



City of Fall River Massachusetts
Office of the City Clerk

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2016 JAN 22 A 11: 50

CITY CLERK _____
FALL RIVER, MA

JANUARY 22, 2016
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, JANUARY 26, 2016

INÊS LEITE
ASSISTANT CITY CLERK

6:00 P.M. COMMITTEE ON FINANCE

1. Transfers and appropriations (see #1 below)
2. *Comm. from Superintendent of Schools re: Request to amend Fiscal Year 2015 End of Year Report (ref. 1-12-16)
3. *Discussion regarding Fiscal Year 2016 – Quarter 2 Budget Report

AGENDA

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

PRIORITY MATTERS

1. *Transfer and appropriation (see #1 Finance)

PRIORITY COMMUNICATIONS

2. *Mayor and loan order for a Municipal Tractor – \$209,375
3. *Mayor and order for employment agreement of Director of Human Resources
4. *Mayor and proposed ordinance re: Department of Community Maintenance
5. *Administrator of Community Utilities re: Draft Integrated Wastewater and Stormwater Master Plan
6. *Open Meeting Law Complaint

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

7. *Proposed ordinance – Traffic, Handicapped parking

First Reading:

8. Proposed ordinance – Traffic, Miscellaneous
9. Proposed ordinance – Committee on Budget Preparation, Revenue and Audits
10. Proposed ordinance – Amend Committee on Real Estate members
11. Proposed ordinance – Establish Financial Audit Advisory Committee

Second Reading, as amended:

12. *Proposed ordinance – Water/Sewer connections

ORDINANCES – none

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

RESOLUTIONS

13. *Committee on Public Safety convene to discuss the Fall River Shannon Community Safety Initiative and the Safe and Successful Youth Initiative
14. *Committee on Public Safety convene to discuss Bristol County being designated at a High Intensity Drug Trafficking Area

CITATIONS – none**ORDERS – HEARINGS FOR TONIGHT****Street acceptance:**

15. Heritage Court from Commonwealth Avenue to dead end
16. Commonwealth Avenue from William S. Canning Boulevard to Heritage Court

Auto Repair Shop license:

17. Sullivan Tire Co., Inc., 41 Accord Park Drive, Norwell, MA for a license to operate at 456 Rodman Street

Storage Permit:

18. Colbea Enterprises, LLC to store 30,000 gallons of gasoline and diesel fuel at 130 William S. Canning Boulevard

ORDERS – HEARINGS TO BE SCHEDULED – none**ORDERS – NO HEARING REQUIRED** – none**ORDERS – MISCELLANEOUS**

19. Police Chief's report on licenses
20. Revoke Auto Body Shop license #144 at 115 Maple Street at the request of the owner
21. *City Council meeting schedule for February to June 2016 (Tabled 1-12-16)

COMMUNICATIONS – INVITATIONS – PETITIONS

22. *Claims

BULLETINS – NEWSLETTERS – NOTICES

23. Final Report – Heritage Court from Commonwealth Avenue to dead end
24. Final Report – Commonwealth Avenue from William S. Canning Boulevard to Heritage Court
25. Notice of Casualty and Loss at 31-34 Rodman Street


Assistant City Clerk

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Finance
#2

Meg Mayo-Brown, Superintendent

RECEIVED

December 28, 2015

2015 DEC 29 P 2:35

Mayor C. Samuel Sutter, Chairperson
Fall River School Committee
1 Government Center
Fall River, MA 02722

CITY CLERK _____
FALL RIVER, MA

RE: Request to Amend Fiscal Year 2015 End of Year Report

Dear Honorable Mayor Sutter,

I write in response to the letter I received as copy on December 23, 2015, sent by City Administrator, Cathy Ann Viveiros, requesting an amendment to the End of Year Report filed with the Department of Elementary and Secondary Education (DESE) on November 6, 2015.

In her letter the City Administrator highlighted four areas. I've addressed each below.

- For FY 2015, utilize the previously negotiated MOU for indirect cost allocations. The FRPS Finance Team agrees with this statement as it reflects the negotiated MOU.
- For FY 2016, utilize the "per pupil administrative cost allowance" for indirect cost allocations as agreed to by all parties in May 2015. The FRPS Finance Team agrees with this methodology and since our October 1 student enrollment is now certified by DESE, the actual student enrollment is 10,123, not the 10,374 used by the City's Finance Team. The difference between the projected and actual student enrollment is 251 students. This reduces the per-pupil amount from \$1,130,351 to \$1,103,002, resulting in a net change of \$27,349 using the per-pupil cost of \$108.96.
- For FY 2016, in accordance with 603 CMR 10.04, utilize direct premium costs for property insurance. The FRPS Finance Team will not be submitting a request for an amendment for this area for FY16, however the item is open for discussion for Fiscal Year 2017.
- For FY 2016, in accordance with 603 CMR 10.04 and in acknowledgment of the letter from Jay Sullivan, DESE, utilize direct costs for workers' compensation expenses and settlement claims and excludes legal staff costs. The FRPS Finance Team will not be submitting a request for an amendment for this area for FY 2016, however the item is open for discussion for Fiscal Year 2017.

Emailed to Council members 12-29-15

The City Administrator references a letter dated November 19, 2015 written by John Sullivan, Executive Director of School Finance, DESE, clarifying eligible expenses. In his letter to Mr. Kevin Almeida, Chief Financial Officer for FRPS, Mr. Sullivan also states the following:

Your letter states that your understanding of how changes occur to these negotiated agreements is that any change must be agreed to prior to the new fiscal year. Your understanding of how changes occur to these agreements is correct. Changes to a municipal agreement should be negotiated prior to or at the beginning of the fiscal year that the changes will impact. This allows both parties the opportunity to plan the balance of the new year with the changes in mind.

As the City Administrator is requesting changes to the negotiated agreement (MOU) well into Fiscal Year 2016, the FRPS Finance Team is not able to accommodate her request for amendments for Fiscal Year 2016. However, advance planning for Fiscal Year 2017 will allow for negotiating potential changes to the MOU. Further, as we consider changes for Fiscal Year 2017 the FRPS Finance Team would also offer the following for discussion:

- Pension costs to the School Department need review. The current methodology used in the End of Year Report is on the basis of Total Salaries for School Department Employees as a Percentage of the Total of all Salaries for the City's Fall River Retirement System. With the report prepared by PERAC (Massachusetts Public Employee Retirement Administration Commission), we have the Present Value of Pension Benefits or the Actuarial Accrued Liability Figure by Department. Using this actual basis prepared by PERAC, our current expenditure figure would be lowered by \$896,000 to \$1,031,000, depending on the method used.
- After review of the FRPS Health Care account, it is noted that Stop Loss Credits/Reimbursements are fully taken by the City. These credits/reimbursements are done as a reduction to the amounts being charged to the City by Blue Cross/Blue Shield. Credits/Reimbursements related to the School Department should be applied to FRPS.

Additionally, the tuition figure moved to Circuit Breaker was not included in the End of Year report. A total \$73,946 was moved through a journal entry from the Operating Budget to the Circuit Breaker Revolving Fund. This created a surplus within the Operating Budget, thus returning funds to the City for Free Cash and this amount will be amended on the End of Year Report.

In closing, two outstanding areas need to be addressed. First, the City Administrator asserts additional sums for transportation should not be included in the End of Year Report. This matter is comprehensive and historical in nature and a letter from Chief Operating Officer Tom Coogan will be sent under separate cover to address the issue. Second, the City Administrator suggests

there is no need for a MOU. I would caution her recommendation given 603 CMR 10.04, Section 2:

Where the Department's guidelines permit districts to select among two or more permissible methods for allocating the municipal expenditures set forth in 603 CMR 10.04 (1) (a) through (m), one method shall be chosen by the school district and used consistently from year to year. The allocation method used to report expenditures by municipal departments other than the school department may be changed only with the approval of the Commissioner.

As I indicated in my letter to you, dated November 25, 2015, the City's shortfall in meeting required Net School Spending remains at \$1.3 million for Fiscal Year 2016.

Sincerely,



Meg Mayo-Brown
Superintendent of Schools

CC: Fall River School Committee, City Administrator, City Treasurer, City Council Members, John Sullivan

CITY OF FALL RIVER
IN CITY COUNCIL

JAN 12 2016

*Referred to the
Committee on Finance*



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

JASIEL F. CORREIA II
Mayor

RECEIVED

2016 JAN 15 P 3:09

CITY CLERK _____
FALL RIVER, MA

January 15, 2016

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear 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.

These appropriations are necessitated due to the regular periodic review of the operating budget. They will allow EMS to upgrade ambulance reporting software to conform to ICD 10 Insurance codes.

1. \$26,575 That the sum of \$26,575 be, and the same is, hereby appropriated for the EMS Data Processing from the EMS Retained Earnings

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

Best Regards,

Jasiel F. Correia II
Mayor



**City of Fall River
Massachusetts**
Fire Department Headquarters
Office of the Fire Chief

CITY OF FALL RIVER
MAYOR'S OFFICE
2016 JAN 12 PM 3:06

JASIEL F. CORREIA II
Mayor

ROBERT J. VIVEIROS
Fire Chief

January 11, 2016

Mayor Jasiel F. Correia II
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

I respectfully request that you present to the City Council the approval to transfer \$26,575 from EMS Retained Earnings for the payment of the upgrading of ambulance reporting software which is required to conform to ICD10 (Insurance Codes).

Sincerely,

Robert J. Viveiros
Fire Chief

cc Cathy Ann Viveiros, City Administrator

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2016 JAN 15 P 3:09
CITY CLERK
FALL RIVER, MA

ORDERED, that the sum of \$26,575 be, and the same is, hereby appropriated for the EMS CAPITAL EXPENDITURES (Data Processing) from the EMS FY 15 RETAINED EARNINGS.

FY 16 Appropriation/Transfer Number Analysis # 05

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
EMS Certified Retained Earnings (FY 15)	\$ 852,624	\$ (26,575)	\$ 826,049
EMS Capital Expenditures	\$ 248,362	\$ 26,575	\$ 274,937

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



Krishan Gupta, City Auditor
1/15/2016

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2016 JAN 15 P 3:13

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FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

2
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2016 JAN 21 P 4:13

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

January 21, 2016

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

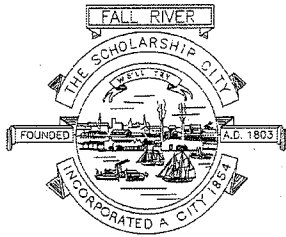
As we begin to assess our snow removal capabilities, our efforts are focusing on new technology to assist us. Given the congestion in many of our neighborhoods, we are often challenged by the inability to remove excessive amounts of snow from roadways and sidewalks. The following loan order will allow us to begin the process of addressing this problem by modernizing our equipment.

I am respectfully requesting your approval to bond \$209,375 for a Municipal Tractor. In order to maximize the utility of this piece, we are recommending that additional attachments be included that will assist us with street repair and lawn care during the remaining seasons. This equipment will add year round capabilities toward the maintenance our City's infrastructure.

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

Sincerely,

Jasiel F. Correia II
Mayor



City of Fall River Massachusetts

Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Director

January 21, 2016

Honorable Jasiel F. Correia II
Mayor of the City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

Your approval is hereby requested to ask the City Council for the appropriation of \$209,375.00 for the purchase of a snow removal / street maintenance / lawn care equipment. The Department of Community Maintenance will use this piece of equipment to facilitate an economical snow hauling operation for small congested areas during a snow event. The department will use the cold planer and lawnmower attachments will enhance our street division ability to repair roads and maintain on and off ramps within the City limits. I have attached pricing for the basic tractor and all desired attachments.

Sincerely,

Kenneth C. Pacheco
Director of Community Maintenance

CITY OF FALL RIVER
LOAN ORDER
(Snow Removal/Street Maintenance/Lawn Care Equipment)

CITY OF FALL RIVER, In City Council

ORDERED: That the City hereby appropriates \$209,375.00 (Two hundred nine thousand, three hundred seventy-five dollars) to pay costs of purchasing snow removal/street maintenance/lawn care equipment for the use of the Department of Community Maintenance, and for the payment of all other costs incidental and related thereto. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to M.G.L. Chapter 44, Section 7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

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



MUNICIPAL AND CONTRACTORS' EQUIPMENT

200 Merrimac Street
Woburn, MA 01801

PROPOSAL

Tel. (781) 935-1919
Fax (781) 937-9809

To:

Date:
01/21/16

City of Fall River
1 Government Center
Fall River, MA 02722

C.N. Wood Co., Inc. is pleased to offer the following quotation for a Trackless MT6 Tractor available through MA State Contract FAC88. FAC88 pricing is valid until November 30, 2016.

New Trackless MT6 Municipal Tractor equipped with:

- | | |
|----------------------------|--------------------------------------|
| *Air Conditioning | *Forward/Neutral/Reverse Switch |
| *Extra Pump & Valve Kit | *Rear License Plate Bracket w/ Light |
| *Rear Washer/Wiper | *Radial Tires/Rims |
| *Intermittent Front Wipers | *Warranty - 1 Year |
| *Battery Disconnect Switch | *All Standard Features |

Sell Price: \$115,995.00

Additional Options:

*51" Ribbon Snow Blower w/ Sidewalk Chute	\$ 14,065.00
*Truck Loading Chute	\$ 1,455.00
*Telescopic Truck Loading Chute	\$ 3,980.00
*5' Trip Edge Plow	\$ 5,795.00
*Rear Sander - Single Auger	\$ 6,260.00
*Rear Sander - Triple Auger	\$ 7,370.00
*Cold Planer - Requires Deep Reduction Gear Box	\$ 22,720.00
*Deep Reduction Gear Box - Required for Cold Planer	\$ 7,565.00
*120" Mower Deck	\$ 15,810.00
*Reversing Engine Fan - Recommended for Mower Deck	\$ 2,620.00
*Summer Tires/Rims - Set of 4	\$ 2,200.00
*Locking Differentials	\$ 3,540.00

Pricing does not include any applicable taxes.

Thank you for considering C.N. Wood for your equipment needs.

No warranties are made other than those extended by the manufacturer of the equipment, and in the event of alleged breach of warranty, expressed or implied, the liability of C. N. Wood Co., Inc., shall be limited to the liability of the manufacturer to it, and shall be subject to all limitations and conditions imposed by the manufacturer.

Seller shall not be liable for any default or delay in delivery, as a result of shipping delays, strikes, fires, lockouts, or inability to procure materials.



By: Tom Fiore
Title: Sales Manager



City of Fall River
Massachusetts
Office of the Mayor

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2016 JAN 21 P 2:34

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

January 21, 2016

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

The contract renewal for Madeline Coelho, Director of Human Resources, is being presented for your approval. This contract reflects essentially the same terms and conditions as previously approved by Ms. Coelho during a former administration and by a former City Council.

As my Administration continues the process of evaluating our key staff and organizational structure, we have determined that the Human Resources Department is functionally well despite limited resources. Ms. Coelho has demonstrated strong professional skills and temperament. She is an asset to our City and is worthy of reappointment.

Thank you for your anticipated approval.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, In City Council

ORDERED, that the employment agreement between the City of Fall River and the Director of Human Resources is hereby approved in the form attached hereto pursuant to Section 50-73 of the Revised Ordinances of the City of Fall River.

EMPLOYMENT AGREEMENT

This employment agreement is made by and between the City of Fall River, a municipal corporation, One Government Center, Fall River, Massachusetts 02722 (hereinafter called the "City") and Madeline Coelho, (hereinafter referred to as "EMPLOYEE").

In consideration of the mutual promises and agreements herein contained, the City hires and employs the EMPLOYEE and the EMPLOYEE agrees to work for and enter into the service of the City in accordance with the following terms hereby agreed upon.

DUTIES

The EMPLOYEE shall work as Director of Human Resources, as that term is defined in Section 50-72 of the Code of Ordinances of the City of Fall River, under the supervision and direction of the Mayor and pursuant to authority set forth in City Ordinance § 50-75. The Director of Human Resources shall perform any and all duties as outlined in City Ordinance §50-75 and any and all duties that may be assigned to her by the Mayor or his designee, including, but not limited to, the following:

- A. To act as Director of Human Resources and direct its daily operations;
- B. To discharge those duties required of the Director of Human Resources prescribed by applicable ordinances, statutes, and executive orders;
- C. To serve, at the Mayor's discretion, as the Mayor's designee in employee contract negotiations;
- D. To consult with, inform, and seek the advice of senior city management officials and to coordinate with those officials, the city's position within the collective bargaining process;
- E. To monitor the operation of the employee grievance process and as Mayor's designee serves as the final step, within the municipal structure, in such process;
- F. To develop and maintain uniform personnel policies, including a consistent system of position descriptions, classifications, and accompanying compensation levels for all city employees, including those employed under state and federal programs, subject to the approval of the Mayor and the City Council to the extent required by law;
- G. To maintain personnel records keeping system for all City employees (excluding Police, Fire and School departments);
- H. To develop and coordinate programs for the improvement of employee morale and effectiveness, including training, career advancement, safety, health, counseling and welfare programs subject to the approval of the Mayor and of the City Council to the extent required by law;
- I. To consult with and inform department heads and city officials on all aspects of personnel, labor relations, and Civil Service regulations and procedures;
- J. To advise the Mayor in the development of recruitment procedures for management level employees, and to recommend annually to the Mayor the compensation levels and fringe benefits for all city employees not covered under collective bargaining agreements;
- K. To serve as the Affirmative Action Officer of the City and annually update the Affirmative Action Plan;
- L. To assist the Corporation Counsel's Office in any matter regarding questions pertaining to Personnel and Training, such assistance shall include attendance at any hearings, trials, or meetings as the Corporation Counsel's Office may require;
- M. To conduct periodic studies of city personnel practices including studies of compensation levels and fringe benefits, and studies of the utilization and disposition of the municipal work force;
- N. To serve as the Sexual Harassment Officer of the city and to periodically update the City's Sexual Harassment Policy;
- O. Conducts the recruiting process for City employees.

EMPLOYMENT AGREEMENT

- P. Monitors the performance evaluation process for AFSCME, LAW (Labor Advantage for Workers and management employees;
- Q. To monitor the enforcement of and periodic update of all other City policies relating personnel and training;
- R. To perform all duties set out in Chapter 50 of the City's Ordinances; and
- S. To undertake such other duties as may be required by the Mayor or his designee.

PERFORMANCE

The EMPLOYEE shall devote sufficient time, skill and attention to her employment as Director of Human Resources and shall perform her duties in an efficient, trustworthy, and professional manner, adhering strictly to the City policies, and shall at all times act in the best interest of the City.

PERFORMANCE EVALUATION

The EMPLOYEE'S performance may be reviewed and evaluated by the Mayor or his designee via a written evaluation instrument during the term of this AGREEMENT for the purpose of evaluating the overall effectiveness of the EMPLOYEE in her position. In the event that the City of Fall River establishes a performance evaluation program for determining increment raises, adjustments and/or merit pay for its employees then the CITY may at its option require the EMPLOYEE to participate in said performance evaluation program.

COMPENSATION AND BENEFITS

The City agrees to pay EMPLOYEE an annual base salary of eighty nine thousand two hundred nine dollars and seventy nine cents (\$89,209.79) payable at the same time and manner as other employees of the City of Fall River. Said salary shall become effective commencing January 26, 2016. Any increases or raises shall be negotiated between EMPLOYEE and the Mayor. The base salary shall be adjusted in 2017 according to the CPI-U urban index if other City employees receive increases in any other form or manner.

The EMPLOYEE shall be entitled to the following benefits:

- A. Health and Dental Insurance;
- B. Retirement Benefits;
- C. Life Insurance;
- D. Voluntary Deferred Compensation;
- E. Sick leave shall used and paid in accordance with City Ordinance §§ 50-121 to 50-170;
- F. Holidays and bereavement leave in accordance with the AFSCME agreement;
- G. Personal days in accordance with City Ordinance § 50-192; and
- H. Vacation, five weeks per calendar year during the life of the contract. The time for such vacation in each year shall be reasonably approved by the Mayor.

TERM

This employment agreement shall be for the period of January 26, 2016 to January 26, 2018 and may be renewed by mutual agreement of the parties. The City may terminate this employment agreement

EMPLOYMENT AGREEMENT

during its term for just cause by providing employee with written notice of said intent no less than sixty days (60) days prior to the effective date of such termination. Employee may terminate this employment agreement during its term for any reason by providing employer with written notice of said intent no less than (30) days prior to the effective date of resignation. Upon termination/resignation or expiration of this Agreement for any reason, EMPLOYEE shall receive payment for any unused vacation, personal time and sick time.

RENEWAL

The Mayor or his designee shall provide the employee in writing a 90 day notice of intent to renew contract.

NON-ASSIGNMENT

EMPLOYEE shall not be allowed to assign this contract, nor any of the rights and duties herein, without the prior written consent of the City.

ENTIRE AGREEMENT/AMENDMENT

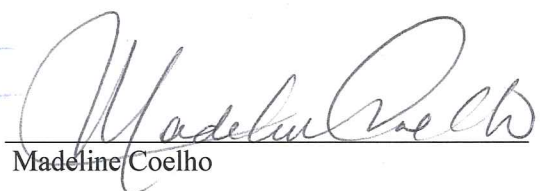
This instrument contains the entire agreement among the parties hereto with respect to the subject matter hereof and may be changed or modified only by written instruments duly executed by both parties. Upon commencement of this employment agreement, all prior agreements shall terminate, and said employment agreement shall control, bind and inure the parties hereto.

MASSACHUSETTS LAW

This agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts. A determination by a court of competent jurisdiction that any portion of this agreement is invalid shall not thereby render any other part thereof invalid.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of January 2016.


Jasiel Correia II, Mayor


Madeline Coelho

Approved as to form and manner of execution


Joseph Macy, Corporation Counsel

Dated: 1/15/16

CITY CLERK
FALL RIVER, MA

2016 JAN 21 P 2:39

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City of Fall River
Massachusetts
Office of the Mayor

4

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2016 JAN 21 P 2:34

JASIEL F. CORREIA II

Mayor

January 21, 2016

CITY CLERK _____
FALL RIVER, MA

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Honorable Council Members:

As part of my Administration's ongoing efforts to make our City Department's more efficient, I am submitting for your review and approval a reorganization of the Department of Community Maintenance. This proposal is based on several factors, not the least of which is the large span of management currently under the direction of a single individual. Managing critical services such as trash collection and pothole repair, along with needed maintenance in parks and cemeteries, has left our municipal buildings without the proper attention to capital repairs and preventive maintenance.

Given our recent incidents of emergency building closures and a clearly "reactive" rather than "proactive" approach to our buildings' maintenance, this proposed Ordinance will create a separate Department for Buildings and Grounds and the position of Director of Buildings and Grounds in order that the Department be skillfully managed. The creation of this new position will result in an annual savings to the Operating Budget as additional staffing changes have been made as part of this proposed reorganization.

Your approval of this ordinance amendment is respectfully requested.

Best regards,

Jasiel F. Correia II

Mayor

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 Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, be amended as follows:

Section 1

By inserting in section 2-205, which section pertains to generally, the following:

(11) Department of Buildings and Grounds

Section 2

By striking in section 2-208, sub-section (b), which section pertains to Department of community maintenance, "the municipal buildings division".

Section 3

By inserting a new section 2-216, as follows:

Department of Buildings and Grounds

- (a) *Established.* There shall be a Department of Buildings and Grounds which shall be under the supervision of the City Administrator.
- (b) *Divisions.* Within the department of buildings and grounds shall be municipal buildings, custodians, plumber, electrician, cleaning contractor(s) and Community Preservation Act/capital projects.

Section 4

By striking out Subdivision V. Division of Municipal Buildings in its entirety.

Section 5

That Chapter 50 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended as follows:

By striking out in Section 50-301, which section relates to salary schedules generally, in proper alphabetical order, the following:

Buildings and grounds manager:

7-1-2013 \$2,394.64

6-30-2014 \$2,418.59

and, by inserting in place thereof, the following:

Director of Buildings and Grounds..... per contract

This ordinance shall take effect upon passage to be ordained.

RECEIVED

2016 JAN 21 P 2:39

DIRECTOR OF BUILDINGS AND GROUNDS

CITY CLERK
FALL RIVER, MA

JOB DESCRIPTION:

In the Department of Buildings and Grounds and under the direction of the Mayor or his designee, coordinate, plan and direct activities of City buildings capital and maintenance projects, including construction of new schools, to ensure that goals or objectives of projects are accomplished within prescribed time frame and funding parameters by performing the following duties personally or through subordinate supervisors.

ESSENTIAL FUNCTIONS:

Overall coordination and supervision of employees of numerous construction and maintenance projects including design development and bidding. Is liaison between City staff, advisory committees, public agencies, funding agencies, community groups, media and the public. Establishes and arranges work plan and staffing for each phase of project. Ensure that all necessary permits are obtained and compliance of any and all regulations is met.

Oversight of all contract and grant administration;

Manage all construction and maintenance projects including design development, bidding and construction supervision;

Prepare RFP's contracts, bid documents and certify all invoices and payments;

Supervise completion of all environmental studies and reports;

Regular construction site supervision;

Supervise all consultant, designers, and contractors;

Prepare regular progress and budget reports;

Work with Law Department in preparing documentation on all contract protests and claims;

Provide recommendations of legal action to City;

Establish work plan and staffing for each phase of project, and arrange for assignment of project personnel;

Confer with project staff to outline work plan and to assign duties, responsibilities, and scope of authority;

Direct and coordinate activities of project personnel to ensure project progresses on schedule and within prescribed budget;

Prepare annual budget for capital and maintenance projects.

Prepare five (5) year plan for building(s) capital and maintenance projects.

Review status reports prepared by project personnel and modifies schedules or plans as required. Prepares projects reports for management, client, or others;

Confer with project personnel to provide technical advice and to resolve problems;

Coordinate project activities with activities of government regulatory or other governmental agencies;

Experience in appropriate software programs in construction and/or project management;

Required to carry cell phone provided by City.

EDUCATION & EXPERIENCE:

Minimum five (5) years of experience in a supervisory or management capacity. Bachelor's degree in Civil Engineering business public/administration or management capacity or related field or equivalent qualifications. Excellent written and verbal communication skills are required. Minimum of five years in contract administration, grant administration and construction management. Demonstrated successful experience in public construction process. Ability to coordinate multiple projects and agencies. Knowledge of basic accounting principles and budget management. Experience with School construction and MSBA regulations. Must hold any professional license in the construction trades. Valid Motor vehicle license required. Construction supervisor's license desired. Dependable motor vehicle required.

PHYSICAL ENVIRONMENT:

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or feel; reach with and arms; and talk or hear. The employee occasionally required sitting; climbing or balance; and stoop, kneel, crouch, or crawl. The employee must frequently lift and /or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus.



City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER

RECEIVED

2016 JAN 20 P 4: 43

CITY CLERK _____
FALL RIVER, MA TERRANCE SULLIVAN
Administrator

JASIEL F. CORREIA II
Mayor

January 20, 2016

The Honorable City Council
One Government Center
Fall River, MA 02722

RE: Draft Integrated Wastewater and Stormwater Master Plan

Dear Councillors:

Please find attached a copy of the above referenced plan. This draft was submitted to the Federal Court and Conservation Law Foundation on December 31, 2015 to comply with the existing Federal Court Order.

The plan identifies a need of \$1.38 billion dollars over a 50 year period. The recommended plan identifies a 20 year plan expending \$333.4 million dollars. Spending during the first 10 years totals \$277.5 million dollars. Spending during the following 10 years is \$58.5 million dollars. I expect an extended discussion over the next year(s). The following major actions are needed:

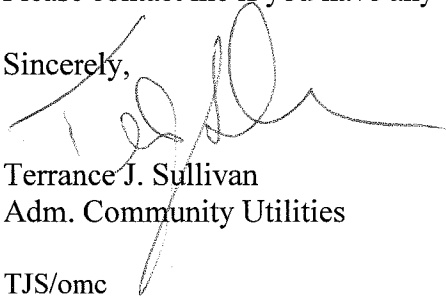
- Review and approval of an action plan with the Administration, the City Council, the Sewer Commission and the public.
- Review and approval of an action plan by the EPA; MA DEP and the Conservation Law Foundation.
- If the approved action plan includes changes to the current CSO schedule; the approval of the Federal Court will be required as well.
- If the approved plan receives EPA approval; then I would expect that the EPA will issue a consent order based on our agreed schedule.
- If the EPA does not approve the selected plan; then I would expect the EPA Enforcement Division to initiate a legal action against the city.
- If all parties come to agreement on a plan; then I would request that a loan order be approved for placement on the November 2016 ballot for public referendum approval.
- September 9, 2016 is the final date to provide the state with an approved referendum question to get on the November ballot.

As the paper copy of the report is extremely large I have provided you with a DVD of the report. However, if you prefer a paper copy, please contact me and I will provide one.

I look forward to a discussion of this plan.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Sullivan", written over the word "Sincerely,".

Terrance J. Sullivan
Adm. Community Utilities

TJS/omc
Attachment

Cc: Sewer Commission



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Rec'd @ City Council
meeting 1-12-16

6

Your Contact Information:

First Name: CJ Last Name: Ferry

Address: 300 Buffinton Street

City: Fall River State: MA Zip Code: 02721

Phone Number: +1 (508) 646-9026 Ext.

Email: cj.ferry@scstonline.com

Organization or Media Affiliation (if any): Spindle City Straight Talk

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☐ Organization ☒ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): City Council

Specific person(s), if any, you allege committed the violation: Shawn E. Cadime, President, Linda Pereira, Vice-President, Raymond A. Mitchell, Stephen R. Long, Richard Cabeceiras, Pam Laliberte-Lebeau, Cliff Ponte Steven A. Camara +

Date of alleged violation: Jan 12, 2016

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On a resolution proposed by the City Council President on January 12, 2016 listed in the agenda posted by the City on January 8, 2016. The resolution was presented to create a committee for the City Council "Budget Preparation, Revenue and Audit Committee". (see Attached - Marked 8)

Where this was the first City Council meeting of the year and term for these officials, no public meeting was held where it could be proposed or deliberated. The proposed resolution has obviously been deliberated on by the listed councilors either in person or via communication through the City Council Secretary or other means. For a listing of eight of the nine public officials indicate a deliberation to present this resolution. Such deliberation by the City Council is in direct violation of the Open Meeting Law whether in person or via secondary means.

The City Council has willfully and deliberately violated MGL 30A and was previously spoken to about MGL 30A and were fore warned (Pam Laliberte-Lebeau & Cliff Ponte) that violations of any provision of Massachusetts General Law will be immediately discussed and presented to the necessary individuals.

The current City Council and the City Administration regularly refer to the fact that they meet with less than a quorum (three at a time)

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I would like a formal training by the Attorney General in regards to issues regarding MGL 30A and that all members of the City Council be required to attend and participate as many members of the City Council are freshman (new) and such training would potentially prevent such actions from occurring again. Whereas the City Council President, Vice-President and two City Councilors are very much aware of MGL 30A and potential punitive action (pecuniary or otherwise) should be taken as well.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: January 12, 2015

For Use By Public Body

For Use By AGO

Date Received by Public Body: _____ Date Received by AGO: _____

City of Fall River, *In City Council*

(President Shawn E. Cadime)
(Councilor Linda M. Pereira)
(Councilor Raymond A. Mitchell)
(Councilor Stephen R. Long)
(Councilor Richard Cabeceiras)
(Councilor Pam Laliberte-Lebeau)
(Councilor Cliff Ponte)
(Councilor Steven A. Camara)

WHEREAS, the City of Fall River is working diligently to improve its financial future,
and

WHEREAS, in order to improve the City Council's understanding of the entire budget preparation process, city revenues, and city audits a new standing committee should be created, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to discuss adding another City Council standing committee, titled Budget Preparation, Revenue & Audit Committee.

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

January 15, 2016

Mr. CJ Ferry
300 Buffington Street
Fall River, MA 02721

RE: OPEN MEETING LAW COMPLAINT OF JANUARY 12, 2016 FROM CJ FERRY

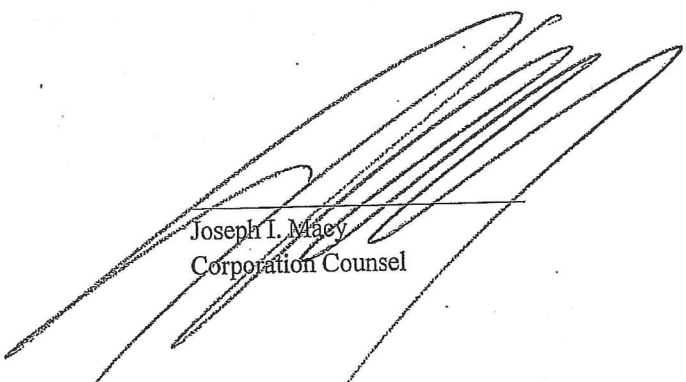
Dear Mr. Ferry,

Please let this serve as response to the Open Meeting Law Complaint you filed on or about January 12, 2016. In this complaint, you allege that there was a deliberation regarding a prospective committee. Corporation Counsel is of the position that no deliberation took place on January 12, 2016 regarding a new committee to be known as "Budget Preparation, Revenue and Audit Committee."

Under G.L. c. 30A, §18 a deliberation does not include distribution of reports or documents that may be discussed at a meeting. Further, we do not consider signatures on the resolution an expression of an "opinion" under the law. As the resolution was circulated for assent or no assent, and purely for notice to and knowledge of the city councilors, a deliberation did not take place under the Open Meeting Law. To be clear, a resolution differs from an ordinance in that a resolution is merely the sense of the council and serves as a notice.

As no deliberation took place and notice of the proposed resolution was properly posted on January 8, 2016, we believe that the City Council was in full compliance with the Open Meeting Law and this explanation serves to address the allegations made in your complaint. Should you have any questions, please feel free to contact the Office of Corporation Counsel at 508-324-2650.

Respectfully Submitted,


Joseph I. Macy
Corporation Counsel

cc: Office of the Attorney General

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on

Ordinances and Legislation, at a meeting held on January 19, 2016,
voted unanimously to recommend the accompanying proposed ordinance,
accompanied by an emergency preamble, be passed through first reading,
second reading, passed to be enrolled and passed to be ordained.


Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

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 Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By inserting in Section 70-387, which section relates to handicapped parking, in proper alphabetical order the following:

Barnaby Street, east side, starting at a point 123 feet south of Lincoln Avenue, for a distance of 20 feet southerly
Birch Street, south side, starting at a point 197 feet west of South Main Street, for a distance of 20 feet westerly
Bowen Street, east side, starting at a point 510 feet south of Globe Street, for a distance of 20 feet southerly
Buffinton Street, south side, starting at a point 34 feet west of Foster Street, for a distance of 20 feet westerly
Charles Street, south side, starting at a point 264 feet east of Bay Street, for a distance of 20 feet easterly
Cory Street, north side, starting at a point 106 feet east of Oregon Street, for a distance of 20 feet easterly
Davis Street, west side, starting at a point 632 feet north of Bedford Street, for a distance of 20 feet northerly
Eagle Street, east side, starting at a point 160 feet north of William Street, for a distance of 20 feet northerly
Eastern Avenue, east side, starting at a point 296 feet south of Horton Street, for a distance of 20 feet southerly
Garfield Street, west side, starting at a point 59 feet north of Aetna Street, for a distance of 20 feet northerly
High Street, west side, starting at a point 214 feet south of Pine Street, for a distance of 20 feet southerly
John Street, west side, starting at a point 30 feet south of Branch Street, for a distance of 20 feet southerly
Merchant Street, north side, starting at a point 49 feet west of Eighteenth Street, for a distance of 20 feet westerly
Merchant Street, north side, starting at a point 18 feet west of Seventeenth Street, for a distance of 20 feet westerly
Pearce Street, north side, starting at a point 176 feet west of Underwood Street, for a distance of 20 feet westerly
Platt Street, north side, starting at a point 74 feet west of North Varley Street, for a distance of 20 feet westerly
Raymond Street, west side, starting at a point 22 feet south of Harriman Street, for a distance of 20 feet southerly
Robeson Street, west side, starting at a point 264 feet south of Locust Street, for a distance of 20 feet southerly
Saint Mary Street, west side, starting at a point 88 feet north of Brightman Street, for a distance of 20 feet northerly
Shawmut Street, west side, starting at a point 63 feet south of Summerfield Street, for a distance of 20 feet southerly
South Main Street, east side, starting at a point 604 feet south of Shove Street, for a distance of 20 feet southerly
Wellington Street, north side, starting at a point 230 feet east of Saint Mary Street, for a distance of 20 feet easterly

Ad:

Abutters:

Bldg. Insp./Engineering:

Fire Chief:

Police Chief:

Collector:

Comp. Counsel:

reg 11/21/16

CITY OF FALL RIVER

12

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on January 19, 2016
voted 3 yeas, 2 nays to recommend the accompanying proposed ordinance be
passed through second reading, as amended with Councilors Camara and
Laliberte-Lebeau voting in the negative.


Clerk of Committees

City of Fall River, *In City Council*

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

Section 1.

By inserting in Section 74-112, which section relates to connection to main drain or common sewer, the following:

- (c) Any new construction must tie into sewer where available.

Section 2.

By inserting a new section to read as follows:

74-335 Connection to water main

Any new construction must tie into water where available.

City of Fall River, *In City Council*

13

(Councilor Pam Laliberte-Lebeau)

WHEREAS, the City of Fall River receives grant funding for the Fall River Shannon Community Safety Initiative and the Safe and Successful Youth Initiative, and

WHEREAS, these two grants are instrumental in violence prevention in the City of Fall River, now therefore

BE IT RESOLVED, that the Youth Services Coordinator be invited to a future meeting of the City Council Committee on Public Safety to provide an overview of these two very important initiatives.

14

City of Fall River, In City Council

(Councilor Pam Laliberte-Lebeau)

WHEREAS, Bristol County has recently been designated as a High Intensity Drug Trafficking Area by the White House Director of National Drug Policy, and

WHEREAS, this designation will bring much needed funding to expand prevention efforts in the county and in the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene to discuss this very important initiative including the timetable for funding and plans for drug enforcement, treatment and prevention.

City of Fall River, *In City Council*

24

ORDERED, that regular meetings of the City Council during 2016 shall be held as follows, and

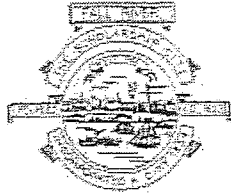
BE IT FURTHER ORDERED that at said meetings the Committee on Finance shall begin at 6:00 PM, and the Regular Meeting of the City Council shall begin at 7:00 PM.

February	9 23
March	8 22
April	12 26
May	10 24
June	14 28

All meetings shall be held in the Council Chamber, Government Center.

CITY OF FALL RIVER
CITY COUNCIL
JAN 12 2016

Tabled



22

RECEIVED

City of Fall River
Notice of Claim

2016 JAN 13 P 12:32
16-3

1. Claimant's name: Lynni Oliveira
2. Claimant's complete address: 46 Lure Ave Tiverton RI 02878
3. Telephone number: Home: 401 924 1033 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
auto accident - popped two tires, damaged rim
5. Date and time of accident: 12-17-15 Amount of damages claimed: \$ 700.00 (+)
6. Exact location of the incident: (include as much detail as possible):
Overseas St Fall River MA near bridge
will provide slip and fall review
7. Circumstances of the incident: (attach additional pages if necessary):
rainy, unfilled pot hole
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: 1-12-16

Claimant's signature: _____

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, 2nd 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 ☒ DPW

JAN 13 2016
Date: _____

Law Offices of
O'Keefe & Gale
180 West Central Street
Natick, Massachusetts
01760

THOMAS C. O'KEEFE, III
JAMES D. FITZGERALD, JR.
SEAN P. CARROLL
ANNMARIE CLAUSEN BREMSER

Office: 508
655-0000

OF COUNSEL:
CHARLES C. GALE, ESQ. *
*Also admitted in Rhode Island

January 12, 2016

Fax: 508
655-2181

City of Fall River
Attn: Alison Bouchard, City Clerk
One Government Center
Fall River, MA 02722

RE: Safety Insurance Company

vs.

City of Fall River

OF# SS-16-1ct

Safety# 2560798

**30 Day Notice of Damage
Due to Defect in the Way**

Dear Ms. Bouchard:

Please be advised that this office represents Safety Insurance Company, 20 Custom House Street, Boston, MA as subrogee of Victoria Estrella, 427 Bay Street, Apt. #3, Fall River, MA, in its claim against the City of Fall River for reimbursement for property damage and bodily injury as a result of a defect, to wit, a pothole, located at or near South Beach Street just before Arch Street and Save A Lot Market, Fall River, MA, on or about January 1, 2016. Accordingly, notice is hereby given.

Thank you.

Very truly yours,

Thomas C. O'Keefe, III, Esq.

TCOK/slr
Cc: Joseph I. Macy, Esq.
Cert/rrr
7014 1200 0000 5013 3434

1/14/2016

Original + 1 Law
1 copy City Clerk
1 copy City Council
1 copy DPW

16-4
RECEIVED

2016 JAN 14 A 11:33

CITY CLERK
FALL R