Station: STA001

Amount Due: 0.00

Amount Paid: 6,545.58

Check Number 0194  
 FRDABA 211371722  
 DDA Account 770009157  
 Tran Code 0194  
 Amount 0000654558  
 Fill Amount

1,683.68  
 2,088.63  
 1,045.44  
 646.89  
 316.88  
 261.61  
 502.45  
 6,545.58 ✓

EXHIBIT 3

ItemAge Document Detail Report

J.P. Morgan Escrow 508 521 1571 . 092  
 c/o 111 Main St Trenton 62780 65-7892113

8/1/09 DATE

PAY TO THE ORDER OF City of Trenton \$7,111.62

Seven thousand one hundred eleven and 62/100 DOLLARS

WebsterBank  
 FOR DEPOSIT ONLY  
 1000092 211370231 10 9320189622

Date: 08/03/09  
 Batch Num: 243  
 Document ID: Multi Check  
 Transaction: 15  
 Item Num: 9  
 Sequence: 2785  
 Pocket Num: 5  
 Batch Type: Multiples (CAR)  
 Station: STA001

Amount Due: 0.00      Amount Paid: 7,111.62

Check Number      000092  
 FRDABA      211370231  
 DDA Account      10 9320189622  
 Tran Code  
 Amount      0000711162  
 Fill Amount

528.96  
 260.60  
 840.43  
 2244.31  
 527.19  
 1273.02  
 1123.38  
 313.72  
 -----  
 7,111.62

EXHIBIT 4







25

04/13/2011

Wendy Graves, Treasurer  
City of Taunton  
Delivered in Hand

Ms. Graves

As per my conversation, and several prior letters to you, I am awaiting the corrected tax bill for 2-4 High St. Ext. I am the record title holder of the property and was told that you could not verify that. The deed is recorder in Book 16317 P 73. My address is 14 Estella St. Boston, MA 02126. Despite your assertion to let sleeping dogs lie, I believe that my overpayment in 2003-2006 would only carry to 2010. The enclosed check for \$1501.78 includes 842.45 for 2-4 High St Ext. and 659.33 for 6. This should pay outstanding through 5/1/11. Please correct this and send me and Rockland Trust the appropriate paperwork.

Respectfully yours

*Michael W. O'Donnell*

MICHAEL W. O'DONNELL  
14 ESTELLA STREET  
BOSTON MA 02126

CITIZENS BANK  
Member FDIC  
CITIZENS BANK  
Member FDIC

EXHIBIT 6



IMAGE REPRODUCTION OF THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

 Citizens Bank

511642681-7

057-0012  
0116

June 11, 2012

DOLLARS

20 00 00

PAY

TO THE ORDER OF MICHAEL O'DONNELL

MEMO:

Drawer: RBS Citizens, N.A.  
Citizens Bank is a division of RBS Citizens, N.A.



*[Signature]*  
AUTHORIZED SIGNATURE

511642681 20752164

511642681 1011501201

26

EXHIBIT 7



# CITY OF TAUNTON POLICE DEPARTMENT

CHIEF  
EDWARD JAMES WALSH

23 SUMMER STREET  
TAUNTON, MA 02780  
(508) 821-1471  
April 23, 2013

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

I am in receipt of your correspondence relative to employee reporting of child abuse. As you are aware, a significant number of City Employees are statutorily mandated reporters and required by law to report instances of child abuse or neglect to the Department of Children and Families (DCF). Procedures for reporting child abuse are already in place by statute; CMR and departmental policies and it would be duplicitous to create any additional reporting procedures for mandated reporters.

In addressing the issue of those City Employees that are not mandated reporters, I do not believe that it would be beneficial or effective to create a new category of reporters within City government. The legislature created the current categories of mandated reporters based upon occupations, knowledge and interaction with the public. There are several issues that would arise with a mandated reporting policy. These include:

1. Untrained City Employees will require training so they understand what child abuse and neglect are and the methods of reporting this information to DCF or other agencies. I would also assume that with this new mandate, employees who fail to report would be subject to sanctions. This may create a situation where fearful employees over report child abuse and neglect out of fear of discipline and further strain an already over burdened system.

The majority of City Employees interact with the public in public facilities. The reality is that it is very unlikely that these employees are in position to observe and properly report child abuse or neglect in the workplace. Most interactions are brief and fleeting. If the City Employee is not already in possession of sufficient information to file a report, such as names and addresses, the employee would be incapable of filing a report acceptable to DCF.

Some employees of the Assessor's Office, Board of Health, Building Department and Department of Public Works interact with the public within private residences. This places them in a situation where they may observe child abuse or neglect. These employees would require specific training to understand child abuse and neglect. However the easiest remedy would be for them to call the police to respond to the location.

2. The report of the non-statutorily mandated reporters will be treated differently from those submitted by statutorily mandated reporters. The report completed and submitted by a non-statutorily mandated

reporter is screened by DCF before any action is taken on it. A report by a statutorily mandated reporter is automatically screened in for action by DCF, and in the case of the police department, discussed via telephone as well. So by locally mandating reporting by all employees, we will actually have two classes of reporters that are treated differently by DCF.

3. I also believe that by adopting a mandatory reporting policy for all City Employees we are exposing the City to greater liability. As it stands right now, only statutorily designated classes of employees are required to report child abuse and neglect. All other City Employees are Voluntary Reporters. If a mandated reporter fails to report child abuse or neglect, the City is exposed for liability because the mandated reporter failed the standard of care required by law. A Voluntary Reporter does not have this legally binding standard of care under the statute. By creating a policy requiring reporting, the City would be creating a standard of care that is greater than the statute.

The majority of City Employees are statutorily mandated reporters. Rather than creating a new mechanism, I would suggest that when a non-mandated City Employee comes across a situation of child abuse or neglect in the course of their duties, that they contact the police department for appropriate evaluation and reporting.

Respectfully,



Edward James Walsh  
Chief of Police



## City Clerk's Office

29

**From:** Joseph Fernandes <josephfernandes@tmlp.com>  
**Sent:** Friday, April 19, 2013 10:00 AM  
**To:** Cityclerk@tmlp.net  
**Cc:** Craig Foley  
**Subject:** Traffic Signals - Broadway @ Purchase St  
**Attachments:** Broadway@Purchase T.S., 4-10-13.pdf

RE: City Council request to investigate delay of traffic signals on Purchase St @ Broadway.

After investigating the traffic signal operation at the above mentioned location, it has been determined that there are two dominant reasons why the traffic on the Purchase Street approaches are being delayed:

1. Road construction in the area is resulting in damaging and dismantling of the magnetic wire traffic detector loops installed in the pavement. These wire loops detect the presence of vehicular traffic as they approach the stop line at each intersection. They are normally installed in the asphalt or directly beneath the asphalt. They are being cut and excavated due to various road construction projects ongoing in the City.
2. The vehicle stop line and traffic loop detectors on the Purchase Street approaches are set back farther than normal due to the narrowness of the road combined with the large trucks that frequent Purchase Street from Broadway. The stop line and loops are set back to allow the large trucks to be able to make the turn onto Purchase Street from Broadway without being held up by a vehicle stopped at the stop line. The large trucks need a wide turning radius and Purchase Street is too narrow to allow them to turn without crossing the center line into the opposite traffic lane. If the Purchase St. vehicles stop beyond the stop line, it is very possible that the vehicle is beyond the vehicle detecting loop and the vehicle is not being detected or recognized by the traffic signal system. Hence, the vehicle will sit and wait until another vehicle approaches that gets detected or the Broadway traffic timing hits its maximum allowed time of 40 seconds, then changes to its next cycle (green light for Purchase St.).

Solution: Adequate vehicle detection is needed to be installed to replace the damaged loops and install additional detection to detect the vehicles that stop beyond the Purchase St. stop lines. TMLP recommends installing a new traffic video detection system to replace the existing loops that are not working and the need for additional detection for the vehicles that stop beyond the stop line.

I will request this item be added to and addressed at the Agenda of the next City of Taunton Traffic Board meeting being held on May 9th at 10AM at SRPEED office on School St., Taunton.

If you have any further questions, please contact me.

Sincerely,

Joe Fernandes

Joseph A. Fernandes, Jr.  
Principal Electrical Engineer

Taunton Municipal Lighting Plant  
55 Weir Street  
P.O. Box 870  
Taunton, MA 02780



**Mashpee Wampanoag Tribe**  
483 Great Neck Rd. South, Mashpee, MA 02649  
Phone (508) 477-0208 Fax (508) 477-1218

30

May 2, 2013

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

Dear President McCaul and Members of the Municipal Council:

Thank you very much for your kind invitation to attend a meeting of the Municipal Council. Please accept this letter as confirmation that I will be present in your council chambers on Tuesday evening, May 14, 2013 to discuss Project First Light.

Since we last met in a formal setting, the Mashpee Wampanoag Tribe has made great progress toward our goal of constructing and operating a first-class destination resort casino in the City of Taunton. We have an exciting new design for our project and many other new developments and details to share with you, our partners in future job growth and economic development in southeastern Massachusetts.

We very much look forward to meeting with you, updating you on our progress, and discussing how we can continue to work together to bring good jobs and revenue to Taunton and the Southeastern Massachusetts region.

With warm regards,

A handwritten signature in black ink that reads "Cedric Cromwell". The signature is written in a cursive, flowing style.

Cedric Cromwell  
Chairman  
Mashpee Wampanoag Tribe

31

April 30, 2013

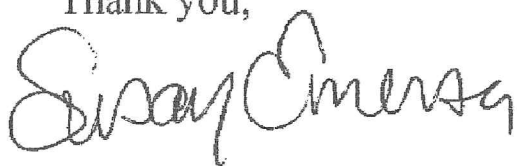
City Council of Taunton  
AJ Marshall

We are building our home at 181 Bedford Street Middleboro, MA 02346. At this time we are putting a mobile home on the property to live in while we build. We would like permission to tie into Taunton Water as the main runs along our side of Bedford Street. I have talked with Mike Prado and his superintendent Mr. Obrien, Mr. Obrien stated the DPW does not have a problem with us tying into the Taunton Water main but that we need to get approval thru your office.

We would like to get this approved as soon as possible as our septic system is being installed now and we need to be able to get moved into the mobile home quickly as we are losing our current home and are running short on time.

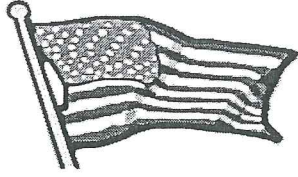
Please contact me at 508-947-0361 or my cell phone 774-766-2837, or you can email me [semerson13@hotmail.com](mailto:semerson13@hotmail.com).

Thank you,



Susan Emerson





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2013 MAY -3 A 10: 31

TAUNTON, MA

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CITY CLERK

MAY 7, 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, MAY 7, 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**

**THE COMMITTEE ON FINANCE & SALARIES**

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

**PLEASE NOTE:**

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

**THE COMMITTEE ON POLICE AND LICENSE**

1. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING APPLICATIONS FOR APPOINTMENT AS CONSTABLE:
  - A. BRUCE DIAS, 1110 BURT STREET, TAUNTON - NEW
  - B. ANN SOUSA, 61 CEDAR STREET, TAUNTON - RENEWAL
  - C. DAVID HENRIQUES, 883 SOMERSET AVE. - RENEWAL
  - D. HERVE VANDAL, JR., 82 REED STREET, NEW BEDFORD, MA - RENEWAL
2. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF DENIS TETRAULT, 39 WELL MEADOWS WAY, TIVERTON, RI FOR RENEWAL OF OLD GOLD LICENSE, PAWN BROKER LICENSE AND SECOND HAND ARTICLE LICENSE FOR TETREULT ENTERPRISES, INC. D/B/A FALL RIVER PAWN BROKERS, 48 TAUNTON GREEN



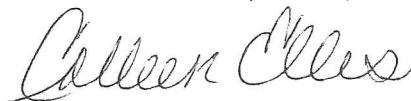
3. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF JAMES PERRY FOR RENEWAL OF OLD GOLD LICENSE D/B/A PERRY JEWELERS, INC., 400 BROADWAY
4. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR BILLIARD TABLE LICENSES:
  - A. WILLIAM DESA, 14 WHITTENTON ST. D/B/A BILLY CLUB CAFÉ, 53 GROVE STREET – RENEWAL – 1 TABLE
  - B. DAVID F. ADAMS POST 611 ATHLETIC ASSN, INC., 82 INGELL STREET – RENEWAL – 1 TABLE
  - C. P.A.C.C., 175 SCHOOL STREET - RENEWAL – 1 TABLE
  - D. BOBBY'S PLACE, 62 WEIR STREET – RENEWAL – 2 TABLES
  - E. ATLANTIC CAFÉ, 10 PLAIN STREET – RENEWAL – 2 TABLES
  - F. MCGRATH'S CAFÉ, 125 WEST WATER STREET – RENEWAL – 1 TABLE
  - G. SMITTY'S SPORTS PUB INC., 445 BAY STREET – RENEWAL – 1 TABLE
  - H. BAHA BROS. PUB & RESTAURANT D/B/A SANDBAR GRILL, 64 WEIR STREET – RENEWAL – 2 TABLES
  - I. TAUNTON LODGE NO. 150, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE U.S.A., 119 HIGH STREET – RENEWAL – 2 TABLES
  - J. PIONEER FLYING CLUB, 330 WHITTENTON STREET – RENEWAL – 2 TABLES
  - K. WILLY J'S PUB, 599 WINTHROP STREET – RENEWAL – 1 TABLE
  - L. EAST SIDE PIZZA, 1 CASWELL STREET – NEW – 1 TABLE
5. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION OF TIMOTHY CUMMINGS FOR RENEWAL OF ANTIQUE DEALERS LICENSE D/B/A E-ANTIQUEBROKER CONSULTING SERVICE, 4 OXFORD ST., TAUNTON
6. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON REQUEST FOR A CHANGE IN THE LICENSEE'S NAME FOR CLASS II USED CAR DEALER'S LICENSE FROM BEST PRICE INC. TO PRESTIGE CAR WASH AND GAS OF TAUNTON, INC, 13 CAPE ROAD
7. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE APPLICATIONS FOR CLASS II LICENSES FOR MARLI MOTORS, 17 TREMONT STREET – NEW
8. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR SECOND HAND ARTICLE LICENSES:
  - A. COLLECTOR'S EMPORIUM INC., 388 BAY STREET – RENEWAL
  - B. ECO ATM INC., 2 GALLERIA MALL DRIVE – RENEWAL
  - C. THE BARGAIN BAZAAR THRIFT SHOP, 320 BAY STREET – RENEWAL – **ALSO REQUESTING TO HAVE FEE OF \$100 WAIVED AS THEY ARE A NON-PROFIT.**
9. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR LIVERY LICENSES:
  - A. JOHN PACHECO, 66 MARY DRIVE D/B/A AIRPORT EXPRESS DIRECT, 66 MARY DRIVE – RENEWAL – 1 VEHICLE
  - B. GEORGE KENAAN, 70 SOLITUDE DRIVE D/B/A HIGH CLASS LIMO, 70 SOLITUDE DRIVE – RENEWAL – 1 VEHICLE

- C. GABRIEL PIRES, 29 ORCHARD STREET D/B/A LINK TRANSPORT SYSTEMS, INC., 447 BROADWAY – RENEWAL
  - D. DONNA FRANCIS, 48 WORCESTER ST., FOR A & D ENTERPRISES D/B/A PEGASUS AIRPORT SERVICE, 48 WORCESTER ST. – 2 VANS, 1 SEDAN – RENEWAL
  - E. ALBERT TUCAN, 157 ½ SHORES STREET FOR T & F TRANSPORTATION OF TAUNTON, INC. D/B/A ALEXANDER’S LIMOUSINE , 295 BROADWAY – 2 VEHICLES - RENEWAL
  - F. ALBERT TUCAN, 157 ½ SHORES STREET D/B/A TAUNTON MOTORIZED CARRIAGE COMPANY INC., 295 BROADWAY – 21 VEHICLES, 2 HANDICAP - RENEWAL
10. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE PETITION OF ALBERT TUCAN, 157 ½ SHORES STREET FOR RENEWAL OF HACKNEY CARRIAGE AND TAXI STANDS FOR TAUNTON CARTAGE CO. LTD D/B/A CHECKER CAB AND TAUNTON CARTAGE CO. LTD D/B/A COZY CAB, BOTH LOCATED AT 295 BROADWAY – 2 STANDS LOCATED AT SCHOOL STREET AT TAUNTON GREEN
11. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON PETITION FOR RENEWAL OF NEWS RACK LICENSE FOR TAUNTON SEVENTH DAY ADVENTIST CHURCH, 109 WINTHROP STREET – ONE LOCATION IN FRONT OF POST OFFICE
12. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR TEMPORARY FIXED VENDOR LICENSES:
- A. TAUNTON AREA SCHOOL TO CAREER INC., 45 BROADWAY – RENEWAL – **ALSO REQUESTING THAT FEE BE WAIVED AS THEY ARE A NON-PROFIT.**
  - B. LILLIAN AMARO, 915 MIDDLEBORO AVE. – RENEWAL - TO SELL XMAS TREES AND WREATHS
  - C. JAMES LYONS, JR. D/B/A DANDI LYONS, 649 COUNTY STREET – RENEWAL
13. MEET WITH THE POLICE CHIEF AND DETECTIVE SMITH ON THE FOLLOWING PETITIONS FOR JUNK COLLECTOR’S LICENSES:
- A. EDWIN DEBRUM, 57 STEVENS STREET D/B/A DEBRUM SALVAGE, 57 STEVENS STREET – RENEWAL
  - B. DAVID BOYER D/B/A SCRAP BROTHERS RECYCLING, 56 FIDDLERS WAY – RENEWAL.
14. MEET TO REVIEW MATTERS IN FILE

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RESPECTFULLY,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES