



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, March 5, 2013 at 7:17 O'clock P.M.*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*The Mayor requested a moment of silence in memory of Robert Souza, Disability Commissioner.*

*Prayer was offered by the Mayor*

*Present at roll call were: Marshall, Cleary, Colton, Costa-Hanlon, Pottier,  
McCaul, Carr, Barbour  
Councilor Medeiros was absent*

Record of preceding meeting was read by Title and Approved. So Voted.

**Motion was made to revert out of regular order of business to Communication. So Voted.**

Com. from Stephanie Mancini, Associate Executive Director, Old Colony YMCA, Taunton Branch – Requesting to discuss the Annual Spin-a-thon.

**Motion was made to invite into the enclosure Stephanie Mancini, Mr. Ross, and guests. So Voted.**

Ms. Mancini thanked Councilor Costa-Hanlon for the invite and informed that the Taunton YMCA will be hosting a Spin-A-Thon on Saturday, March 23<sup>rd</sup>. All funds raised will stay within the City of Taunton. This year's goal is \$6,000; to date, a total of \$2,500 has been raised.

**Motion was made to revert back to regular order of business. So Voted.**

**Hearings:**

Hearing came up by assignment on the petition submitted by Russell Orcutt, 27 Flintlock Road, Taunton to allow: Entertainment in conjunction with an art space at 3 Trescott Street, Taunton located in the Central Business District. **Motion was made to open the hearing and invite into the enclosure all parties. So Voted.** The Assistant City Clerk read communication from Taunton Planning Board, submitting a positive recommendation with attachment. **Motion was made to make part of the hearing. So Voted.** The Assistant City Clerk stated that the tax status is paid in full. **Motion was made to make part of the hearing. So Voted.** Mr. Orcutt stated that he is trying to open an art space downtown to include entertainment, gallery, classes and workshops. Councilor Pottier stated that he appreciates anyone who wants to bring a business to downtown. He motioned to made part of the hearing, an email submitted to the Council Members from Ms. Ellis containing information such as original floor plans and business

plan for Allaboutrecords Center for the Arts at 3 Trescott Street. **Motion was made to make part of the hearing. So Voted.** Mr. Orcutt previously ran this type of business about seven years ago and there was only one issue at that time from a neighbor next door that did not like teenagers near her apartment. He informed that the Police Department investigated the complaint and stated the complaints were not warranted; his business was never shut down by the Police Department. Councilor Cleary asked about supervision. Mr. Orcutt said he is not concerned with the supervision of individuals coming to the art gallery. The activities will be for all ages; there will be art shows, classes, workshops, live music, independent films. There will not be any prepared foods or alcohol served. There may be vending machines with candy and/or soda. No one speaking in favor of or in opposition of the petition. Teri Bernert, Director of Downtown Taunton Improvement District stated that she is not in either opposition or in favor of the business; she would just like clarification for the business community downtown. She stated there are residences on and around the property and that there have been questions as to the hours of operations. Mr. Orcutt stated that nothing would ever go beyond 11:00pm. Ms. Bernert asked Council if it would be possible to put a time restriction on the Special Permit. Her only real concern is noise due to the fact that there are working professionals residing in the building and if music can be heard past 10pm, she will be receiving phone calls regarding the noise. Mr. Orcutt stated that he is 99% sure that the music will not be heard, he plans on conducting sound tests and based on the tests, he would reinforce with sound barriers as needed. Ms. Bernert stated that the only concern from the businesses in the building is if there will be wait lines outside of the building. Mr. Orcutt stated that there should never be a need for patrons to be waiting outside. The front of the building will have a gallery set up so that people can come in to view while waiting. Mr. Orcutt expects his capacity to be 50 and stated that he does not expect any more than that at one point. Jose Bejarano, owner of Tuxedos by Meridian, 40 Main Street had concerns with the noise and asked if there will be sound barriers installed. Mr. Orcutt informed that they will be conducting sound tests. Mike Wedge, Cedar Street expressed concerns with kids hanging around outside and the exact hours of operation. The hours will probably be 6-11pm. Councilor Cleary asked how he will make money. Mr. Orcutt stated that admission will be charged to see the bands and naturally for art classes. Mr. Orcutt stated that he is bringing this type of business to Taunton because he likes the City and would like Taunton to have the opportunity to experience the art. If approved, Councilor Marshall asked if Mr. Orcutt would have any objection in Council specifying hours of operation Sunday through Thursday till 10pm and Friday and Saturday till 11pm. Councilor Cleary stated that he had concerns with the type of business fitting in with the vision that the City has for Downtown. Mr. Wedge asked for a possible 9pm close time Sunday through Thursday. Mr. Orcutt said that he was open to the close time of 9pm because he was not planning on having entertainment any day except for Saturday. Mr. Orcutt stated that he probably would have it opened different times during the day, some days noon time or 3pm. He said he really just wants to build an art scene Downtown, similar to New Bedford. **Councilor Marshall motioned to close the public hearing, grant the Special Permit as presented with hours of operation as follows: Sunday through Thursday 10am - 9pm; Friday and Saturday 10am - 11pm with a review after 6 months from date of occupancy to appear before the Council. So Voted.**

**Communications from the Mayor:**

The Mayor informed that due to the weather conditions, the Parks, Cemeteries and Public Grounds Department will be hosting the Easter Bunny Breakfast at Taunton High School on March 23<sup>rd</sup>, 9-11am.

**Communications from City Officers:**

Com. from Chairman, Board of Registrars of Voters – Submitting the 2013 Political Calendar. **Motion was made to move approval. So Voted.**

Com. from City Solicitor – Submitting a disclosure of financial interest in contract by special municipal employee for Carol Doherty, an elected member of the Taunton School Committee, in a municipal contract. This office has reviewed the document and finds it to be in proper form. **Motion was made to move approval. So Voted.**

Com. from Paul Dionne, Reach the Beach Relay, Inc., P.O. Box 12, Woodville, MA – Requesting permission to have a race pass through Taunton. The event begins at Wachussett Mt. and ends at Horseneck Beach. The route through Taunton will see approximately 300 runners and vans between the hours of 3am and 8am on May 18<sup>th</sup> which will leave the Town of Norton on S. Worcester Street to Walker Street and to continue on to Dighton. **Motion was made to move approval and notify Police, Fire and Ambulance. So Voted.**

**Petitions:**

Petition submitted by Dmitriy Kim, 161 York St., Stoughton requesting a new Old Gold and Second Hand Article License for Tanzi International, Inc. –DBA- Bling 103 to be located at 103 Main St., Taunton. **Motion was made to refer to the Committee on Police and License and the Police Chief. So Voted.**

Claim submitted by Alan Voll, 26 Pheasant Run, Taunton seeking reimbursement for damages to his automobile from hitting a pothole in front of 407 South Crane Avenue, Taunton. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Linda Walsh, 21 Hawthorn Road, Braintree seeking reimbursement for damages to her automobile from hitting a pothole near 483 Richmond Street, Taunton. **Motion was made to refer to the City Solicitor. So Voted.**

Claim submitted by Irene Allie, 1928 County Street, Dighton seeking reimbursement for damages to her automobile from hitting a pothole near 29 Harrison Street, Taunton. **Motion was made to refer to the City Solicitor and DPW. So Voted.**

Claim submitted by Attorney Paul K. Healey, Amabile & Burkly, PC, 380 Pleasant St., Brockton on behalf of his client Elaine Costanzo seeking reimbursement for injuries she sustained at the Taunton Municipal Airport from being struck by an aircraft. **Motion was made to refer to the City Solicitor for an explanation or report on the incident, if on file to be provided to the Committee to the Council as a Whole to meet in Executive Session for next week. So Voted.**

Claim submitted by Francis Marshall, 231 Highland St., Taunton seeking reimbursement for injuries sustained when she tripped and fell on an elevated corner of concrete in front of 66 Main St., Taunton. **Motion was made to refer to the City Solicitor and DPW Commissioner. So Voted.** (Assistant City Clerk notified Lisa as DPW)

**Committee Reports:**

Motion was made for Committee reports to be read by Title and Approved. So Voted. Recommendations adopted to reflect the votes as recorded in Committee Reports. So Voted.

**Orders, Ordinances, and Resolutions**

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

**AN ORDINANCE PERTAINING TO THE DENIAL,  
REVOCATION, OR SUSPENSION OF LOCAL LICENSES AND  
PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES**

**Chapter 4  
Buildings**

**Chapter 7  
Fire Prevention  
And Protection**

**Chapter 12  
Licenses and  
Miscellaneous  
Business Regulations**

**Chapter 18  
Police**

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

**SECTION 1.** Section 4-43 of Article III of Chapter 4 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 2.** Subsection (2) of Section 7-48 of Article II of Chapter 7 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 3.** The first sentence of subsection (4) of said Section 7-48 of said Article II of said Chapter 7, as amended, is hereby further amended by striking out the words "police details" and inserting in place thereof the following words:-- fire details

**SECTION 4.** Article I of Chapter 12 of the Revised Ordinances of the City of Taunton, as amended, is hereby further amended by striking out the entirety of Section 12-1 and inserting in place thereof the following section:--

**Section 12-1. Licenses and Permits; denial, revocation, or suspension**

- (a) This ordinance is enacted pursuant to, and under the authority of, Massachusetts General Laws, Chapter 40, Section 57, the provisions of which have been accepted by the City of Taunton.
- (b) The purpose of this ordinance is to set forth a mechanism by which any licensing or permitting authority in the City of Taunton may deny any application for, or revoke or suspend a building permit or any local license or permit, including renewals and transfers, issued by any board, officer, or department of the City of Taunton for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, including amounts assessed under the provisions of G.L. c. 40, § 21D, or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- (c) For the purposes of this ordinance, the term “local taxes, fees, assessments, betterments or other municipal charges” shall be construed to include, without limitation, police details, fire details, proceeds from the sale of official City of Taunton waste bags, or any other sum lawfully due to the City of Taunton.
- (d) The treasurer/collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- (e) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the treasurer/collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the treasurer/collector; provided, however, that written notice is given to the party and the treasurer/collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said

list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The treasurer/collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation, or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the treasurer/collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges as of the date of issuance of said certificate.

- (f) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (g) The Municipal Council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in G.L. c. 268A, § 1, in the business or activity conducted in or on said property.
- (h) This ordinance shall not apply to the following licenses and permits:

<u>Type of License/Permit</u>	<u>Citation to License/Permit</u>
(1) Open burning permit	G.L. c. 48, § 13
(2) Bicycle permit	G.L. c. 85, § 11A
(3) Sales of articles for charitable purposes	G.L. c. 101, § 33
(4) Child work permits	G.L. c. 149, § 69
(5) Licenses to clubs or associations dispensing food or beverages	G.L. c. 140, § 21E
(6) Dog licenses	G.L. c. 140, § 137
(7) Licenses for fishing, hunting, trapping	G.L. c. 131, § 12
(8) Marriage licenses	G.L. c. 207, § 28
(9) Permits for theatrical events and public exhibitions	G.L. c. 140, § 181

- (i) If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION 5.** Subsection (2) of Section 18-71 of Article III of Chapter 18 of the Revised Ordinances of the City of Taunton, as amended, is hereby repealed.

**SECTION 6.** All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to approve on a roll call vote. So Voted. Eight (8) Councilors present, Eight (8) Councilors voting in favor. Councilor Medeiros was absent.**

**New Business:**

Councilor Pottier stated that there is a bank owned property on Broadway across from the Sovereign Bank that has a mattresses and trash on the front lawn. **Therefore, he motioned to refer to the Board of Health and DPW Commissioner for help to mediate this matter. So Voted.**

Councilor Pottier stated that the “yield signs” on Route 138 when entering the Taunton Green are no longer there. **He motioned to refer to the Committee on Police and License, the Safety Officer and the DPW Sign Division to see if they can be reinstalled. So Voted.**

Councilor Costa-Hanlon stated that on West Britannia Street, near Leonard School, it looks like someone has moved out and left a couch and other large items behind. **She motioned to refer to the DPW Commissioner to have these items removed. So Voted.**

Councilor Costa-Hanlon motioned that the Committee on Solid Waste to invite the DPW Commissioner to a meeting to discuss cleanup of items that residents are dumping and Allied Waste’s pledge of \$20,000.00 to hire a part-time constable to alleviate this problem. **So Voted.**

Councilor Costa-Hanlon motioned for the Police Chief to provide to Council a list of licenses that they issue so that Council can review prior to the license renewal. **Additionally, that the Police Chief provides a copy of the policy for license renewals and if there is no policy available, he is to refer a policy to the Committee on Ordinance and Enrolled Bills. So Voted.**

Councilor Costa-Hanlon motioned to refer to the Committee on Police and License for next week a discussion with the Police Chief for the review of Class II wholesale licenses in the City relative to wholesales requiring an office and separate entrance. **So Voted.**

**Councilor Carr motioned to refer to the DPW Commissioner tracks on Fremont Street to Bassett Street for TV, furniture and tire removal. Also on Prospect Hill Street along the Reservoir. So Voted.**

Councilor Carr asked for the frequency of the receiving reports from the Treasurer/Auditor Department regarding Licenses pertaining to the new Ordinance procedure. The Mayor stated that during a Staff Meeting, Attorney Buffington spoke on that issue and that probably within a week or two he would have a better indication as to the frequency of the reports. He said that their goal is to tie it into the GOTMS and to have it readily available, possibly once a month or every couple of weeks. Councilor Carr would like to see a report generated monthly along with a procedure to be put in place as to who will be responsible for the reports, who will be responsible to make sure that every Department gets a copy of the list and which Department is going to obtain a list.

**Councilor Carr motioned to refer to the Committee on the Department of Public Works for a discussion in two weeks regarding the purchase of cameras for perpetual dumping areas. Councilor Barbour stated that the Neighborhood Solid Waste Committee has committed in purchasing three (3) cameras if not more with one camera dedicated to East Taunton. Councilor Barbour stated that the Committee on the Department of Public Words has invited the Neighborhood Solid Waste Committee to attend a meeting within the next couple of weeks to discuss. The Mayor recommended inviting the Police Chief. Councilor Barbour suggested inviting Kevin Duquette to be present as he is the representative for the Neighborhood Solid Waste Committee. So Voted.**

**Councilor McCaul motioned to refer to the DPW Commissioner, Bristol AC and Caswell Street near the Taunton Municipal Airport for trash, televisions, and mattresses pick-up. So Voted.**

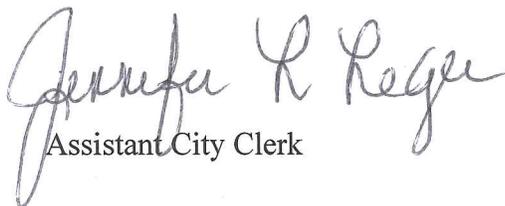
**Councilor Pottier motioned to refer to the Committee on Solid Waste the letter from John Fischer, Massachusetts Department of Environmental Protection. So Voted.**

**Councilor Pottier motioned that the Committee on Finance and Salaries discuss accounting for interest charges on past due bills, who signs off on them, and whether the City has any write off procedures. So Voted.**

Meeting adjourned at 8:15 P.M.

A true copy:

Attest:

  
Assistant City Clerk

JLL/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 5, 2013

**THE COMMITTEE ON FINANCE AND SALARIES**

PRESENT WERE: COUNCILOR DEBORAH CARR, CHAIRMAN AND COUNCILORS CLEARY AND COLTON. ALSO PRESENT WAS BUDGET DIRECTOR GILL ENOS

MEETING CALLED TO ORDER AT 5:51 P.M.

**1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS**

**MOTION:** MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF \$2,554,131.05. SO VOTED.

**MOTION:** MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF \$5,025,079.07. SO VOTED.

**2. MEET TO REVIEW REQUESTS FOR FUNDING**

**MOTION:** MOVE APPROVAL OF REQUEST OF VETERANS SERVICE DEPARTMENT FOR ADDITIONAL FUNDING IN THE AMOUNT OF \$275,000.00. FUNDS TO BE TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-5784 TO VETERANS BENEFITS ACCOUNT NO. 1-543-202-5770. SO VOTED.

THE BUDGET DIRECTOR REPORTED THAT THE BALANCE IN THE RESERVE ACCOUNT AFTER THIS TRANSFER WILL BE \$867,858.76.

THE SECOND COMMUNICATION WAS FROM WATER DIVISION SUPERVISOR CATHAL O'BRIEN REQUESTING TO TRANSFER \$3,200,000.00 AS FOLLOWS:

\$3,000,000.00 FROM WATER DEPARTMENT FREE CASH TO WATER-ENGINEERING TECHNICAL SERVICES ACCOUNT NO. 60-450-202-5319 TO REPLACE THE COVER FOR THE PROSPECT HILL RESERVOIR AND MULTIPLE WATER MAINS TO BE REPLACED AND OR EXTENDED, AND \$200,000.00 FROM WATER DEPARTMENT FREE CASH TO WATER-CAPITAL EQUIPMENT ACCOUNT NO. 60-450-302 FOR ADDITIONAL FUNDS NEEDED FOR 2 NEW TRUCKS.

COUNCILOR CARR ASKED IF THE BUDGET DIRECTOR HAD ANY INFORMATION ON THE TRUCKS BECAUSE AT \$100,000.00 A PIECE FOR A TRUCK, WHAT KIND OF TRUCKS THEY WERE PURCHASING.

THE BUDGET DIRECTOR DID NOT HAVE THE INFORMATION, BUT DID SAY THAT THE WATER DEPARTMENT HAS TO PLOW THEIR OWN FACILITIES AND HE THINKS THAT ONE IS A PLOW AND SANDER UNIT.

COUNCILOR CARR STATED THAT SHE DID NOT HAVE AN ISSUE WITH THE RESERVOIR COVER, BUT SHE WOULD LIKE SOME MORE INFORMATION REGARDING THE TRUCKS.

**MOTION:** THAT MR. O'BRIEN ATTEND A MEETING NEXT WEEK TO PROVIDE ADDITIONAL INFORMATION ON THE COST OF THE TRUCKS TO BE PURCHASED, AND ALSO TO DISCUSS THE RESERVOIR COVER – WHY IT IS NEEDED, WHAT IT WILL DO FOR THE CITY AND ARE WE UNDER ANY ORDER FROM THE STATE TO DO THIS. SO VOTED.

**MOTION:** MOVE APPROVAL OF THE TRANSFER OF \$3,000,000.00 FROM WATER DEPARTMENT FREE CASH TO WATER DEPARTMENT-ENGINEERING TECHNICAL SERVICES ACCOUNT NO. 60-450-202-5319. SO VOTED.

THE BUDGET DIRECTOR INFORMED THE COMMITTEE REGARDING SNOW REMOVAL FOR THIS YEAR. SPENT FOR THIS YEAR A LITTLE OVER \$1 MILLION AND WE ARE EXPECTING ANOTHER STORM IN A FEW DAYS. \$500,000 IS WHAT WAS APPROPRIATED.

HE ALSO REPORTED THAT THERE ARE TWO FEMA REIMBURSEMENTS GOING ON NOW. THE FIRST IS FOR THE HURRICANE. THIS INFORMATION HAS BEEN SUBMITTED TO THE STATE AND IF WE DO GET REIMBURSEMENT IT WILL PROBABLY BE BY JUNE 30, 2013.

PAGE TWO

MARCH 5, 2013

THE COMMITTEE ON FINANCE AND SALARIES – CONTINUED

AS FAR AS THE BLIZZARD WE JUST HAD, THE TOTAL COST THAT HAS BEEN SUBMITTED TO THE STATE IS OVER \$2,000,000.00 COMBINED WITH THE T.M.L.P. THIS IS IN THE INFANCY STAGES. THE TOTAL SUBMITTED FOR THE BLIZZARD WAS \$2,066,130.00 OF WHICH \$1.4 MILLION IS THE T.M.L.P. THE BUDGET DIRECTOR ALSO INFORMED THE COMMITTEE THAT THE COST OF THE GALLIGAN SCHOOL ROOF INCREASED, BUT HE DID NOT HAVE THE REASON FOR THAT. HE WAS IN COMMUNICATION WITH THE SUPERINTENDENT OF SCHOOLS ON THIS MATTER. THE STATE REIMBURSEMENT RATE IS 74% AND THE NEW COST OF THE ROOF IS \$756,000.00, SO THE CITY WILL BE ON THE HOOK FOR ROUGHLY \$200,000 OF THAT DEPENDING ON WHETHER THE ENTIRE AMOUNT OF \$756,000.00 IS ALLOWABLE. THE BUDGET DIRECTOR PROVIDED E-MAILS THAT HE HAD SENT AND RECEIVED REGARDING THE GALLIGAN SCHOOL ROOF AND ALSO SOME MINUTES PROVIDED BY THE SUPERINTENDENT WHICH STATES THAT "SHE AND MAYOR HOYE STILL NEED TO WORK OUT THE DETAILS ASSOCIATED WITH THE FUNDING. WITH YOUR APPROVAL AND ONLY IN THE EVENT THAT IT IS NECESSARY, THE MAYOR AND I WILL DEVELOP A FUNDING AGREEMENT THAT MAY INVOLVE THE USE OF THE SCHOOL SYSTEM'S REVOLVING ACCOUNT."

MEETING ADJOURNED AT 6:05 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script that reads "Jennifer Rege".

ASSISTANT CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 5, 2013

THE COMMITTEE ON FIRES AND WIRES

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS CARR AND MCCAUL.  
ALSO PRESENT WERE FIRE CHIEF TIMOTHY BRADSHAW AND CAPTAIN BASTIS

**MEETING CALLED TO ORDER AT 6:10 P.M.**

**1. MEET WITH THE FIRE CHIEF TO DISCUSS FIRE WATCHES**

THE FIRE CHIEF REPORTED THAT THERE ARE 2 INDIVIDUALS THAT OWE THE MAJORITY OF THE MONEY ON THE LIST. SOME OF IT IS RELATIVELY NEW AND HE DOES NOT THINK IT COULD BE QUALIFIED AS OVERDUE YET.

IT WAS NOTED THAT 50 WASHINGTON STREET IS ON THIS LIST, BUT THE CHIEF STATED THAT HE DOES NOT ANTICIPATE A PROBLEM WITH GETTING THE MONEY FOR THE FIRE WATCH. A COMPANY HAS PURCHASED THIS SITE AND ALSO THE ONE BEHIND IT TO PUT UP A NEW BUILDING THERE.

COUNCILOR CARR ASKED IF THERE WAS A DEPARTMENT POLICY THAT DEALS WITH PAYMENT OF THESE FIRE WATCHES. IS A BILL SENT OUT PERIODICALLY AND THEN IF SO MUCH TIME GOES BY DOES IT GET SENT TO THE LEGAL DEPARTMENT FOR COLLECTION.

THE CHIEF SAID THAT ON ONE INDIVIDUAL THAT IS IN CONNECTION WITH THE STAR THEATER, HIS DEPARTMENT HAS SENT BILLS TO MULTIPLE PEOPLE, NAMES, TRUSTS SO THAT THE BILLS FIND THE PROPER PERSON. SOME OF THE PEOPLE ON THE LIST HAVE JUST BEEN OVERSITES, AND A FEW ON THE LIST, LIKE THE WELDING COMPANIES, HAVE BEEN TAKEN CARE OF.

THEY HAVE WORKED WITH THE LAW DEPARTMENT ON BOTH THE STAR THEATER AND WHITTENTON MILLS SO THERE IS A POLICY THAT THE FIRE DEPARTMENT WILL ASSIST THE LAW DEPARTMENT IN ANY WAY. THEY HAVE LIENED PROPERTIES FOR STUFF LIKE THIS, BUT AS FAR AS THE OCCASIONAL DANCE STUDIO, IF THEY PAY IT OR THEY DON'T PAY IT, THE DEPARTMENT DOES NOT ACTIVELY COLLECT IT. HE DOES NOT HAVE THE MANPOWER TO DO THIS. THERE IS NO SET POLICY TO SEND THESE TO THE LAW DEPARTMENT FOR COLLECTION AFTER A CERTAIN TIME.

COUNCILOR CARR ASKED IF THERE WAS A REASON WHY THE FIRE DEPARTMENT DOES NOT TELL PEOPLE AND ORGANIZATIONS THAT THEY HAVE TO PAY IN ADVANCE.

THE CHIEF SAID THAT HE DOESN'T HAVE A PROBLEM WITH THAT, BUT CAN THE CITY LEGALLY MAKE THEM PAY IN ADVANCE?

**MOTION: TO REFER TO THE LAW OFFICE TO DETERMINE IF EVENTS LOOKING FOR FIRE DETAILS PAY FOR THE DETAILS IN ADVANCE. SO VOTED.**

COUNCILOR CARR QUESTIONED THAT IF SOMEONE HAS THE ABILITY TO FIX THEIR FIRE ALARM BUT DOES NOT, CAN YOU CLOSE THE BUSINESS.

THE CHIEF SAID YES, BUT YOU WOULD NEED A FIRE WATCH FOR THE SAFETY AND PROTECTION OF THE SURROUNDING BUILDINGS AND PROPERTY OWNERS. YOU CAN SHUT PLACES DOWN BUT IT WOULD TAKE TIME TO FILE CIVIL AND CRIMINAL COMPLAINTS TO FORCE THEM TO FIX THE FIRE SYSTEM.

THE FIRE CHIEF FURTHER STATED THAT IN MOST CASES THE POLICY ON FIRE WATCHES WORKS. THEY USUALLY GIVE 24 HOURS TO GET THE FIRE SYSTEM FIXED OR AT LEAST MAKE A GOOD FAITH EFFORT TO GET IT DONE. JEFFERSON PARTNERS HAS LET THE FIRE WATCH CHARGES JUST PILE UP AND THEIR SYSTEM CAN'T BE FIXED. FILING COMPLAINTS IS A MAJOR WORKLOAD AND THE FIRE DEPARTMENT DOES NOT HAVE THE MANPOWER TO DO THIS. DISCUSSION HAS BEEN HELD ABOUT FILING AGAINST MR. MURPHY OF JEFFERSON PARTNERS.

PAGE TWO

MARCH 5, 2013

THE COMMITTEE ON FIRES AND WIRES - CONTINUED

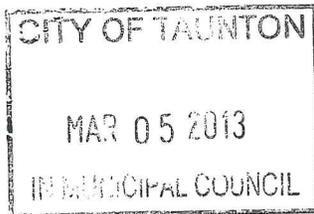
**MOTION:** REFER TO THE LAW OFFICE TO TAKE ACTION TO COLLECT THE DEBT OWED TO THE CITY FOR FIRE WATCHES FOR THE JEFFERSON DEVELOPMENT/WHITTENTON MILLS PROPERTY. ALSO, TO COME UP WITH A FORMAL COLLECTION PROCESS FOR COLLECTING THESE DETAILS AND CREATE A PAPER TRAIL SHOWING ALL EFFORTS MADE TO COLLECT THEM. SO VOTED.

DISCUSSED ALSO WAS CHATEAU ESTATES. THE FIRE DEPARTMENT HAS NO INFORMATION ON THIS OTHER THAN THAT A SMALL DETAIL WAS PROVIDED FOR 4 HOURS IN ORDER TO LET PEOPLE INTO THEIR APARTMENTS TO GET THEIR STUFF OUT.

THE CHIEF WAS ASKED ABOUT THE MOZZONE SITE ON HART STREET. HE DOES NOT KNOW WHAT IS HAPPENING ON THIS.

THE CHIEF INFORMED THE COMMITTEE THAT ONCE A BUILDING IS DOWN IT IS NOT A FIRE DEPARTMENT ISSUE, IT COULD BE A BUILDING DEPARTMENT OR BOARD OF HEALTH MATTER.

MEETING ADJOURNED AT 6:59 P.M.



RESPECTFULLY SUBMITTED, '

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

ASSISTANT CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MARCH 5, 2013

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

PRESENT WERE: COUNCILOR JOHN MCCAUL, PRESIDENT AND COUNCILORS BARBOUR, CARR, POTTIER, COSTA-HANLON, MEDEIROS, COLTON, CLEARY AND MARSHALL. ALSO PRESENT WERE ATTORNEY NICHOLAS FELICI REPRESENTING TJ'S DINER, MR. AND MRS. ANTONIO PIRES OF TJ'S DINER AND TERI BERNERT AND JOSEPH NORTE OF THE DOWNTOWN TAUNTON FOUNDATION

**MEETING CALLED TO ORDER AT 7:04 P.M.**

**1. MEET FOR A PRE-REVIEW HEARING ON SPECIAL PERMIT FOR ENTERTAINMENT IN CONJUNCTION WITH RESTAURANT AT 413 BAY STREET LOCATED IN THE BUSINESS DISTRICT**

ATTORNEY FELICI INFORMED THE COMMITTEE THAT TJ'S DINER HAS BEEN IN BUSINESS FOR 7 YEARS, IT IS A FAMILY OWNED SMALL CAPE VERDEAN/PORTUGUESE RESTAURANT. THEY ARE SEEKING TO EXPAND ON THEIR ALL ALCOHOL LICENSE TO EXPAND TO AN ENTERTAINMENT LICENSE FOR THE SOLE PURPOSE OF BRINGING THE NATIVE CAPE VERDEAN/PORTUGUESE MUSIC TO THE RESTAURANT 2 NIGHTS A WEEK – FRIDAY AND SATURDAY NIGHTS. THEY ARE NOT EXPANDING THEIR HOURS, THEY WOULD JUST LIKE TO HAVE MUSIC WHILE PATRONS ARE DINING. THE MUSIC WILL BE STOPPED BY 12:30 SO THAT THEY CAN CLOSE AT 1:00 A.M. THEY HAVE IMPROVED BOTH THE RESTAURANT BUILDING AND THE HOUSE IN FRONT. THE CAPACITY FOR THE BUILDING IS 65 SEATS, AND THEY HAVE NO PLANS TO EXPAND. THERE IS ADEQUATE PARKING, THERE IS NOT STAGE IN THE BUILDING. THERE WILL NOT BE ANY ADDITIONAL LIGHTING. THEY CURRENTLY HAVE A FULL ALCOHOL LICENSE.

**MOTION: CONTINUE THE HEARING TO THE DATE SET. SO VOTED.**

**2. MEET WITH TERI BERNERT, DIRECTOR OF THE DOWNTOWN TAUNTON FOUNDATION TO DISCUSS REQUEST TO WAIVE OR REDUCE PERMIT FEES AND WATER & SEWER FEES ASSOCIATED WITH THEIR PROJECT AT 15 SCHOOL STREET.**

MS. BERNERT INFORMED THE COMMITTEE THAT SHE DOES NOT HAVE EXACT INFORMATION ON THE AMOUNT OF THE FEE WAIVER REQUEST. SHE DOES HAVE AN APPROXIMATE AMOUNT. IN ORDER TO GET THE EXACT AMOUNT SHE NEEDS A SURVEYED SITE PLAN, WHICH IS BEING DONE AND SHOULD BE COMPLETED SOON. SHE HAS PRELIMINARY ARCHITECT PLANS FOR THE BUILDING. THE FOUNDATION WAS AWARDED A GRANT TO PURCHASE FORECLOSED BUILDINGS AND REHAB THEM. FOR THAT GRANT AMOUNT, THEY NEED TO CREATE 5 UNITS IN DOWNTOWN – NEW HOUSING UNITS IN FORCLOSED BUILDINGS. THEY ARE LOOKING AT PURCHASING BLIGHTED OR ABANDONED BUILDINGS, SO 15 SCHOOL STREET WAS ON THEIR RADAR.

BOTH THE B.I.D. AND DOWNTOWN FOUNDATION ARE HIGHLY SUPPORTIVE OF THE PROJECT. THEY WILL BE CLOSING ON THE PROPERTY ON MARCH 15<sup>TH</sup>. THEY WILL REHAB THE SECOND FLOOR AND WILL CREATE 2 QUALITY 1 BEDROOM APARTMENTS UPSTAIRS. THEY ARE WORKING WITH THE OWNER OF THE FUSION RESTAURANT AND HOPEFULLY SHE WILL BE EXPANDING HER RESTAURANT TO HAVE A FUNCTION ROOM ON THE 1<sup>ST</sup> FLOOR OF 15 SCHOOL STREET AND HER SUSHI CLASSES THERE ALSO. THEY ARE ASKING FOR FEE WAIVERS AS THIS PROPERTY REQUIRES QUITE A FEW VARIANCES. JUST FOR THE ZONING ISSUES, THE FEE WOULD BE \$2,600 TO \$3,000. THE BUILDING PERMITS WILL COST ABOUT \$2,600. THEREFORE, THEY ARE REQUESTING A WAIVER FOR THESE FEES NOT TO EXCEED \$6,000.00.

MS. BERNERT ALSO STATED THAT THERE ARE BACK TAXES AND WATER AND SEWER LIENS ON THE PROPERTY WHICH THEY WILL PAY WHEN THEY ACQUIRE THE PROPERTY. THESE TOTAL ABOUT \$10,000.00. COUNCILOR COSTA-HANLON SAID THAT HER ONLY RESERVATION IS THAT THEY WILL BE DEVELOPING THE

PAGE TWO

MARCH 5, 2013

THE COMMITTEE OF THE COUNCIL AS A WHOLE – CONTINUED

BUILDING FOR A PRIVATE ENTITY.

MS. BERNERT SAID THAT THE DOWNTOWN TAUNTON FOUNDATION IS DOING THE SHELL OF THE BUILDING, PUTTING IN PROPER HEAT, NEW WINDOWS AND PLUMBING, AND THE PRIVATE ENTITY WILL PROBABLY LEASE THE DOWNSTAIRS AND DO WHAT THEY NEED TO FOR THEIR PURPOSES.

COUNCILOR BARBOUR STATED THAT HE HAD HEARD THE WATER BILL WAS IN EXCESS OF \$10,000 AND WAS SURPRISED THAT THE BANK WASN'T GOING TO SETTLE THIS, BUT PUT IT BACK ON DOWNTOWN TAUNTON'S SHOULDERS. THE FOUNDATION DID NOT ASK THE CITY TO WAIVE THIS. HE FURTHER ASKED WHO WOULD BE THE OWNER OF THIS PROJECT. IT IS SOLELY A DOWNTOWN TAUNTON FOUNDATION PROJECT.

IT WAS FURTHER NOTED THAT HISTORICALLY THE 2 BUILDINGS, 15 SCHOOL STREET AND FUSION RESTAURANT WERE CONNECTED. THERE IS ACTUALLY A DOOR CONNECTING THE 2 BUILDINGS THAT HAS BEEN BLOCKED IN, SO, THIS IS NOT FIRM YET, BUT THE DOOR WILL BE RE-CREATED FOR ACCESS TO THE FUNCTION ROOM AND THE CLASSES. THE SPACE WOULD BE LEASED.

**MOTION: APPROVE THE REQUEST TO WAIVE THE FEES FOR ZONING VARIANCES WHICH IS A CHANGE OF USE AND THE BUILDING PERMIT FEES FOR THIS PROJECT, FEES WAIVED NOT TO EXCEED \$7,000.00. THIS IS ONLY LIMITED TO THIS APPLICANT AND SO LONG AS THE PROJECT REMAINS IN LARGE PART AS WAS PRESENTED HERE. SO VOTED.**

MEETING ADJOURNED AT 7:14 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script that reads "Colleen Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

 A handwritten signature in cursive script that reads "Jennifer Rege".
 

ASSISTANT CITY CLERK



# CITY OF TAUNTON

ORDER #15  
FY 2013  
MARCH 5, 2013

*In Municipal Council* ..... 20.....

*Ordered, That*

THE SUM OF THREE MILLION

DOLLARS AND NO CENTS (\$3,000,000.00 BE AND HEREBY IS TRANSFERRED FROM  
WATER DEPARTMENT ACCOUNT NO. 60-000-0141-3590-00-000

TO: WATER DEPARTMENT ACCOUNT NO. 60-450-202-5319 – WATER –ENGINEERING  
TECHNICAL SERVICES

..... *Clerk.*



# CITY OF TAUNTON

ORDER #14  
FY 2013  
MARCH 5, 2013

*In Municipal Council* ..... 20.....

*Ordered, That*

THE SUM OF TWO HUNDRED

SEVENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$275,000.00) BE AND HEREBY

IS TRANSFERRED FROM RESERVE ACCOUNT NO. 1-132-202-5784

TO: VETERANS BENEFITS ACCOUNT NO. 1-543-202-5770

..... *Clerk.*