

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

~
OCTOBER 1, 2013 – 7:00 PM

**INVOCATION
ROLL CALL
RECORDS**

HEARING: NONE

COMMUNICATIONS FROM THE MAYOR

- Presentation of a Proclamation for National Domestic Violence Awareness Month

APPOINTMENTS

COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1 Com. from Chris Williams, Safety Officer – Responding to Columbus Ave. bus stop concerns
- Pg. 2 Com. from Board of Assessors – Requesting to schedule a hearing
- Pg. 3 Com. from Fire Chief – Response on John Street acceptance
- Pg. 4 Com. from Chairman, Taunton Planning Board – Notifying of a public hearing
- Pg. 5-15 Com. from City Solicitor – Taunton Fire Department et al. v. Michael O'Donnell et al.
- Pg. 16-17 Com. from Tax Possession Custodian – Proposed sale of tax possession properties
- Pg. 18-19 Com. from Richard Berry, 436 Winthrop St., Taunton - Requesting a sewer betterment abatement for this property
- Pg. 20 Com. from Director Agent, Veterans Services – Requesting to pay a prior year bill

RECEIVED
CITY CLERK'S OFFICE
2013 SEP 27 11 A 10:32
TAUNTON, MA
CITY CLERK

PETITIONS

Junk Collector's License

Petition submitted by William Butler, 195 Field St., Taunton requesting a RENEWAL of his 2012 and 2013 Junk Collector's License located at 195 Field Street, Taunton.

Hours of Operation License (Black Friday)

1. AP Pretzels, Inc. –DBA- Wetzels Pretzels located at 2 Galleria Mall Drive, Taunton.

Claim

Claim submitted by Michael Kripke, 45 Blueberry Lane, Taunton seeking reimbursement for damages to his automobile from hitting a pothole in front of 580 Myles Standish Blvd.

COMMITTEE REPORTS

UNFINISHED BUSINESS

- Discussion of Director of Technology for the Automation Department

ORDERS, ORDINANCES AND RESOLUTIONS

Ordinance for a third reading to be ordained on a roll call vote AN ORDINANCE

Chapter 6

Article V Section 6-96

DISPOSAL OF SURPLUS SUPPLIES/EQUIPMENT

Be it ordained by the Municipal Council of the City of Taunton as follows:-

SECTION 1. That the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding the following section:

Section 6-96

WHEREAS, it is the policy of the City that the sale of surplus property/equipment that has been determined "to be no longer useful for any Municipal purpose and has a resale/salvage value of less than \$5,000, may be sold, donated or discarded in accordance with the following guidelines:

1. Upon receipt of the written approval of the Mayor, City Department Heads may discard or donate surplus supplies/equipment that have a resale or salvage value of less than Five Hundred (\$500.00) Dollars.

2. Surplus supplies/equipment having a resale or salvage value of Five Hundred (\$500.00) Dollars or more, but less than Five Thousand (\$5,000.00) Dollars may be sold or donated with the Mayor's written approval of "The Plan" to sell (bid/auction) such supplies/equipment.

The Department's plan to sell by bid or auction the surplus supplies/equipment will including the following:

- A. A Bidding Notice or Notice of Sale by Auction, including:
 - 1. Complete description of the surplus supplies/equipment;
 - 2. A notification of when, where and how the surplus supplies/equipment may be inspected;
 - 3. All terms and conditions of the sale;
 - 4. The place and deadline for the submission of bids or place and time of auction;
 - 5. A statement that the City retains the right to reject any and all bids.
- B. Posting a Notice at City Hall and in a newspaper with general circulation in the local area with all terms and conditions delineated in the Notices of Sale.
- C. Full and proper documentation/recording of the transaction(s) in conformity with all terms and conditions delineated in the Notices of Sale.
- D. If the governmental body rejects the bid of the highest bidder, the governmental body may:
 - a. Negotiate a sale of such supply/equipment, so long as the negotiated sale price is higher than the bid price;
 - b. Resolicit bid process.
- 3. The City's procurement officer may choose to utilize the surplus supplies/equipment as a "trade in" in process of purchasing new supplies/equipment.
- 4. All proceeds from the sale of surplus supplies/equipment shall be deposited into the City's reserve/revolving account.
- 5. Surplus supplies/equipment with an estimated resale or salvage value of less than Five Thousand (\$5,000.00) Dollars, may be donated to the organization that has an IRS tax exempt status by reason of its charitable nature, by a majority vote of the City Council.

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

AN ORDINANCE

ARTICLE II OPERATION OF VEHICLES

Sec 13-82. Prohibited parking places.

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

That Section 13-82 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

On the north side of Monica Street, beginning at a point 380.16 feet from the intersection of School Street and extending eighty feet along Monica Street in a northwesterly direction.

On the south side of Monica Street, beginning at a point 381.5 feet from the intersection of School Street and extending 25 feet in a northwesterly direction to a corner, then, from said corner, continuing along Monica Street in a southerly direction for seventy three feet.

On Monica Street, in front of house numbered 19, from the corner and extending seventy three feet in a southerly direction in front of said house numbered 19.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

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

AN ORDINANCE

ARTICLE V. SIGN, SIGNALS AND MARKINGS

Section 13-171. Same – Designation of Intersections

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

That Section 13.171 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

Briggs Street at Cohannet Street.

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

NEW BUSINESS

Respectfully submitted,

Rm Blackwell

**Rose Marie Blackwell
City Clerk**

Memorandum

To: Chief Edward Walsh
CC: City of Taunton Municipal Council
From: Taunton Police Department
Public Safety Office
Date: 9/25/2013
Re: Columbus Ave.

.....
Upon receiving requests concerning a bus stop at the intersection of Tremont St.Rte.140 and Columbus Ave. I surveyed the area and made observations of young children crossing Tremont St.Rte.140 at a School Bus Stop. I am of the opinion there has to be a better method to accommodate this stop.

I recommend posting two No Parking signs on each side of Columbus Ave. 40' from Tremont St in order to assure the bus has enough clearance to make the swing onto Columbus Ave, and stop near 7 Columbus Ave as most children were observed living there and directly across the street.

This will only prohibit two parking spaces as there is already the standard twenty foot set back. The bus will have no trouble exiting Columbus Ave. onto Hodges Ave. as the Hodges Ave. is already posted No Parking.

Respectfully,
Chris Williams

2.



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

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

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

September 25, 2013

Council President McCaul
Mayor Hoye
and Municipal Councilors

Please be advised that the FY2014 values for real and personal property have been approved by the Department of Revenue.

We hereby request that the Municipal Council schedule a Classification Hearing in accordance with the provisions of Chapter 40 Section 56 of M.G.L. as amended by Chapter 369 of the Acts of 1982, to determine the percentage of the LOCAL TAX LEVY to be borne by each class of real and personal property.

We are ready now. The hearing has to be advertised at least seven days before the Hearing. We request and recommend as a nomination for your discretion the date of Tuesday, October 29, 2013.

Thank you.

Board of Assessors



CITY OF TAUNTON FIRE DEPARTMENT

50 School Street
Taunton, MA 02780
Tel. (508) 821-1452 • Fax (508) 821-1495

TIMOTHY J. BRADSHAW
Chief of Department

KATE GOVER
Administrative Assistant

September 25, 2013

Mayor Thomas Hoyer and
Taunton City Council Members
15 Summer Street
Taunton, MA 02780

RE: **John Street**

Dear Honorable Mayor and Council Members;

After investigating the John Street area the Fire Department does not have any issues with the City accepting this roadway as a public way. In order to continue to provide sufficient access to the fire department connection, the connection which allows firefighters to supplement the building's sprinkler system, I would ask that the street be posted as a "NO PARKING FIRE LANE". It appears that the residential occupancies on John Street are all equipped with off street parking so this should not be an issue. I would also suggest that some of the brush be cut back along the roadway. This would also aid in allowing access for some of the City's larger fire apparatus.

Respectfully,

Timothy Bradshaw
Chief of Department



TAUNTON PLANNING BOARD

City Hall
15 Summer Street
Taunton, Massachusetts 02780

Denise J. Paiva, Secretary

Phone 508-821-1051
Fax 508-821-1665

September 26, 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: Proposed Zoning Map Amendment – Dean Street

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised the Taunton Planning Board is in receipt of your referral for a Zoning Map Amendment for property on Dean Street to Re-Zone the following parcels located in the Urban Residential District to be part of the Transit Oriented Development Overlay District submitted by Atty. David Gay on behalf of Steven Koss, Trustee of Koss Realty Trust.

Property I.D. 55-758 – 40 Dean St.
Property I.D. 55-756 – 44 Dean St.
Property I.D. 55-757- Dean St.

Any Zoning Change requires a public hearing with the Municipal Council and Planning Board Therefore; the Taunton Planning Board has scheduled a public hearing on this proposal for **Thursday, November 7, 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

LAW DEPARTMENT

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



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

September 24, 2013

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

**RE: Taunton Fire Department et al. v. Michael O'Donnell et al.
Southeast Housing Court, Docket No. 10-CV-00127**

Dear Mayor Hoye and Members of the Municipal Council:

A hearing was held in the above-entitled matter on September 24, 2013. The City was forced to file another contempt complaint because the Defendants failed to execute a deed and other documents by September 10th, as was ordered by the Court on September 3rd.

After hearing, the Court found the Defendants in contempt and ordered that the pertinent documents be signed immediately and in the presence of a notary public. The Court also granted the City's request for an award of costs and attorneys' fees, and ordered the amount of \$3,963.33 to be paid by the Defendants to the City on or before October 24th.

The deed and the other documents were signed by the Defendants while still in the courthouse, transmitted to the Court, and then provided to me. Attached hereto are the finding of contempt, the order for the award of attorneys' fees and costs, and the signed and notarized deed, trustee's certificate, and document to be filed in the pending Land Court case also pertaining to the subject premises. I respectfully request that you take a vote to accept the deed to the premises for general municipal purposes.

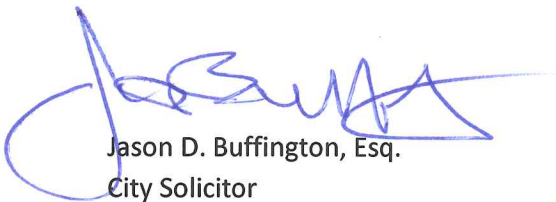
We will now move to secure the property. Please know, however, that the Court has granted the former owner unrestricted access to the premises through December 2, 2013.

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The building being well beyond repair, we will now move toward the eventual demolition of the property. We have invited at least three engineering firms to provide bids to perform a pre-demolition survey, identification of hazardous materials requiring special disposition, the drafting of necessary documents to put the demolition contract out to bid, and other ancillary and associated work necessary for eventual demolition. We will then solicit formal bids for demolition.

Thank you for allowing me to provide this update to you. Please feel free to contact me with any questions that you may have.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jason D. Buffington". The signature is stylized and fluid, with a large initial "J" and "B".

Jason D. Buffington, Esq.
City Solicitor

HOUSING COURT DEPARTMENT
SOUTHEASTERN DIVISION
A TRUE COPY
ATTEST *Maed R. Jeffers* CLERK
DATE

24 September 2013 mair

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

Taunton Fire Department-
Capt. Robert J. Bastis, Jr.

Plaintiff

V.

Mr. Michael O'Donnell,
Trust of Boston Financial Trust, et al

Defendant

Housing Court Department

Southeastern Division

Docket No.: 10-CV 127

A hearing has been held by the Court this day; as a result of said hearing:

(X) You have been found in contempt of Court, but you may purge said contempt as follows:

() No contempt found.

1. By signing the deed, Trustee's Certificate and Land Court documents currently in the possession of the Plaintiffs Attorney- without alteration- forthwith in the presence of a Notary.
2. The Defendant shall not leave the CourtHouse pending further order of the Court.

You are further Ordered to re-appear before this Court: **no later than Noon today.**

Your failure to comply with this order and/or to re-appear before the Court as indicated may result in an initial or further contempt proceeding; with Court ordered sanctions, and/or a Capias for your Civil arrest may also issue.



9/24/13
Date

First Justice

HOUSING COURT DEPARTMENT
SOUTHEASTERN DIVISION
A TRUE COPY
ATTEST Maed R. Joffe CLERK
DATE 9-24-13

Commonwealth of Massachusetts
The Trial Court

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TAUNTON FIRE DEPARTMENT - CAPT. ROBERT J
BASTIS JR.

Housing Court Department
Southeastern Division

PLAINTIFF

Docket #: 10-CV-0127

-v.-

MR. MICHAEL O'DONNELL TRUSTEE OF THE
BOSTON FINANCIAL TRUST, and
MICHAEL O'DONNELL, Individually

DEFENDANT

The above entitled action came before the Court, Chaplin FJ. presiding, this 24th day
of September, 2013

A hearing was conducted regarding the Plaintiff's / Defendant's request for the following:

The Court having duly heard: Both Parties in the Case,
 Plaintiff Only [*Defendant failed to appear*],
 Defendant Only [*Plaintiff failed to appear*],

and the Court being satisfied that proper notice of said hearing was served on the *Plaintiff / Defendant* it is hereby ORDERED and ADJUDGED:

The defendants shall pay the plaintiff \$3,963.33, attorneys fees and costs as set forth in the affidavit of plaintiff's counsel dated September 24, 2013 on or before October 24, 2013

Your failure to comply with this order and/or to re-appear before the Court as indicated may result in an initial or further contempt proceeding; with Court ordered sanctions, and/or a Capias for your Civil arrest may also issue.

9/24/13
Date

Anne Kennedy Chaplin
First Justice

Property Address: 107-111 Main Street, Taunton, MA 02780

QUITCLAIM DEED

Michael O'Donnell, individually and Michael O'Donnell, as Trustee of Boston Financial Trust, u/d/t dated January 4, 2000, recorded at Book 8948, Page 341 of Taunton, Massachusetts

for consideration paid and in full consideration of One and 00/100 (\$1.00) Dollar, and in settlement of certain disputed litigation (See Case No. 10-CV-00127, Commonwealth of Massachusetts Trial Court, Housing Court Department, Southeast Division) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both Grantor and Grantee,

grant to the City of Taunton, a Municipal Corporation having its principal place of business at 15 Summer Street, Taunton, Massachusetts

with QUITCLAIM COVENANTS,

A certain tract or parcel of land with the buildings thereon, situate in Taunton, Mass. on the southerly side of Main Street and Summer Street, bounded as follows:

Beginning at the northeasterly corner of Leonard's Block so-called, standing on the said land; thence in line of said Block to the southeasterly corner of said Block; thence southwesterly thirty-one & 30/100 feet to the corner of land formerly of the late Thomas O. Falvey; thence by said Falvey's land N. 43 deg. 30' W. about 68 & 80/100 feet to land now or formerly of the late J.W.L. Wilbur, et al; thence by said Wilbur land N. 43 deg. 44 1/2' E. 96 & 93/100 feet; thence S. 46 deg. 15 1/2' E. 13 feet; thence N. 46 deg. 19' E. 22 & 60/100 feet; thence in a line at right angles with said Leonard Block 24 & 10/100 feet to the outer wall of said Block; thence by the line of said Block 95 feet to the northwesterly corner thereof; thence easterly by the front line of said Block to the point of beginning.

Together with the rights to use the existing sewers or drains now laid across the premises owned now or formerly by the estate of the late Daniel J. Sullivan and the right to enter upon said premises for the purpose of cleaning, repairing and maintaining said sewers and drains for the convenience of certain land and buildings adjoining on Leonard's Court. Together with the right to enforce the Fencing Agreement so far as the same relates to the above described property as reserved in a certain deed from Sarah C.

Williams to said Daniel J. Sullivan all the above easements, being reserved in said deed from Williams to Sullivan dated May 9, 1910 and recorded in said Registry of Deeds Book 647, Pages 383, 384 and 385. Together with such rights of way and all title and interest the late Sarah C. Williams had in and to the way known as Leonard's Court and all the rights she had in and to land immediately in front of said Leonard's Block and between the same and Summer Street as laid out, except such as she may have conveyed away during her lifetime, her title in the above described rights of way and land immediately in front of said Leonard's Block and between the same and Summer Street being acquired originally by deed from Arthur G. Leonard to the late George B. Williams dated March 24, 1884 and recorded in the aforesaid Registry of Deeds Book 420, Pages 58 and 59 and by deed from Rebecca B. Leonard to the late George B. Williams dated March 24, 1884 and recorded in the aforesaid Registry of Deeds Book 420, Pages 59 and 60. Reserving from the above described premises such rights as were reserved to Josephus W.L. Wilbur et al, the owners of the estate next westerly of the herein conveyed premises; their heirs and assigns, in the nature of rights of way and party wall agreement as are more particularly specified in a certain deed from said J.W.L. Wilbur et al to George B. Saunders and Sylvanus Makepeace dated March 20, 1875 and recorded in Book 347, Pages 51 and 52 in the aforesaid Registry of Deeds.

Excluding from the above premises the portion of those premises which was conveyed by Fannie Antine and Annie R. Goldstein to Pincus Zwetchkenbaum on or about September 29, 1950 and recorded in the North District Bristol County Registry of Deeds in Book 1016, Pages 320 and 321, bounded and described as follows: That certain tract of land shown and designated as Lot G on a plan entitled, "Land in Taunton, Mass to be conveyed to Pincus Zwetchkenbaum, June 14, 1950, R. Loring Hayward, Civil Engineer", said plan filed in Bristol County North District Registry of Deeds. Said land is bounded by metes and bounds as follows:-Beginning at the southwesterly corner thereof in the easterly line of land of the grantee; thence running by grantee's land N. 46 deg. 37' E. 96.93 feet to a corner, thence S. 43 deg. 23' E. 13 feet; thence N. 49 deg. 11' 30" E. 22.60 feet; thence S. 32 deg. 39' E. 19.10 feet, all of said courses being by land of the grantee; thence running by remaining land of grantors S. 57 deg. 21' W. 81.44 feet to a turn; thence continuing by land of grantors S. 38 deg. 32' W. 37.86 feet to land of the City of Taunton; thence running by land of the City of Taunton N. 39 deg. 31' W. 23 feet to the place of beginning.

Also see deed from Fannie Antine and Annie R. Goldstein to Pincus Zwetchkenbaum for certain defined rights of way granted over the premises being herein granted.


Grantor hereby releases and terminates any and all rights of homestead he may have in the said premises and hereby warrants and represents that there are no persons entitled to any rights of homestead under G.L. c. 188 in the premises conveyed by this deed.


Meaning and intending by this deed to convey any and all interest the Grantor has, in any capacity whatsoever, to the property known as 107 -111 Main Street, Taunton, MA 02780, however the same may be bounded and described.

For title reference see deed recorded at the Bristol County Northern District Registry of Deeds on Book 19496, Page 183. See also Book 11020, Page 281. And see Certificate of Entry recorded at Book 16322, Page 214.

Witness my hand and seal this 24th day of September, 2013

Boston Financial Trust

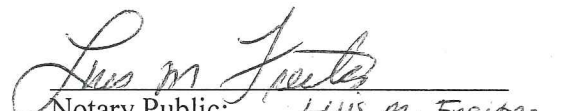

Michael O'Donnell, individually


Michael O'Donnell, Trustee

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss.

On this 24th day of September, 2013, before me, the undersigned notary public, personally appeared Michael O'Donnell, individually and as Trustee of Boston Financial Trust, through satisfactory evidence of identification, which was KNOWN TO ME, proved to me to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public: Luis M. Freitas
My commission expires: MARCH 21, 2018


CERTIFICATE OF TRUSTEE OF
Boston Financial Trust

I, Michael O'Donnell, as Trustee of Boston Financial Trust, u/d/t dated January 4, 2000, recorded at the North Bristol County Registry of Deeds at Book 8948, Page 341 of Taunton, Massachusetts, do hereby certify that:

1. I am the sole Trustee of Boston Financial Trust ("Trust");
2. The terms of said Declaration of Trust have not been amended, added to or rescinded as of the date of this Certificate, except as recorded at the North Bristol County Registry of Deeds.
3. I have been duly authorized by the Beneficiaries of this trust to transfer to The City of Taunton, a Municipal Corporation with its usual place of business at 15 Summer Street, Taunton, Massachusetts, the property known as 107-111 Main Street, Taunton, MA, however the same may be bounded and described, in consideration of One Dollar (\$1.00), and in settlement of certain disputed litigation (See Case No. 10-CV-00127, Commonwealth of Massachusetts Trial Court, Housing Court Department, Southeast Division) and for other good and valuable consideration, and to execute all documents relative thereto.
4. The beneficiaries are all of legal age and capacity.
5. The Trustee of the Trust has the authority to act with respect to real estate owned by the Trust, and has full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust and no purchaser, mortgagor or third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power or to see to the application of any Trust asset paid to the Trustees for a conveyance thereof.
6. I know of the existence of no fact which constitutes a condition precedent to acts by the Trustee which are in any manner germane to the affairs of the trust;

DATED at Taunton this 24th day of September, 2013

Boston Financial Trust



Michael O'Donnell, Trustee

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 24th day of September, 2013, before me, the undersigned notary public, personally appeared Michael O'Donnell, Trustee of Boston Financial Trust and proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Luis M. Freitas
Notary Public: Luis M. Freitas
My Commission Expires: March 21, 2018

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
LAND COURT DEPARTMENT

BRISTOL, SS.

CASE NO. 11 TL 143120

_____)
CITY OF TAUNTON,)
	Plaintiff)
)
v.)
)
MICHAEL O'DONNELL,)
	Defendant.)
_____)

NOTICE OF WITHDRAWAL OF APPEARANCE AND ANSWER

Now comes Michael O'Donnell, Defendant in the above-captioned matter, and respectfully notifies this Honorable Court of the following:

1. I hereby withdraw my appearance in this matter.
2. I hereby withdraw my answer in this matter.
3. I do not contest the amount of the Finding requested by Plaintiff.
4. I do not oppose the entry of judgment in the Plaintiff's favor.
5. I do not contest in any way the proceedings to foreclose the rights of redemption currently held by me in any individual or representative capacity.
6. I understand that a final judgment in this case will vest absolute title in the City of Taunton to the property located at 107-111 Main Street, Taunton, MA, also known as Parcel 66-378.
7. I understand that said final judgment will forever bar all rights of redemption in the tax taking covering said property which is the subject of this tax lien foreclosure case.
8. I further agree to waive all rights of appeal.
9. I also agree to irrevocably waive any and all rights to file a petition to vacate any decree or judgment that may enter in this case for the Plaintiff.

10. I am filing this document with the Court in satisfaction of a seven-page agreement dated September 3, 2013, a copy of which is attached hereto. While said agreement was submitted in connection with another court case (See Taunton Fire Department et al. vs. Michael O'Donnell et al., Massachusetts Housing Court, Southeastern Division, Docket No. 10-CV-00127), said agreement also has independent legal significance.

Respectfully submitted,



Michael O'Donnell
73 Main Street
Taunton MA 02780

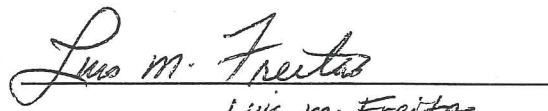
Dated: September 24, 2013

Commonwealth of Massachusetts

Bristol, ss

September 24, 2013

Then personally appeared the above-named Michael O'Donnell, satisfactory evidence of identification having been provided, namely, known to me, and acknowledged the foregoing NOTICE OF WITHDRAWAL OF APPEARANCE AND ANSWER to be his free act and deed and that he signed the foregoing document freely and voluntarily for its intended purpose.



Notary Public
My commission expires March 21, 2018



City of Taunton

LAW DEPARTMENT

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



Thomas C. Hoye, Jr.
MAYOR

Jason D. Buffington
CITY SOLICITOR

Daniel F. de Abreu
ASST. CITY SOLICITOR

September 23, 2013

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

Re: Proposed Sale of Tax Possession Properties
Parcel 66-321- 3 Bow Street and Parcel 45-132- 40 Norton Avenue

Dear Council President McCaul and Members of the Municipal Council:

As you are aware, the City has obtained the two above-referenced parcels through tax possession. After review, it has been determined that the most advantageous method to dispose of these properties would be through a sealed bid process. I am enclosing a proposed plan of action and timeline for the disposition of these properties. The timeline is tight, but workable. I would respectfully request your prompt approval at the October 1, 2013 Municipal Council meeting of the sale of parcel 66-321 – 3 Bow Street and parcel 45-132 – 40 Norton Avenue, to be sold through a sealed bid process.

Thank you for your assistance in this matter.

Yours truly,

Susan K. Barber
Tax Possession Custodian

/skb

Enc.

3 Bow Street & 40 Norton Avenue
Time Deadline Outline

Letter to Municipal Council	<u>Sept. 23</u>
Council Agenda	<u>Oct. 1</u>
Advertisement to the Central Register	<u>Oct. 9</u>
Publish in the Central Register	<u>Oct. 16</u>
Advertisement to the Gazette	<u>Oct. 18</u>
Publish in the Gazette	<u>Oct. 25 & Nov. 1</u>
Preview/Walk-through date 3 Bow Street 8:30 – 9:30 a.m. 40 Norton Avenue 10:00 – 11:00 a.m.	<u>Nov. 8</u>
Sealed bids due	<u>Nov. 18th</u>

Municipal Council
DPW Committee
141 Oak Street
Taunton, MA 02780

September 13, 2013

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Subject: Sewer Betterment abatement request: 436 Winthrop Street
Property ID 89-174-0

Dear Committee Members:

This letter is to formally request an abatement of the Sewer Betterment for the above referenced property. When the City issued the \$154,554 Sewer Betterment levy on June 14, 2013, I was concerned about the high amount. The Sewer Betterment documents failed to describe the methods used in establishing the levy amount.

I therefore retained a Professional Civil Engineer, experienced in these matters, to research the City's sewer betterment calculation. As part of his research, he was instructed by the City to contact BETA Engineering, who was retained by the City to establish the Sewer Betterment formula.

It appears that BETA used City GIS data for the lot area and established the area within the front portion of the property on Winthrop Street that was in the H.W. Business District. They then divided that area by 2 to address wetlands, etc. to establish a resultant area that was divided by 15,000 square feet (minimum residential lot area) to calculate the number of "residential units", each of which would have a \$19,800 sewer betterment.

The attached Betterment Analysis Plan on the left side of the plan shows how BETA established the 7.8 "residential units" for this property that resulted in the \$154,554 levy.

However, this property has a unique shape with limited frontage and expanded area away from the frontage. The right side of the attached Betterment Analysis Plan shows the property, the Zoning District Line and the creation of two minimum frontage residential lots in accordance with the City's Zoning requirements. Since there is only 223.25 feet of frontage, only two lots can legally be created on Winthrop Street.

Based on the frontage alone, this property could create 2.23 "residential units" and when the \$19,800 per "unit" levy amount is applied, would result in a \$44,154 Sewer Betterment.


I am therefore asking to abate the amount and establish \$44,154 as the Sewer Betterment.

Should the Committee have any questions in regard to this letter request, please contact me.

Very truly yours,
Meetinghouse Realty Investments

Richard Berry

Enclosures



20.



Bolivar Rubiano, Sr.
Director Agent

CITY OF TAUNTON

MASSACHUSETTS 02780

Veterans Service Department

And

Information Center

October 1, 2013

Honorable Mayor Thomas Hoyer and
The Municipal Council

Dear Sirs & Madams:

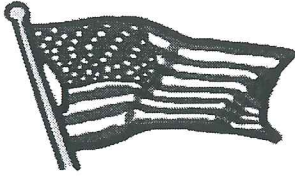
This office is requesting funding for a past year bill from Nestle Waters in the amount of \$10.36.

We had previously requested this from the Auditor's Office but it was inadvertently left off the City's 2013 Encumbrance list.

Thank you for your anticipated cooperation in this matter.

Respectfully submitted,

Bolivar Rubiano, Sr.
Director Agent



OCTOBER 1, 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, OCTOBER 1, 2013 AT 6:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA. 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

6:30 P.M.

THE COMMITTEE ON FINANCE & SALARIES

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

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

RESPECTFULLY SUBMITTED,

COLLEEN M. ELLIS
CLERK OF COUNCIL COMMITTEES

RECEIVED
CITY CLERK'S OFFICE
2013 SEP 27 11 A 9:44
TAUNTON, MA
CITY CLERK