

# City of Fall River Massachusetts

Office of the City Clerk

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1621 MAY 10 P 12:23

CITY CLERK  
FALL RIVER, MA

ALISON M. BOUCHARD  
CITY CLERK

INÊS LEITE  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**MAY 14, 2024**  
**AGENDA**

**5:00 P.M. CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING**

**6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS PAST 6:00 P.M.)**

1. Citizen Input
2. \*Fiscal Year 2024 Quarter 3 Budget Report (referred 4-23-2024)
3. Transfers and appropriations

**7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF IT RUNS PAST 7:00 P.M.)**

**PRIORITY MATTERS**

1. \*Mayor and confirmation of the appointment of Nicholas Cecilio to the Board of Park Commissioners
2. \*Mayor and confirmation of the reappointment of Natercia Pereira to the Council on Aging
3. \*Mayor and confirmation of the reappointment of Victor Farias to the Board of Park Commissioners
4. \*Mayor and confirmation of the reappointment of Bernard J. McDonald to the Board of Park Commissioners
5. \*Mayor and request to rescind the Bristol County ARPA proposal regarding "Public Service and Safety Equipment," adopted on January 9, 2024.
6. \*Mayor and proposal for Bristol County ARPA funding in the amount of \$700,000 to purchase equipment to increase public service, safety programs and capacity (Lafayette Skatepark Rehabilitation)
7. \*Mayor and proposed ordinance re Engineering Department permit fees
8. \*Mayor and proposed ordinance re Minimum Housing and the municipal organizational structure
9. \*Mayor and request to transfer of three (3) parcels of vacant land currently held as Tax Possessions to the Watuppa Water Board.
10. \*Mayor and approval of TIE Agreement for InvaGen Pharmaceuticals, Inc., and Madison FR Properties, Inc.

**ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650**

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

11. \*Mayor and the following transfers and appropriations:
  - a. \$189,371.74 from the FY23 Surplus Revenue to the Capital Project Fund
  - b. \$636,878.38 from the FY23 Surplus Revenue to the OPEB Fund
  - c. \$179,588.00 from Sewer Stabilization Fund to the Sewer FY 24 Operational Budget
12. \*Mayor and quitclaim deed conveying Assessors Lot I-06-0022 (vacant lot at the corner of Columbia Street and Canal Street) as a gift to the City of Fall River
13. \*Mayor and order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems

### **PRIORITY COMMUNICATIONS**

14. \*Traffic Commission recommending amendments to the traffic ordinances

### **COMMITTEE REPORTS**

#### Committee on Health and Environmental Affairs recommending: Grant Leave to Withdraw

15. \*Resolution – Convene to discuss construction on Stonehaven Road
16. \*Resolution – Convene with member of Diman Regional Vocational Technical High School Building Committee and representative from Kaestle Boos, for an update re geothermal energy

#### Committee on Regulations recommending:

#### Adoption, pending the presentation of the Collector's receipt of payment to the City Clerk:

17. Auto Body Shop License Renewal  
\*Order – William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body and Sales, 103 Chavenson Street

18. Auto Repair Shop License Renewal  
\*Order – William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body and Sales, 103 Chavenson Street

#### Adoption, as amended:

19. Auto Repair Shop License Renewal  
\*Order – Carlos Jaquez, Jaquez Auto Sales, LLC d/b/a Jaquez Auto and Repair, 182 Stafford Road  
Restrictions: Hours of Operation: Monday through Friday 7:00 A.M. to 7:00 P.M.  
Saturday: 7:00 A.M. to 4:00 P.M.

#### Committee on Public Safety recommending:

#### Grant Leave to Withdraw:

20. \*Resolution – Establish a Capital Plan for fire station buildings
21. \*Resolution – Convene to discuss fire hydrant testing
22. \*Resolution – Convene with Fire Chief to discuss updates to smoke and carbon monoxide alarm systems for residential properties

### **ORDINANCES**

#### Second Reading and Enrollment

23. \*Proposed Ordinance – Traffic, miscellaneous  
Parking prohibited at all times:  
Grinnell Street, North, 132 feet west of Jefferson Street

## **RESOLUTIONS**

24. \*The City Council dedicate May 19-25, 2024, as Emergency Medical Services Week in honor of EMS workers that serve our community with vital health services.

## **CITATIONS** – None

## **ORDERS – HEARINGS** – None

## **ORDERS – MISCELLANEOUS**

25. Police Chief's report on license:

### Taxicab Drivers

Austin Braga    Jeremias Cabral    Paula Medeiros    Melissa Pives

### Secondhand Licenses

Joey Pacheco d/b/a Pacheco's Furniture – 255 South Main Street  
Paul Bryand d/b/a Fall River Pawnbrokers – 364 South Main Street  
Paul Bryand d/b/a Fall River Pawnbrokers – 1475 South Main Street  
Paul Bryand d/b/a Fall River Pawnbrokers – 1435 Pleasant Street  
William Leach d/b/a Marine Supply and Consignment – 75 Ferry Street  
Beverly Post d/b/a Anything – 1791 South Main Street  
St. Vincent de Paul Exchange Store, Inc. – 1799 Pleasant Street  
Gamestop #6735 – 153 Mariano Bishop Boulevard  
Michael W. West d/b/a A1 Antiques and Used Furniture – 1091 Plymouth Avenue  
Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street  
Patenaude Jewelers, Inc. 1473 South Main Street

### Pawnbroker Licenses

Paul Bryand d/b/a Fall River Pawnbrokers – 364 South Main Street  
Paul Bryand d/b/a Fall River Pawnbrokers – 1475 South Main Street  
Paul Bryand d/b/a Fall River Pawnbrokers – 1435 Pleasant Street  
Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street

### Pool/Billiards License

Rack 'Em Up Billiards – 129 Griffin Street

26. Auto Body Shop License Renewal:

Daniel Aguiar d/b/a Advanced Collision Center and Sales – 39 Eleventh Street

27. Auto Body Shop License Transfer:

Auto Repair Shop License No. 4 located at 753 Pleasant Street from Ronald Pedro d/b/a ABC Auto Body & Sales to Santos Custom Coatings, LLC

28. Auto Repair Shop License Renewal:

John Manelas, Auto Care Plus, LLC d/b/a  
Bayside Automotive – 1904 Bay Street

29. City Engineer prepare plans for the acceptance of Draper Street from Globe Mills Avenue to Atlantic Boulevard

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 30. \*Claims
- 31. \*Structure on or over a public way application for Steppingstone Inc. to hang a 30'x 36" banner between 111 and 134 Durfee Street for the 2024 "Get Steppin Walk."
- 32. \*Structure on or over a public way application for Fall River Masonic Associates, Inc. to hang 24"x36" metal/reflective road signs on telephone pole at the corner of Columbus Drive and Meridian Street to advertise Masonic Lodge and clothing shed program
- 33. \*City Engineer – Street opening less than 5 years on Pine Street and Purchase Street.
- 34. Drainlayer Licenses:  
W.C. Smith & Son, Inc.  
Farland Corp., Inc.  
S. Oliveira Construction Corp.  
T & K Asphalt Services  
Perfected Construction LLC  
Steven Steen
- 35. Planning Board Minutes
  - a. February 14, 2024
  - b. March 13, 2024
- City Council Minutes
- 36. \*Committee on Finance – April 23, 2024
- 37. \*City Council – April 23, 2024

**BULLETINS – NEWSLETTERS – NOTICES** – None

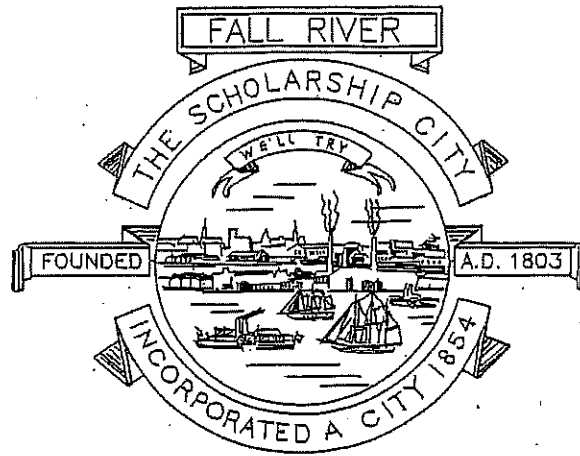
*Alison M. Bouchard*  
City Clerk

FINANCE 2

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2024 APR 18 A 8:29

CITY CLERK  
FALL RIVER, MA



# FY 2024

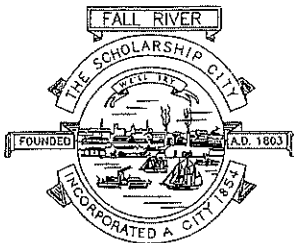
## QUARTER 3

# BUDGET REPORT

CITY OF FALL RIVER  
IN CITY COUNCIL

APR 23 2024

Referred to the  
Committee on Finance



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**

*Mayor*

May 9, 2024

Council President and  
Honorable Members of the City Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following appointment:

Name: Nicholas Cecilio

Address 44 California Street  
Fall River, MA 02723

Position: Board of Park Commissioners

Expiration: May 8, 2028

Sincerely,

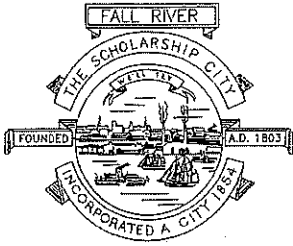
Paul E. Coogan  
Mayor

PC/amos

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2024 APR 25 P 1:51

CITY CLERK  
FALL RIVER, MA



**City of Fall River**  
**Massachusetts**  
**Office of the Mayor**

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

Council President and  
Honorable Members of the City Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Natercia Pereira

Address 27 Buckley Street, Apt# 1  
Fall River, MA 02723

Position: Council on Aging

Expiration: May 8, 2027

Sincerely,

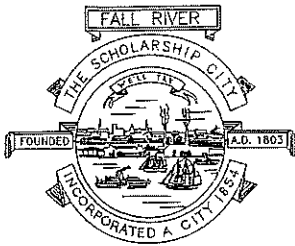
Paul E. Coogan  
Mayor

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FALL RIVER, MA



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

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CITY CLERK  
FALL RIVER, MA

Council President and  
Honorable Members of the City Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Victor Farias

Address 4980 North Main Street  
Building 1, Apt# 117  
Fall River, MA 02720

Position: Board of Park Commissioners

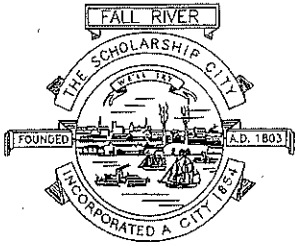
Expiration: May 8, 2026

Sincerely,

*Paul E. Coogan*  
Paul E. Coogan  
Mayor

PC/amos





**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

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CITY CLERK  
FALL RIVER, MA

Council President and  
Honorable Members of the City Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Bernard J. McDonald

Address 32 Oakland Street  
Fall River, MA 02720

Position: Board of Park Commissioners

Expiration: May 8, 2025

Sincerely,

Paul E. Coogan  
Mayor

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**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**  
*Mayor*

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2024 APR 29 P 12:52

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

April 29, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

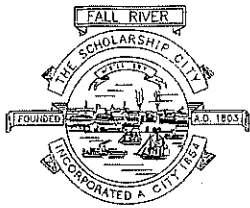
Attached please find a request forwarded from ARPA Coordinator, Kara Humm, regarding a recommendation to rescind the vote on the "Public Service and Safety Equipment" proposal voted on by Council. This would allow the City's ARPA funding to pay for this initiative while considering another project with the Bristol County ARPA money.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

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**City of Fall River**  
*American Rescue Plan Act*

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**PAUL E. COOGAN**  
Mayor

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**KARA HUMM**  
ARPA Director

CITY CLERK  
FALL RIVER, MA

May 2, 2024

Paul E. Coogan  
Mayor  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Coogan:

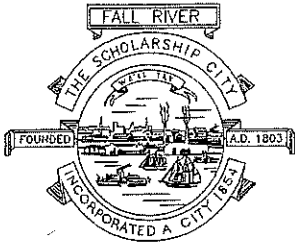
Attached please find the documents that were submitted for the January 9, 2024 City Council Meeting pertaining to Councilor Joseph Camara's proposal seeking ARPA funding from the Bristol County Treasury for the "Public Service and Safety Equipment" and approved by City Council

As the City's ARPA Director, I believe the "Public Service and Safety Equipment" should instead be funded through the City ARPA funds due to the U.S. Department of the Treasury requirements outlined in the Interim Final Rule pertaining to use of State and Fiscal Recovery Funds for Title I Projects. Therefore, I am recommending that the approval for Bristol County Treasury funding for this proposal be rescinded by the Council and considers approval of funding in the amount of \$700,000 for "Lafayette Skatepark" in exchange.

If you could please forward this request to the City Council for their consideration to rescind the approval for the Bristol County Treasury funding of "Public Service and Safety Equipment" at the May 7th City Council Meeting it would be greatly appreciated.

Sincerely,

Kara A. Humm  
ARPA Director



**City of Fall River**  
**Massachusetts**  
**Office of the Mayor**

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2024 APR 30 A 11:51

CITY CLERK  
FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

April 30, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached please find a request forwarded from ARPA Coordinator, Kara Humm, regarding a proposal submitted by Council Laura Sampson for Bristol County ARPA funding for the Lafayette Skate Park Rehabilitation.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

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**City of Fall River**  
*American Rescue Plan Act*

**PAUL E. COOGAN**  
Mayor

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2024 APR 29 P 12:52

**KARA HUMM**  
ARPA Director

CITY CLERK  
FALL RIVER, MA

May 2, 2024

The Honorable Paul Coogan  
Mayor of the City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mr. Mayor:

Attached please find Councilor Laura Sampson's proposal seeking ARPA funding from the Bristol County Treasury.

If you could please include this proposal on the agenda for the May 7<sup>th</sup> City Council Meeting it would be greatly appreciated.

Sincerely,

Kara Humm  
ARPA Director

ARPA Fund Use:      **LAFAYETTE SKATEPARK REHABILITATION**  
Proposal by Councilor Laura Sampson

Description of Proposal:      Purchase of equipment to increase public service and  
Safety programs and capacity.

Requested ARPA Funds: \$700,000.00

	Description	Total
	Design and Construction of a 7000 sq ft Skatepark	\$700,000.00
<b>TOTAL</b>		\$700,000.00

Category: 2: Negative Economic Impact:

2.22 Strong Healthy Communities:  
Neighborhood Features that Promote Health and Safety

Rationale for ARPA Funding:

The original plan was to install and/or rehabilitate skateparks in Abbott, North, and Lafayette Parks, however it was not financially feasible and therefore the proposal is to rehabilitate and upgrade the existing skatepark in Lafayette Park.

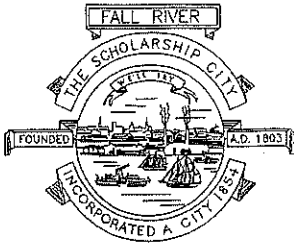
Lafayette Park was selected as it is centrally located within the City of Fall River in an Environmental Justice neighborhood and Qualified Census Tract 6413 BG 5. Although not in the urban renewal area of the Flint, it is directly adjacent, allowing disadvantaged youth to easily access the skateboard park.

The funding will allow for the design and construction of a 7000 sq ft skateboard park that will rehabilitate the old, worn and crumbling concrete ramps, structures, and surface. The funding will allow the creation of the only state of the art skatepark in the city, and provide youth and adults with access to outdoor recreational space.

CITY CLERK  
FALL RIVER, MA

2024 APR 29 PM 12:52

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**City of Fall River**  
**Massachusetts**  
**Office of the Mayor**

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2024 APR 25 P 1:51

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA \_\_\_\_\_

**PAUL E. COOGAN**  
*Mayor*

April 25, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached please find a request forwarded from the Engineering Department with proposed permit fee increases for your consideration.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



## ENGINEERING CITY OF FALL RIVER

PAUL E. COOGAN

*Mayor*

DANIEL AGUIAR

*Director of Engineering & Planning*

March 12, 2024

The Honorable Mayor Paul E. Coogan  
City of Fall River  
One Government Center  
Fall River, MA 02722

RE: Proposed Engineering Department Fee Increase

Dear Mayor Coogan:

I respectfully request that you forward the following proposed Engineering Department Permit Fee Increases to the Fall River City Council for consideration and adoption.

**SS A110-13 Chapter 66, Streets, Sidewalks and Other Public Places.**

<b>Section</b>	<b>1996 Fee</b>	<b>2024 Proposed Fee</b>
66-64 Permit for the removal of curbing for the installation of a private driveway	\$125.00	\$250.00
66-67 Permit for the connection to a public street for installation of a private driveway	\$125.00	\$250.00
66-185 Construction or repair of private ways		
(1) Minor repairs	\$45.00	\$150.00
(2) Application fee for major repairs, Construction or reconstruction.	\$315.00	\$500.00
<b>Section</b>	<b>2000 Fee</b>	<b>2024 Proposed Fee</b>
66-320 Street Excavation Permit		
(1) Administrative charges	\$60.00	\$100.00
(2) Street Opening Inspection Fee	\$190.00	\$300.00
<b>Section</b>	<b>2008 Fee</b>	<b>2024 Proposed Fee</b>
66-441 Trench Permit	125.00	200.00

As always, I am available to discuss the proposal if requested.

Sincerely,  
For the City of Fall River

Daniel Aguiar  
Director of Engineering and Planning, City Engineer



# City of Fall River, *In City Council*

7

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Section A110-13 of Appendix A – Fee Schedule of the Code of the City of Fall River, Massachusetts, 2018, which Section relates to Streets, Sidewalks and Other Public Places, be amended as follows:

By striking out the following sections:

<b>§ 66-64 Permit for removal of curbing for installation of private driveway</b>	<b>\$125</b>
<b>§ 66-67 Permit for connection to a public street for installation of a private driveway</b>	<b>\$125</b>
<b>§ 66-185 Construction or repair of private ways</b>	
(1) Application fee for minor repairs	\$45
(2) Application fee for major repairs, construction or reconstruction	\$315
<b>§ 66-320 Street excavation permit</b>	
(1) Administrative charges	\$60
(2) Street opening inspection fee	\$190
<b>§ 66-441 Trench permit</b>	<b>\$150</b>

and inserting in place thereof, the following:

<b>§ 66-64 Permit for removal of curbing for installation of private driveway</b>	<b>\$250</b>
<b>§ 66-67 Permit for connection to a public street for installation of a private driveway</b>	<b>\$250</b>
<b>§ 66-185 Construction or repair of private ways</b>	
(3) Application fee for minor repairs	\$150
(4) Application fee for major repairs, construction or reconstruction	\$500
<b>§ 66-320 Street excavation permit</b>	
(3) Administrative charges	\$100
(4) Street opening inspection fee	\$300
<b>§ 66-441 Trench permit</b>	<b>\$200</b>



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

8

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2024 MAY -9 P 2:02

CITY CLERK  
FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find proposed amendments to Chapter 2 of the Code of the City of Fall River.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

# City of Fall River, *In City Council*

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Administration, be amended as follows:

## Section 1.

By striking out in Section 2-207, which section pertains to *Department of Community Services*, subsection B, in its entirety, and inserting in place thereof the following

- B. Divisions. The Divisions within the Department of Inspectional Services shall be the Code Enforcement Division and Weights and Measures Division.

## Section 2.

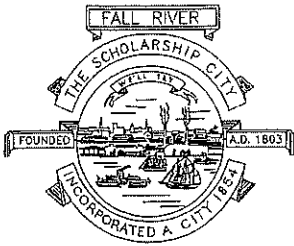
By striking out in Section 2-216, which section pertains to *Department of Health and Human Services*, subsection B, in its entirety, and inserting in place thereof the following:

- B. Divisions. The Divisions within the Department of Health and Human Services shall be the Nursing Division, Food and Milk Inspectors, Tobacco Control, Mass in Motion, Youth Services, Council on Aging, Minimum Housing Division. The Minimum Housing Division shall include minimum housing inspectors and sanitation inspectors.

## Section 3.

By striking out in Section 2-802, which section pertains to *Established; staff; Inspector of Buildings*, subsection A, in its entirety, and inserting in place thereof the following:

- A. Divisions. There shall be a Department of Inspectional Services which shall include the local code enforcement inspectors and the Sealer of Weights and Measures.



**PAUL E. COOGAN**  
*Mayor*

**City of Fall River**  
**Massachusetts**  
**Office of the Mayor**

RECEIVED  
2024 MAY -9 A 10:39

CITY CLERK  
FALL RIVER, MA

May 9, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

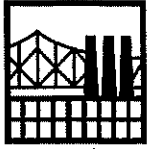
Attached for your consideration please find a request from Treasurer/Collector, Ian Schachne, for a proposed Deed transfer of three (3) parcels of vacant land currently held as Tax Possessions by the city to the Watuppa Water Board.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



## TREASURER

CITY OF FALL RIVER

May 9, 2024

Paul Coogan, Mayor  
City of Fall River  
One Government Center  
Fall River, MA 02721

Re: Proposed Sale of Tax Possessions Off Blossom Road  
Assessors Parcel ID#s W15-0061, W15-0076, W15-0077

Dear Mr. Mayor:

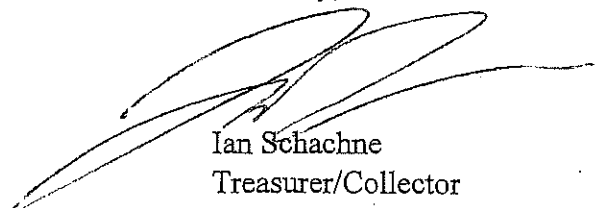
Attached please find a proposed Deed transferring control and supervision of three (3) parcels of vacant land currently held by the City as Tax Possessions to the City of Fall River Watuppa Water Board for the sole purpose of watershed protection and conservation of natural resources as set forth in Article 97 of the Constitution of the Commonwealth of Massachusetts. The parcels were acquired by the City in 1934 as Land of Low Value.

When a Tax Possession is transferred to a municipal purpose, as in the present matter, the City must reimburse the Tax Possession Account based on an Appraisal of the property being transferred. The Watuppa Water Board caused such an Appraisal to be conducted and the Appraisal determined the fair market value of the combined parcels to be \$30,000.00. The attached proposed Deed recites the \$30,000.00 as the consideration for the Deed. It is my understanding that the Watuppa Water Board secured the funds for the transfer from a Community Preservation Grant.

Pursuant to General Laws Chapter 40, Section 3 and Chapter 60, Section 77B since the Tax Possessions are not being sold pursuant to an Auction by the Tax Custodian, it is necessary to obtain approval of the City Council for the transfer. Please accept this letter as a request that you forward the attached proposed Deed to the City Council and request that the City Council approve the transfer of Assessors Parcel ID#s W15-0061, W15-0076, W15-0077 to the City of Fall River Watuppa Water Board for the sole purpose of watershed protection and conservation of natural resources.

Please contact me at (508) 324-2260 if you have any questions.

Sincerely,



Ian Schachne  
Treasurer/Collector

## DEED

The CITY OF FALL RIVER, a municipal corporation duly existing under the laws of the Commonwealth of Massachusetts, One Government Center, Fall River, Massachusetts, 02722

for consideration given and in full consideration of Thirty Thousand and 00/100 (\$30,000.00) Dollars paid to its Tax Possession Account

hereby transfers to the control and supervision of the CITY OF FALL RIVER WATUPPA WATER BOARD, One Government Center, Fall River, MA 02722, for the sole purpose of watershed protection and conservation of natural resources as set forth in Article 97 of the Constitution of the Commonwealth of Massachusetts, and not to be used for other purposes or otherwise disposed of except in accordance with the provisions of Article 97 of the Article of Amendment of the Constitution of the Commonwealth of Massachusetts

the vacant land in Fall River, Massachusetts described as follows:

Fall River Assessors Map Parcel ID# W15-0061  
Off Blossom Road, Fall River, MA

Fall River Assessors Map Parcel ID# W15-0076  
Off Blossom Road, Fall River, MA

Fall River Assessors Map Parcel ID# W15-0077  
Off Blossom Road, Fall River, MA

Being the same premises conveyed to the CITY OF FALL RIVER by a Treasurer's Deed dated November 6, 1935 and recorded with the Bristol County (Fall River District) Registry of Deeds in Book 415, Page 21; a Treasurer's Deed dated November 6, 1935 and recorded with the Bristol County (Fall River District) Registry of Deeds in Book 415, Page 19; and a Treasurer's Deed dated November 6, 1935 and recorded with the Bristol County (Fall River District) Registry of Deeds in Book 415, Page 20, respectively.

This conveyance is made pursuant to a vote of the Fall River City Council dated \_\_\_\_\_, an attested copy of which is attached hereto and incorporated herein.

SIGNATURES FOLLOW ON NEXT PAGE

VACANT LAND- OFF BLOSSOM ROAD  
FALL RIVER, MASSACHUSETTS

Executed as a sealed instrument this       day of       , 2024

CITY OF FALL RIVER  
BY ITS MAYOR

\_\_\_\_\_  
PAUL COOGAN

APPROVED AS TO LEGALITY & FORM

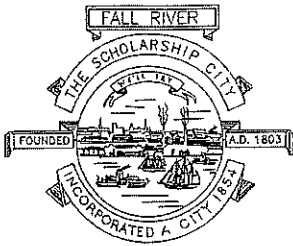
\_\_\_\_\_  
MATTHEW J. THOMAS, ESQ.  
SPECIAL COUNSEL

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this       day of       2024, before me the undersigned notary public, personally appeared PAUL COOGAN, whose identity were proved to me by personal knowledge to be the person whose name is signed on the preceding or attached documents and acknowledged to me that he signed it voluntarily as the Mayor of the City of Fall River, and as his and its free act and deed

\_\_\_\_\_  
Notary Public  
My commission expires:



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

RECEIVED

2024 MAY -9 A 10:40

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find the Tax Increment Financing Agreement by and between the City of Fall River and InvaGen Pharmaceuticals, Inc., and Madison FR Properties, Inc..

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



RESOLUTION  
APPROVING  
TAX INCREMENT FINANCING AGREEMENT  
BY AND BETWEEN  
THE CITY OF FALL RIVER  
AND  
INVAGEN PHARMACEUTICALS INC.  
(COMPANY)  
AND  
MADISON FR PROPERTIES LLC  
(PROPERTY OWNER)

- Whereas,** on January 25, 2024, InvaGen Pharmaceuticals Inc and Madison FR Properties LLC submitted Tax Increment Finance Application to the City of Fall River Tax Increment Finance Board as part of the Massachusetts Economic Development Program Incentive Program (EDIP); and
- Whereas,** the City of Fall River has been designated a Gateway Municipality by the Commonwealth of Massachusetts and InvaGen Pharmaceuticals Inc plans to invest an estimated \$20,000,000 for a 45,000 +/- s/f build out at 594 Airport Road which will allow InvaGen to upgrade and expand the facility for research development, manufacturing and distribution operations within Fall River,
- Whereas,** InvaGen Pharmaceuticals Inc agrees to lease 594 Airport Road from Madison FR Properties LLC and create fifty (50) new fulltime jobs in Fall River within eight (8) years of the CITY issuing the COMPANY a Certificate of Occupancy; and
- Whereas,** Madison FR Properties LLC agrees to pass on the approved Tax Increment Financing savings Inc. in the form of a reduction on its Triple NNN expense for Real Estate Tax to InvaGen Pharmaceuticals; and
- Whereas,** InvaGen Pharmaceuticals Inc is seeking Certified Project Status and is seeking Certified Project Status and Local Incentive Only Project approval under the Massachusetts Economic Development Program Incentive Program created by Chapter 23A of the Massachusetts General Laws, Chapter 166 of the Acts of 2009 and 402 CMR 2.00 and will have a reasonable chance of InvaGen Pharmaceuticals Inc. creating employment opportunities for residents of the Economic Target Area; and

**Whereas,** the City of Fall River Tax Increment Finance Board approved the InvaGen Pharmaceuticals Inc and Madison FR Properties LLC agreement for Tax Increment Financing on January 25, 2024; and

**Whereas,** the proposed EDIP Local Incentive Only Application Project is located at 594 Airport Road, Fall River MA, is within the boundaries of the Gateway Municipality of Fall River; and

**Whereas,** approval of the InvaGen Pharmaceutical, Inc and Madison FR Properties LLC EDIP Local Incentive Only Project Application by the Massachusetts Economic Assistance Coordinating Council in accordance with the above referenced laws, rules and regulations of the Commonwealth is hereby accepted by the City Council,;

**Now, Therefore,** be it resolved that the Tax Increment Financing Board of the City of Fall River hereby approves the InvaGen Pharmaceuticals Inc and Madison FR Properties LLC EDIP Local Incentive Only Project application and Certified Project Status and forward said application and final project certification to the Massachusetts Economic Assistance Coordinating Council for its approval and endorsement.



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**  
Mayor

May 9, 2024

RECEIVED

2024 MAY -9 P 2:02

CITY CLERK  
FALL RIVER, MA

Council President  
Members of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$189,371.74 That the sum of \$189,371.74 be, and the same is, hereby transferred to the CAPITAL PROJECT FUND from the FY23 SURPLUS REVENUE.

\*This transfer of funds is to be appropriated to closed out projects from prior years. This is being done to follow the Department of Revenue's guidelines when certifying the City's Free Cash for Fiscal Year 2024.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Paul Coogan  
Mayor

PC/amos

**City of Fall River, *In City Council***

**May 14, 2024**

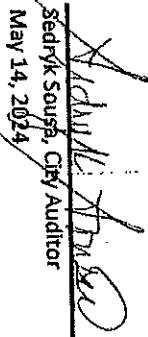
**ORDERED:**

**That the sum of \$189,371.74 be, and the same is, hereby transferred to Capital Project Fund from FY23 Surplus Revenue.**

# FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 2023 SURPLUS REVENUE	\$ 9,358,155.57	\$ (189,371.74)	\$ 9,168,783.83
Capital Project Fund - Watson School Repair - <u>FISCAL YEAR 2023 DEFICIT</u>	\$ (175,856.39)	\$ 175,856.39	\$ -
Capital Project Fund - ADA Improvements - <u>FISCAL YEAR 2023 DEFICIT</u>	\$ (1,192.63)	\$ 1,192.63	\$ -
Capital Project Fund - Kennedy Tennis/Pickle Ball - <u>FISCAL YEAR 2022 DEFICIT</u>	\$ (12,322.72)	\$ 12,322.72	\$ -

I certify that there are sufficient funds available for these transfers.

  
 Sedrick Soups, City Auditor  
 May 14, 2024

113



**City of Fall River  
Massachusetts  
Office of the Mayor**

RECEIVED

2024 MAY -9 P 2:02

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

Councilor President  
Members of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$636,878.38 That the sum of \$636,878.38 be, and the same is, hereby transferred to the OPEB FUND from the FY23 SURPLUS REVENUE.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

*Paul Coogan*  
Paul Coogan  
Mayor

PC/amos

*City of Fall River, In City Council*

May 14, 2024


**ORDERED:**

**That the sum of \$636,878.38 be, and the same is, hereby transferred to OPEB Fund from Fiscal Year 2023 Surplus Revenue.**

# FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 23 SURPLUS REVENUE	\$ 6,368,783.83	\$ (636,878.38)	5,731,905.45
OPEB FUND	\$ 2,051,063.15	\$ 636,878.38	2,687,941.53

I certify that there are sufficient funds available for these transfers.

  
Sedrick Sousa, City Auditor  
May 14, 2024





**PAUL E. COOGAN**  
*Mayor*

**City of Fall River**  
**Massachusetts**  
Office of the Mayor

RECEIVED

2024 MAY -9 P 2:02

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

May 9, 2024

Council President  
Members of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Council President and Members of the Honorable Council:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$179,588.00 That the sum of \$179,588.00 be, and the same is, hereby appropriated to the SEWER, FY 24 OPERATIONAL BUDGET from the SEWER, STABILIZATION FUND.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Paul E. Coogan  
Mayor

PC/amos

*City of Fall River, In City Council*

May 14, 2024

**ORDERED:**

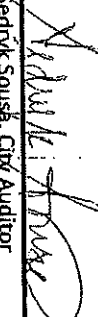
**That the sum of \$179,588.00 be, and the same is, hereby transferred to Sewer Fiscal Year 2024 Operational Budget from the Sewer Stabilization Fund, to cover prior year deficits.**

11c

FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 2024 OPERATIONAL BUDGET	\$ 27,615,277.00	\$ 179,588.00	\$ 27,794,865.00
SEWER STABILIZATION FUND	\$ 764,657.08	\$ (179,588.00)	\$ 585,069.08

I certify that there are sufficient funds available for these transfers.

  
Sedrick Souse, City Auditor  
May 14, 2024



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

12  
RECEIVED

2024 MAY -9 P 2:30

CITY CLERK  
FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

May 9, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find a copy of the deed conveying Parcel ID# I-06-0022, vacant land at the corner of Columbia and Canal Streets, as a gift to the City of Fall River from the Roman Catholic Bishop of Fall River, Inc.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

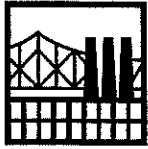
Paul E. Coogan  
Mayor

PC/amos

12

City of Fall River, *In City Council*

ORDERED, that pursuant to the requirements of Massachusetts General Laws, Chapter 40, Section 14, the City Council accepts the attached Deed from the Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River, Inc.) to the land thereon located at the southwest corner of Columbia Street and Canal Street (Parcel ID# I-06-0022) which shall be held as surplus municipal property, and authorizes the Corporation Counsel of the City of Fall River to cause said Deed to be recorded with the Bristol County (Fall River District) Registry of Deeds.



**OFFICE OF THE  
CORPORATION COUNSEL**  
CITY OF FALL RIVER

12

RECEIVED

2024 MAY -9 P 2:13

CITY CLERK  
FALL RIVER, MA

5/9/2024

Mayor Paul Coogan  
One Government Center  
Fall River, MA 02722

RE: DEED OF GIFT OF PROPERTY AT COLUMBIA AND CANAL ST.  
Assessor Parcel ID: I-06-0022

Dear Mayor Coogan:

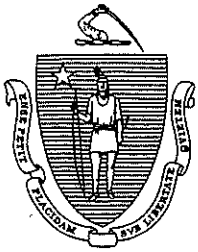
Attached please find a copy of a deed from the Roman Catholic Bishop of Fall River, in Corporation Sole, to the City of Fall River conveying by gift the vacant land at the corner of Columbia and Canal St and more fully shown as assessor's parcel id I-06-0022.

Please accept this letter as a request that you forward this copy of the deed to the City Council in request that they authorize you to accept the deed on behalf of the city.

Please contact me if you have any questions.

Very Truly Yours,

  
Kenneth Fredette  
Assistant Corporation Counsel



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

12

William Francis Galvin  
Secretary of the  
Commonwealth

May 1, 2024

TO WHOM IT MAY CONCERN:

I hereby certify that according to records in this office, it appears that

**ROMAN CATHOLIC BISHOP OF FALL RIVER** was incorporated on **June 1, 1904**, as a  
body politic and corporation sole under the laws of this Commonwealth.

I also certify that so far as appears of record here, said corporation still has legal  
existence.



In testimony of which,

I have hereunto affixed the

Great Seal of the Commonwealth

on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

Processed By BOD

12

Return to:  
Alan Rumsey, Esq.  
City of Fall River  
One Government Center  
Fall River, MA 02722

---

The space above this line is reserved for recording information

---

**QUITCLAIM DEED**

Property Address: Corner of Columbia Street and Canal  
Street, Fall River, Massachusetts

**Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River, Inc), a Massachusetts corporation sole**, with a principal place of business of 450 Highland Avenue, Fall River, Massachusetts 02720 ("**Grantor**"), for consideration paid, in the amount of **less than One Dollar (\$1.00)**, hereby grant and convey to the **City of Fall River**, a municipal corporation with a principal place of business of 1 Government Center, Fall River, Massachusetts 02722.

with **QUITCLAIM COVENANTS**,

The Land in the City of Fall River, County of Bristol, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the southwest corner of Columbia Street and Canal Street, thence running northerly by said Canal Street One Hundred Five and 50/100 (105.50) feet to land now or formerly of Margaret Lahey; thence running easterly by last named land One Hundred Forty-five (145) feet; thence running southerly One Hundred Five and 50/100 (105.50) feet to Columbia Street thence running Westley by Columbia Street One Hundred Fortythree and 18/100 (143.8) feet to Canal Street and the point of beginning: containing Fifty-five and 820/1000 (55.820) square rods of land, more or less.

This conveyance is made together with and subject to all recorded easements, encumbrances, conditions, restrictions and agreements and all other matters of record that lawfully apply to the property hereby conveyed, to the extent in force and applicable.

The Grantor certifies that the conveyance hereunder does not constitute a sale of substantially all the property and assets of the Grantor nor will it result in the material change in the nature of the activities conducted by the Grantor and therefore, no notice was required to be given to the Attorney General of the Commonwealth of Massachusetts per General Laws Chapter 180, Section 8A(c).

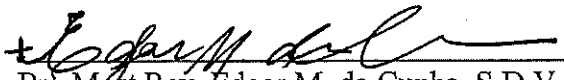
The property conveyed by this instrument is not homestead property of the Grantor.

For Grantor's title see Deed from John C. Travis and Minnie C. Travis dated September 22, 1949, recorded in Bristol County (Fall River District) Registry of Deeds in Book 515, Page 110. Santo Christo Church of Fall River, Inc merged with The Roman Catholic Bishop of Fall River, A Corporation Sole on February 8, 2024.



12  
WITNESS my hand and seal this 25<sup>th</sup> day of April, 2024.

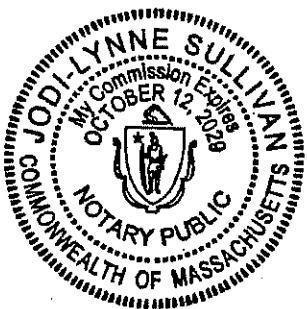
Roman Catholic Bishop of Fall River  
A Corporation Sole

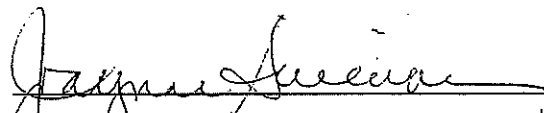
  
By: Most Rev. Edgar M. da Cunha, S.D.V.

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 25<sup>th</sup> day of April 2024, before me, the undersigned notary public, personally appeared Most Rev. Edgar M. da Cunha, S.D.V., Bishop of Fall River, proved to me through satisfactory evidence of identification, which were: ☐ Massachusetts driver's license; ☐ personal knowledge; ☐ United States Passport, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief in his capacity as the Roman Catholic Bishop of Fall River, A Corporation Sole



  
Notary Public JODI-LYNNE SULLIVAN  
My Commission Expires: OCTOBER 12, 2029

12

**CERTIFICATE OF AUTHORITY AND INCUMBENCY**  
**Roman Catholic Bishop of Fall River, a Massachusetts corporation sole**

This Certificate of Authority and Incumbency is made as of the 29<sup>th</sup> day of April 2024, by Kevin R. Kiley, Assistant Clerk, Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River), a Massachusetts corporation sole.

Kevin R. Kiley hereby states and certifies that Edgar M. da Cunha, S.D.V., D.D., is the Roman Catholic Bishop of Fall River, a Massachusetts corporation sole by virtue of:

1. Section 4 of Chapter 390 of the Massachusetts Acts of 1904;
2. His Appointment by the Holy See to the office of Bishop of Fall River; and
3. His filing with the Secretary of the Commonwealth of Massachusetts in conformance with the procedure set forth in Section 4 of Chapter 390 of the Massachusetts Acts of 1904.

Kevin R. Kiley further states and certifies that Edgar M. da Cunha, S.D.V., D.D. by virtue of the above and by virtue of Chapter 390 of the Massachusetts Acts of 1904, is empowered to manage and dispose of real estate received and held by the Roman Catholic Bishop of Fall River, a Massachusetts corporation sole, and to convey such real estate by deed as the Roman Catholic Bishop of Fall River, a Massachusetts corporation sole, including, but not limited to, the conveyance of Land in Fall River County of Bristol, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the southwest corner of Columbia Street and Canal Street, thence running northerly by said Canal Street One Hundred Five and 50/100 (105.50) feet to land now or formerly of Margaret Lahey; thence running easterly by last named land One Hundred Forty-five (145) feet; thence running southerly One Hundred Five and 50/100 (105.50) feet to Columbia Street thence running Westley by Columbia Street One Hundred Fortythree and 18/100 (143.8) feet to Canal Street and the point of beginning: containing Fifty-five and 820/1000 (55.820) square rods of land, more or less, to the City of Fall River, a Massachusetts municipal corporation.

*[Page Ends Here – Signature on Following Page]*

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Executed under seal, as of the 29<sup>th</sup> day of April, 2024.

ROMAN CATHOLIC BISHOP OF FALL RIVER,  
(s/b/m to Santo Cristo Church of Fall River),  
a Massachusetts corporation sole

By: Kevin R. Kiley  
Kevin R. Kiley,  
its Assistant Clerk  
Duly Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

On this 29<sup>th</sup> day of April, 2024, before me, the undersigned notary public, personally appeared Kevin R. Kiley, Assistant Clerk of Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River), a Massachusetts corporation sole, and proved to me through satisfactory evidence of identification, based upon my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and acknowledged to me that he signed said document as Assistant Clerk of the Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River), a Massachusetts corporation sole, to be the free act and deed of the Roman Catholic Bishop of Fall River (s/b/m to Santo Cristo Church of Fall River), a Massachusetts corporation sole.



Diane Pray  
Notary Public  
Printed Name: Diane Pray  
My Commission Expires: OCTOBER 21, 2027



**City of Fall River**  
**Massachusetts**  
Office of the Mayor

**PAUL E. COOGAN**  
*Mayor*

RECEIVED

2024 MAY -9 P 2:13

CITY CLERK  
FALL RIVER, MA

May 9, 2024

City Council President  
Member of the Honorable Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find a 10 year contract for the Operation, Maintenance and Management of the Wastewater Treatment Facilities and Collection Systems.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

**City of Fall River, *In City Council***

ORDERED, that the Mayor, through the Sewer Commission be and the same is hereby authorized to enter into an Agreement for a term duration of ten years for the operation, maintenance and management of the Wastewater Treatment Facility, associated Pumping Stations and Collection Systems (sewer and storm water). Said term shall be July 1, 2024, through June 30, 2034.

13



**COMMUNITY UTILITIES -  
WATER - SEWER**  
CITY OF FALL RIVER



May 8, 2024

Mayor Paul E. Coogan  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Coogan:

It is respectfully requested that the award of a 10 year contract for Operation, Maintenance and Management of the Wastewater Treatment Facilities and Collection Systems with Inframark be forwarded to the City Council for approval as contracts greater than 3 years require their approval. This contract was received and approved by the Sewer Commission at its April 30, 2024 meeting. Inframark was the low bidder for the 10 year contract totaling \$88,153,549.00.

The current 10 year contract with Veolia North America for the Operation, Maintenance and Management (OM & M) of the Wastewater Treatment Facilities, pumping stations, sewer system, CSO facilities and storm water systems expires on June 30, 2014. As such, approval is required in a timely manner to allow for transition of operations.

As always, I am available for any questions or meetings as needed.

Sincerely,

Paul J. Ferland, EIT  
Administrator of Community Utilities

PJF/omc

**AGREEMENT  
for the  
OPERATIONS, MAINTENANCE, and MANAGEMENT SERVICES  
for the  
FALL RIVER WASTEWATER TREATMENT FACILITIES,  
PUMPING STATIONS,  
SEWER SYSTEMS, STORMWATER SYSTEMS,  
COMBINED SEWER OVERFLOW FACILITIES  
AND ALL RELATED ACTIVITIES**

THIS AGREEMENT made on this 1<sup>st</sup> day of July 2024, by and between:

The Fall River Sewer Commission (hereinafter "Owner") and Inframark LLC, a limited liability company organized and existing under the laws of the state of Texas, the Selected Contract Operator (hereinafter "SCO").

WHEREAS, the Owner owns the Fall River Wastewater Treatment Facility and seventeen (17) pumping stations, sewer systems, stormwater systems and CSO Facilities (hereinafter referred to as the "Project") as defined in Appendix B.

WHEREAS, the Owner has the authority under the laws of the Commonwealth of Massachusetts to enter into a professional services contract for the operation, maintenance and management of said Project;

WHEREAS, SCO, an independent contractor, is capable of and experienced in providing professional operations, maintenance and management services for said Project;

NOW, THEREFORE, in consideration of the mutual covenants and agreements, hereinafter set forth, the Owner and SCO agree as follows:

**1. PURPOSE**

The Owner agrees to engage SCO as an independent contractor to operate, maintain and manage the Project during the term of this Agreement.

**2. GENERAL**

- 2.1) Definitions of words or phrases used in this Agreement are contained in Appendix A.
- 2.2) All grounds, facilities, equipment and vehicles now owned by Owner, acquired by Owner, or acquired by SCO through the Project, shall remain the property of the Owner.
- 2.3) This Agreement shall be governed by and interpreted in accordance with

the laws of the Commonwealth of Massachusetts.

- 2.4) This Agreement shall be binding upon the successors and assigns of each of the parties, but SCO shall not assign this Agreement without the prior consent of the Owner.
- 2.5) All notices shall be in writing and shall be delivered in person or transmitted by certified or registered mail, return receipt requested.

Notices required to be given to the Owner shall be addressed to:

Paul J Ferland  
 Administrator of Community Utilities  
 Fall River Sewer Commission  
 One Government Center  
 Fall River, MA 02722

Notices required to be given to SCO shall be addressed to:

Name: Andy Appleton  
 Title: President  
 Company: Inframark LLC  
 Address: 2002 West Grand Parkway North  
 Suite 100  
 Katy, TX 77449

With a copy to:

Legal Department  
 Inframark LLC  
 2002 West Grand Parkway North  
 Suite 100  
 Katy, TX 77449

- 2.6) This Agreement, including Appendices, the invitation to bid and the SCO bid submittal is the entire Agreement between the parties.  
 This Agreement may be modified only by written agreement signed by both parties. Wherever used, the terms "SCO" and "Owner" shall include the respective officers, agents, directors, elected or appointed officials, and employees.
- 2.7) Should the existing Project Manager and/or the Assistant Project Manager refuse to accept their current positions, upon award of the contract the SCO, shall assign a designated Project Manager to Fall River 14 days prior to start-up.  
 The SCO Project Manager must be approved by the Administrator of Community



Utilities. The SCO Project Manager shall prepare a mobilization plan which will include a Project Support Team to be on site seven (7) days prior to start-up. The Project Support Team shall also be available and utilized by the SCO Project Manager on an "on-going, as needed" basis throughout the life of the Project. Expert skills represented on this team shall include facility management, all aspects of preventive and corrective maintenance, laboratory analysis and management, collection system maintenance, process control, industrial pretreatment, sludge processing and air pollution control, public relations, training, health and safety issues, biological and chemical assessment of process control issues, and other industry specialties. The Project Support Team shall be a function of corporate overhead and shall not be included within the budgeted labor or expense accounts.

Following start-up, the Project Support Team shall confer as needed to:

- review Project performance, including a written report of findings as requested the Owner covering all aspects of the Project including financial, process control, energy conservation, etc.;
  - evaluate and provide operational reports as to engineering studies, regulatory changes, facility upgrades and other Owner projects as requested;
  - provide expert recommendations on all aspects of the Project with a major emphasis on facility maintenance.
- 2.8) The Monthly Discharge Monitoring Reports (DMR's) shall be signed jointly by the Owner and SCO. The Monthly Operation and Maintenance Forms shall be signed by SCO and copies will be sent to both the Owner and the Department of Environmental Protection (DEP). The SCO shall manage the conversion to e-filing for both the MA DEP and the EPA for all submittals. The SCO shall prepare all filings and the Owner shall certify as needed.
- 2.9) The SCO will inventory all equipment, furniture, tools, vehicles and spare parts, etc., by October 1, 2024. Said inventory shall be submitted to the Owner for review. Upon approval by the Owner, said inventory will become a part of this contract and attached as Appendix H. The SCO shall prepare an inventory every June 30 for the duration of the contract.
- 2.10) This Agreement recognizes and honors all terms, conditions and responses as requested in the Owner's Invitation to Bid and accepts this document as an out-growth of said Invitation to Bid as submitted by the SCO. The terms and conditions of Owner's Invitation to Bid is hereby incorporated herein and made a part hereof. The SCO shall be bound by the applicable goals, recommendations, and company quality as specified in their bid proposal. In the event of any conflict between the terms of this Agreement and the Invitation to Bid, the terms of this Agreement shall govern and control.

- 2.11) The SCO shall perform an internal audit related to the Project as needed or as requested by the Owner. The Project audit should evaluate performance factors related to: facilities and equipment, contract compliance, regulatory permit compliance, financial performance, personnel performance, chemical and utility efficiencies, technical ability, and other associated factors. The results of the internal audit shall be submitted in writing to the Owner within thirty (30) working days after the audit.

### 3. SCOPE OF SERVICES – SCO

The SCO shall:

- 3.1) Within design capacity and capability of the Project, manage, operate and maintain the Project so that effluent discharged from the Project meets the requirements specified in Appendix C and the Owner's NPDES Permits. SCO may alter the process and/or facilities to achieve the objectives of this Agreement; provided however, that no alteration shall be without Owner's written approval if the alteration shall cost in excess of Ten Thousand Dollars (\$10,000). Physical modifications which would affect plant operations must first be approved by the Department of Environmental Protection (DEP) in accordance with 314-CMR-12.00. The SCO will also provide all process control systems that will allow ready access to all process data and trends. Provide a Monthly Operations Report (MOR) by the last day of each month for the preceding month (i.e. July MOR is due August 31).
- 3.2) Provide management, administrative and expert analytical services in connection with the Owner's Industrial Pretreatment Program including sampling, monitoring, and preparation of required reports, as required. Current Significant Industrial Users (SIU) are listed in Appendix D. Results of all industrial sampling and testing shall be reported to the Owner in a timely manner. Said services shall be performed as needed and may encompass all testing parameters associated with the given instrumental and wet-chemical capabilities of the laboratory, and/or outside labs as needed. Further, the SCO shall, by September 1<sup>st</sup> of each year, prepare and submit three (3) copies of the Annual Industrial Pretreatment Report to the Owner.
- 3.3) Provide Owner with full documentation that preventive maintenance is being performed on all Owner's equipment in accordance with manufacturer's

recommendations utilizing a Maintenance Management System as approved by the Owner. The SCO will provide sufficient documentation in the Monthly Operating Report (MOR) that documents corrective and preventive maintenance. The SCO will provide an Annual Maintenance Report by August 1<sup>st</sup> of each year that summarizes the status of major equipment systems and the work performed on major equipment systems for the preceding fiscal year. The Annual Report shall also update the Capital Improvement Program (CIP) analysis each year and make recommendations for capital improvements for the coming year. A spare parts inventory shall also be provided. The Owner maintains the exclusive right to inspect these records at all times. The Owner maintains the exclusive right to request any type of maintenance report or update from the SCO at any time.

- 3.4) The Facilities/Stations Repairs and Replacement Budget is set at \$500,000 per year and must not be exceeded. Any funds not expended shall be reimbursed to the Owner at 100%. The SCO shall not exceed the Repairs and Replacement Budget. The Owner reserves the right to adjust the annual Facilities/Stations Repairs and Replacement Budget

The SCO accounts for and pays all costs and manages the Facilities to minimize the cost and maximize the optimal conditions at the Facilities. Again, the SCO shall not exceed the Facilities/Stations Repairs and Replacement Budget. There is no method for reimbursement for exceeding the Repairs and Replacement budget. In the event of a catastrophe the Owner and SCO can meet to discuss options. The SCO shall properly manage the account and provide a reasonable schedule for maintenance and continual improvement to the Facilities. Project labor costs shall not be included in this budget.

- 3.5) Provide the Owner with an accounting of repairs on a monthly and an as needed basis. The SCO will provide Owner with a detailed list of repairs within the MOR.
- 3.6) Provide a staff of fifty (50) qualified personnel, including management, administrative, operational, technical, maintenance, collection systems, laboratory and clerical who meet relevant State of Massachusetts requirements and certifications. Staff shall be experienced and properly licensed regarding wastewater treatment/collection system operations and maintenance and capable to operate and maintain the Owner's facilities. The SCO shall offer existing positions and negotiate fairly and equitably with all existing employees at the Owner's Facilities. The SCO shall offer comparable total compensation packages to all existing employees who were employed as of June 30, 2024, which includes wage rates equal to or greater than the existing wage rates. The Plant Manager, Assistant Plant Manager and all Supervisory Managers must maintain their

current positions at the Owner's Facility at the aforementioned wage and benefit requirements.

The SCO shall provide sufficient technical support and engineering expertise for the proper operation of the facilities. Engineering and technical support expertise shall be a function of the SCO corporate overhead and shall not be included within the labor and expense accounts.

The SCO shall submit to the Owner a staffing plan within 60 days of Project start-up in accordance with 314-CMR-12.00. The staffing plan will contain a complete list of all personnel individual certification levels and positions.

The staffing level (50) can be decreased only with written approval by the MA DEP and the Owner.

Any staffing adjustment decrease in personnel shall see 100% of wages, benefits and overtime returned to the Owner at the time of such staffing adjustment. In the event of a staffing adjustment increase, all specific wages, benefits, overtime, and associated overhead and profit shall be negotiated by SCO and Owner at the time of such staffing adjustment.

The facility staff (50) shall only conduct SCO work exclusively at the Owner's Project. The facility staff (50) shall not conduct work on or at other SCO projects such as, but not limited to; other facilities, O&M project review, evaluation, or start-up teams, project audits of all types, corporate support teams, etc.

The facility staff at the direction of the Owner shall assist other City Departments including but not limited to the Water Department including the Bioreserve, the Park Department and the Department of Community Maintenance.

All corporate or regional meetings, training or safety events, etc. may be attended as long as the facility staff is not depleted by more than 10% and all associated cost (airfare, lodging, meals, tuition, etc.) are a function of corporate overhead and are not included within the budget. Weekly time sheets of all staff personnel shall be submitted to the Owner when requested for verification of on-site presence upon request.

- 3.7) Operate and maintain the facilities over a 24-hour per/day, 7-day per/week period, under this Professional Services Agreement for Operations, Maintenance and Management. All pump stations shall be inspected at least daily. All requirements of 314 CMR 12.00 must be complied with.
- 3.8) Provide the Owner with a full accounting of all expenditures for the Project at intervals and in sufficient detail as may be determined by the Owner. Assist the Owner, as directed, in the preparation of annual operating budgets. Further, the SCO will

provide the Owner with a full financial disclosure of Direct Costs of the Fall River Project and allow the Owner to audit the Direct Costs at any time utilizing the Owner's staff or independent auditors. The cost of any independent audits required by the Owner will be borne by the Owner. In addition, the Owner, or duly authorized agent, may participate in any SCO internal operations audit process and shall be furnished a copy of the internal audit within thirty (30) working days after completion of said audit. Actual labor, materials, and other Direct Costs for the Project shall be accessible as determined by the Owner. This disclosure of expenditure details includes, individual salaries, benefits, and all the details of any budgetary line item. The Owner may request full disclosure of any budgetary line item at any time and the SCO shall supply said information in a reasonable time period.

- 3.9) Pay all costs incurred in Project operations.
- 3.10) Prepare the monthly Discharge Monitoring Reports (DMR's) that shall be jointly signed by the Owner and the SCO and prepare the Monthly Operation and Maintenance Forms that shall be signed by the SCO. The SCO shall manage all e-filings for MA DEP and EPA with the Owner certifying as needed.
- 3.11) Provide for the handling and disposal of screening, grit, sludge and any residuals from the Wastewater Treatment Facilities and/or collection systems. The hauling costs are defined as the Owner's cost and are further defined in Section 5.5.
- 3.12) Provide training for personnel in areas of operation, maintenance, safety, supervisory skills, laboratory, energy management, industrial pretreatment, operations, collection systems, GIS, SCADA, CSO monitoring and mechanical skills necessary in the efficient operation of the Fall River Facilities. The SCO will also implement a safety program and adhere to all portions of the program. All training activities will be documented in the Monthly Report to the Owner.
- 3.13) Perform and/or provide the necessary testing and laboratory analysis including all necessary effluent compliance testing, process control testing, gas chromatography, infrared spectroscopy, or any other testing parameters to comply with the NPDES Permit, optimize POTW performance, or to comply with requests of the Owner. Comply with any sampling/testing requirements including but not limited to those related to the CSO Court Order or Federal/State Agency requests/requirements as approved by the Owner.

Identify sources of industrial interference or pass through. Perform IPP and River sampling/testing programs. Perform periodic testing of sludge for compliance with 40-CFR-503 or other applicable regulations. Appendix I identifies minimum requirements in addition to NPDES and process control testing. All analytical techniques shall conform to the latest edition of Standard Methods for the Examination of Water and Wastewater and/or in accordance with current versions of the Standards contained in 40-CFR-136 of the Federal Register.

The testing associated with bioassays (i.e. currently Arbacia punctulata and Menidia beryllina) shall be subcontracted by the Owner and are not the responsibility of the SCO. The SCO will perform the sampling, mailing/delivery of samples to the subcontracted laboratory. The SCO is responsible for sampling/ delivery costs.

- 3.14) Maintain all manufacturer's warranties on new equipment purchased by Owner and assist Owner in enforcing existing equipment warranties and guarantees. The SCO shall utilize its technical expertise with the manufacturer's representatives and uphold all O&M manual requirements. The SCO shall provide technical recommendations as to equipment O&M and warranty/guarantees.
- 3.15) Provide twenty-four (24) hour per/day access to Project for Owner's personnel. Visits may be made at any time by any of Owner's agents, servants, employees, representatives, and independent contractors so designated by Owner's representative. Keys for Project shall be provided to the Owner by the SCO. All visitors to the Project shall comply with the SCO's operating and safety procedures.

All SCO visitors must receive approval from the SCO's senior on-site representative prior to commencing any site visits. The SCO will provide secretarial or administrative assistance as requested by the Owner's representatives.

- 3.16) Provide a septage monitoring and control program in accordance with the Owner's rules and regulations. Septage rules and requirements shall comply with 314-CMR-12.00 as well. All documentation and reporting procedures are mandatory and will be provided to Owner periodically as requested. Septage receiving forms and summary list of daily septage volumes received shall be delivered to the Sewer Commission office for billing at least weekly. A septage monitoring, handling and control program is to be submitted for Owner's approval by October 1, 2024. Said plan shall be continually reviewed as to program results and adjusted as necessary with the Owner's approval.
- 3.17) At SCO discretion, provide a performance bond or guaranteed letter of credit equal to the full value of the yearly compensation for each year of the Agreement. The bond or guaranteed letter of credit shall be provided on an annual basis and the liability to the Surety for each period shall not be cumulative. The bond or guaranteed letter of credit for each year shall be provided by a duly qualified entity approved by the Owner.
- 3.18) Operate all facilities such that odor and noise shall be effectively controlled and

that no disruption of adjacent neighborhoods shall result. Deal in a professional manner with community groups concerned with odors or any other facets of operation. Implement a community awareness program, with the approval of the Owner to keep the City and the neighbors informed of the facility's status.

- 3.19) Comply with the requirements of Owner regarding affirmative action provisions for minority hiring.
- 3.20) Snow removal resources, i.e.; Project vehicles, drivers and sector leaders shall be provided as requested during public emergencies for snow and ice maintenance throughout the City. Said services shall provide for snow and ice maintenance services throughout the City as requested by the Department of Community Maintenance (DCM) and approved by the Sewer Division. The SCO shall have no liability for any claims, damages or causes of action arising out of or related to such services (snow and ice maintenance in assistance to the DCM), or the performance or non performance of snow plowing except to the extent that such claims, damages or causes of action arise solely as the result of the willful misconduct and or negligence of the SCO in providing said services. The SCO must first assure that the minimum staffing level for each shift for the Wastewater Treatment Facilities is complied with before utilizing staff resources to assist the DCM. The direct costs for assistance to the DCM for snow and ice maintenance shall be accounted for separately and a separate invoice shall be prepared by the SCO for reimbursement by the DCM. Said invoice shall be submitted to the Owner who shall coordinate payment by the DCM.
- 3.21) The costs for snow removal and ice management at the Wastewater Treatment Facilities, pumping stations, CSO facilities, collection systems, etc. is the responsibility of the SCO.
- 3.22) Provide to the Owner an inventory of chemicals, fuels and lubricants on hand when the SCO commences services. The Owner will be responsible for providing all major chemicals to the Project and will keep adequate inventories on hand to meet the Project requirements provided that the SCO provides Owner adequate notification of chemical needs. The process chemicals to be provided by the Owner include, lime, polymer, potassium permanganate, sodium hypochlorite, sodium hydroxide, sodium bisulfite, dry granular deodorants, liquid deodorants and liquid oxygen.

Other chemicals, fuels and lubricants will be provided by the SCO.

If the SCO orders chemical without or in excess of an approved chemical contract, City purchase order, or direct approval from the Administrator of Community Utilities, then the SCO will be responsible for said costs.

- 3.23) Provide to the Owner a projection of chemical use by December 15th of each year

for the following fiscal year. The SCO will make all efforts to minimize chemical use while maximizing odor control and NPDES compliance. The SCO shall document efforts to minimize chemical use and provide continued expert technical assistance on projected chemical use.

- 3.24) Require employees to wear appropriate attire and safety equipment in accordance with industry standards. Personal protective equipment such as hard hats must be worn throughout the Facilities by all employees and visitors as per OSHA Regulations and Industry Standards.
- 3.25) Provide technical support expertise and direction on process control, collections systems, industrial pretreatment, industrial wastewater, maintenance, management, wet weather management and computer applications required to ensure compliance with the terms of this Agreement, the NPDES Permits and any applicable federal, state and local regulations.
- 3.26) Provide for functional and aesthetical appearance for buildings, grounds, structures and equipment. Efforts must be maximized to improve the facilities appearance on an ongoing basis. The SCO shall provide an ongoing computerized facility painting program for all buildings and structures both external and internal. All facility equipment shall be included ranging from catwalks and rake arms to pumps, motors, and controllers. Proper industrial standards for surface preparation and coatings shall apply.
- 3.27) Utilize local purchasing, banking and labor to the greatest extent possible. Give hiring preference to duly qualified and licensed Fall River residents.
- 3.28) Provide annually by December 15th a submittal of a detailed budget for the upcoming fiscal year period. This budget shall present the operations and maintenance budget, natural gas and electrical budgets, residual disposal and handling cost projection, collection systems O&M and the chemical budget projections.
- 3.29) Provide and maintain well documented and reliable records of operations, Collection systems maintenance, Facility maintenance, safety, training, personnel, financial, significant events, and chemical and power consumption values. These components will be summarized in a Monthly Operations Report and provided to the Owner. All regulatory reports will be in accordance with required standards. An annual inventory for audit purposes must be completed by the SCO every June 30.
- 3.30) Provide computerized programs for maintenance management, financial control,



inventory control, collection systems management, CSO flow monitors, CSO Notification GIS, process control, and others that may be utilized on the Project. If such programs are purchased by the SCO for exclusive use at the Project, such programs shall become the property of the Owner, to the extent permissible by any contractual documents for such programs. For all other programs, all records compiled by SCO in such programs with information and material gathered when performing this Agreement are the property of the Owner.

- 3.31) Provide all tools, materials, vehicles, computers and equipment purchased by funds charged to the Project to the Owner as his sole and exclusive property at the end of the SCO's involvement with the operation and maintenance of the Project.
- 3.32) Provide proper wastewater industry accepted security for the Project and maintain appropriate control of all security devices.
- 3.33) Capital Improvements are defined as new equipment or repairs to existing equipment or structures costing in excess of \$50,000. All other repairs must be assigned to the repairs line item as denoted in Section 3.4.

The funds for the Capital Outlay Program are budgeted in Owner's budget and are not represented in the Costs presented in Article 5.1 or 5.2.

Any recommended SCO Capital Improvement request reasonably necessary to provide assigned duties hereunder in accordance with this Agreement shall consist of a work

order authorization, technical specifications and requirements, a minimum of three (3) quotations, substantial justification and documentation, scope of purpose, specific delineation of total cost, i.e. required parts, materials, labor, services, and fees. All recommended SCO Capital Improvement item requests shall be accompanied by the respective equipment history file.

Denial of funding of a Capital Improvement request submitted by SCO is not a just cause for exculpating the SCO from any of the assigned responsibilities or duties. However, if the SCO cannot meet the requirements of the Agreement due to a denial of funding of a Capital Improvement reasonably necessary to provide assigned duties hereunder in accordance with this Agreement, the SCO shall not be responsible for any loss damage or liability arising from the denial of said Capital Improvement. The SCO must not defer any preventive or corrective maintenance to cause a condition to elevate above the cost threshold for Capital Improvements classification.

- 3.34) A separate budget shall be maintained by the Owner exclusively for the Capital Outlay Program. At the Owner's request, the SCO shall provide a Capital Improvements priority ranking list which must be compatible with the Owner's budget. As requested, the SCO shall assure that all cost be exactly represented.

With the Owner's written approval, the SCO shall implement said capital improvement and shall be reimbursed by the Owner. The Owner retains the right to bid such items separately.

- 3.35) Comply with all of the requirements of 314-CMR-12.00, Rules and Regulations for the Operation and Maintenance of Wastewater Treatment Facilities and all other applicable rules and regulations.
- 3.36) The SCO shall develop an intern program. The SCO will allow and provide liability coverage for up to a maximum of three  
(3) interns that may be utilized at the Project via the Bristol County Training Consortium, Bristol Community College, the University of Massachusetts, Dartmouth, or any other source as approved by the Owner. The SCO will participate in training and encourage such internships in association with the Owner.
- 3.365) The SCO shall submit a Daily Operation System Report via email to the Sewer Commission staff consistent with past formats or changed as mutually agreed upon

## **COLLECTION SYSTEMS**

- 3.37 The OWNER owns and currently operates a wastewater collection system comprised of approximately two hundred plus (200+) miles of sewer lines ranging in diameter from Six (6) inches to Ninety-Six (96) inches, including roughly Six Thousand plus (6,000+) catch basins and Six Thousand plus (6,000+) manholes. Approximately Seventy-Five (75) percent of the total system is comprised of combined sewers. Additionally, the CSO System currently is comprised of over Three (3) miles of 20 foot diameter deep rock Tunnel, connecting tunnels, drop shafts, diversion boxes, junction boxes, gates and controllers and are a significant part of the Wastewater Collection System. The separated stormwater systems include 100 miles of pipes, culverts, swales and detention basins.
- 3.38 The Owner desires SCO to provide professional operation, maintenance and management (OM&M) on a best efforts basis of said wastewater, CSO and stormwater collection systems.
- 3.39 SCO shall use its best efforts to provide OM&M of Owner's collection system. SCO shall include the Collection Systems staff as a component of the operation and maintenance plan and issue work orders to the crew and oversee their activities.

The following are the minimal requirements for OM&M of the collection system:

- a.) Twenty-four (24) hour emergency response and resolution to any related

collection system problem.

- b.) Systematic Collection System Inspection(s) including, periodic inspection(s) of all CSO structures, and inspection/approval of new connections of the system.
- c.) Preventive maintenance. Comply with CMOM requirements.
- d.) Corrective maintenance. Repair and troubleshooting any collection system issue.
- e.) Management, update and continual review and update of the GIS Sewer and Storm Master Plan, including field investigations to record and add sewer or drainage systems to the GIS.

Coordinate with the Owner on GIS data management. Update sewer service card information to the City database in coordination with the City Engineering Department.

- f.) Use and continued implementation of a computerized management system for scheduling of activities and historical recording of activities. The system must be approved by the owner and provide the owner with ability to use the system with a minimum of 5 seats
  - g.) Management of existing and future CSO flow monitors and preparation/ submittal of monthly CSO flow reports to the Owner. Complete flow reports and data analysis shall be due on the 30<sup>th</sup> following completion of the month.
  - h.) Integration of software systems and investigate the improvements of SCADA System to integrate wet-weather flow management of the collection systems.
- 3.40 All SCO employees assigned by SCO to the Collection System will possess licenses necessary to operate the equipment required. Additionally, all individuals shall obtain and keep current, a Massachusetts Voluntary Collection System license. This crew will be supervised by SCO under the general oversight of the Fall River Sewer Commission staff.
- 3.41 Collection system overtime shall be included in the normal personnel costs.
- 3.42 Normal operating hours for repair and maintenance of the collection shall be, Seven days per/week, Twenty Four hours per day. SCO may use existing, on-site, off-shift personnel to respond to initial complaints, to assess whether there is a need to call in additional personnel for corrective action.
- 3.43 SCO shall manage response to emergency callouts. Customer complaints will be received at the Fall River Wastewater Treatment Facility which is manned Twenty-

Four 24/hours per/day. All calls shall be properly documented in written fashion and delineated in the MOR including; name, address, problem and resolution. SCO employees shall respond within One and One-half (1-1/2) hours or sooner if possible from the time the emergency customer complaint is received.

- 3.44 SCO shall schedule and supervise cleaning and acoustic inspection of all gravity sewer lines within the requirements of all Gravity sewer lines at least once in every Ten (10) year period. Those sewer lines subject to excessive sedimentation or other problems shall be cleaned as needed. Recommendations will be made to the OWNER on major rehabilitation as necessary. A computerized schedule delineating the specific lines to be cleaned in each year, shall be prepared by SCO, approved by the Owner.
- 3.45 The Collection System staff will perform pump station wet-well cleaning as needed. Daily inspection of pumping station shall be conducted as assigned.
- 3.46 During the cold months, when routine line cleaning is not feasible, the crew will perform preventive maintenance on the collection system equipment, as well as assist with projects at the Wastewater Treatment Facility. Emergency callouts will be performed according to Section 3.43 herein regardless of weather conditions subject to proper safety procedures and reasonable industry practice.
- 3.47 SCO shall maintain a minimal annual budget of One Hundred Fifty Thousand dollars (\$150,000) to be utilized exclusively for maintenance and repair of the Collection System. The Cost will be accounted for and reported to the Owner monthly in the MOR. SCO shall notify the Owner when Eighty percent (80%) of said budget has been expended. SCO must obtain written permission from the Owner to exceed this budget. Said written permission must have an upper limit amount. The Owner shall reimburse SCO for its actual cost for Collection System Infrastructure Improvement as approved by the Owner, but not exceeding the upper limit approved in writing. SCO shall make every reasonable effort to stay within the limits of this budget and at the end of each fiscal year One Hundred percent (100%) of the unexpended funds shall be refunded by SCO to the owner. If the cost of this budget is exceeded, further reference is made to Section 3.51. Project labor costs cannot be included in this line item.

This is not subject to the Capital Improvement definition defined in Section 3.33 of this Agreement due to the budgetary control noted in this Section for the Collection System, Maintenance and Repair Budget. Capital Improvements may be approved and paid for separately at the discretion of the OWNER otherwise, Collection System Maintenance and Repair costs shall be assigned to said budget as defined in this Section.

- 3.48 Emergency repair shall be defined as repairs beyond the normal resources and capability of the collection system O&M crew, such as collapsed or crushed sewer lines. Costs will be controlled as delineated in Section 3.47 within the Collection

System Maintenance and Repair Budget. SCO will provide the initial response and written recommendation. If such an emergency repair is necessary to prevent personal property or other damage, and the Collection Systems Maintenance and Repair Budget will be exceeded due to such an event, will use its best efforts to obtain prior written approval from the OWNER. If such a condition occurs, then SCO will cause such emergency repairs to be completed and will obtain the Owner's written approval as soon as reasonably possible.

Emergency repairs beyond normal maintenance that require excavation shall be addressed, with the approval of the OWNER as follows, in order of priority, with Option 1 being the most desirable approach.

Option 1: Repaired by SCO or its subcontractor with cost addressed from the Maintenance and Repair Budget as delineated in 3.47. If subcontractors are used SCO shall give preference to local contractors and rotate the work among contractors approved by the Owner.

Option 2: Repaired directly by City personnel or subcontractors. No cost responsibility for SCO.

3.49 Annual requirements for catch basin cleaning will be One Thousand Seven Hundred (1,700) per/year utilizing the available Collection System OM&M labor force. Condition of each catch basin shall be documented and location shall be added to the GIS Master Plan. Number and location of catch basins cleaned, as well as an estimate of cubic yards of debris removed, shall be delineated monthly in the MOR. There are, estimated to be Six Thousand (6,000) catch basins of varying age, condition and design. SCO shall perform maintenance and repair to catch basins and assure the proper ventilation controls are in place. SCO shall rebuild at least Fifty (50) catch basins per/year utilizing SCO labor and/or subcontractors with funds identified for maintenance and repair, as delineated in Section 3.47 and SCO shall submit a list of the designated catch basins to be rebuilt to the OWNER for final approval by the OWNER.

3.50 It is understood and agreed that Owner's Collection System may experience problems due to design or related failure, or misuse of the facilities by its customers or members of the general public. Water and/or wastewater backups may occur into residences, buildings, commercial facilities and other areas and that it is the Owner's responsibility to enforce Owner's ordinances related to use of the sanitary sewers. In these instances SCO shall be responsible for exerting its best efforts to minimize any problems and reduce Owner's financial exposure. Nothing herein shall relieve SCO for its liability in situations where it is shown to be negligent.

3.51 As denoted herein, budgetary exceedences for Collection Systems Maintenance and Repair (Section 3.47) and Police Details (Section 5.6) shall be paid for by the OWNER provided SCO has obtained written permission from the OWNER. SCO shall provide best effort management to stay within the budgets denoted herein.

All funds not expended in a fiscal year in the aforementioned account shall be returned by SCO to the OWNER.

- 3.52 Priority areas of maintenance include the protection of residences and businesses from service interruptions and the proper operation of the combined sewer overflow structures to assure that dry-weather overflow does not occur and to minimize wet-weather overflow. SCO shall work cooperatively with the Owner and the Owner's CSO Engineer to develop maintenance plans that optimize collection system efficiency and minimize CSO flows. This shall include compliance with Regulatory required "Nine Minimum Control and CMOM" Standards.
- 3.53 SCO shall implement and maintain a proper Safety Program for Collection System personnel.
- 3.54 SCO shall implement and maintain a proper training program for SCO personnel.
- 3.55 The existing Collection System equipment shall be available to SCO for use and housing at the Treatment Facility. The City shall maintain insurance and shall retain ownership of said equipment and any equipment purchased by SCO by funds charged to the Project under this contract and shall remain the property of the OWNER. SCO shall assume responsibility for the repair and maintenance of the Owner's equipment to the satisfaction of the Owner.
- 3.66 The SCO shall maintain all existing and future CSO flow monitors within the collection system. The SCO shall prepare and submit monthly CSO flow reports by the 30<sup>th</sup> of the month for the preceding month. Said CSO reports shall be consistent with report formats in 2023 unless approved otherwise by Owner.
- 3.67 The SCO shall submit a Daily Collection System Report via e mail to the Sewer Commission staff consistent with past report formats or changed as mutually agreed upon.
- 3.68 The SCO shall maintain the existing rain gauge and data collection system. The SCO shall use said data for the CSO monthly reports and any other related reports. The SCO shall have rain data to 15 minute increments from said rain gauge available to the Owner as needed. Immediate needs generally are related to significant storms to explain flooding events, CSO activations, river and bay testing programs, etc.
- 3.69 The SCO shall operate maintain the existing Cove Street CSO Screening and Disinfection Facility and the President Avenue Screening and Disinfection Facility. This shall include all O&M of equipment and facilities; emergency response for storm operations; monitoring and testing all needed parameters including but not limited to chlorine residual, flow, fecal coliform bacteria, Enterococci, nitrogen during facility operations. Shoreline and river sampling by boat in accordance with agreed schedules as well shall be performed by the SCO.

If Screening and Disinfection Facilities are constructed for the City Pier and Alton Street CSO's then they shall be included as well.

- 3.70 The SCO shall maintain all NPDES permits including the current and future stormwater NPDES. The SCO shall be responsible with the annual reporting requirement in the permit.
- 3.71 The SCO shall maintain and update the sewer and stormwater GIS layers. For system data that is not on said layers the SCO shall continue to review plans and collect field data to apply and update the GIS system. The SCO shall coordinate the efforts with the Owner.
- 3.72 The SCO shall maintain and update the sewer connection card database. For system data that is not on said layers the SCO shall continue to review plans and collect field data to apply and update said database. The SCO shall coordinate the efforts with the Owner.
- 3.73 The SCO shall maintain and replace as needed protective bars on Bradley head catch basins as installed in the collection system. The SCO shall install additional Bradley head bars as requested. Bradley head inlet openings that exceed six inches in height shall have said bars installed for safety purposes.
- 3.74 The SCO shall stencil catch basins with environmental restrictions as directed by the Owner for public educational purposes. A goal of 50 basins per year shall be a guide.

#### 4. **SCOPE OF SERVICE – OWNER**

Owner shall:

- 4.1) Review recommended SCO Capital Improvements, and when compatible budgeted funds are available; Owner may provide funding. Capital Improvements are those repairs or replacements costing in excess of \$50,000.

The Owner is not required to carry a Capital Outlay Program Budget. Lack of said budget does not exculpate the SCO from its responsibilities.

- 4.2) Pay all property, franchise or other taxes associated with the Project.
- 4.3) Provide all Registry of Motor Vehicle registrations and insurance for Vehicles used in connection with the Project.

- 4.4) Provide for SCO's use, all vehicles and equipment presently owned at the Project, including the vehicles described in Appendix F.
- 4.5) Assist the SCO in the verification of the chemicals inventory and maintain adequate stock on hand as referenced in Article 3.22.
- 4.7 Maintain all easements that have been granted to OWNER, and obtain additional easements that may be necessary for SCO to perform the services as outlined in this Agreement.
- 4.8 Provide for SCO use, Owner's equipment presently in use for the services provided for in this Agreement.
- 4.9 Upon request of SCO uncover and/or bring manholes up-to-grade. SCO will provide these services at the Owner's request and assign said cost to the Collection System Maintenance Repair Budget.
- 4.10 Enforce Sewer Ordinances.
- 4.11 Make all existing collection system maps, records, GIS sewer overlay, and other information available to SCO.
- 4.12 Retain ownership of all material removed by SCO from the collection system. Costs associated with the disposal of said material shall be assigned to Section 5.5 of Agreement. SCO shall manage and properly dispose of said material at sites approved by the OWNER. SCO shall provide advice and assistance to OWNER in locating and identifying sites and disposal costs therein.
- 4.13 Continue permit program regarding new connections to the system. Applicants are responsible for the cost to connect to the system. SCO shall provide assistance regarding inspection of said connections following Owner's protocol, but shall not incur liability whatsoever for the result of the connection

## 5. COMPENSATION

- 5.1) Owner shall pay to the SCO as compensation (fixed fee) for services performed under this Agreement, the "base fee" as defined under Appendix A, Section A.10 of this document:

Year 1	7/01/24 – 6/30/25	\$7,325,718
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Year 2	7/01/25 – 6/30/26	\$7,618,747
Year 3	7/01/26 – 6/30/27	\$7,923,497
Year 4	7/01/27 – 6/30/28	\$8,319,672
Year 5	7/01/28 – 6/30/29	\$8,610,860
Year 6	7/01/29 – 6/30/30	\$8,912,240
Year 7	7/01/30 – 6/30/31	\$9,357,853
Year 8	7/01/31 – 6/30/32	\$9,685,377
Year 9	7/01/32 – 6/30/33	\$10,024,366
Year 10	7/01/33 – 6/30/34	\$10,375,218

- 5.2) If actual total cost is less than the not to exceed fixed fees in Sections 3.4, 3.47, 5.3, 5.4, 5.5 and 5.6 for any year, then at the Owner's discretion, the SCO will either roll the amount over into the next fiscal year or rebate to the Owner one-hundred percent (100%) of the difference provided that such rebate amount in any annual period shall not exceed 20% of the fixed amount in the annual period. Should it appear evident that actual total cost will be less than the not to exceed fixed fee for any given year, Owner and SCO shall confer to assure proper investment into the Treatment Facility during said period. The SCO will be responsible for any cost that is greater than the fixed fee except as delineated in Sections 3.4, 3.47, 5.3, 5.4, 5.5 and 5.6. All budgeted line item values as delineated in Appendix E shall be tracked in the Monthly Report and upon Owner's request, the SCO shall provide the exact invoicing associated with each line item.

- 5.3) Electrical, natural gas, water usage, sewer usage and stormwater costs associated with the operation and maintenance of the Wastewater Treatment Facilities, pumping stations, collection systems and CSO systems shall be paid by the Owner.

The SCO is required to manage all facilities to minimize cost and usage while maintaining optimal conditions at all times. Items such as electrical/natural gas/water readings and utilization, accounting for unit of measurement rate and collation to actual invoice, maintaining equipment and process control systems to produce the greatest effectiveness for the most minimal cost, conservation, maximization of efficiency while minimizing cost of operation, and preventing peak demand occurrences are central criteria. The SCO shall provide cost estimates for the utilities by December 15<sup>th</sup> for the following fiscal year. The SCO shall include in the Monthly Operating Report the electrical and natural gas usage and cost for each month at each location.

For the Owner's FY 2024, the electrical budget is \$1,650,000 and the natural gas budget is \$70,000. Electrical and natural gas budgets may be adjusted by the Owner.

- 5.4) All major process chemicals are bid, accounted for, and budgeted by the Owner. This account is not included in the OM&M Contract. The Owner's FY 2024 chemical budget is \$844,188. The chemical budget may be adjusted by the Owner. The SCO shall provide projected cost estimates by December 15<sup>th</sup> of each year for the following fiscal year.

The SCO is required to order chemicals as needed under the approved chemical contracts, account for the dose, demand, volume, and cost of chemicals used, and manage the use of chemicals to maximize odor control and process control efficiency and minimize cost.

If the SCO orders chemical without or in excess of an approved chemical contract, City purchase order, or direct approval from the Administrator of Community Utilities, then the SCO will be responsible for said costs.

- 5.5) Contract hauling and residual disposal costs are those associated with the transfer and disposal of all Treatment Plant, Pumping Station and Collection System residuals: grit, scum, trash, sludge (liquid or solid), screenings, catch basin debris and sewer/drain system debris. During the first Agreement year and beyond if the Owner feels that it is in its best interest and upon agreement by the SCO, all contract hauling costs and residual disposal costs are contracted, purchased and accounted for by the SCO. The SCO accounts for and pays all costs and manages the residuals program to minimize the cost and maximize optimal odor control, sludge inventory, collection system efficiencies and cleanliness of the facilities. With assistance from the SCO, the Owner will procure for contract hauling and residual disposal services to begin on or before contract year 2, unless otherwise agreed upon by the Parties.

The SCO is required to manage and coordinate all activities related with the residuals program such as, but not limited to filling and handling containers, trucks and dumpsters; accounting for volumes and amounts and verification of invoices/receiving slips; minimize the cost and maximize optimal odor control; maintain proper sludge inventory; operate solids handling processes to produce the most cost efficient handling and disposal method; maintain cleanliness of facilities; schedule hauling, handling and transportation needs with multiple vendors; manage/comply with transportation manifests and residuals testing; etc. Sludge may be disposed of as sludge cake or liquid sludge as needed.

For the first Agreement year, the Contract Hauling and Residual Disposal Budget is currently set at \$2,631,701 for FY 2024. The SCO will provide a separate invoice to the Owner on a monthly basis that will include all the backup detail required by the Owner and Owner shall pay such invoices as set forth in Section 6.1 of this Agreement. After the first Agreement year, Owner shall directly pay for all costs related to the residuals program set forth in this Section 5.5, unless otherwise agreed to by the Parties.

Costs shall be accounted for and reported to the Owner monthly in the MOR (Monthly Operating Report). The SCO shall notify the Owner when 80% of said budget has been expended. The SCO must receive written permission to exceed this budget. Said written permission must have an upper limit amount. The Owner shall reimburse the SCO for its actual cost as approved by the Owner above the original budget, but not exceeding the upper limit as approved. The SCO shall make every reasonable attempt to stay within the limits of this budget.

This cost will be included as a component of the ultimate contract, but is not included in the bid price as it is fixed by the Owner. The Owner retains the right to adjust this fixed cost as needed.

Significant changes to sludge hauling practices and procedures must be approved by the Owner. The Owner is aware of the continuing regulations that may change residuals management and disposal practices. As such this budget item could change significantly in future years.

The SCO shall provide projected cost estimates for all residuals disposal costs on annual basis by December 15th for budget purposes or as requested by the Owner. The SCO shall properly manage sludge disposal, i.e. liquid vs. sludge cake (or any combination which yields the greatest cost savings).

- 5.6 SCO shall maintain a minimal annual budget of Twenty Thousand dollars (\$20,000) for Police Details. Cost will be accounted for and reported to the Owner monthly in the MOR. SCO shall notify the Owner when Eighty percent (80%) of said budget has been expended. SCO must obtain written permission from the Owner to exceed this budget. Said written permission must have an upper limit amount. The Owner shall reimburse SCO for its actual cost for Police Details as approved by the Owner, but not exceeding the upper limit approved in writing. SCO will make every reasonable effort to stay within the limits of this budget and at the end of each fiscal year; One Hundred percent (100%) of the remaining funds shall be refunded by SCO to the Owner. If the cost of this budget is exceeded, further reference is made to Section 3.51.

## 6. PAYMENT OF COMPENSATION

- 6.1) One-Twelfth (1/12) of the base fee for the current year shall be due and payable on the fifteenth (15<sup>th</sup>) of the month for each month that services are provided. Proper invoicing must be received by the fifteenth (15<sup>th</sup>) of the previous month to ensure payment of invoices(s) within 30-days after receipt. A value of (1/12) of the base fee shall be used for all subsequent years of the Agreement.

- 6.2) Any monies arising from savings described herein will be paid to Owner within sixty (60) days after the end of each Agreement year. Said payment may be as a credit on the next invoice; check to the Sewer Commission, or as a reinvestment/purchase for equipment or improvements at the Facilities as approved by the Owner.
- 6.3) Any disputes regarding invoices shall be raised, in writing setting forth sufficient detail regarding the nature of the dispute, within thirty (30) days from receipt of said invoice by Owner. If Owner has a dispute with any charges, all undisputed charges on said invoice(s) will be due in accordance with the above times and the Parties shall negotiate in good faith to resolve any such dispute in a timely manner.

## **7. INDEMNITY, LIABILITY & INSURANCE**

- 7.1) The SCO agrees to indemnify and hold harmless the Owner, its elective and appointive officers and employees from any liability for claims, damages, expenses, legal fees, or judgement related to bodily injury, wrongful death, or property damages, which are caused by, or arises from the negligence of the SCO. The Owner agrees to indemnify and hold harmless the SCO, its officers and employees from all liability from third party claims, damages, expenses, legal fees, or judgment related to bodily injury, wrongful death, or property damages which are caused by, or arise from the negligence of Owner.

In the event that the SCO, the Owner, or any outside party are negligent and the negligence of either or all is the proximate cause of such claim for damages, then in such event, each party will be responsible for the portion of the liability or damages resulting therefrom equal to such party's comparative share of the total negligence.

The SCO, its employees, subcontractors and agents, shall not be responsible for any liability for damage or claims, for damage for personal injury including death, as well as for claims for property damage that may arise from any failure of the facilities for reasons which are beyond the control of, or which were not caused by the negligence of the SCO, its employees, subcontractors and agents, including blockages or ruptures of the collection system; for any claims that may arise from the discharge, dispersal, release or escape from the treatment facilities and flow into or upon land, the atmosphere or any water course or body of water and are beyond the control or were not caused by the negligence of the SCO, its employees, subcontractors and agents. Failure of equipment or facilities within the control of the SCO shall not be deemed beyond the control of the SCO.

- 7.2) The SCO shall be liable for the payment of fines and/or civil penalties levied against the SCO and/or the Owner by any regulatory agency

having jurisdiction as a result of failure to comply with the terms and conditions of any duly authorized permit, court order, administrative order, law, statute, ordinance, etc., for reasons resulting from the SCO's action or lack of action during the period of the contract.

- 7.3) The SCO shall obtain and maintain insurance coverage of a type and in the amounts described in Appendix G. The SCO shall name the Owner as an additional insured on all insurance policies covering the Project and shall provide the Owner with satisfactory proof of insurance.
- 7.4) SCO shall not be liable for any liabilities, losses, damages, expenses, fines, or penalties incurred by the Owner or any third party as a result of a data security breach or other cyber security breach related to the Project or the Owner's computer systems, operating systems, and all other technological or information systems related to the Project and services provided hereunder, except to the extent such liability, loss, damage, expense, fine, or penalty is the direct result of SCO's willful or negligent acts or omissions.
- 7.5) The parties acknowledge that a change in federal, state, or other local law, statute, ordinance, rule or regulation or amendment or an order or judgment of any federal, state, or local court, administrative agency or other governmental body containing interpretations thereto that is different from those existing on the date this Agreement is executed by ("Change in Law") may affect compliance with SCO's obligations hereunder or impose more stringent requirements relating to equipment or processes than those established at the time of executing this Agreement. In the event that a Change in Law occurs imposes such obligations or requirements that cannot be met based on the current capabilities of the facilities, SCO shall not be responsible for compliance therewith or for any fines, penalties, or other damage of whatever kind and Owner shall indemnify, defend, and hold SCO harmless from same. If such a Change in Law increases SCO's costs in providing the services hereunder, the parties shall discuss an equitable adjustment to the Base Fee. SCO shall make reasonable good faith effort so comply with any such more stringent requirements relating to equipment or processes resulting from a Change in Law.
- 7.6) Notwithstanding any provision to the contrary contained in this Agreement, in no event shall either party be liable, either directly or indirectly, for any special, punitive, indirect and/or consequential damages, including damages attributable to loss of use, loss of income or loss of profit, even if such party has been advised of the possibility of such damages. In the event that claims(s) raised by Owner against the SCO on account of this Agreement, or on account of the services performed hereunder including claims by Owner for indemnification under Section 7.1, is/are covered under SCO's insurance policies required of the SCO hereunder, SCO shall not be responsible to Owner for any loss, damage or liability beyond the amounts contractually required hereunder and actually paid pursuant to the limits and conditions of such insurance policies. With respect to

any causes of action and/or claims raised against the SCO by Owner that are not covered by the insurance policies required hereunder, including claims by Owner for indemnification, SCO's liability to Owner shall not exceed an aggregate amount equal to three times the Base Fee in effect during the year in which such cause of action and/or claim is raised. The limitations set forth herein shall not apply to claims for arising from SCO's gross negligence or intentional misconduct.

- 7.7) In the event of any disputes, the parties shall first attempt to resolve the situation by good faith discussions which shall take place in a timely manner. If the dispute cannot be resolved within sixty (60) days, the parties shall mediate their dispute before a mediator acceptable to both parties, if they cannot agree, they shall ask the Director of the Federal Mediation and Conciliation Service to nominate a mediator. The parties shall bear their own costs of the mediation but the parties shall share equally the costs of the mediator and the mediation facilities. If the parties are unable to resolve any disputes in accordance with good faith discussions or mediation, either party may request that such dispute be submitted for binding arbitration, which shall be governed by the rules of the American Arbitration Association or such other rules as the parties may agree. The parties agree that any judgment issued as a result of arbitration may be entered in the court having jurisdiction thereof. The parties agree that arbitration shall be the exclusive means to settle any dispute, controversy or claim arising out of this Agreement.

## 8. TERM & TERMINATION: DEFAULT REMEDIES

- 8.1) The term of this Agreement shall be ten (10) years commencing on July 1, 2024 and terminating on June 30, 2034, unless terminated earlier by the Owner for convenience without cause; cause; significant labor unrest; uncontrollable circumstances or unacceptable performance by the SCO. In the event of termination f by the Owner without cause, the SCO at the Owner's request shall continue to provide the operations staff for a period of time to be determined by the Owner, but in any event, not to be less than 90-days or exceed 180-days beyond the date of termination, and compensation for said services shall be consistent with Article 6.1 of this document. The Owner and the SCO may agree on an additional period of time exceeding said 180-day period upon the same terms and conditions.
- 8.2) Either party may terminate this Agreement for a material breach of the Agreement by the other party upon giving written notice of said breach. A material breach shall include, without limiting the generality of same, negligent facilities operation and maintenance, health and safety violations, violations of applicable local, State and Federal rules, regulations and laws, including and without limiting the generality of same, 314-CMR-12 et seq. as amended or supplemented from time-to-time, and violations of the terms and conditions contained within this contract. Either party may terminate this Agreement for a non-material breach of the Agreement by the other

party after giving written notice of breach allowing the other party thirty (30) days to correct the breach. In either event, upon termination of the contract by the Owner, the SCO at the Owner's request shall continue to provide the operations staff for a period of time to be determined by the Owner, but in any event, not to exceed 180-days beyond the date of termination, and compensation for said services shall be consistent with Article 6.1 of this document. The Owner and the SCO may agree on an additional period of time exceeding said 180-day period upon the same terms and conditions.

Costs for such continued service shall be at the same monthly rate as previously invoiced. Non-payment of any sum due the SCO shall not be a material breach of contract, but shall be defined as a non-material breach.

- 8.3) Upon notice of termination by the Owner, the SCO shall assist the Owner in resuming operation of the Project.
- 8.4) The Owner shall have the first right to hire any and all employees in the event of termination.
- 8.5) This Agreement shall be subject to approval by the Department of Environmental Protection (DEP).
- 8.6) Notification shall be provided to the MA DEP if this Agreement is terminated or if a termination notice is issued by either party.

9. **LABOR DISPUTES: FORCE MAJEURE**

- 9.1) Each party's performance under this Agreement shall be excused if the party is unable to perform because of actions due to causes beyond its control, such as, but not limited to, acts of God, the acts of civil or military authority, governmental priorities, fires, floods, epidemics, quarantine restrictions and riots. In the event of any such Force Majeure, the party unable to perform will notify the other party within twenty-four (24) hours of the existence of such Force Majeure and will be required to resume performance of its obligations under this Agreement upon the termination of the aforementioned Force Majeure.

Both parties indicate their approval of this Agreement by their signatures below.

SCO

CITY OF FALL RIVER, MA

\_\_\_\_\_  
CEO

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date:

\_\_\_\_\_  
ADMINISTRATIVELY REVIEWED &  
APPROVED:

CITY OF FALL RIVER, MA

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
President, Sewer Commission

\_\_\_\_\_  
APPROVED AS TO FORM & MANNER  
OF EXECUTION ONLY:

\_\_\_\_\_  
Member, Sewer Commission

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
Member, Sewer Commission

\_\_\_\_\_  
Date:



Appendix A

## DEFINITIONS

- A.1 The "Project" means all equipment, vehicles, grounds and facilities described in Appendix B and where appropriate, the management, operations and maintenance of such.
- A.2 "Capital Expenditures" means any expenditures for (1) the purchase of new equipment or facility items that cost more than Fifty Thousand (\$50,000); or (2) major repairs which significantly extends equipment or facility service life and cost more than Fifty Thousand (\$50,000). Numerous small repairs may not be combined to achieve the \$50,000 cost threshold.
- A.3 "Cost" means all Direct Cost and Indirect Cost determined on an accrual basis in accordance with generally accepted accounting principles.
- A.4 "Direct Cost" means the actual cost incurred for the direct benefit of the Project including, but not limited to, expenditures for direct labor, employee benefits, chemicals, lab supplies, repairs, repair parts, maintenance parts, safety supplies, gasoline, oil, equipment rental, travel, office supplies, other supplies, uniforms, telephone, postage, utilities, tools, memberships, training supplies, and hauling costs.
- A.5 "Indirect Cost" means expenditures incurred by the SCO for the indirect benefit of the Project.
- A.6 "Maintenance" means the cost of those routine/non-repetitive activities required for operational continuity, safety, and performance generally due to failure or to avert a failure of the equipment, sewer, vehicle, or facility or some component thereof.
- A.7 "Biologically Toxic Substances" means any substance or combination of substances contained in the plant influent in sufficiently high concentrations so as to interfere with the biological processes necessary for the removal of the organic and chemical constituents of the wastewater required to meet the discharge requirements of the Owner's NPDES Permit. Biologically toxic substances include, but are not limited to, heavy metals, phenols, cyanides, pesticides, and herbicides. Interference thresholds and the actual existence of such concentrations must be clearly defined and documented to be classified under this definition. The simple presence of such substances without verifiable proof of interference does not apply.

- A.8 "Adequate Nutrients" means plant influent nitrogen, phosphorus and iron contents proportional to BOD-5 in the ratio of five (5) parts nitrogen, one (1) part phosphorus, and one-half (0.5) part iron for each one-hundred (100) parts BOD-5. Alternate ratios may be acceptable based upon historical NPDES compliance at the facility. A simple change of ratio without verifiable proof of interference does not apply.
- A.9 "Fixed Fee" means total bid price per/year as defined in Appendix E.
- A.10 "Base Fee" means total Fixed Fee (total bid price per/year) plus cost fixed by the Owner and paid by the SCO as delineated in Appendix E.

Appendix B**LOCATION OF PROJECT**

B.1 The SCO agrees to provide the services necessary for the management, operation and maintenance of the following:

- a) All equipment, vehicles, grounds and facilities now existing within the present property boundaries of, or being used to operate Owner's Fall River Wastewater Treatment Plant located at:

1979 Bay Street  
Fall River, MA 02724

Plus, Fall River properties owned at:

Arnold Street  
Flynn Street  
Kempton Street  
Swift Street  
Hancock Street

- b) All equipment, grounds and facilities now existing within the present property boundaries of pump stations described as follows:

Middle Street Pumping Station  
Ferry Street Pumping Station  
Central Street Pumping Station  
Cove Street Pumping Station  
Valentine Street Ejector Station  
Wilson Road Pumping Station  
President Avenue Pumping Station  
East End Pumping Station  
Travassos Park Pumping Station  
Ross Matthews Pumping Station  
South End Pumping Station  
Joseph Drive Ejector Station  
Meridian Street Pumping Station  
Amity/McMahon Street Pumping Station  
Martine Street Pumping Station  
Highland Woods Pump station

- c) All equipment, grounds and facilities within the present property boundaries of three (3) small pump stations that may potentially be acquired in the future.

- d) All infrastructure, grounds, easements sewers, drains, CSO structures, catch basins, manholes, appurtenances and facilities within the present collection systems and CSO facilities. Facilities include, but are not limited to:

- CSO treatment Works, Facilities and Outfalls
- 200 miles of Collection System combined and sanitary sewers
- 3 miles of deep rock CSO tunnel with 9 drop shafts/Diversion Structures/Junction Chambers
- 6,000+ catch basins
- 6,000+ manholes
- Two CSO Screening/Disinfection Facilities
- 100+ miles of stormwater pipes/swales/culverts/streams
- Detention pond

## Appendix C

### NPDES PERMIT & PROJECT CHARACTERISTICS

C.1 The SCO will operate the Project so that effluent will meet the requirements of Massachusetts NPDES Permit No. MA0100382. The SCO shall be responsible for meeting the effluent quality requirements of the Owner's NPDES Permit unless one or more of the following occurs:

- 1) The Project influent does not contain adequate nutrients to support the operation of the Project's biological processes and/or contains biologically toxic substances which cannot be removed by the existing processes and facilities;
- 2) Discharges into the Owner's sewer system significantly violate any or all regulations as stated in the Fall River Revised Ordinances, Chapter 74, which directly contributes to and causes said non-Compliance;
- 3) The flow, influent BOD-5, and/or suspended solids exceeds the Project design parameters on a monthly average basis which are 30.9 million gallons of flow per/day, 56,200 pounds of BOD-5 per/day, 39,800 pounds of suspended solids, and a daily peaking factor of 1.62 times flow which directly contributes to and causes said non-compliance.

In the event that any of the aforementioned circumstances occur, they must be suitably documented and qualified. Said circumstances must be reasonably documented and related to effluent quality violations. Interference thresholds and the actual existence of such concentrations must be clearly defined and documented as causing interference.

A proper process control strategy must be in effect at all times and the solids inventory should not exceed design levels. Violations caused by an excessive solids inventory will be the responsibility of the SCO if the excessive solids inventory is due to their negligent operations of the facility.

- C.2 In the event that any one of the Project influent characteristics, suspended solids, BOD-5, or flow, exceeds the design parameters stated above, the SCO shall return the plant effluent to the characteristics required by the NPDES Permit as soon as possible.
- C.3 The SCO shall comply with the current and pending future stormwater and NPDES permit.

Appendix D

**INDUSTRIAL WASTE DISCHARGES  
AND MONITORING PROGRAM**

**LISTED SIU's**

Below is a listing of classified Significant Industrial Users (SIU's) discharging into the collection system and monitored under the Industrial Pretreatment Program (IPP).

- 1 Ashland (ISP)
- 2 BFI Landfill
- 3 Blount Fine Foods
- 4 Bolger & Ohearn
- 5 Borden Remington
- 6 Canned Heat Brewery
- 7 Celldex Therapeutic
- 8 GoldMedal Bakery
- 9 Inva GEN
- 10 Mass Biologics
- 11 Nantucket Seafood
- 12 N.E. Electropolishing
- 13 Robbins (Zero Discharge)
- 14 Sherle Wagner
- 15 Spectrum Lighting
- 16 Stop & Shop
- 17 Swan Dye & Print
- 18 Whirlpool

The above listing represents the eighteen (18) SIU's presently monitored under the IPP. However, the Sewer Commission reserves the right to have other industries sampled and analyzed periodically. Additionally, there are approximately 2,000 commercial users not classified as SIU's. Changing the listed SIU's by name or number does not result in a change of the Scope of Services or the Project cost.

Appendix E  
PRICING BID FORMS

To be inserted from the bid as submitted.

**COSTS FIXED BY THE OWNER:**

(not included in Bid Form #1)

FY 2024 Budgeted

- Cost Budgeted & Paid Directly by Owner:

Annual

Natural Gas	\$ 70,000
Electricity	\$ 1,650,000
Water/Sewer/Stormwater	\$ 175,000
Chemicals	\$ 844,188
Contract Hauling/Residuals Disposal	\$ 2,631,701

**Subtotal/Owner:**

**\$ 5,370,889**

- Cost Budgeted and Paid by SCO:

Facilities/Stations Repair/Replacement	\$ 500,000
Collection System Repair and Maintenance	\$ 150,000
Police Details	\$ 20,000

**Subtotal Other:**

**\$ 670,000**

**TOTAL FIXED OWNER COST: \$ 6,040,889**



Appendix F

## VEHICLE LIST

		<u>Original Cost New</u>	<u>Gross Vehicle Weight/Lbs.</u>
1.	1998 Ford E-350 Utility Truck VIN#1FDWE37L2WHA94868	\$30,900	11,500
2.	1999 Ford F-350 PU Truck VIN#1FDWF37S7XEB64906	\$36,050	11,200
3.	2000 Ford F-350 Dump Truck VIN#1FDWF37S0YEE06694	\$39,195	11,200
4.	2002 Ford F-250 PU Truck VIN#1FTNW21LX2EB43715	\$31,804	8,800
5.	2002 Ford F-350 Truck VIN#1FDWF37SX2ED10689	\$36,050	11,200
6.	2004 Ford Explorer VIN#1FMZU72E94UB69831	\$21,960	5,984
7.	2005 Ford Ranger VIN#1FTYR10U65PB08865	\$12,407	4,700
8.	2005 Ford E-350 Truck VIN#1FDWE35L45HB24907	\$25,006	15,700
9.	2005 Ford F-150 PU Truck VIN#1FTRF12225NC05615	\$15,500	6,650
10.	2006 Ford F-250 PU Truck VIN#1FTNX20576EA01599	\$20,000	8,800
11.	2006 Sterling LT8500 Vactor VIN#2FZAAWDC86AW09444	\$267,837	35,000

Gross

		<u>Original Cost New</u>	<u>Vehicle Weight/Lbs.</u>
12.	2006 Sterling L7500 Vactor VIN#2FZAATCD86AV69153	\$221,303	41,000
13.	2006 Sterling L8500 Dump Truck VIN#2FZAAWDC86AW09443	\$100,830	35,000
14.	2006 Sterling L7500 Dump/CBC VIN#2FZHATDCX6AV69282	\$298,714	42,000
15.	2006 Ford F-350 PU Truck VIN#1FDWF37Y06EA01601	\$35,140	13,000
16.	2006 Ford F-350 PU Truck VIN#1FDWF37Y96EA01600	\$35,500	13,000

**TRAILERS:**

		<u>Original Cost New</u>	<u>Gross Vehicle Weight/Lbs.</u>
1.	1978 Ingersall Air Comp. VIN#105357U78932	\$10,000	3,240
2.	2005 Godwin Pump #1 VIN#16MPF10245D040871	\$35,000	5,000
3.	2005 Godwin Pump #2 VIN#16MPF10225D040870	\$35,000	5,000
4.	2005 Godwin Pump #3 VIN#16MPF09145D04068	\$35,000	7,500
5.	2005 Godwin Pump #4 VIN#16MPF09165D040469	\$35,000	7,500
6.	2000 Cues Camera VIN#4RMES1423YF000648	\$60,000	7,000
7.	SRECO Pull-in Bucket Machine	\$25,715	3,500

VIN#4H5LB11185L052219

8.	SRECO Wide Ramp Truck Loader VIN#4H5LB09165L052220	\$26,715	3,600
9.	2006 Hydro Tek Power Washer 1H9CSS16961120932	\$ 5,000	5,000
10.	2007 Caterpillar Generator 16MPF701X7D047434	\$15,000	3,850

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Appendix G**INSURANCE COVERAGE**

The SCO shall maintain:

1. Statutory workmen's compensation for all of the SCO's employees at the Project as required by the State of Massachusetts.
2. Comprehensive general liability insurance in an amount not less than \$5,000,000 combined single limits for bodily injury and/or property damage.
3. Automobile Liability Insurance with a combined single limit of \$1,000,000.
4. Professional Liability Insurance with a limit of \$2,000,000.
5. Pollution Liability Insurance with a limit of \$5,000,000.00.
6. Excess Liability Insurance with a limit of \$20,000,000.00.

The Owner shall maintain:

1. Property damage insurance for all property including vehicles owned by the Owner and operated by the SCO under this Agreement. Any property including vehicles not properly or fully insured shall be the financial responsibility of the Owner.
2. Automobile liability insurance for all vehicles owned by the Owner and operated by the SCO under this Agreement.

Appendix H**EQUIPMENT INVENTORY**

**To be completed by the SCO per section 2.9 of this agreement.**

## Appendix I

### LABORATORY TESTING SCHEDULE

This schedule is in addition to normal NPDES and process control testing. This schedule has been developed to clarify manpower requirements by the SCO. The Owner may allow less frequent testing, but these should be deemed as a necessary minimum.

1. Annual Industrial Review.
 

18 industries and POTW influent and effluent.

Once per/year.

Parameters: BOD, COD, TSS, O&G, metals, CN, temperature, pH, GC, IR Scan, VOC's, nitrogen, phosphorous, etc.
2. Field Testing.
  - a. Requirement for the Quequechan River:
 

Fecal Coliform and Enterococci

20/week summer program

6-locations

Total: 120 tests
  - b. Cove Street CSO Facility
 

Per Federal Court Order

Includes 4 boat runs

Includes 8 shoreline sample events
  - c. President Avenue CSO Facility
 

Per Federal Court Order

Includes 4 boat runs

Includes 8 shoreline sample events
  - d. Water Quality Checks of Other Bodies:
 

(Mother's Brook, Taunton River, Mt. Hope Bay)

Fecal Coliform and Enterococci

As needed

Various locations

Total: 50 tests
  - e. Other: As needed.

CITY OF FALL RIVER  
MASSACHUSETTS



Traffic & Parking Division

2024 APR 25 A 8:08

CITY CLERK  
FALL RIVER, MA

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

April 25, 2024

The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Cambridge Street	North	Starting at a point 74 feet west of Smith Street For a distance of 20 feet west.

Very truly yours,  
*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

TS

CITY OF FALL RIVER  
MASSACHUSETTS

14



Traffic & Parking Division

RECEIVED

2024 APR 26 A 8:09

CITY CLERK  
FALL RIVER, MA

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

April 25, 2024

The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Charles Street	North	Starting at a point 24 feet east of South Main Street For a distance of 20 feet east.

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic & Parking

JS



CITY OF FALL RIVER  
MASSACHUSETTS

RECEIVED

19

Traffic & Parking Division

2024 APR 26 A 8:09



CITY CLERK  
FALL RIVER, MA

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

April 25, 2024

The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Freedom Street	North	Starting at a point 64 feet west of South Main Street For a distance of 20 feet west.

Very truly yours,  
*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

JS

CITY OF FALL RIVER  
MASSACHUSETTS



Traffic & Parking Division

2024 APR 26 A 8:08

Paul E. Coogan  
Mayor

CITY CLERK  
FALL RIVER, MA

Stephanie MacArthur  
Director of Traffic & Parking

April 25, 2024

The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Globe Street	North	Starting at a point 200 feet east of Bay Street For a distance of 20 feet east.

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS



Traffic & Parking Division

2024 APR 26 A 8:08

CITY CLERK  
FALL RIVER, MA

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

April 25, 2024

The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Linden Street	West	Starting at a point 85 feet north of Walnut Street For a distance of 20 feet north.

Very truly yours,  
*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

JS

**CITY OF FALL RIVER**

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15

To the City Council

Councillors:

The Committee on Health and Environmental Affairs, at a meeting held on April 23, 2024, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.

  
Clerk of Committees

City of Fall River, *In City Council*

(Councilor Trott Lee)

WHEREAS, the Fall River City Council has received multiple communications regarding environmental concerns regarding construction on Stonehaven Road, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with residents from the Stonehaven Road neighborhood and the Administrator of Community Utilities to address concerns.

In City Council, May 10, 2022  
Adopted.

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

**CITY OF FALL RIVER**

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16

To the City Council

Councillors:

The Committee on Health and Environmental Affairs, at a meeting held on April 23, 2024,  
voted unanimously to recommend that the accompanying resolution be granted leave to  
withdraw.

  
Clerk of Committees

# City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, geothermal energy is the heat produced deep in the Earth's core, and

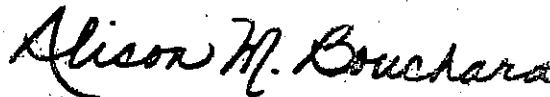
WHEREAS, geothermal energy is a clean, renewable resource that can be harnessed for use as heat and electricity, and

WHEREAS, the plans for the new Diman Regional Vocational Technical High School include environmentally-friendly design features, like a geothermal heating and cooling system, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with a member from the Diman Regional Vocational Technical High School Building Committee and a representative from Kaestle Boos, the electrical engineering company scheduled to work on the project to discuss a general update and answer further questions regarding geothermal energy.

In City Council, May 16, 2023  
Adopted, as amended.

A true copy. Attest:



City Clerk

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Regulations, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying order be adopted, pending the presentation of the City Collector's receipt of payment to the City Clerk.

  
Clerk of Committees



# City of Fall River, In City Council

ORDERED, that the attached applications for the renewal of an auto body shop license be and the same is hereby approved:

<u>Name</u>	<u>Location</u>	<u>Lic. #</u>
William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body & Auto Sales	103 Chavenson Street	110

CITY OF FALL RIVER

IN CITY COUNCIL

APR - 9 2024

*Referred to the Committee  
on Regulations*

12

## CITY OF FALL RIVER

---

To the City Council

Councillors:

The Committee on Regulations, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying order be adopted, pending the presentation of the City Collector's receipt of payment to the City Clerk.

  
Clerk of Committees

# City of Fall River, In City Council

ORDERED, that the attached application for the renewal of an auto repair shop license be and the same is hereby approved:

<u>Name</u>	<u>Location</u>	<u>Lic. #</u>
William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body & Auto Sales	103 Chavenson Street	211

CITY OF FALL RIVER  
IN CITY COUNCIL

APR 09 2024

Referred to the  
Committee on  
Regulations

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Regulations, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying order be adopted, as amended.

  
Clerk of Committees

# City of Fall River, *In City Council*

ORDERED, that the attached applications for the renewals of auto repair shop licenses be and the same are hereby approved:

<u>Name</u>	<u>Location</u>	<u>Lic. #</u>
Carlos Jaquez, Jaquez Auto Sales LLC d/b/a Jaquez Auto and Repair	182 Stafford Road	338
<u>Restrictions:</u> Hours of Operation: Monday through Friday 7:00 A.M. – 7:00 P.M. Saturday 7:00 A.M – 4:00 P.M.		

# CITY OF FALL RIVER

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20

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Michelle M. Dionne absent and not voting.

  
Clerk of Committees

# City of Fall River, *In City Council*

(Councilor Shawn E. Cadime)

WHEREAS, many fire stations in the City of Fall River are very old and in need of upgrades and repairs, and

WHEREAS, the Stanley Street Fire Station is in dire need of replacement as it was built around 1900 to house horse-drawn fire trucks, and

WHEREAS, a capital plan is greatly needed for all fire stations, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Administration and the Fire Chief to work on a fire station building capital plan and begin developing a feasibility study for both a new Stanley Street Fire Station and a full renovation of the Central Station, and

BE IT FURTHER RESOLVED, that this information once completed be referred to the Committee on Finance for discussion and implementation.

In City Council, April 6, 2021  
Adopted

*tabled 8-24-21*

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Michelle M. Dionne absent and not voting.

  
Clerk of Committees



City of Fall River, *In City Council*

21

(Councilor Linda M. Pereira)

WHEREAS, at a recent fire on High Street a fire hydrant lost water pressure causing firefighters to secure another hydrant further away, and

WHEREAS, fire hydrants are tested as often as there is manpower to do so, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Fire Chief and the Administrator of Community Utilities to discuss this very important matter.

In City Council, April 12, 2022  
Adopted, as amended.

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on April 29, 2024 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Michelle M. Dionne absent and not voting.

  
Clerk of Committees

City of Fall River, *In City Council*

22

(Vice President Linda M. Pereira)

WHEREAS, there has been significant development in smoke and carbon monoxide detector devices over the past few years, including photoelectric and ionization technology, and

WHEREAS, there are state laws requiring that these devices be updated prior to the sale of a home, and

WHEREAS, all residential real estate owners, whether they are selling their property or not, should be updated on these recommendations, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Fire Chief and any other interested parties to provide education and information to homeowners and landlords regarding these alarm system updates for the safety and well-being of all City residents.

In City Council, November 14, 2023  
Adopted.

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By inserting in Section 70-371, which relates to Parking prohibited at all times, the following:

Name of Street	Side	Location
Grinnell Street	North	Starting at a point 132 feet west of Jefferson Street, for a distance of 163 feet northerly

CITY OF FALL RIVER  
IN CITY COUNCIL

APR 23 2024

*Passed through  
first reading*

# City of Fall River, *In City Council*

(President Joseph D. Camara)

WHEREAS, emergency medical services is a vital public service, and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week, and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury, and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine, and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, prehospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers, and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills, and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating the Emergency Medical Services Week; now therefore,

BE IT RESOLVED that the City Council does hereby proclaim the week of May 19, 2024 through May 25, 2024 as Emergency Medical Services Week and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

(Filed 5-1-2024)

**PROGRESSIVE**

Payment Address Document Address  
 24344 Network Place P.O. Box 94639  
 Chicago, IL 60673-1243 Cleveland, Ohio 44101-9908  
 Phone: (877)818-0139  
 Fax: (888)781-6947

4/16/2024 8:02 AM

Certified Mail 9489 0090 0027 6568 2404 72 Return Receipt Requested

City of Fall River  
 City Clerk, 2nd Fl.  
 One Government Center  
 Fall River, MA 02722

2024 APR 25 10:34 AM  
 #24-35A  
 CITY CLERK  
 FALL RIVER, MA

\*\*\*THIS IS A SUPPLEMENT TO A DEMAND THAT WAS PREVIOUSLY MAILED TO YOUR ADDRESS  
 ON 4/4/2024\*\*\*

Your Client: PEREZ, HECTOR

Your Claim Number: clm6234338

Our Insured: DIERCKS, COURTNEY Q

Our Claim Number: 24-6403653

Amount Subject to Reimbursement: \$1,327.25

Amount of Insured's Deductible: \$1,000

Our insured had out of pocket expenses of \$221.80. Please reimburse our insured directly.

Please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

Per M.C.L. Chapter 258, please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

Location of Loss: Parked at 273 Oak Grove Ave, in Fall River, MA

Date and Time of Loss: 12/20/2023, 11:00 AM ET

Description of Loss: Our insured's vehicle was parked at 273 Oak Grove Ave, in Fall River, MA when a city water dept vehicle with plate # M88969 operated by Perez, Hector, failed to maintain proper lookout and control of vehicle, struck our insureds parked vehicle. We are seeking reimbursement for our insured's vehicle damages.

Please make your draft payable to Progressive Direct Insurance Company as subrogee of "DIERCKS, COURTNEY Q", in the amount stated above and mail it to the attention of the undersigned at your earliest convenience.

All supporting documentation is enclosed. Thank you for your anticipated, prompt attention to this matter.



Progressive Subrogation

Progressive Direct Insurance Company

Tel. 877-818-0139

Fax. 888-781-6947

GovernmentStatus@email.progressive.com



RECEIVED

2024 APR 22 P 1:36

City of Fall River

#24-39

Notice of Claim

CITY CLERK

1. Claimant's name: Cindy Medeiros
2. Claimant's complete address: 2000 Bay St. Fall River Ma. 02724
3. Telephone number: Home: (508) 642-7246 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): Catalytic Converter Due to Several pot Holes
5. Date and time of accident: April 8<sup>th</sup> 2024 Amount of damages claimed: \$ 2,000.-  
10 PM or so
6. Exact location of the incident: (include as much detail as possible): Rodman St. again on Stafford Rd Near Construction of a home
7. Circumstances of the incident: (attach additional pages if necessary):  
I have a witness Kelly Tavares - check engine light on after hit Rodman St. pot holes. Then stayed on after Stafford Rd. pot holes. Went to Staples code was catalytic converter. Car was in great condition before pot holes. If cars must pass inspections so would city streets
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge:

Date: April 17, 2024

Claimant's signature:

Cindy Medeiros

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator

DCM

Date: 4/22/24

30



**City of Fall River  
Notice of Claim**

RECEIVED

2024 APR 24 P 2:34

- Details are on the next page
1. Claimant's name: EBEL ALPHONSE CITY CLERK 24-40  
FALL RIVER, MA
  2. Claimant's complete address: 594 BROADWAY APT 2E FALL RIVER, MA 02724
  3. Telephone number: Home: 401-585-9907 Work: \_\_\_\_\_
  4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto DAMAGE Labor
  5. Date and time of accident: 4/30/24 Amount of damages claimed: \$ 780.00 a piece of
  6. Exact location of the incident: (include as much detail as possible):  
THE INCIDENT OCCURRED ON DAVOL ST, IN PROXIMITY TO THE FUTURE LOCAT  
OF THE TRAIN STATION
  7. Circumstances of the incident: (attach additional pages if necessary):  
I was driving on Davol street when I encountered a large  
pothole in the road. I was unable to avoid it, and the  
right side tires, both front and back of my vehicle went through  
the pothole. This caused my vehicle to swerve towards the curb re-  
sulting in damage to both tires. I have picture of the damage if you
  8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: \_\_\_\_\_ ☐ Yes ☒ No would like to see them

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 4/19/24

Claimant's signature: EBEL ALPHONSE

**WHEN TO FILE:** If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DCM

Date: 4/24/24





30

RECEIVED

City of Fall River  
Notice of Claim

2024 APR 26 P 12:21

1. Claimant's name: Matthew Brune CITY CLERK 24-41  
FALL RIVER, MA
2. Claimant's complete address: 185 Smith St Fall River MA 02721
3. Telephone number: Home: (508) 617-7408 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
flat tire due to pothole, hole in tire could not be repaired
5. Date and time of accident: 4/11/24 7:00pm - 7:30pm Amount of damages claimed: \$265.07
6. Exact location of the incident: (include as much detail as possible):  
Leaving Chipotle parking lot in Fall River.
7. Circumstances of the incident: (attach additional pages if necessary):  
I was driving out of chipotle parking lot to take a right onto Newton street towards the Southcoast plaza it was dark outside and I hit the pothole. It damaged the tire it could not be fixed only replaced.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 4/26/24Claimant's signature: Matthew Brune

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DPWDate: 4/26/2024



RECEIVED

City of Fall River  
Notice of Claim

2024 MAY -1 P 3:28

1. Claimant's name: MARTIN RILEY CITY CLERK 24-42  
FALL RIVER, MA
2. Claimant's complete address: 1679 COPICUT RD
3. Telephone number: Home: 508-673-6976 Work: 774-263-4497
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AUTO DAMAGE PUBLIC WAY
5. Date and time of accident: 03/26/24 16:00 Amount of damages claimed: \$ 3462.06
6. Exact location of the incident: (include as much detail as possible):  
COPICUT RD WEST OF INDIAN TOWN RD & EAST OF TIMBER LN.
7. Circumstances of the incident: (attach additional pages if necessary):  
TRAVELING TO/FROM 1679 COPICUT THERE ARE SEVERAL POT HOLES  
(ROUGHLY 100+). TRAVELING THIS ROAD IS A GAUNTLET. IT IS NEARLY IMPOSSIBLE  
TO AVOID EVERY POT HOLE. ON 03/26/24 I STRUCK A 3+\" POT HOLE. THIS  
RESULTED IN A SNAPPED LEFT TIE ROD & KNUCKLE ASSEMBLY. MY TIRE INSTANTLY  
EXPLODED & CAUSED A RIPPLE EFFECT OF DAMAGE
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge:

Date: 05/01/24Claimant's signature: Martin Riley

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCMDate: 5/1/24

31

CITY OF FALL RIVER  
OFFICE OF THE CITY CLERK



RECEIVED

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

2024 APR 18 A 11:33

Name of Applicant: Kathleen Schedler Clark

Name of Business (if applicable): Steppingstone Inc.

Address: 111 Durfee St. FALL River, Ma  
Street City State

Phone: 508-844-8020 E-mail: kclark@steppingstoneinc.org

Type of structure or device: Banner

Description (include dimensions): 30 FT. wide by 36 inch banner  
that promotes the 2024 Get Steppin Walk.

Location: Between 111 + 134 Durfee St.

Dates: 6-1-24 to 8-10-24

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant Kathleen Schedler Clark Date 4-15-24

[Signature] 4/22/24  
Building Inspector Date  
APPROVED ☒  
DISAPPROVED ☐

[Signature] 4/15/2024  
Director of Traffic Date  
APPROVED ☒  
DISAPPROVED ☐

[Signature] 4-15-24  
Chief of Police Date  
APPROVED ☒  
DISAPPROVED ☐

In City Council, \_\_\_\_\_ Permit (approved) (disapproved)  
Date

OFFICE USE ONLY  
☒ Fee Paid CL #33496

Alison M. Bouchard  
City Clerk

32



CITY OF FALL RIVER  
OFFICE OF THE CITY CLERK

RECEIVED

2024 MAY -9 A 11: 23

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

Name of Applicant: Jennifer Chase CITY CLERK  
FALL RIVER, MA

Name of Business (if applicable): Fall River Masonic Associates, Inc

Address: 152 Columbus Dr. Fall River MA  
Street City State

Phone: 508 944 4722 (Change) E-mail: jennifer chase 409@gmail.com

Type of structure or device: sign Note: sign size 16" x 24" 8' off grade to bottom of sign

Description (include dimensions): (2) 24" x 36" T Aluminum metal / reflective road signs

to advertise Masonic Lodge and clothing shed program

Location: on telephone pole at corner of Columbus + Meridian St.

Dates: All year long or installed on its own pole

mailing address: Jennifer Chase 43 Walker St Whitinsville MA 01588

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant Jennifer Chase Date 4/6/2024

[Signature] (see Note) 4/24/24  
Building Inspector Date

APPROVED ☒  
DISAPPROVED ☐

[Signature] 4/24/24  
Director of Traffic Date

APPROVED ☒  
DISAPPROVED ☐

[Signature] 5/3/24  
Chief of Police Date

APPROVED ☒  
DISAPPROVED ☐

In City Council, \_\_\_\_\_  
Date

Permit (approved) (disapproved)

OFFICE USE ONLY

☒ Fee Paid Cash

Alison M. Bouchard  
City Clerk



**DEPARTMENT OF  
ENGINEERING - PLANNING**  
**CITY OF FALL RIVER**

33

PAUL E. COOGAN

*Mayor*

DANIEL AGUIAR

*Director of Engineering & Planning*

RECEIVED

2021 MAY -2 A 11:57

CITY CLERK  
FALL RIVER, MA

**MEMO**

**TO:** Fall River City Council  
**FROM:** Daniel Aguiar, City Engineer  
**DATE:** May 1, 2021  
**RE:** Parcel N-8-57, 311 Pine Street-5 Year Street Opening Request

The Engineering Department is in receipt of permitting requests regarding the proposed installation of utilities within Pine Street as well as an expanded curb opening/driveway within Purchase Street (attached). Both Pine and Purchase Streets were reconstructed within the last 5 years (2019). The current owner recently purchased the parcel and is in the process of performing much needed utility and driveway upgrades.

All permits granted from the Engineering Department will require that complete restoration of the roadway will be required. This restoration will be singular, encompassing all utilities with a minimum width of 15' in and shall be reconstructed from curb to curb including the installation of new concrete sidewalks.

Attached are the following items:

1. Cover letter from property owner.
2. Pending Street Opening permit (sewer)
3. Pending Street Opening permit (water)
4. Trench permit
5. Tax Certification
6. Pending Curb Cut/Removal Application

I respectfully request that the matter be voted upon at the next available City Council meeting. I am available at your convenience to discuss the matter if need be. Thank you for your attention.

One Government Center • Fall River, MA 02722  
TEL (508) 324-2512 • FAX (508) 324-2564 • EMAIL [engineering@fallriverma.gov](mailto:engineering@fallriverma.gov)



BRIAN R. CUNHA, Esq.\*\*  
NELIA CAMARA DESTEFANO, Esq.\*\*

HONEY POLNER, Esq., R.N.  
KAREN A. ALEGRIA, Esq.\*\*  
SHARON D. SYBEL, Esq.\*\*

\*\*MEMBER MA & RI BAR

LAW OFFICES

**BRIAN CUNHA**  
& ASSOCIATES

33

311 PINE STREET  
FALL RIVER, MASSACHUSETTS 02720  
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May 1, 2024

City Council Members  
City Hall  
City of Fall River  
Fall River, MA 02720

Re: BRIAN CUNHA & ASSOCIATES, P.C.  
DESTEFANO FAMILY LIVING TRUST (owner)  
311 Pine Street  
Fall River, MA 02720

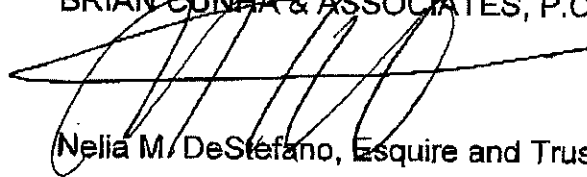
Dear Honorable Council Members:

I am requesting that this Honorable Council grant the opening and curb cut of 311 Pine Street which is a five (5) year Street to allow my contractor to install new sewer and water lines. Our sewer lines have been backing up into our parking lot causing a hazardous and unsanitary condition. Furthermore, I have been informed that that the water lines are lead service and in much need of replacing.

As such, granting permission to replace the sewer and water lines is in everyone's best interests.

Thank you for your attention and cooperation in this matter.

Very truly yours,  
BRIAN CUNHA & ASSOCIATES, P.C.



Nelia M. DeStefano, Esquire and Trustee

NMD

35a



**PLANNING**  
**CITY OF FALL RIVER**

RECEIVED

2024 APR 11 A 9:58

**TO:** Alison Bouchard  
City Clerk

**FROM:** Fall River Planning Board

**RE:** **PLANNING BOARD MINUTES**  
**February 14, 2024**

CITY CLERK  
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, February 14, 2024, in the 1<sup>st</sup> Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on January 23, 2024 and revised on February 12, 2024. Notice of the meeting was advertised in the Fall River Herald News on Tuesday, January 30, 2024, and Tuesday, February 6, 2024.

**Members present:** John Ferreira, Chair; Gloria Pacheco, Vice Chair; Michael Farias; Mario Lucciola

**Members absent:** Elizabeth Andre

**Also present:** Dan Aguiar, Director of Engineering & Planning; Christopher Parayno, Assistant Planner; Nina Krueger, Recording Clerk; and Craig Salvador, FRGTV.

"Minutes" of this meeting are as follows:

*Mr. Ferreira opened the meeting at 5:30 pm with roll call attendance and read the Open Meeting Law statement.*

**New Business**

**1. SURETY REDUCTION – FIELDSTONE LANE, BROOKFIELD TERRACE, & STONYBROOK CIRCLE**

Review and discuss Surety Reduction request for Highland Farms II – Fieldstone Lane, Brookfield Terrace, and Stonybrook Circle.

Mr. Aguiar explained that the applicant submitted a request for the full amount of the bond, which totals over \$200,000. Upon review of the completed site work, Mr. Aguiar recommended that the surety be reduced by \$112,870.80, with the City of Fall River keeping a total of \$113,472.00 until completion of the project.

Ms. Pacheco inquired about the project's completion timeline. Mr. Aguiar clarified that the aim is to have the project finalized during springtime. He mentioned that there are only a few remaining tasks, such as obtaining updated as-built plans and completing landscaping work.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Lucciola, it was unanimously VOTED 4-0 to Approve the Surety Reduction with Mr. Aguiar's recommended edits.

**Documents used during the meeting:**

Surety Reduction Request Letter and Supporting Financial Documents  
Memo Letter from the Director of Engineering and Planning, Dan Aguiar

**2. REPETITIVE PETITION – SHARON ZITANO**

**298 King St., Map B-12 Lot 2**

In accordance with M.G.L. c.40A § 16 and § 86-487 of the Fall River Zoning Bylaw, the applicant requests that the Fall River Planning Board make a determination that the submitted proposal contains specific and material changes in the conditions for which unfavorable action had previously been taken by the City of Fall River Zoning Board of Appeals. On January 19, 2023, the applicant was denied a zoning variance to divide the existing parcel (B-12-0002) into three lots. The new petition differs, as it seeks to divide the existing parcel into two lots. This property is located in an R-4 (Two-family) Zoning District.

Attorney Matthew M. Aspden appeared before the Board on behalf of the applicant. He clarified that the applicant previously presented a petition to the Zoning Board of Appeals in January 2023 to subdivide the parcel into three (3) lots. Originally, this parcel comprised of three separate lots acquired at different times, which later merged into one. Atty. Aspden noted that some abutters voiced opposition during the meeting, expressing concerns about increased congestion in the area. In response, the Zoning Board suggested reducing the subdivision to two (2) lots to minimize the need for relief.

Under this revised plan, the only variance required is to waive frontage on Butler St., with the other lot fully conforming. Atty. Aspden emphasized that significant changes have been made, addressing the conditions that led to the initial denial by the Zoning Board. Consequently, he requested the Board to grant them the opportunity for a rehearing before the Zoning Board of Appeals.

In a motion made by Mr. Lucciola and seconded by Ms. Pacheco, the Board unanimously voted 4-0 that, in accordance with M.G.L. c.40A §16 and §86-487 of the Fall River Zoning Bylaw, the proposal as set forth in the current request contains specific and material changes in the conditions for which the original petition was denied by the Zoning Board of Appeals.

**Documents used during the meeting:**

Letter Requesting Repetitive Petition  
Tax Certification Form  
Certified Abutters' List  
Repetitive Petition Site Plan  
Previous Zoning Board of Appeals Application  
Previous Zoning Board of Appeals Site Plan  
Previous Zoning Board of Appeals Decision

**3. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)  
File No. 24-1568**



**Owner:** George Shaker Jr.

**Applicant:** 847-867 Pleasant Street Real Estate LLC

**Property Location:** 847 Pleasant St. & 807 Pleasant St.

**Assessors Map:** K-04 Lots: 6 & 18

Mr. Aguiar explained that this petition pertains to one party encroaching onto another party's land. He explained that the plan was devised to settle this civil matter outside of court. He further stated that no zoning relief is necessary for this petition, and the plan satisfies all criteria for endorsement under the "Approval Not Required Under the Subdivision Control Law." As a result, the Planning Department recommends endorsement.

Upon a motion duly made by Mr. Farias and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

**Documents used during the meeting:**

Form A Application for Endorsement of Plan Believed Not to Require Approval

Tax Certification Form

Approval Not Required Plan of Land

**4. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)**

**File No.** 24-1569

**Owner/Applicant:** Robert Saraiva

**Property Location:** 201 Peckham St., 213 Peckham St., & 0 Vale St.

**Assessors Map:** G-13 Lots: 2, 3, & 79

Mr. Aguiar clarified that this petition had previously received approval from the Zoning Board of Appeals. It addresses an encroachment issue concerning the Peckham Street Garage by transferring the existing portion of the garage from lot one (1) to lot two (2). He explained that although lot three (3) had been previously separated, it merged with lot two (2) due to the law of merger. The current plan reinstates lot three (3) as a standalone lot. Mr. Aguiar affirmed that the plan fully complies with the requirements for endorsement under the "Approval Not Required Under the Subdivision Control Law," and therefore, the Planning Department recommends endorsement.

Upon a motion duly made by Mr. Farias and Seconded by Mr. Lucciola, it was unanimously VOTED 4-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

**Documents used during the meeting:**

Form A Application for Endorsement of Plan Believed Not to Require Approval

Tax Certification Form

Approval Not Required Plan of Land

**5. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)**

**File No.** 24-1570

**Owner/Applicant:** Savoie St. LLC

**Property Location:** 111 Savoie St.  
**Assessors Map:** L-09 Lot: 73

Mr. Aguiar clarified that, much like the previous petition, this parcel was initially composed of two lots. However, they were merged in accordance with the merger law. Subsequently, the petition was presented to the Zoning Board of Appeals and granted approval for lot subdivision. He confirmed that the proposed plan satisfies all criteria for endorsement under the "Approval Not Required Under the Subdivision Control Law." Consequently, the Planning Department is recommending endorsement.

Upon a motion duly made by Mr. Lucciola and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

**Documents used during the meeting:**

Form A Application for Endorsement of Plan Believed Not to Require Approval  
Tax Certification Form  
Approval Not Required Plan of Land

**6. RECEIPT OF CORRESPONDENCE**

Review and discuss the Termination of Notice of Activity and Use Limitation recorded in accordance with MassDEP by SAGE Environmental, Inc. for the property located at 109 Howe St.

Mr. Aguiar explained that when a property has a certain level of contamination, an Activity and Use Limitation is imposed on it and officially recorded at the registry of deeds. However, once the site undergoes cleanup, these limitations are lifted through the Massachusetts Department of Environmental Protection. Mr. Aguiar stated that this is simply a notification of the limitations being lifted and advised the Board to file the document accordingly.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Farias, it was unanimously VOTED 4-0 to place the document on file.

**7. RECEIPT OF CORRESPONDENCE**

Review and discussion of the acceptance of the Bradford Durfee Textile School for the National Register of Historic Places from the Massachusetts Historical Commission.

Mr. Aguiar stated that this document is another file that gets sent to several state and municipal departments and advised the Board to place the document on file.

Upon a motion duly made by Mr. Farias and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to place the document on file.

**8. ELECTION OF OFFICERS**

Election of Planning Board Officers for the year of 2024.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Lucciola, it was unanimously VOTED 4-0 to elect the following for the year of 2024:

- Chair – John Ferreira
- Vice Chair – Gloria Pacheco
- Southeastern Regional Planning & Economic Development District Planning Board Representative – John Ferreira
- Community Preservation Committee Planning Board Representative – Michael Farias

**9. Approval of Minutes: December 13, 2023**

Upon a motion duly made by Mr. Lucciola and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to approve the December 13, 2023 Planning Board meeting minutes.

**10. Citizens' Input:**

No one was present for Citizens' Input.

**11. Adjournment**

Upon a motion duly made by Mr. Farias and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to adjourn at 5:46pm.

**List of documents and other exhibits used during the meeting:**

Planning Board Agenda for 02/14/2024 Meeting

Revised Planning Board Agenda for 02/14/2024 Meeting

Planning Board Minutes from 12/13/2023 Meeting

*Recording Clerk*

In Planning Board, April 10, 2024

**Approved**



# PLANNING

CITY OF FALL RIVER

RECEIVED

**TO:** Alison Bouchard  
City Clerk

2024 APR 11 A 9:58

**FROM:** Fall River Planning Board

CITY CLERK  
FALL RIVER, MA

**RE:** PLANNING BOARD MINUTES  
March 13, 2024

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, March 13, 2024, in the 1<sup>st</sup> Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on February 23, 2024 and revised on March 7, 2024. Notice of the meeting was advertised in the Fall River Herald News on Tuesday, February 28, 2024 and Tuesday, March 5, 2024.

**Members present:** John Ferreira, Chair; Gloria Pacheco, Vice Chair; Elizabeth Andre; Michael Farias; Mario Lucciola

**Members absent:** None.

**Also present:** Dan Aguiar, Director of Engineering & Planning; Christopher Parayno, Assistant Planner; Nina Krueger, Recording Clerk; and Craig Salvador, FRGTV.

"Minutes" of this meeting are as follows:

*Mr. Ferreira opened the meeting at 5:30 pm with roll call attendance and read the Open Meeting Law statement.*

## New Business

### 1. ROADWAY RECONSTRUCTION – LEDGE STREET

Section 66-185 City Ordinance. Considering the Roadway Reconstruction Plan and Profile of the Ledge Street Ext.

Mr. Aguiar provided an overview of Ledge St., highlighting it as an existing public way spanning 40 ft. in width. He noted that previous paving initiatives did not encompass the last two lots at the street's terminus. Currently, the applicant is undergoing the Site Plan Review process to develop two dwellings on the vacant lots on either side of Ledge St.

During the Site Plan Review Committee's evaluation, a condition was imposed to pursue Roadway Reconstruction for extending Ledge St. Mr. Aguiar outlined several waivers sought by the applicant, detailed in the Extension Request. In the Board members' packets, he included a memo outlining all revisions necessary for final plan approval by the Site Plan Review Committee.

One Government Center • Fall River, MA 02722

TEL (508) 324-2561 • FAX (508) 324-2564 • EMAIL [planning@fallriverma.gov](mailto:planning@fallriverma.gov)

He emphasized that the Board's sole action pertains to three waivers requested by the applicant:

1. Allowing a 20-foot-wide pavement instead of the standard 26-foot width.
2. Waiving the requirement for sidewalk construction.
3. Omitting the cape cod berm for curbing on the street.

Mr. Aguiar clarified that sidewalks are not mandatory on minor streets unless required by the Planning Board. He recommended including the cape cod berm as indicated on the plan and adding the missing detail reference to the plan.

Moreover, he reminded both the Board and the abutters in the audience that the Board's focus is solely on the Roadway Reconstruction before them, excluding considerations for the homes that are to be constructed.

Peter Lavoie, Project Engineer representing Landmark Site Design, addressed the Board on behalf of the applicant. Mr. Lavoie outlined the current state of the road, which spans approximately 150 ft. and noted its patchy condition. He indicated that the applicant's objective is to extend the road by roughly 39 ft., with the extension measuring 20 ft. in width, featuring a proposed 1 ft. berm.

Explaining the purpose of the berm, Mr. Lavoie mentioned its role in directing stormwater towards a proposed settling pond at the street's end. Currently, he highlighted, water runoff flows directly down Ledge St. into the nearby woods without any mitigation measures. The proposed settling pond aims to collect and mitigate this runoff effectively.

Briefly touching upon the drainage and stormwater management system for the two proposed dwellings at the street's terminus, Mr. Lavoie emphasized that his presentation primarily focuses on the street extension and its associated drainage.

Mr. Aguiar interjected, mentioning his request for the engineer to delineate the various materials comprising the current road on updated plans. This, he explained, would aid in identifying existing patches and requirements for new pavement. He assured the Board that the utility work can be addressed through the Site Plan Review process, emphasizing the Board's sole responsibility of voting on the waivers presented.

Furthermore, Mr. Aguiar clarified that the street work, once completed, would direct stormwater towards the wooded area near Talbot Middle School, rather than towards neighboring homes.

Karen Souza, 60 Melrose St. – Ms. Souza attended the meeting to voice concerns regarding the project. She inquired about the approach the applicant intended to take to navigate the rock or ledge at the street's end.

Mr. Aguiar addressed the issue, explaining that ledge removal falls within the jurisdiction of the Building Department. He highlighted that if blasting becomes necessary, a permit must be obtained, a process which entails thorough inspections by the removal company, including assessments of neighboring foundations. Mr. Aguiar emphasized that the Building Department would notify adjacent property owners and implement appropriate safety measures if blasting is required.

Turning to Mr. Lavoie, Mr. Aguiar sought clarification on whether the street would encounter ledge, or if it falls short, to which Mr. Lavoie confirmed that there are no current plans to cut any ledge. Mr. Lavoie indicated that soil testing had been conducted and factored into the engineering process. Upon a motion duly made by Mr. Farias and Seconded by Ms. Pacheco, it was unanimously VOTED 5-0 to approve the requested waivers, with Mr. Aguiar's recommendations.

**Documents used during the meeting:**

Extension Request  
 Certified Abutter's List  
 Roadway Reconstruction Plan  
 Memo letter from the Department of Engineering and Planning  
 Photos of Existing Ledge St.

**2. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)**

**File No. 24-1571**

**Owner/Applicant:** VMD Industrial FR LLC

**Property Location:** 0 Innovation Way

**Assessors Map:** W-19 Lots: 185, 191, & 192

Mr. Aguiar provided an update on the project, noting that the properties in question were formerly owned by the Fall River Redevelopment Authority. He detailed the subdivision of the site, its completion of the Site Plan Review process, and review by the Conservation Commission.

Highlighting a potential buyer for one of the lots, Mr. Aguiar explained that the buyer required reshaping the rear of the parcel to allow the proposed building to meet rear yard setbacks. Specifically, this involves adjusting the rear lot line of W-19-0185 by swapping it with land from W-19-0191, designated as a conservation restriction parcel. He emphasized the lengthy process undertaken by the applicant, including obtaining state approval for altering the lot lines.

Characterizing the proposed changes as a minor Approval Not Required (ANR) plan, Mr. Aguiar clarified that no new lots would be created. Instead, there would be minor adjustments to the lot lines within the three subject parcels.

Brian Dunn of MBL Land Development and Permitting, Corp., representing the applicant, elaborated on the purpose of the ANR process, reiterating the goal of changing lot lines as outlined by Mr. Aguiar. He noted that the area would accommodate significant infrastructure and that the applicant had completed the state permitting process, with hopes of overcoming this final hurdle.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Lucciola, it was unanimously VOTED 5-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

**Documents used during the meeting:**

Form A Application for Endorsement of Plan Believed Not to Require Approval  
 Tax Certification Form  
 Approval Not Required Plan of Land  
 Certificate of Organization

**3. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)**

**File No. 24-1572**

**Owner/Applicant:** 118-120 Jefferson Street Realty Trust

**Property Location:** 118-120 Jefferson Street

**Assessors Map:** F-04 Lot: 27

Mr. Aguiar clarified that the petition pertains to two multi-family dwellings constructed prior to 1954 and the enactment of the Subdivision Control Law in the city. Subsequently, the petition was brought before the Zoning Board of Appeals, securing approval for a Special Permit under § 86-423B of the City of Fall River's Zoning Ordinance.

He confirmed that the proposed plan meets all criteria for endorsement under the "Approval Not Required Under the Subdivision Control Law," with the exception of delineating the setbacks to the newly created lot lines from the existing buildings. As a result, the Planning Department recommends endorsement pending submission of new plans reflecting the setbacks.

Upon a motion duly made by Ms. Andre and Seconded by Ms. Pacheco, it was unanimously VOTED 5-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

**Documents used during the meeting:**

Form A Application for Endorsement of Plan Believed Not to Require Approval  
Tax Certification Form  
Approval Not Required Plan of Land  
Trustee Paperwork

**4. Approval of Minutes: February 14, 2024**

Ms. Pacheco identified a discrepancy in the minutes wherein the motion to vote and the second were interchanged. She suggested that the Board postpone approval of the minutes to verify this before proceeding.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Lucciola, it was unanimously VOTED 5-0 to Table the February 14, 2024 Planning Board meeting minutes.

**5. Citizens' Input:**

No one was present for Citizens' Input.

**6. Adjournment**

Upon a motion duly made by Ms. Andre and Seconded by Mr. Farias, it was unanimously VOTED 5-0 to adjourn at 6:04pm.

**List of documents and other exhibits used during the meeting:**

Planning Board Agenda for 03/13/2024 Meeting  
Revised Planning Board Agenda for 03/13/2024 Meeting  
Planning Board Minutes from 02/14/2024 Meeting

*Recording Clerk*

In Planning Board, April 10, 2024

**Approved**

# **COMMITTEE ON FINANCE**

MEETING: April 23, 2024, at 6:00 p.m.  
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;  
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,  
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte, and Andrew J. Raposo

ABSENT: Councilor Laura-Jean Sampson

IN ATTENDANCE: Seth Thomas Aitken, City Administrator  
Bridget Almon, Director of Financial Services  
Michael Dion, Director of Community Development Agency  
Terenzio Volpicelli, Certified Public Accountant,  
Roselli, Clark & Associates

The chair called the meeting to order at 6:04 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

*Prior to the discussion of financial matters, Councilor Kilby made brief remarks regarding two heroic Fall River Police Department employees, Officer Garrett Nelson and Officer Guy Furtado, who rescued a fellow skier on a mountain in Vermont earlier in the year.*

## 1. Citizens' Input Time – None

*Prior to the discussion regarding item 2, Councilor Cliff Ponte stated that he was recusing himself from discussion of this item and exited the City Council Chamber at 6:12 p.m.*

2. Community Development Agency Year Five Annual Action Plan  
*Michael Dion, Director of the Community Development Agency (CDA), read aloud a brief statement regarding the CDA Year Five Annual Action Plan, which included details of the CDA's goals of providing decent affordable housing, creating suitable living environments, and creating economic opportunities. Mr. Dion provided information regarding different types of grant funding including the CD HOME Investment Partnership and Emergency Solutions Grant. Mr. Dion also explained the CDA's plans to prioritize infrastructure improvements, such as sidewalk and park renovations, to improve public service programs, such as those for senior citizens, and to continue to offer homeowner assistance funding.*



Councilor Dionne requested additional information regarding the Massachusetts Attorney General Housing Initiative to work with those in receivership to rehabilitate nuisance properties. Mr. Dion stated that they work to revive abandoned properties within the City by assisting the receiver in repairs. Mr. Dion explained that if that process is not successful, they work to foreclose on the property themselves. Councilor Dionne and Mr. Dion held a brief discussion regarding different ways that the CDA assists residents to pay their rent and avoid eviction, including their work with Catholic Social Services. Councilor Dionne also asked for clarification regarding the closure of the Timeo Center. Mr. Dion explained that the Community Development Agency is currently working with the non-profit organization who created the program to reopen the facility and will provide a portion of funding in the future. Councilor Dionne requested an update on the CDA's work to reduce homelessness in the City. Mr. Dion stated that there are many programs and staff working with the Administration that are certainly helping those struggling to find housing, but he does not anticipate that homelessness will disappear as the cost of living continues to grow. Councilor Kilby expressed gratitude to Mr. Dion for the work the CDA has done for the community.

Councilor Ponte returned to the City Council Chamber at 6:26 p.m.

3. Communication re Fiscal Year 2023 Financial Audit prepared by Roselli, Clark & Associates

Terenzio Volpicelli, Certified Public Accountant, Roselli, Clark & Associates, gave a detailed overview of the Fiscal Year 2023 Financial Audit, including pension liabilities, revenue accounts, financial statements, fund balances, expenditures, American Rescue Plan Act funding, and financial reserves.

Councilor Kilby requested additional information regarding long-term debt, such as the expenditure for the new Diman Regional Vocational Technical High School, and budget sustainability. Mr. Volpicelli stated that annual assessments will increase to compensate for this project and Bridget Almon, Director of Financial Services, explained how long-term and short-term loans will be utilized to pay off interest rates.

Councilor Ponte asked for clarification regarding increased expenditures that may affect future budgets. Mr. Volpicelli explained that inflation will affect Fall River in the future, like many other municipalities. Councilor Ponte, Ms. Almon and Mr. Volpicelli held a brief discussion regarding the anticipated receipt of the Fiscal Year 2023 Single Audit and Councilor Ponte expressed concern regarding long-term funding discrepancies from previous audits. Councilor Cadime and Mr. Volpicelli provided a brief explanation of the difference between the Financial Audit and the Single Audit as the Single Audit is only required if a municipality has received over \$750,000 in federal funding.

On a motion made by Councilor Kilby and seconded by Councilor Dionne, it was unanimously voted to adjourn at 6:12 p.m. with Councilor Sampson absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)  
DVD of meeting

  
Clerk of Committees

### REGULAR MEETING OF THE CITY COUNCIL

MEETING: April 23, 2024, at 7:00 p.m.  
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;  
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,  
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte and Andrew J. Raposo

ABSENT: Councilor Laura-Jean Sampson

IN ATTENDANCE: None

President Camara called the meeting to order at 7:03 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

*President Camara presented citations to Officer Garrett Nelson, Fall River Police Department, on behalf of his, and Officer Guy Furtado's, heroic efforts to save a fellow skier.*

#### PRIORITY MATTERS

1. Mayor and confirmation of the appointment of Officer Jose Barbosa to the position of Harbormaster  
*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to confirm the appointment, with Councilor Sampson absent and not voting.*
2. Mayor and order appropriating \$1,771,482 from Community Preservation Act funds for Fiscal Year 2025 community projects  
*Vice President Pereira and Councilor Kilby made brief remarks commending the Community Preservation Committee for their hard work and dedication to the City. On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.*  
*Approved, April 24, 2024*  
*Paul E. Coogan, Mayor*
3. Mayor and resolution authorizing submission of the Community Development Agency's Year Five Annual Action Plan  
*On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was voted 7 yeas to adopt the resolution, with Councilor Ponte abstaining and Councilor Sampson absent and not voting.*  
*Approved, April 24, 2024*  
*Paul E. Coogan, Mayor*

4. Fiscal Year 2024 Quarter 3 Budget Report

*On a motion made by Councilor Ponte and seconded by Vice President Pereira, it was unanimously voted to refer the report to the Committee on Finance, with Councilor Sampson absent and not voting.*

**PRIORITY COMMUNICATIONS**

5. Traffic Commission recommending amendments to the traffic ordinances

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the recommendations to the Committee on Ordinance and Legislation, with Councilor Sampson absent and not voting.*

6. Planning Board report re Proposed Zoning Map Amendment (Waterfront Transit-Oriented Development District) and proposed ordinance amendment.

*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinance and Legislation, with Councilor Sampson absent and not voting.*

**COMMITTEE REPORTS**

Committee on Finance recommending:

Action

7. Fiscal Year 2025 Enterprise Fund budget for Emergency Medical Services Division

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.*

*Approved, April 24, 2024*

*Paul E. Coogan, Mayor*

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

8. Proposed Ordinance – Traffic, handicapped parking

- Broadway, East, 126 feet south of Griffin Street
- Foster Street, West, 51 feet south of Warren Street
- Harrison Street, West, 484 feet north of Alden Street
- Pine Street, North 122 feet east of Rock Street

*On a motion made by Councilor Raposo and seconded by President Camara, it was voted 8 yeas to adopt the emergency preamble, with Councilor Sampson absent and not voting. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Sampson absent and not voting.*

*Approved, April 24, 2024*

*Paul E. Coogan, Mayor*

First Reading

9. Proposed Ordinance – Traffic, miscellaneous  
Parking prohibited at all times:

Grinnell Street, North, 132 feet west of Jefferson Street

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through first reading, with Councilor Sampson absent and not voting.*

Referral to Corporation Counsel (requesting responses within thirty days)

10. Resolution – Discuss amending the powers, duties, and responsibilities of the Armory Commission from the Board of Park Commissioners to the Historical Commission and the Preservation Society to assist in future remediations for the Bank Street Armory

*On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the resolution to Corporation Counsel, and to request a response within thirty days of referral, with Councilor Sampson absent and not voting.*

11. Resolution – Convene with Corporation Counsel, the City Administrator and representatives of Historical Commission and Preservation Society to discuss possible ordinance amendments.

*On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the resolution to Corporation Counsel, and to request a response within thirty days of referral, with Councilor Sampson absent and not voting.*

Adoption

12. Order to accept recommendations from the City Assessor and Board of Assessors re M.G.L. Ch. 59 § 5 clause forty-first C re elderly exemptions

*On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.*

Grant Leave to Withdraw

13. Resolution – Committee on Finance meet with various parties regarding Fall River Cannabis Review Commission and process of approving marijuana licenses and Committee on Ordinances and Legislation convene with the same parties to draft such commission.

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Sampson absent and not voting.*

**ORDINANCES**

Second Reading and Enrollment

14. Proposed Ordinance – Traffic, miscellaneous  
Handicapped parking removals

- Birch Street, North, 291 feet east of King Street
- Cory Street, North, 106 feet east of Oregon Street
- Holden Street, North, 170 feet west of Fielden Street
- Lebanon Street, North, 67 feet west of Quequechan Street
- Prospect Street, North, 30 feet east of Barnaby Street

*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Sampson absent and not voting. On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through ordination, with Councilor Sampson absent and not voting.*

Approved, April 24, 2024

Paul E. Coogan, Mayor

15. Proposed Ordinance – FY 2025 Sewer Rates

*On a motion made by Councilor Raposo and seconded by President Camara, it was voted 5 yeas, 3 nays that the proposed ordinance be passed through second reading and enrollment, with Vice President Pereira, Councilor Dionne and Councilor Ponte voting in the negative and Councilor Sampson absent and not voting. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was voted 5 yeas, 3 nays, that the proposed ordinance be passed through ordination, with Vice President Pereira, Councilor Dionne and Councilor Ponte voting in the negative and Councilor Sampson absent and not voting.*

*Approved, April 24, 2024*

*Paul E. Coogan, Mayor*

Second Reading and Enrollment, as amended

16. Proposed Ordinance – FY 2025 Water Rates

*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was voted 5 yeas, 3 nays that the proposed ordinance be passed through second reading and enrollment, as amended, with Vice President Pereira, Councilor Dionne and Councilor Ponte voting in the negative and Councilor Sampson absent and not voting. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was voted 5 yeas, 3 nays, that the proposed ordinance be passed through ordination, as amended, with Vice President Pereira, Councilor Dionne and Councilor Ponte voting in the negative and Councilor Sampson absent and not voting.*

*Approved, April 24, 2024*

*Paul E. Coogan, Mayor*

**RESOLUTIONS** - None

**CITATIONS**

17. Fall River Lion's Club Peace Portrait Winners

High School

Sophie Baker    Reynaliz Lugo    Rebecca De Moraes

Middle School

Cole Rebello    Lennix Sullivan    Alychia Almeida

Elementary School

Abigail Foster    Gwen Hetzler    Aubry Ferreira

*On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the citations, with Councilor Sampson absent and not voting.*

18. Fall River Police Officers Guy Furtado and Garrett Nelson – Heroic actions which helped to save the life of a fellow skier

*On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the citations, with Councilor Sampson absent and not voting.*

**ORDERS – HEARINGS** – None

**ORDERS – MISCELLANEOUS**19. Police Chief's report on license:Taxicab Drivers

Jamie Lee DeTerra Steven Little

Second Hand License Renewal

Laura Pacheco d/b/a Laura's Vintage Attic – 1800 South Main Street

*On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.*20. Auto Repair Shop License Renewal:

Geoffrey Brisbon d/b/a Brisbon Diesel Service Inc – 2524 North Main Street

Sameh Saleb, Keyrlos, Inc. d/b/a South End Benzina – 2322 South Main Street

Carlos Jaquez, Jaquez Auto Sales, LLC d/b/a

Jaquez Auto and Repair – 182 Stafford Road

*The City Clerk stated that Carlos Jaquez, Jaquez Auto Sales, LLC, d/b/a Jaquez Auto and Repair, located at 182 Stafford Road, had sent a letter requesting changes to the hourly restrictions for his license.**On a motion made by Councilor Cadime and seconded by Councilor Raposo, it was unanimously voted to separate the order for the auto repair shop license renewals, leaving the applications for Geoffrey Brisbon and Sameh Saleb for consideration.**On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order for the auto repair shop license renewals of Geoffrey Brisbon d/b/a Brisbon Diesel Service Inc., located at 2524 North Main Street, and Sameh Saleb, Keyrlos, Inc. d/b/a South End Benzina, located at 2322 South Main Street, with Councilor Sampson absent and not voting.**On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted that the remaining order for the auto repair shop license renewal of Carlos Jaquez, Jaquez Auto Sales, LLC, d/b/a Jaquez Auto and Repair, located at 182 Stafford Street, be referred to the Committee on Regulations, with Councilor Sampson absent and not voting.*21. Revocation of permit for the storage of inflammables (removal of tanks):

City of Fall River – Wastewater Treatment, 1979 Bay Street

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order, with Councilor Sampson absent and not voting.***COMMUNICATIONS – INVITATIONS – PETITIONS**22. Claims*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Sampson absent and not voting.*23. Attorney General Response to Open Meeting Law complaint filed by Patrick Higgins re: February 15, 2024 alleged violation by City Council Committee on Ordinances and Legislation*Vice President Pereira requested that the City Clerk notify the public of the Attorney General Response and the City Clerk stated that the Attorney General determined that the Committee on Ordinances and Legislation did not violate the Open Meeting Law. On a motion made by*

*Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the communication be accepted and placed on file, with Councilor Sampson absent and not voting.*

24. Drainlayer Licenses:  
 Bartlett Consolidated DE, LLC  
 Biszko Contracting Corp.  
 Coastal Water Sewer & Excavation, Inc.  
 DaSilva Landscaping & Construction, LLC  
 East Coast Landscaping & Construction, Inc. Inc.  
 Geologic Earth Exploration, Inc.  
 JH Landscaping & Construction Inc.  
 Joseph Botti Co., Inc

*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the drainlayer licenses, with Councilor Sampson absent and not voting.*

*On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to take items 25 through 30 together, with Councilor Sampson absent and not voting.*

- City Council Minutes  
 25. Committee on Finance – March 26, 2024  
 26. City Council – March 26, 2024  
 27. Joint Meeting of the City Council and School Committee – April 9, 2024  
 28. Public Hearings – April 9, 2024  
 29. Committee on Finance – April 9, 2024  
 30. City Council – April 9, 2024

*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to approve the minutes, with Councilor Sampson absent and not voting.*

**BULLETINS – NEWSLETTERS – NOTICES – None**

*A brief recess was held from 7:19 p.m. to 7:23 p.m. for the purpose of signing the proposed ordinances.*

*On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adjourn at 7:24 p.m., with Councilor Sampson absent and not voting.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)  
 DVD of meeting

A true copy. Attest:

*Alison M. Bouchard*

City Clerk