



*City of Taunton  
Municipal Council Meeting Minutes*

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*Temporary City Hall, 141 Oak Street, Taunton, MA  
Minutes, May 21, 2013 at 7:30 o'clock P.M.  
Revised*

*Regular Meeting*

*Mayor Thomas C. Hoye, Jr. presiding*

*Prayer was offered by the Mayor*

*Present at roll call were:*

*Councilor's Marshall, Cleary, Medeiros, Costa-Hanlon, Pottier, McCaul,  
Carr and Barbour*

*Absent was Councilor Colton*

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

**Hearings:**

None

**Communications from the Mayor:**

The Mayor along with Councilor McCaul, Costa-Hanlon and Colton attended and testified today at the Department of Public Health Hearing held at the Library for the Morton Hospital Pediatric Unit. The Mayor stated that he spoke in favor of keeping the unit open. Councilor Costa-Hanlon asked if the Mayor's Office could reach out to the Department of Public Health and ask for a copy of their findings.

The Mayor informed that on May 28<sup>th</sup>, the Council will be discussing the FY14 Budget and asked to keep the Agenda light.

**Appointments:**

Appointment of the City of Taunton Treasurer/Collector. Councilor Carr thanked everyone who participated in the search for the City's new Treasurer/Collector. Councilor Carr motioned to appoint Barbara Auger to the position of Treasurer/Collector for the City of Taunton. Councilor Barbour seconded on a Roll Call Vote. On a roll call vote, eight (8) Councilors present, eight (8) Councilors voting to appoint Barbara Auger So Voted. Motion was made to invite in Ms. Auger to be sworn in. So Voted. At this time, Ms. Auger was sworn in by the City Clerk.

**Communications from City Officers:**

Com. from Executive Director, MOECD – Submitting a request for a TIF Agreement adjustment for General Fire Extinguishers, Inc. Motion was made to move approval subject to the Law Office drafting appropriate amendments. So Voted.

Com. from Jean Fox, South Coast Rail Project Manager and Victoria Maguire, State Permit Ombudsman, Commonwealth of Massachusetts – Providing an application for FY14 Technical Assistance Grant Funds. **Motion was made to refer to the Mayor's Office, City Planner and DPW. Councilor Costa-Hanlon asked if the Mayor's Office could insert into the documentation, technical assistance for the City's own parking lot. Councilor Cleary stated that if the rail does come, the City would possible need sidewalks from Robert T. Paine down Dean Street to Arlington Street. So Voted.**

Com. from Chairman, Taunton Planning Board – Notifying of a Public Hearing scheduled for Wednesday, May 29, 2012 at 10am regarding Site Plan Review for 35 Mozzone Boulevard, Water Solutions Group, Inc. **Motion was made to receive and place on file. So Voted.**

Com. from Chairman, Taunton Planning Board – Notifying of a Public Hearing scheduled for Tuesday, May 28, 2013 at 9:30am regarding Site Plan Review for 9 Old Colony Avenue, Use Car Sales. **Motion was made to receive and place on file. So Voted.**

Com. from Greater Taunton area Allied Veterans Council, Inc., 82 Ingell St., Unit 4, Taunton – Extending an invitation for its Annual Memorial Day Parade on Monday, May 27, 2013. **Motion was made to refer to the Council President. So Voted.**

Com. from King Philip Manor, Board of Trustees, 170 Highland St., Taunton – Requesting sidewalk repairs. **Motion was made to refer to DPW Committee and Risk Manager for 3 weeks. So Voted.**

Com. from Director, Taunton Emergency Management – Requesting a transfer of funds in the amount of \$2,300 from Account No. 1-129-201-5130 to Account No. 1-291-202-5246. **Motion was made to refer to Committee on Finance and Salaries and Mayor's Office. So Voted.**

Com. from Dorothy Stetson Peirce, J.D. - Request to speak regarding Taunton Conservation Commission. The proposed Amendment was reviewed and approved by the Conservation Commission. Councilor Costa-Hanlon asked for Solicitor Buffington's overview of the amendment. Solicitor Buffington stated the Conservation Commission would like to remove one particular area of land from the Conservation restriction and replace it with another Conservation restricted area. The holder of the Conservation restriction is not the City nor the Conservation Commission but rather a Trust; and the Trust is in favor of this being done. **Motion was made to move approval. Councilor Cleary stated that he has not read and would like to be able to read prior to voting. Councilor Costa-Hanlon amended the motion to table under Old Business till May 29, 2013. So Voted.**

**Petitions:**

Petition submitted by Patricia Sheehan requesting a renewal of her Constable License to serve as a Crossing Guard. **Motion was made to refer to the Committee on Police and Licenses and Police Chief. So Voted.**

Petition submitted by Douglas Fredericks, requesting a renewal of the News Rack License for the Enterprise Publishing Company, LLD – dba – Taunton Daily Gazette located at 5 Cohannet Street, Taunton. (8 locations) **Motion was made to refer to the Committee on Police and Licenses and Police Chief. So Voted.**

Claim submitted by Deborah Smith, Sentry Realty Trust, 41 Taunton Green, Taunton seeking reimbursement for excessive water bills due to work the City performed between Winthrop Street and Taunton Green. **Motion was made to refer to the Law Office and DPW Committee. So Voted.**

Claim submitted by Mary Chaves and Robert Lynch, 170 Broadway, Taunton requesting reimbursement for damages to their home due to a sewerage backup. **Motion was made to refer to the Law Office and DPW Committee. So Voted.**

Petition submitted by Mark Allen, W.H. Riley & Son, Inc. for permission to trench across Winter Street for the purpose of connecting to the City sewer system. **Motion was made to refer to the Committee on DPW. So Voted.**

Councilor Costa-Hanlon stated that the Committee on Police and Licenses approved on May 7th a Junk Collectors License for David Boyer, although the appropriate license should be a Junk Dealers License. **Motion was made to approve a Junk Dealers License for David Boyer. So Voted.**

**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.

**Unfinished Business:**

Councilor Cleary asked for a clarification on a discussion during the Ordinance Sub-Committee where it was stated that there is free drop off at the dump. Councilor Barbour informed that about a year ago it was requested through Waste Management for residents to bring e-waste to the dump for free. E-waste being televisions and computers.

Councilor McCaul stated that a few months ago the Council made a motion to have the Café O'noso Restaurant near the old Taunton Mall cleaned up. To this date, the property has not been cleaned up of trash and also, there are windows that are missing which need to be secured. **Therefore, a motion was made that the Board of Health submit an update on said property to the Municipal Council. So Voted.**

Orders, Ordinances, and ResolutionsOrdinance for a first reading to be passed to a second reading

## AN ORDINANCE

## Chapter 2. Administration

## ARTICLE III Officers

## Division 7. Inspector of Weights and Measures

## Section 2.153.1. Fee schedule

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

That Section 2.153.1 of the Revised Ordinances of the City of Taunton, as amended, is and hereby is further amended by adding thereto the following:

Change of Fees as indicated below:

## Balance and Scales

Scale with capacity over 10,000 lbs.	\$150.00
Scale with capacity of 5,000 to 10,000 lbs.	\$100.00
Scale with capacity of 1,000 to 4,999 lbs.	\$75.00
Scale with capacity of 100 to 999 lbs.	\$50.00
Scales/balances of 10 to 100 lbs.	\$30.00
Scales/balances under 10 lbs.	\$20.00

## Weights

Avoirdupois (each)	\$5.00
Metric (each)	\$5.00
Apothecary (each)	\$5.00
Troy (each)	\$5.00

## Capacity Measures

One gallon or less	\$15.00
Vehicle tanks	\$50.00

## Liquid Measuring Meters

Inlet ½" or less: Oil, Grease	\$2.00
Inlet more than ½" to 1": Gasoline Meters	\$25.00
Inlet more than 1": Vehicle Tank Meters	\$60.00
Inlet more than 1": Bulk Storage	\$75.00

## Other Devices

Reverse Vending Machine	\$15.00
Taxi Meters	\$30.00
Odometer	\$30.00
Fabric Measuring	\$15.00
Wire/Rope/Cordage	\$15.00

## Linear Measures

Yard Sticks	\$15.00
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## Automated Electronic Retail Checkout System

One to three scanners	\$100.00
Four to eleven scanners	\$200.00
Twelve or more scanners	\$300.00

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage. **Motion was made to move approval. So Voted.**

**New Business**

Councilor Costa-Hanlon informed that Eagle Scout, Cory Faria raised enough funds to mount the blue numbered safety signs throughout the City for approximately 250 residents. **Councilor Costa-Hanlon motioned for the City Clerk to forward communication to Department Heads for them to refer any seniors that may be participating in the Tax Incentive Programs that could use the assistant in mounting of these signs. Also for the information to be posted on the City's website. So Voted.**

**Councilor Pottier stated that Chief Bradshaw requested a list of firefighters available due to two upcoming retirees. He motioned that the City Clerk call for two (2) firefighters in addition to the list from the May 7, 2013 Council Meeting for a total of four (4). So Voted.**

**Councilor Pottier motioned to refer to Park, Cemeteries and Public Grounds the Pine Hill Cemetery for mowing before Memorial Day. So Voted.**

The City Clerk spoke with Marilyn Green about this concern.

Councilor Pottier stated that Washington is debating whether or not to remove the tax exempt status for municipal bonds. **Therefore, the Council motioned that the City Solicitor send a letter to our legislative delegation in support of not removing the tax exempt status for Municipal Bonds. So Voted.**

Councilor Pottier stated that during the Committee on Public Property, Councilor Barbour asked for a letter from the School Department on their plans for the schools; therefore, **Councilor Pottier motioned that when the School Department comes in for the Budget Hearing, they give the Council a brief presentation regarding their plans for the schools because they have mentioned that Barnum maybe coming offline and some members of the Council are worried about another Pole School, Walker School, Leddy School situation and with a report back to the Council within the next two weeks. So Voted.**

Councilor Pottier stated that the Public Property Sub-Committee recessed in order to talk to City Solicitor in Executive Session. Member(s) spoke to Solicitor Buffington offline to get their information; therefore there will not be the need to return as a Committee.

Councilor Cleary stated that there is an active farm at 551 Old Tremont Street on both sides of the road. When driving west, there is a curve in the road and many times when the farm is crossing with a tractor or on foot, vehicles are moving very fast. **Councilor Cleary motioned to refer to the Sign Department for an "active farm/caution" sign. So Voted.**

Councilor Carr stated that the Friends of the Taunton Animal Care Facility will be hosting their 5<sup>th</sup> Annual PAW-itively Purr-fect Day on Sunday, June 9<sup>th</sup> at the Boyden Wildlife Refuge on Cohannet Street. She asked for the information to be placed on the City's website.

**Councilor Carr motioned that when Department Heads come before the Council for their budget presentation, that they submit to the Council which line items within their budget are discretionary and which are not. So Voted.**

**Councilor Barbour motioned to forward a letter of gratitude to TMLP for the use of space for the past two plus years for the Auditor's Department. So Voted.**

Motion was made to adjourn at 8:00p.m. So Voted.

A true copy:

Attest:



City Clerk

RMB/dmc

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MAY 21, 2013

THE COMMITTEE ON FINANCE AND SALARIES

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

MEETING CALLED TO ORDER AT 5:48 P.M.

- 1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS  
MOTION: MOVE APPROVAL OF THE PAYROLL WARRANT IN THE AMOUNT OF  
 \$2,319,604.29. SO VOTED.  
MOTION: MOVE APPROVAL OF THE INVOICE WARRANT IN THE AMOUNT OF  
 \$6,242,095.97. SO VOTED.

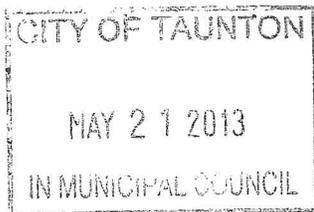
- 2. MEET TO REVIEW REQUESTS FOR FUNDING  
MOTION: MOVE APPROVAL OF REQUEST OF FIRE DEPARTMENT FOR AVAILABLE FUNDS  
 IN THE AMOUNT OF \$195,000.00 TO COVER THE SALARY AND WAGE INCREASE  
 GRANTED TO THE TAUNTON FIREFIGHTERS. FUNDS TO BE TRANSFERRED FROM  
 RESERVE ACCOUNT NO. 1-132-202-5784 TO FIRE DEPARTMENT ACCOUNT NO.  
 01-220-0201-5123. SO VOTED.

THE BUDGET DIRECTOR INFORMED THE COMMITTEE THAT THE BALANCE LEFT IN THE RESERVE ACCOUNT  
IS \$594,164.54.

- 3. MEET TO REVIEW MATTERS IN FILE  
 THE BUDGET DIRECTOR PROVIDED THE COMMITTEE AND THE OTHER COUNCILORS WITH A COPY OF THE  
 JUNE 30, 2012 ACTUARIAL VALUATION OF THE POST RETIREMENT BENEFITS PLAN OF THE CITY OF  
 TAUNTON.

THE COMMITTEE WAS ALSO INFORMED THAT MR. ENOS GOT THE DRAFT FINANCIALS REGARDING THE  
2012 AUDIT SO IT SHOULD BE READY IN A FEW WEEKS. THE CHAIRMAN WILL HAVE THIS DISCUSSED IN  
COMMITTEE SOMETIME IN JULY.

MEETING ADJOURNED AT 5:55 P.M.



RESPECTFULLY SUBMITTED, ,

*Colleen M. Ellis*

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

*Rm Blackwell*

CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MAY 21, 2013

THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS

PRESENT WERE: COUNCILOR DONALD CLEARY, CHAIRMAN AND COUNCILOR MEDEIROS. ALSO PRESENT WAS ASSISTANT CITY SOLICITOR DANIEL DEABREU

MEETING CALLED TO ORDER AT 6:08 P.M.

**1. MEET WITH THE ASSISTANT CITY SOLICITOR TO DISCUSS REVISED NUISANCE PROPERTY ORDINANCE**

THE CHAIRMAN STATED THAT OVER THE LAST SEVERAL MONTHS THE NUISANCE ORDINANCE HAD BEEN DISCUSSED. A DRAFT WAS PROVIDED TO ALL COUNCILORS THIS EVENING. IT WAS NOTED THAT THIS ORDINANCE DOES NOT SPEAK TO CRIMINAL NUISANCES, THIS IS FOR TRASH AND BLIGHTED PROPERTIES. ATTORNEY DEABREU STATED THAT HE HAD REVIEWED THE DRAFT ORDINANCE AND HAD A FEW CHANGES.

ON THE FIRST PAGE THERE WERE A COUPLE OF TYPOGRAPHICAL ERRORS THAT NEED TO BE CORRECTED. ON THE SECOND PAGE, IN PARAGRAPH F IT MADE REFERENCE TO PROPERTY STANDARDS IN SECTION (B), AND HE WOULD CHANGE THAT TO SAY SECTIONS (B) THROUGH ( E) BECAUSE GOING BACK TO PARAGRAPH (B) ON THE FIRST PAGE IT REFERS TO KEEPING THE PREMISES FREE FROM LITTER AND THEN IT GOES ON TO DEFINE IN PARAGRAPH (C) ABOUT WILD PLANTS OR CULTIVATED PLANTS, AND IN PARAGRAPH (E) IT LISTS A NUMBER OF OTHER STANDARDS.

HE WAS ALSO ASKED TO DOUBLE CHECK THE REFERENCE TO THE GENERAL LAWS IN PARAGRAPH F. G.L. CHAPTER. 111, SECTION 124 DOES DESCRIBE A NUMBER OF METHODS BY WHICH SERVICE COULD BE ACCOMPLISHED AND ITS VARYING METHODS DEPENDING ON WHETHER THE OWNER LIVES WITHIN OR WITHOUT THE COMMONWEALTH, REGISTERED MAIL COULD BE SUFFICIENT, SERVICE BY A PROCESS SERVER, OR IN SOME CASES A POSTING AT THE ADDRESS AND A PUBLICATION IN A NEWSPAPER. IT IS AN APPROPRIATE REFERENCE.

MR. DEABREU FURTHER STATED THAT THERE IS A REFERENCE TO CHAPTER 111 SECTION 125, WHICH REFERS TO ANOTHER SECTION BUT ESSENTIALLY PROVIDES A METHOD IF THE CITY WAS REQUIRED TO UNDERTAKE TO ABATE THE NUISANCE ITSELF, IN THE FACE OF A NON-COOPERATIVE PROPERTY OWNER, THERE WOULD BE A METHOD BY WHICH THE CITY COULD TO SEEK TO REIMBURSE ITSELF FOR THE MONEY SPENT DOING THAT.

ATTORNEY DEABREU ALSO IN PARAGRAPH (1) UNDER SECTION G ELIMINATED THE WORDS "OR IN AN ACTION OF CONTRACT BY THE CITY AGAINST THE OWNER."

IN PARAGRAPH (2) HE SUGGESTED IN THE TOP LINE TAKING OUT "CIVIL PROCESS" AND INSERTING ANY LAWFUL METHOD .

HE FURTHER SUGGESTS DELETING PARAGRAPH (3) UNDER THIS SECTION AS THERE ARE OTHER GENERAL LAWS THAT WOULD COVER THE SUBSTANCE OF WHAT IS TRYING TO BE ACCOMPLISHED.

HE ALSO MADE A CHANGE TO THE DEFINITION "OWNER" BY ELIMINATING IN THE FIRST SENTENCE "AND SHALL BE SUFFICIENTLY IDENTIFIED BY THE NAME AND ADDRESS APPEARING IN THE RECORDS OF THE CITY ASSESSOR OR BRISTOL NORTHERN REGISTRY OF DEEDS.

COUNCILOR BARBOUR QUESTIONED HOW THIS ORDINANCE ADDRESSES THE MATTRESSES AND TELEVISIONS THAT ARE OFTEN LEFT ON SIDEWALKS.

ATTORNEY DEABREU STATED THAT THIS ORDINANCE DOES NOT APPLY TO THIS AND THAT HE BELIEVES THIS IS ADDRESSED BY THE DUMPING ORDINANCE.

COUNCILOR CLEARY STATED THAT A COPY OF THE ORDINANCE DID GO TO ALL DEPARTMENT HEADS FOR THEIR INPUT, AND THE MAJOR ISSUE IS WHO IS GOING TO ENFORCE THE ORDINANCE.

PAGE TWO

MAY 21, 2013

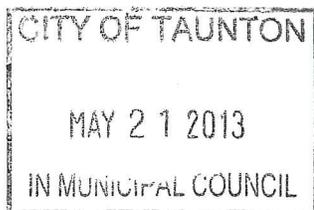
THE COMMITTEE ON ORDINANCES AND ENROLLED BILLS - CONTINUED

MOTION: TO REFER THIS ORDINANCE TO THE FULL COUNCIL NEXT WEEK. ORDINANCE TO BE PUT IN PROPER FORM. SO VOTED.

2. MEET TO REVIEW MATTERS IN FILE

THE CHAIRMAN STATED THAT A REFERRAL HAD BEEN MADE TO THIS COMMITTEE REGARDING ILLEGAL DUMPING AND THERE IS AN ORDINANCE ON THE BOOKS DEALING WITH THIS. ALSO, THE ISSUE OF DUMPSTER FEES HAD BEEN REFERRED TO THIS COMMITTEE. A LETTER WAS RECEIVED FROM THE BOARD OF HEALTH AND NO ACTION WAS TAKEN ON THE MATTER BY THE BOARD OF HEALTH. IT WAS NOTED THAT THIS FEE WAS NOT A DECISION BY THE COUNCIL BUT BY THE BOARD OF HEALTH.

MEETING ADJOURNED AT 6:32 P.M.



RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "Colleen M. Ellis".

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.

A handwritten signature in cursive script, appearing to read "RM Blackwell".  
CITY CLERK

CITY OF TAUNTON  
MUNICIPAL COUNCIL  
MAY 21, 2013

**THE COMMITTEE ON PUBLIC PROPERTY**

PRESENT WERE: COUNCILOR DAVID POTTIER, CHAIRMAN AND COUNCILORS BARBOUR, CARR AND COSTA-HANLON. ALSO PRESENT WERE WATER DIVISION SUPERVISOR CATHAL O'BRIEN, BUILDING SUPERINTENDENT WAYNE WALKDEN AND BUILDING COMMISSIONER ROBERT PIROZZI

MEETING CALLED TO ORDER AT 6:41 P.M.

1. **MEET WITH CATHAL O'BRIEN, WATER DIVISION SUPERVISOR TO DISCUSS HIS REQUEST THAT A STANDPIPE & ASSOCIATED INFRASTRUCTURE DESIGNED & BUILT BY THE TAUNTON DEVELOPMENT CORPORATION ON LAND THEY OWN & OPERATED BY THE TAUNTON D.P.W. WATER DIVISION, LOCATED IN THE MYLES STANDISH INDUSTRIAL PARK BE DECLARED SURPLUS AND OR RETURNED TO THE TAUNTON DEVELOPMENT CORPORATION.**

A LETTER DATED 4/8/2013 OF WATER DIVISION SUPERVISOR CATHAL O'BRIEN WAS READ IN WHICH HE STATED THAT THE WATER STANDPIPE IN THE MYLES STANDISH INDUSTRIAL PARK IS NO LONGER IN USE OR NEEDED BY THE CITY DPW WATER DIVISION. THE STANDPIPE WAS DESIGNED AND BUILT BY THE TAUNTON DEVELOPMENT CORPORATION ON LAND THAT THEY OWN, AND HAS BEEN OPERATED BY THE TAUNTON DPW WATER DIVISION FOR THE LAST 30 YEARS OR SO AS PART OF THE TAUNTON WATERWORKS. AT THIS TIME THE DPW WATER DIVISION WOULD ASK THAT THE STANDPIPE AND ANY ASSOCIATED INFRASTRUCTURE BE DECLARED SURPLUS AND OR RETURNED TO THE TAUNTON DEVELOPMENT CORPORATION. THE CITY HAS NO USE OR NEED FOR THE STANDPIPE AND ASSOCIATED INFRASTRUCTURE IN ITS PRESENT CONDITION AND LOCATION, AS THEY JUST BUILT A NEW WATER TOWER IN THE SAME SERVICE AREA TO IMPROVE AND REPLACE THIS INFRASTRUCTURE.

**MOTION: LETTER TO BE PART OF THE RECORD. SO VOTED.**

MR. O'BRIEN INFORMED THE COMMITTEE THAT THE T.D.C. BUILT THE STANDPIPE IN 1977-78 IN ORDER TO OPEN UP THE INDUSTRIAL PARK. MR. O'BRIEN SHUT THE STANDPIPE OFF A COUPLE OF YEARS AGO WHEN THEY PUT THE MILLION GALLON STORAGE TANK ON LINE WHICH REPLACED THIS. THIS VALVE HAS BEEN SHUT OFF AT THE STREET FOR AT LEAST 18 MONTHS, THEY HAVE NOT BEEN USING IT, THEY HAVE NO INTENTION OF USING IT AND WHEN THE T.D.C. CONTACTED HIM BECAUSE THEY OWN THE LAND, MR. O'BRIEN DID SOME RESEARCH AND FOUND THAT THEY NOT ONLY OWN THE LAND, THEY BUILT THE TOWER, DESIGNED IT, AND OWN IT, THE DPW WATER DIVISION JUST OPERATED IT. THE WATER DEPARTMENT HAS NO INTEREST IN OPERATING IT AND SINCE IT IS A LIABILITY TO HAVE THIS THERE, THEY ARE GLAD TO SAY THAT THE DPW HAS NO OBJECTION TO GIVING IT BACK. THE T.D.C. WILL BE RESPONSIBLE FOR DEMOLITION AND ANY OTHER ASSOCIATED ISSUES. THE CITY CAN BASICALLY HAND IT BACK TO THE T.D.C. WITH NO COST TO THE CITY AT ALL.

IT WAS OPERATED FOR THE LAST 30 YEARS FOR THE T.D.C.'S BENEFIT AS PART OF THE NORMAL WATERWORKS.

COUNCILOR BARBOUR ASKED WHY THE T.D.C. WOULD WANT THIS LIABILITY. MR. O'BRIEN SAID THAT HE DID NOT WANT TO SPEAK FOR THE T.D.C., BUT HE BELIEVES THEY WANT TO SELL THE LAND.

COUNCILOR COSTA-HANLON ASKED IF WE HAD AN EASEMENT. ARE WE GIVING UP AN EASEMENT?

MR. O'BRIEN STATED THAT HE DID NOT KNOW THE PROPER LANGUAGE TO USE, SO HE CAME UP WITH THE LANGUAGE AS STATED IN THE LETTER. HE FURTHER STATED THAT ONCE YOU GO THROUGH THE PAPER TRAIL, HE DOES NOT THINK THAT THE CITY EVEN HAS AN EASEMENT, HE DOESN'T THINK WE HAVE ANYTHING. HE THINKS THAT THEY WERE OPERATING A TANK THAT WAS GIVEN TO THEM, SO LEGALLY HE DOES NOT KNOW. THE CITY BENEFITED BY SELLING THE WATER TO THESE PEOPLE, AND ALSO FROM THE SEWER, BUT IT REALLY WAS THEIR DESIGN, THEIR PROPERTY. HE THOUGHT IT WAS LIKE

PAGE TWO

MAY 21, 2013

THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

A CONDO WHERE THE CITY OWNED THE TOWER AND THEY OWNED THE LAND, BUT HE DOES NOT HAVE ANY PAPERWORK ASSOCIATED WITH THIS. WHEN THE TDC REQUESTED IT BACK, HE STRONGLY SUPPORTED IT BECAUSE IF THEY WANT THE TOWER BACK IN ITS CONDITION, THAT IS BETTER FOR THE CITY. THE LIABILITY LIES WITH THEM.

**MOTION: TO APPROVE THE RECOMMENDATION OF MR. O'BRIEN SUBJECT TO NO EASEMENTS BEING WAIVED. REFER THIS TO THE LAW DEPARTMENT TO MAKE CERTAIN THAT WE ARE NOT WAIVING ANY CLAIMS TO LAND OR THE RIGHTS TO EASEMENTS. SO VOTED.**

**2. MEET WITH THE BUILDING COMMISSIONER AND SUPERINTENDENT OF PUBLIC BUILDINGS TO DISCUSS WHAT ACTION CAN BE TAKEN FOR THE SEVERAL BUILDINGS IN THE CITY WHICH HAVE EXTENSIVE FIRE DAMAGE.**

COUNCILOR BARBOUR STATED THAT SEVERAL WEEKS AGO ONE OF THE BUSINESS OWNERS WHO IS INVESTING ALMOST \$1 MILLION ON BROADWAY COMMENTED ON THE CUMBERLAND FARMS PROPERTY THAT HAS THE HOUSE ON IT WITH THE HOLES IN THE ROOF, AND ALSO ANOTHER RESIDENT CALLED ABOUT THE MOZZONE PROPERTY ON HART STREET THAT WAS STILL NOT CLEANED UP. HE FURTHER NOTED THAT RECENTLY THERE WAS THE FIRE AT COLUMBIA ELECTRIC, AND THAT BUILDING WENT DOWN AND WAS THANKFULLY JUST ABOUT CLEARED. ALSO THERE ARE A FEW HOMES IN THE CITY THAT HAVE BURNED AND JUST SIT. HE FURTHER STATED THAT THE OWNERS MUST HAVE SOME KIND OF INSURANCE TO CLEAN UP THESE SITES. HE FEELS THAT THESE BUILDINGS SHOULD NOT BE SITTING YEARS LATER AS IT IS AN EYESORE TO THE NEIGHBORHOOD.

MR. PIROZZI REPORTED THAT REGARDING THE BUILDING ON BROADWAY, A LETTER HAD BEEN SENT OUT. HOWEVER, HE STATED THAT THE HOLES IN THE ROOF WERE DONE BY THE TAUNTON FIRE DEPARTMENT AND WAS DONE BECAUSE THEY USED THIS FOR TRAINING. THE FIRE DEPARTMENT HAS BEEN TOLD NOT TO USE IT BECAUSE THEY WERE USING IT FOR TRAINING WITHOUT EVEN SPEAKING TO THE OWNER.

MR. PIROZZI STATED THAT USUALLY IF A PROPERTY IS NOT OPEN TO THE WEATHER AND IS SECURED HE LEAVES IT ALONE. BUT THIS DOES NOT HELP US. MR. PIROZZI SAID THAT HE HAS TO GET MORE INFORMATION TO SEE IF HE CAN TAKE THE REQUIREMENTS UNDER MASS. GENERAL LAWS FOR UNSAFE STRUCTURES A STEP FURTHER WHEN IT DOES BECOME A PILE OF RUBBLE. IF IT IS NOT A STRUCTURE ITSELF AND IT IS FENCED OFF, HE DOES NOT KNOW WHAT HE HAS AT HIS DISPOSAL, HE WILL SEE WHAT HE CAN FIND OUT. IN THE CASE OF REESIDENTIAL BUILDINGS, THE WEIR STREET HOUSE IN PARTICULAR, HE HAD BEEN RECOMMENDING THAT FOR THE RECEIVERSHIP PROGRAM. THEN THE ATTORNEY GENERAL'S OFFICE COULD GO IN REHABILITATE THE BUILDING AND THEN GET THE MONEY FROM THE OWNER, BUT THEY NEED A RECEIVER. IT IS MR. PIROZZI'S UNDERSTANDING HOWEVER, THAT THE WEIR STREET BUILDING HAS BEEN SOLD AND THE BUYER WANTS TO DEMOLISH IT AND BUILD A NEW 2 FAMILY. COUNCILOR BARBOUR STATED THAT IF THERE IS NOT ANYTHING IN THE GENERAL LAWS, THEN THE CITY SHOULD CREATE AN ORDINANCE BECAUSE NEIGHBORS SHOULD NOT HAVE TO LOOK AT THESE PROPERTIES.

IT WAS ASKED IF THE CITY SPENT MONEY ON CLEANING THE COLUMBIA ELECTRIC SITE. MR. WALKDEN SAID THAT DEP WAS THERE AND THE OWNER CONTRACTED TO DO TESTING ON THE SITE AND TO ALSO HAVE LOPES CLEAR THE SITE. THE PLAN IS TO MOVE FORWARD WITH DEVELOPMENT HOWEVER, THE REST OF THE DEBRIS CAN'T BE MOVED WITHOUT DEP APPROVAL. MR. WALKDEN IS STILL WORKING WITH THE OWNER.

REGARDING THE MOZZONE SITE, TESTING MUST BE DONE, WHICH MR. WALKDEN WAS TOLD HAS BEEN DONE, SO THIS SITE SHOULD BE CLEANED UP SOMETIME THIS SUMMER.

PAGE THREE

MAY 21, 2013

THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

MR. WALKDEN STATED THAT THEY DO MAKE DECISIONS AS TO WHETHER A BUILDING IS STRUCTURALLY SOUND. IF IT IS IT CAN BE SECURED AND FENCED IN. IF IT IS DECLARED UNSAFE, AND IF THE OWNER CANNOT TAKE IT DOWN, THE CITY CAN DO IT, BUT IT WILL COST THE CITY ALMOST DOUBLE.

COUNCILOR BARBOUR STATED THAT HIS GOAL WAS TO HAVE BOTH MR. WALKDEN AND MR. PIROZZI IN TO GIVE THE COMMITTEE SOME TYPE OF GAME PLAN ON HOW TO HANDLE THESE ISSUES MOVING FORWARD AND HOW TO ADDRESS THE ONES THAT WE HAVE NOW.

MR. PIROZZI STATED THAT AFTER A FIRE, THEY NEED TO STAY ON TOP OF THE PROPERTIES AND PUSH TO HAVE THEM TAKEN CARE OF. HE FURTHER STATED THAT HE SPOKE TO THE CITY SOLICITOR REGARDING THE DEBRI THAT IS LEFT BEHIND AND HOW THAT PERTAINS TO M.G. LAW. THE SOLICITOR IS GOING TO CHECK TO SEE IF THE PROPERTY OWNER CAN BE FORCED TO HAVE THE DEBRI CLEANED UP.

COUNCILOR COSTA-HANLON SAID THAT THE OLD ORIENT RESTAURANT BUILDING HAS BECOME AN ISSUE ALSO. IT IS OPEN TO THE ELEMENTS. SHE FURTHER STATED THAT DEP IS INVOLVED BECAUSE OF AN ASBESTOS ISSUE. MR. WALKDEN AND MR. PIROZZI WILL FOLLOW UP ON THIS ALSO.

COUNCILOR CARR ASKED THAT WHEN MR. WALKDEN AND MR. PIROZZI COME BACK BEFORE THE COMMITTEE ON THIS ISSUE THAT THEY HAVE THE SHORTEST TIME LIMITS THAT THEY CAN COME UP WITH TO ALLOW THESE STRUCTURES TO REMAIN IN THE CONDITION THERE IN, WHETHER IT IS STATE LAW OR COME BACK WITH A RECOMMENDATION THAT THE CITY CREATE ITS OWN ORDINANCE.

MR. WALKDEN SAID THERE HAS TO BE FUNDING TO CLEAN UP OR TEAR DOWN A BLIGHTED SITE. HE ALSO NEEDS TO KNOW THE PROCUREMENT PROCESS BECAUSE HE WOULD BE DEALING WITH PRIVATE PROPERTY.

**MOTION:** TO HAVE MR. WALKDEN AND MR. PIROZZI MEET WITH THE LAW DEPARTMENT TO DISCUSS A PLAN FOR THE CURRENT BULDINGS THAT THE CITY IS DEALING WITH AND A PLAN MOVING FORWARD, NOT JUST FOR THE SECURING OF THESE STRUCTURES BUT ALSO FOR POTENTIAL RAZING AND REMOVAL OF THESE STRUCTURES IN A TIMELY MANNER AND PRESENT THAT TO THIS COMMITTEE IN NO LATER THAN THREE WEEKS. A SUGGESTED COURSE OF ACTION, WHETHER IT IS A RECOMMENDATION OF AN ORDINANCE OR RECOMMENDATION OF A POLICY, HOW WE ARE GOING TO LIEN THE PROPERTY, WHATEVER LOGISTICS NEED TO BE DONE IS TO BE PROVIDED. THAT A MEMBER OF THE LAW DEPARTMENT ALSO ATTEND IN THREE WEEKS TO OFFER SOME TYPE OF SOLUTION SO THAT WE CAN MOVE FORWARD. SO VOTED.

**MOTION:** THAT MR. PIROZZI AND/OR MR. WALKDEN NOTIFY ALL THE PROPERTIES THAT WERE SPOKEN OF, NOT SINGLE OUT ONE IN PARTICULAR, AND SEND OUT A CERTIFIED RETURN RECEIPT LETTER SO THAT THEY HAVE A TRACKING MECHANISM, AND REQUESTING FROM THEM THAT THE MUNICIPAL COUNCIL WISHES TO KNOW THEIR INTENTIONS , WHAT THE STATUS OF THEIR SITUATION IS, WHEN ARE THEY ARE PLANNING ON SOME TYPE OF REMEDIAL CLEAN UP OR RAZING THE STRUCTURE, OR SALE OF THE STRUCTURE. IF THEY COME BACK AND SAY, IN THE SPRING THEN THE COUNCIL WANTS THEM TO SHOW EVIDENCE THAT THEY HAVE ENTERED INTO A CONTRACT FOR THE REMEDIATION. MR. WALKDEN AND MR. PIROZZI PROVIDE AN UPDATE IN 30 DAYS ON THIS. SO VOTED.

PAGE FOUR

MAY 21, 2013

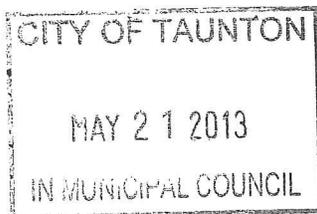
THE COMMITTEE ON PUBLIC PROPERTY - CONTINUED

DISCUSSED ALSO WAS THE CONSOLIDATION OF SCHOOLS, AND IF THE SCHOOL DEPARTMENT DOES CLOSE BARNUM SCHOOL, THEN WHAT IS GOING TO HAPPEN TO THAT BUILDING.

MOTION: THAT A LETTER BE SENT TO THE SUPERINTENDENT OF SCHOOLS AND THE MEMBERS OF THE SCHOOL COMMITTEE TO ASK WHAT THE SCHOOL DEPARTMENT'S INTENTIONS ARE FOR THE BARNUM SCHOOL WHEN AND IF THEY CLOSE IT TO CONSOLIDATE. A RESPONSE IS REQUESTED IN 2 WEEKS. SO VOTED.

3. MEET IN EXECUTIVE SESSION WITH THE CITY SOLICITOR TO DISCUSS ONGONG LITIGATION  
THE COMMITTEE MEETING WAS SUSPENDED UNTIL AFTER THE REGULAR COUNCIL MEETING.

MEETING SUSPENDED AT 7:22 P.M.



RESPECTFULLY SUBMITTED,



COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES

REPORTS ACCEPTED, RECOMMENDATIONS ADOPTED.



CITY CLERK



# CITY OF TAUNTON

ORDER #23  
FY 2013  
May 21, 2013

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

*Ordered, That*

THE SUM OF ONE HUNDRED

NINETY FIVE THOUSAND DOLLARS AND NO CENTS (\$195,000.00) BE AND HEREBY

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

TO: FIRE DEPARTMENT ACCOUNT NO. 01-220-0201-5123

..... *Clerk.*