



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

~  
**September 22, 2015 - 7:00 PM**

**INVOCATION  
ROLL CALL  
RECORDS**

**HEARING:**

Petition submitted by John Garanito, Hawthorne Development, 174 Dean St., Taunton and others for the acceptance of Hoover Street Extension as a public way in the City of Taunton.

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

Petition submitted by Atty. Adam J. Brodsky, Esq., 175 Derby St. Suite 30, Hingham, MA on behalf of his client, 555 Constitution Realty LLC, 274 Eastern Ave., Chelsea, MA to allow Petroleum products storage use at 555 Constitution Dr., Taunton located in an Industrial District.

- Com. from Chairman, Planning Board – Submitting recommendation
- Com. from Fire Inspector – Submitting recommendation
- Com. from Board of Health – Submitting recommendation

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS**

**COMMUNICATIONS FROM CITY OFFICERS**

Pg. 1-2 Com. from Legal Assistant, Law Dept. – Requesting to pay a prior year bill.

RECEIVED  
CITY CLERK'S OFFICE  
2015 SEP 18 P 12:08  
TAUNTON, MA  
CITY ENGINEER

## **COMMUNICATIONS FROM CITIZENS**

- Pg. 3 Com. from Executive Director, TCAMTV –Notifying of Forum for City Council candidates.
- Pg. 4 Com. from Executive Director, Triumph, Inc. – Submitting land lease renewal.

## **PETITIONS**

## **COMMITTEE REPORTS**

## **UNFINISHED BUSINESS**

## **ORDERS, ORDINANCES AND RESOLUTIONS**

### **AN ORDINANCE FOR A SECOND READING TO BE PASSED TO A THIRD READING**

#### **Chapter 14**

#### **Offenses and Miscellaneous Provisions**

#### **Article I**

#### **IN GENERAL**

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

**SECTION 1. Chapter 14, of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating the following section:**

**Sec. 14-26 Nuisance Properties because of documented criminal activity**

#### **I. PURPOSE**

The purpose of this ordinance is to empower the City to police properties that have become a public nuisance so elevated as to endanger the common good and general welfare of a neighborhood or the City as a whole.

This ordinance is intended to provide a process to remedy nuisance properties. This ordinance is intended to afford relief from nuisance properties to neighboring property owners, landlords, tenants and the community as a whole. This ordinance does not provide an exclusive remedy and may be used in conjunction with any other ordinance, regulation or law. This ordinance does not replace, revise or amend any other existing ordinance.

## II. DEFINITIONS

### A. Nuisance Property because of documented criminal activity:

A property to which police have come more than four times in any twelve-month period resulting in a documented charge of criminal activity. A property may be deemed a nuisance property if it is reasonably determined by the Chief of Police to be a cause of criminal activity on or in the immediate area of the property. No incident shall be counted toward the incident limit if the Chief of Police reasonably determines that doing so would discourage crime reporting, provide a disincentive for a crime victim to call police, or, for any other reason not inconsistent with the purpose of this ordinance.

### B. Documented charge of criminal activity

Activity documented in a police report that has resulted in either an arrest based upon probable cause or an application for a criminal complaint by a police officer, for a violation of the General Laws related to firearms, illegal drug use and other Chapter 94C violations, prostitution, trespassing, disorderly conduct, disturbing the peace or loitering.

### C. Responsible Person:

1. The owner of the property as reflected in the records of the City Assessor or the records of the Northern Bristol County Register of Deeds; or,
2. For any property which is the subject of a foreclosure proceeding, the mortgagee.

### D. Chief of Police:

The Chief of Police or Chief's designee.

### E. Reasonable efforts to abate criminal activity

The effort that a reasonable person in the position of the Responsible Person would take to abate the criminal activity on the property. The exercise of a standard of care that a reasonably prudent person would exercise in a similar situation.

## III. VIOLATION

The Responsible Person associated with a Nuisance Property because of documented criminal activity is in violation of this ordinance. This Ordinance shall not apply to the Commonwealth of Massachusetts or any of its political subdivisions.

## IV. ENFORCEMENT

The Enforcement Officer for this ordinance shall be the Chief of Police.

The Chief of Police shall determine which properties are Nuisance Properties because of documented criminal activity. Upon such a determination the Chief shall issue a written notice to the Responsible Person at the owner's address as reflected in the records of the City Assessor. The notice shall sufficiently identify the property and the criminal activity giving rise to the Nuisance Property determination and include a copy of the police reports for each instance of criminal activity that serves as the basis for the determination.

The notice may contain a plan to abate the criminal activity at the property, and, the notice may contain a request that the Responsible Person contact the Chief to discuss a plan to abate the criminal related activity. By way of illustration and not limitation, a plan may include the installation of lighting, the installation of fencing, the installation of "no trespassing" signs, the installation of "no loitering signs", lawful eviction of tenants through G.L. c. 139 section 19 or other lawful means. The plan must be reasonable in cost and scope taking into account the nature and use of the property and the nature and type of the criminal related activity. The notice shall contain a warning that fines may be assessed against the Responsible Person in the absence of reasonable efforts to abate the criminal activity.

If, after the written notice, the Responsible Person has not made reasonable efforts to abate the criminal activity, the Chief may issue a citation and assess fines in the following amounts:

First violation: (5 <sup>th</sup> incident)	\$100.00
Second violation: (6 <sup>th</sup> incident)	\$200.00
Third and each subsequent violation: (etc.)	\$300.00

The fifth incident of a documented charge of criminal activity as defined above shall be the first violation, the sixth incident shall be the second violation, and so on. Said fines shall constitute local charges for the purposes of General Laws chapter 40 section 58.

#### V. APPEAL

Any person aggrieved by a determination that the person is a Responsible Person; by a determination that a property is a nuisance property hereunder; or, by the receipt of a citation, may appeal, in writing, to the Committee on Police and License of the Municipal Council. The decision of the Committee shall be the final decision of the City of Taunton. Any person aggrieved by the imposition of a fine may appeal in accordance with the provisions of General Laws chapter 40 section 21D.

#### VI. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance shall remain in effect.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.**

**AN ORDINANCE FOR A FIRST READING TO BE PASSED TO SECOND**

**Chapter 12  
Licenses and Miscellaneous Business Regulations**

**Article V HAWKERS AND PEDDLERS**

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

**SECTION 1. Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by creating Section 12-82 as follows:**

**Sec. 12-82 Regulation of Drop Boxes**

**A. Purpose:**

The purpose of this ordinance is to promote the maintenance of outdoor “drop boxes” to protect the health, safety, and wellbeing of the community and to maintain the community in an aesthetically pleasing manner.

**B. Definitions:**

“Drop box” as used in this section shall mean any container or device used by the owner thereof for the purpose of the collection and temporary storage of any item, including but not limited to clothing, placed therein by a member of the public. Trash receptacles and dumpsters are not included in the definition of drop box for the purposes of this ordinance.

“Person” shall include natural person, corporation, limited liability company and any other legal entity.

**C. Permit Required**

The owner of any drop box must secure a permit. The permit will be valid for up to one calendar year beginning on January 1<sup>st</sup> of each year and expiring on December 31<sup>st</sup> of each year. The owner of the drop box must provide on the permit application the name, address and telephone number of the owner of the drop box. In addition, the application must contain the name, address and telephone number of the property owner. The application must be signed by both the owner of the box and the property owner. This

ordinance may be enforced against the owner of the box, the property owner, or both. The owner of the drop box must notify the City Clerk of any changes in the information provided on the permit application. The annual permit fee is \$25.00. The City Clerk shall be responsible for issuance of permits. The Zoning Enforcement Officer and/or the Trash Enforcement Officer shall be responsible for enforcing this ordinance.

#### D. Requirements:

- (1) The drop box shall be properly maintained in a clean and neat condition and in reasonably good repair at all times.
- (2) The drop box shall be emptied on a regular basis to prevent overflow, but in any event not less than once monthly.
- (3) Neither the owner of the drop box nor the property owner shall permit or suffer items to accumulate in the vicinity of the drop box.
- (4) The name, address and telephone number of the owner of the drop box shall be clearly indicated on the outside of the drop box.

#### E. Violation and Penalties

Operation of a drop box without a permit, or, failure to abide by any requirements of this ordinance, or, failure to keep the information provided on the permit application current, shall be a violation of this ordinance and grounds for revocation or denial of a permit. Any person in violation of this ordinance shall be punished by a fine of \$50. Each day a violation exists may be considered a separate violation. The United States of America, the Commonwealth of Massachusetts and its subdivisions are exempt from this ordinance.

In addition to the fine, a violation of this ordinance may be deemed to constitute a public nuisance. The city may, after reasonable notice to the owner of the drop box and property owner, enter the property and remove or cause to be removed the nuisance and destroy any drop box or personal property removed. The costs and charges incurred shall constitute a debt due to the City and may be enforced in an action of contract. Said fine, costs, and charges shall constitute local charges for the purposes of General Laws chapter 40 section 58.

The remedies provided herein are in addition to any other lawful remedy available to the City.

#### F. Severability

If any clause, section or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

**SECTION 2. All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective on January 1, 2016.**

**ORDER FOR A FIRST READING TO BE PASSED TO A SECOND READING**

*Ordered That* **\$13,220,000** is appropriated to pay costs of the following major Taunton Municipal Lighting Plant projects, in the approximate amounts as follows:

Project I120 - Load Reducing Generation	\$10,000,000
Project 1135 - Cleary Building Site	920,000
Project 1136 - Unit #9CC Breaching	2,300,000

including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow \$13,220,000 under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

**FURTHER ORDERED:** That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

**NEW BUSINESS**

**Respectfully submitted,**



**Rose Marie Blackwell  
City Clerk**

(1) Hearing



## TAUNTON PLANNING BOARD

City Hall  
15 Summer Street  
Taunton, Massachusetts 02780

*Denise J. Paiva, Secretary*

Phone 508-821-1051

Fax 508-821-1665

September 4, 2015

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

C/o Rose Marie Blackwell, City Clerk

RE: Hoover Street Extension – Street Acceptance

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that at the regularly scheduled meeting held on September 3, 2015 the Taunton Planning Board voted to send a **positive** recommendation to the Municipal Council to accept Hoover Street Extension as public way in the City of Taunton.

Very truly yours,

Robert P. Campbell, Chairman

RPC/djp



(1) Hearing



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

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



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

September 14, 2015

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

Re: Hoover Street (Extension) Acceptance

Dear Mayor Hoye, and Councilors;

Construction work on the extension of Hoover Street has been adequately completed. All required layout bounds have been set, and an acceptable as-built plan received. I recommend that the extension of Hoover Street be accepted as a public way as an alteration to the existing layout, as the new houses have a "Hoover Street" address, rather than a "Hoover Street Extension" address.

Sincerely,  
City of Taunton

Mark B. Slusarz, P.E.  
City Engineer

(2) Hearing



**TAUNTON PLANNING BOARD**

**City Hall**

**15 Summer Street**

**Taunton, Massachusetts 02780**

*Denise J. Paiva, Secretary*

Phone 508-821-1051

Fax 508-821-1665

September 4, 2015

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

C/O Rosemarie Blackwell, City Clerk

**RE: SPECIAL PERMIT – 555 Constitution Drive – Petroleum Products Storage**

Dear Mayor Hoye and Members of the Municipal Council:

Please be advised that on September 3, 2015 the Taunton Planning Board reviewed the proposal for a Petroleum Products Storage Use at 555 Constitution Drive submitted by 555 LLC, and owned by Ginsberg Properties LLC

The Taunton Planning voted unanimously to send the Municipal Council a POSITIVE recommendation for this proposal. Attached are department comments from the Conservation Agent and the Board of Health.

Very truly yours,

Robert P. Campbell, Chairperson  
TAUNTON PLANNING BOARD

RPC/djp



(2) Hearing

**FIRE DEPARTMENT**  
TAUNTON, MASS. 02780

*Chief of Dept.*  
Timothy Bradshaw

FIRE PREVENTION BUREAU  
2 KILMER AVENUE

*Fire Inspector*  
Capt. Robert Bastis

TEL. (508) 821-1453 – FAX # (508) 821-1491

Date: September 9, 2015

To: Taunton City Council

RE: 555 Constitution Dr. - *Special Permit*

To Whom It May Concern:

I have received and reviewed the plans for Dennis K. Burke Inc., 555 Constitution Dr., and I am making a positive recommendation for this proposal. I plan on attending the meeting regarding this matter.

Regards,

Capt. Robert Bastis  
Fire Inspector



# City of Taunton

## Board of Health

45 School Street  
Massachusetts 02780-3212

(2) Hearing

BOARD MEMBERS  
DR. BRUCE E. BODNER  
DR. THADDEUS A. FIGLOCK  
DR. JOSEPH F. NATES

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

ADAM S. VICKSTROM  
ASSISTANT EXECUTIVE DIRECTOR

August 18, 2015

**TO:** Planning Board  
**FROM:** Adam S. Vickstrom  
Assistant Executive Director  
Board of Health  
**RE:** E-5 – Clifton Street Extension  
Special Permit – 555 Constitution Drive

**The Board of Health has reviewed the following**

**E-5 – Clifton Street Extension**

The Board of Health has no comments.

**Special Permit – 555 Constitution Drive**

If approved a Hazardous Materials Permit must be obtained.

rec'd  
8-19-15



# 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

TO: Taunton Municipal Council

FROM: Law Department

DATE: September 15, 2015

Dear Council Members:

This office requests permission to pay a prior fiscal year bill received from Shred-it in the amount of \$53.25 for destruction of documents. The destruction occurred on June 30, 2015 and this office just received the bill.

Thank you.

Very truly yours,

Shannon M. Valentino  
Legal Assistant



2.

red-it USA Inc  
dA Shred-it Providence  
1 Wholesale Way  
Cranston RI 02920  
FEIN #: 980157899

002195 000000347



CITY OF TAUNTON - CITY HALL  
141 OAK ST  
TAUNTON MA 02780-4431



## Customer Invoice

**Invoice #:** 9406793710  
**Billing Date:** July 1, 2015  
**Service Order #:** 8016668222  
**Account #:** 13772970  
**Billing Currency:** USD  
**Payment Terms:** Net due in 30 days

Can we help you?  
**Website:** [www.shredit.com](http://www.shredit.com)  
**E-mail:** [providence@shredit.com](mailto:providence@shredit.com)  
**Customer Service:** 401-383-8866

### Shredding Service

**Service Date:** ~~June 30, 2015~~  
**Service Location:** City Of Taunton - City Hall, 141 Oak St, Taunton MA  
02780-4431

ON-SITE REGULAR SERVICE.	2	Container - Std	50.00
Fuel Surcharge			3.25
Net Value Before Taxes			53.25
Amount Due on July 31, 2015			53.25

53.25  
*SM*

Thank you for your business.



By recycling your confidential documents using Shred-it's secure service, you're making a difference to the environment.

#### CERTIFICATE OF DESTRUCTION

Shred-it is committed to the secure destruction of its customers' confidential information. This certification will affirm that Shred-it destroys the customers' confidential material, pursuant to our customers' request and instructions.

Following services are NAID certified:  
Hard Drive Destruction  
Mobile Destruction  
Non-Paper Destruction

Following services are not NAID certified:  
Offsite Destruction

**Please Remit To:** SHRED-IT USA  
P.O. Box 13574  
New York NY 10087-3574

**PLEASE ENSURE THE INVOICE NUMBERS YOU ARE PAYING ARE CLEARLY STATED ON YOUR CHECK REMITTANCE**

3.

The Taunton Daily Gazette and Taunton Community Access & Media, Inc. (TCAMTV) will be co-sponsoring two candidates' forums at the Honorable Charlie Crowley Liberty And Union Soundstage Studio at 120 Ingell Street.

The first forum will be held on Thursday, October 8<sup>th</sup>, starting at 7:00 p.m.

All candidates for School Committee and TMLP Commission will be invited to attend.

The second forum will be for City Council candidates, and will be held at the same venue on Thursday, October 15<sup>th</sup>, starting at 7:00 p.m.

TCAM TV is asking that all candidates who are interested in attending these important events to please RSVP to Executive Director Kimberly Murphy at 508-824-2207 or [kmurphy@tcamtv.com](mailto:kmurphy@tcamtv.com) as soon as possible. The public is also invited to attend, and may contact Kimberly Murphy to reserve seats.

4,



September 16, 2015

Honorable Mayor Tom Hoye  
Taunton City Hall  
141 Oak Street  
Taunton, MA 02780

Re: Triumph, Inc. Land Lease Renewal

Dear Honorable Mayor Hoye and Respected Taunton City Council Members,

In 1991, an agreement to lease land from the City of Taunton, located at 100 Honorable Gordon M. Owen was established. Triumph built a structure where the Early Head Start, Head Start and Early Childhood Classrooms are housed. This lease is up for renewal in 2016.

The enclosed lease outlines an opportunity for a 10 year renewal. Triumph is requesting that the renewal of this lease be added to the next city council's meeting agenda.

We would appreciate your prompt attention to this matter as a grant application to provide funding to renovate the building is dependent on reasonable assurance that the lease will be renewed.

If you have any questions, or require representation from Triumph at this meeting, please contact my assistant, Rita Celia at 508.822.5388 x137 or via email: [rcelia@triumphinc.org](mailto:rcelia@triumphinc.org).

Sincerely,

Karen M. Ennis  
Executive Director  
Triumph, Inc.



... and assigns where the context  
... and Lessee hereby leases the following described premises:

2. PREMISES. A certain parcel of land located in the City of Taunton, Massachusetts, bounded and described as follows:

Beginning at a point on the easterly side of the Gordon M. Owen Riverway, said point being 136.74 feet northerly of a stone bound at the beginning of the curve; thence turning and running 200.00 feet by the Gordon M. Owen Riverway on a curve having a radius of 1,040.00 feet; thence turning and running S 45 -08' -40" E, 149.56 feet to a point; thence turning and running N 58 -46' -39" E, 143.01 feet to a point; thence turning and running N 29 -21' -24"W, 111.27 feet to a point; thence N 49 -27' -53" W, 95.91 feet to a point; thence turning and running N 83 -41' -44" E, 388.41 feet to a point; thence turning and running S 16 -16' -47" W, 485.97 feet to a point; thence turning and running N 74 -43' -13" W, 365.00 feet to the point of beginning.

Meaning and intending to describe a parcel of land containing 3.00 acres as shown on a plan by Bay Colony Surveying, Inc., dated October 2, 1990, entitled "Plan of Land in Taunton, Ma To Be Leased For Head Start Facility".

3. TERM. The term of this lease shall be for a full TWENTY FIVE (25) year period, commencing upon the final execution of this lease by all parties.

4. EXTENSION. This lease may be extended under the same conditions and considerations for two (2) consecutive terms of up to ten (10) years each, provided that any such extension shall be subject to the approval of the Municipal Council of the City of Taunton.

5. CONSIDERATION. In consideration for the use of the premises, the Lessee shall pay the Lessor the amount of ONE DOLLAR (\$1.00) per year, and in further consideration for the use of the premises, the Lessee shall staff, operate and conduct on the premises an Operation Head Start Childhood Program in accordance with the regulations therefor, which program shall be for the benefit of children residing within the City of Taunton, Massachusetts, and surrounding communities otherwise qualifying for enrollment therein.

6. INDEMNIFICATION. The Lessee shall indemnify the Lessor for all claims, demands, actions and lawsuits resulting from the condition of the leased premises caused by the Lessee.

7. INSPECTOR GENERAL REVIEW. This lease has been submitted to the Inspector General for his review and comments at least fifteen (15) days prior to its execution by the parties.

cause to be erected at the Lessee's costs on the leased premises such buildings, fixtures and improvements as shall be necessary for the Operation Head Start Program. The design and construction of any such buildings, fixtures and improvements shall be determined by the Lessee and shall not be deemed a public building or public work for the purposes of General Laws Chapter 7, Chapter 30 and Chapter 149. Plans for all buildings, fixtures and improvements shall first be submitted to the Taunton Municipal Council and to the Taunton School Committee for approval prior to any construction. Furthermore, any alteration, additions or demolition of buildings, improvements or fixtures shall require the prior written approval of the Taunton Municipal Council and the Taunton School Committee.

The premises, buildings and improvements shall not be subject to municipal assessment or taxation, but the Lessee shall be responsible for and pay for all utilities.

10. DISCRIMINATION. The Lessee, its agents and employees shall not discriminate with respect to the leased portions of the property described herein on the basis of race, creed, color, sex, age, national origin, religion, physical or mental handicap, political application, or inability to speak or understand the English language.

11. SUBLEASE. The Lessee shall not lease, sublease or convey any interest in the land or buildings, fixtures and improvements thereon without prior written approval of the Taunton Municipal Council. Any such disposition shall be subject to the provisions of Chapter 30B of the General Laws as they apply to a governmental body, and to Section 40J of Chapter 7 of the General Laws.

12. USE OF PREMISES. The premises shall be used primarily for the Operation Head Start Program. This program provides early childhood activities for children ages three (3) and four (4) residing in Taunton and surrounding communities. This program is designed to meet the following objectives:

- (1) The improvement of the child's health and physical abilities, including appropriate steps to correct present physical and mental problems and to enhance every child's access to an adequate diet. The improvement of the family's attitude toward future health care and physical abilities.
- (2) The encouragement of self-confidence, spontaneity, curiosity, and self-discipline, which will assist in the development of the child's social and emotional health.
- (3) The enhancement of the child's mental processes and skills with particular attention to conceptual and communication skills.
- (4) The establishment of patterns and expectations of success for the child, which will create a climate confidence for present and future learning efforts and overall development.

... to respond to the needs of individual children;

- 7
- (b) Opportunity for a child to have a free choice among a variety of activities or to play alone or with one or several chosen peers, if desired, for at least two (2) periods a day for full-day centers; and one (1) period a day for half-day centers;
  - (c) daily indoor and outdoor time periods, weather permitting, which includes both small and large muscle activities;
  - (d) opportunities for the child to participate in a variety of creative activities, such as art, music, literature, dramatic play and science;
  - (e) provision for privacy through arranging a small, quiet area that is inviting to children and is easily accessible to the child who seeks or needs time alone;
  - (f) experiences which are in harmony with the life style and cultural background of the children enrolled. Cultural diversity shall be reflected through the incorporation of different language, foods, celebrations, activities and life style where appropriate;
  - (g) opportunity for infants and toddlers to crawl freely for a major part of the day, with certain times specified for individual talking to, handling, and playing with by the assigned teacher (N.A. to three and four year olds);
  - (h) opportunities for all children to learn self-help skills such as dressing and undressing, buttoning, tying shoes, and using eating utensils appropriately.

All uses that are necessary to implement the above mentioned objectives and needs of the Operation Head Start Program shall be allowed on the premises.

The Taunton School Committee shall have first refusal for use of the premises or any part thereof when not utilized or otherwise required by the Operation Head Start Program.

13. CONSTRUCTION AND MAINTENANCE. The Lessee shall be responsible for the maintenance and security of the premises and for construction of a facility with a minimum capacity for one hundred-fifty (150) students. Said facility shall be constructed to meet the regulatory requirements of licensing by the Office For Children and all other applicable building code requirements set forth by the Commonwealth of Massachusetts, the Lessor, and all agencies regulating the operation and funding of Operation Head Start. The Lessee shall pay for constructing the facility, maintaining the building and property, and providing Operation Head Start programming and staff.

The construction and subsequent mortgage loan shall not exceed the initial Twenty Five (25) year lease period.

15. SCHOOL COMMITTEE REPRESENTATION. A School Committee member and/or a School Official shall have the opportunity to serve on the Lessee's Board of Directors.

16. DEFAULT. In the event that:

- (a) Lessee shall default in the payment of any installment of rent or other sum herein specified, and such default shall continue for twenty (20) days after written notice thereof; or
- (b) Lessee shall default in the observance or performance of any of Lessee's covenants, agreements or obligations hereunder and such default shall not be corrected within (20) days after written notice thereof; or
- (c) Lessee shall default in the payment of loan installments under the terms of the mortgage agreement and such default shall not be corrected within twenty (20) days after written notice thereof;

then the Lessor shall have the right thereafter to re-enter and take possession of the premises and declare this lease to be terminated.

If Lessor shall have the right to re-enter the premises as aforesaid, then in lieu thereof, Lessor may send written notice to Lessee of the termination of this lease, and in such event; the term of this lease shall end on the fifth (5th) day next following the date of the sending of the notice.

17. NOTICE. Any notice from Lessor to Lessee relating to the premises or to the occupancy thereof, shall be deemed duly served if mailed to the Lessee at P. O. BOX 1123, TAUNTON, MASSACHUSETTS 02780, registered or certified mail, return receipt requested, postage prepaid, addressed to Lessee. Any notice from Lessee to Lessor relating to the premises or to the occupancy thereof, shall be deemed duly served if mailed to Lessor by registered or certified mail, return receipt requested, postage prepaid, addressed to Lessor, at City Hall, Taunton, Massachusetts, Mayor's Office ( with a copy to the Law Department ), or at such address as Lessor may from time to time advise in writing.

18. TERMINATION. Upon the termination and any extension thereof, either because of a default by the Lessee, the expiration of its term, or any other cause, all buildings, improvements, and fixtures thereon shall be the property of the Lessor.

19. FIRE AND CASUALTY INSURANCE. The Lessee shall maintain fire and casualty insurance on the leased premises at all times for reasonable amounts, and the Lessor shall be named as a co-insured to the extent of the outstanding construction/mortgage loan, it being agreed by the parties that any and all fire and casualty insurance proceeds received after the loan is paid in full shall belong to the Lessee.

9.  
...then such determination shall not affect any other provisions of this lease, all of which other provisions shall remain in full force and effect; and it is the intention of the parties hereto that if any provision of this lease is capable of two (2) constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

This instrument contains the entire and only agreement between the parties, and no oral statements or representations or prior written matter not contained in this instrument shall have any force or effect. This lease shall not be modified in any way except by a writing subscribed by both parties.

IN WITNESS WHEREOF, this lease has been executed as a sealed instrument as of August 26, 1991.

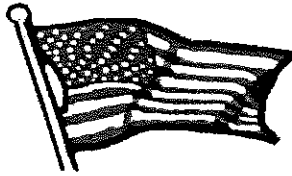
LESSOR:

*Richard J. ...*

LESSEE: Triumph, Inc.

By: *Francis E. ...*  
President, Triumph, Inc.  
7/1/88

*Approved as to form,  
Cecilia ...  
8-26-91 City, ...*



SEPTEMBER 22, 2015

HONORABLE THOMAS C. HOYE, JR., MAYOR  
COUNCIL PRESIDENT ESTELE BORGES  
AND MEMBERS OF THE MUNICIPAL COUNCIL

RECEIVED  
CITY CLERK'S OFFICE  
2015 SEP 18 A 9:  
TAUNTON, MA  
CITY CLERK

**PLEASE NOTE:** THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR TUESDAY, SEPTEMBER 22, 2015 AT 5:30 P.M. AT THE TEMPORARY CITY HALL AT MAXHAM SCHOOL, 141 OAK STREET, TAUNTON, MA, 02780, IN THE CHESTER R. MARTIN MUNICIPAL COUNCIL CHAMBERS

5:30 P.M.

**THE COMMITTEE ON FINANCE & SALARIES**

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

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

**THE COMMITTEE ON THE DEPARTMENT OF PUBLIC WORKS**

1. MEET WITH THE DPW COMMISSIONER AND LAURINDA FONSECA TO DISCUSS HER REQUEST TO INSTALL A GAS LINE TO 25 RANDALL STREET.
2. MEET TO REVIEW MATTERS IN FILE

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

RESPECTFULLY,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES