

# City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2017 FEB -3 P 3:28

CITY CLERK  
FALL RIVER, MA

ALISON M. BOUCHARD  
CITY CLERK

INÊS LEITE  
ASSISTANT CITY CLERK

FEBRUARY 3, 2017

MEETINGS SCHEDULED FOR NEXT WEEK  
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, FEBRUARY 7, 2017

AGENDA

5:45 P.M. CITY COUNCIL PUBLIC HEARING

Auto Repair Shop License

1. Tiago Botelho, 424 High Hill Road, Dartmouth, MA, d/b/a Mill City Diesels Auto Repair and Sales, for a license to operate an auto repair shop at 1139 Slade Street

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF IT RUNS PAST 6:00 P.M.

1. Resolution req. update on status of city owned properties currently for sale (tabled 9-27-16)

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. \*Mayor and veto of \$123,000,000 loan order for Integrated Wastewater and Stormwater Master Plan Improvements
2. \*Mayor and order for ballot question for \$123,000,000 loan order for Integrated Wastewater and Stormwater Master Plan Improvements
3. \*Collective bargaining agreement for LAW Local 124 Building Custodians
4. \*Mayor and order to adopt Chapter 467 of the Acts of 2008 "An Act Relative to the Retirement Benefits of Emergency Medical Technicians"
5. \*Mayor requesting proposed ordinance to establish the position of Treasurer/Collector
6. \*Mayor and resolution regarding Section 108 loan application for the replacement of fire equipment in low income census tracts
7. Board of Election Commissioners and orders authorizing Preliminary Municipal Election to be held Sept. 12, 2017 and Municipal Election to be held Nov. 7, 2017 and polling places

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Referral to Committee on Budget Preparation, Revenue and Audits

8. Fiscal Year 2017 Quarter 2 Budget Report

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](mailto:city_clerks@fallriverma.org)

**RESOLUTIONS** – None

**CITATIONS** – None

**ORDERS – HEARINGS**

Auto Repair Shop License

9. \*Tiago Botelho, 424 High Hill Road, Dartmouth, MA, d/b/a Mill City Diesels Auto Repair and Sales, for a license to operate an auto repair shop at 1139 Slade Street

**ORDERS – MISCELLANEOUS**

10. \*Home rule petition providing accidental death benefits to surviving spouse of Fall River Firefighter Adam Franco  
11. Police Chief's report on licenses

Taxicab Drivers:

Ryan Anderson	Dereon Broderick	Gerald Conyers
Jonathan Farias	James Gomes Jr.	Richard Hannah
Bethany Isherwood	David Marshall Sr.	Colin M. Redlich
Muhammad Shabbir	Matthew L. Stets	

Private Livery Drivers:

Sandra Barcellos Dion  
David Marshall Sr.

Private Livery Vehicles:

Princess Limousine LLC – 8 vehicles

12. Auto Repair Shop license renewals:  
• Robert Luongo d/b/a Bob Luongo's Auto Sales, 643 Brayton Avenue  
• Kirk Carrier, Kirk's Transmissions, Inc., 461 Globe Street

**COMMUNICATIONS – INVITATIONS – PETITIONS**

13. \*Claims  
14. \*Communication from Attorney General regarding OML complaint of January 17, 2017 regarding OML complaint of December 27, 2016  
15. \*Communication from Tammy Moutinho, Dept. of Bldgs. & Grounds re: reporting overtime hours of department employees  
16. Drainlayer license - Peter Deterra Excavating  
17. Zoning Board of Appeals Minutes – December 15, 2016

**BULLETINS – NEWSLETTERS – NOTICES** – None

  
City Clerk

(Councilor Raymond A. Mitchell)

WHEREAS, the Administration has been working with a marketing firm to assist with the sale of various city owned properties, now therefore

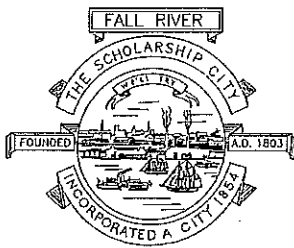
BE IT RESOLVED, that the Committee on Finance convene with the Administration to receive an update on the status of city owned properties that are currently for sale.

In City Council, September 13, 2016  
Adopted

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

*Filed  
9/27/16*



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

2017 FEB -2 P 3: 54

**JASIEL F. CORREIA II**  
*Mayor*

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

February 2, 2017

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

Dear Honorable Council Members:

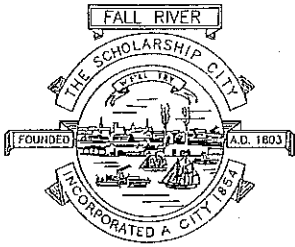
At your City Council Meeting on January 10, 2017, you approved a Financial Order that I submitted to you in the amount of \$123 million to begin implementation of improvements as outlined in the City's Integrated Wastewater and Stormwater Master Plan. This Order was presented to me on January 31, 2017 for approval. As a result of subsequent information I received while attending the U.S. Conference of Mayors Meeting the week of January 16, 2017, I am exercising my authority under Section 55 of the City Charter to Veto this Order.

My communication to you dated January 27, 2017 outlines my intention to delay action on this Loan Order until such time as the new Trump Administration puts forth its plan to address communities' infrastructure needs and establishes the environmental priorities our City will need to address. While the projects within the Master Plan are all essential to the City's wastewater and stormwater management systems, federal funding for these projects may include new guidelines that have yet to be determined. Certainly the City Council shares my desire to conform with all EPA guidelines and avail ourselves of State and Federal funds prior to issuing local bonds supported by enterprise funds.

I respectfully request that you sustain my Veto of this Loan Order and further vote to table the Loan Order Ballot Question until such time as the Federal Government's infrastructure plans and funding programs have been put in place. I will continue to closely monitor the actions of the Federal Government as it relates to these issues and plan to keep you updated on our next step. Working together hopefully we can minimize the cost to our residents with much needed support from the Federal Government.

Best Regards,

Jasiel F. Correia II  
Mayor



City of Fall River  
Massachusetts  
Office of the Mayor

2

JASIEL F. CORREIA II  
Mayor

January 27, 2017

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

Dear Councilors:

This letter has been prepared to identify my planning and intent related to the expenditures identified to comply with the Federal Clean Water Act and the Federal CSO Court Order.

As you know the City has expended nearly \$200 million dollars on CSO Abatement to comply with the Federal Court Order that was issued in 1992. Said order has a completion date of 2025. This has been a huge financial burden on our residents and businesses. The debt associated with these improvements to the sewer and drainage systems has been the direct cause of the majority of the increases in the utility bills as issued by the Department of Community Utilities.

Recently, the City Council at my request approved loan orders for the implementation of a modified spending plan associated with the Integrated Wastewater and Stormwater Master Plan. I thank you for your support. These requests were per the recommendations from Mr. Sullivan based on his work with the EPA to put forth a spending plan that was significantly less than the Master Plan. The recommendations included needed improvements to the Wastewater Treatment Plant (including review of low cost nitrogen management plans); sewer pumping stations; CSO control; flood management control; equipment and asset management systems.

The loan order for \$3.8 million for the planning and design of the projects as approved is going to proceed as planned.

The loan order for \$123 million is currently subject to continued evaluation based on information that I have received in Washington, D.C. I have attached the proposed ballot question language for your review and input. I am holding off setting a date for the ballot

RECEIVED  
2017 JAN 31 P 1:57  
CITY CLERK  
FALL RIVER, MA

question based on potential dramatic changes that could occur in the near future related to funding and regulatory control of infrastructure projects nationally.

Information that I received indicates the following:

- Management of EPA and associated regulations could dramatically change.
- Infrastructure financing opportunities via new Federal programs could dramatically reduce the burden on communities.

As the details of such Federal changes are not clear at this time and much work has to be done I ask that you continue to work with me over the next six months to identify alternative paths to achieve environmental improvement and minimize the cost burden to our residents and businesses via the potential changes of the Federal program structure.

The work that the City Council has done with these loan orders is not lost. I am simply recommending that we evaluate the Federal changes that are being discussed and assure that we take the maximum benefit from any infrastructure financing improvements.

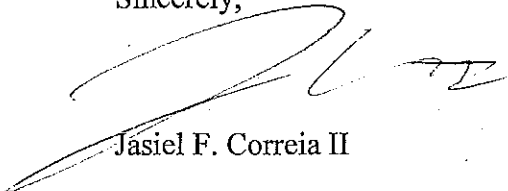
The next steps planned are as follows:

- Review and approve the language in the attached ballot question.
- Monitor and review the potential changes to the Federal programs.
- Work cooperatively to identify the next steps associated with infrastructure improvements and regulatory compliance.

I believe that we all agree that environmental protection and compliance with the Clean Water Act are critical needs that we are all in favor of. However, I believe that we all agree that the financial impact on our residents and businesses is overwhelming and counterproductive to the economic survival of our community.

I look forward to our cooperative efforts together; the support of our Federal/State delegations and the potential improvements within the Federal infrastructure regulatory and financing programs.

Sincerely,



Jasiel F. Correia II

An ORDER, Allowing the City of Fall River To Place a Ballot Question On the \_\_\_\_\_ Fall River Election Ballot

The Board of Elections shall place on the official ballot for the Fall River election to be held on \_\_\_\_\_ in the City of Fall River the following question:

Do you approve of the following loan order which has been adopted by the City Council and approved by the Mayor? Yes \_\_\_\_\_  
No \_\_\_\_\_

ORDERED, that the sum of \$123,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to the Integrated Wastewater and Stormwater Master Plan improvements, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$123,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

Which question may be followed by a summary as follows:

The Integrated Wastewater and Stormwater Master Plan Improvements are intended to continue to address compliance with the Clean Water Act via infrastructure improvements to address rehabilitation of the aged Wastewater Treatment Facility, replacement of aged sewer pumping stations, flooding and drainage issues, combined sewer overflow abatement, equipment replacement and asset management systems.

Adoption of the question will allow initiation of the Integrated Wastewater and Stormwater Master Plan Improvements.

Rejection of the question will not allow the Integrated Wastewater and Stormwater Master Plan Improvements system and can result in violations of the Clean Water Act, environmental pollution, regulatory enforcement orders from the Environmental Protection Agency and/or the Massachusetts Department of Environmental Protection mandating such improvements and/or fines.



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2017 FEB -2 P 3: 54

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

JASIEL F. CORREIA II  
Mayor

February 2, 2017

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

Dear Honorable Council Members:

Consistent with the requirements of MGL Chapter 150E, Section 7, I am forwarding the recently negotiated Memorandum of Agreement between LAW Local 124 Building Custodians and the City of Fall River for your approval. It has been ratified by the membership. Enclosed please find the copy for your review.

This Agreement will become a part of the prior contract document and in combination they establish the contractual obligations affecting custodians at Government Center and the Public Library. The Administration is grateful to the members of LAW Local 124 for their understanding of the City's fiscal limitations in approving the terms of this Agreement.

Your approval of this Agreement is respectfully requested. Should you have any questions or concerns, please feel free to contact me.

Best Regards,

Jasiel F. Correia II  
Mayor





3

8. Article X – Personal Days –
  - A. Delete (a), (c)
  - B. (housekeeping) – Management Rights should be separate article
  
9. Article XI –
  - A. For employees hired on or after date of ratification of this Agreement, vacations shall be in accordance with the following schedule:  
  
    - After six (6) month of service - two (2) weeks vacation.
    - After five (5) years of service - three (3) weeks vacation.
    - After ten (10) years of service - four (4) weeks vacation.
  
  - B. No more than two (2) employees on the same shift on vacation without the approval of the Director of Buildings and Grounds.
  
10. Article XV – Section 1 – Duration – July 1, 2017 through June 30, 2019, modify dates in Section 2 to reflect same.
  
11. Article XV, section 15 – Bidding, Job Assignments – Add “When vacancies occur, staffing levels, scheduling and number of available shifts shall be determined by the City, acting through the Director of Buildings and Grounds.”
  
12. Article XV – Sections 21 – delete –
  
13. Article XV – Section 24 – head custodian only gets \$75 not \$50 above in section 21 Leave current language as is.
  
14. Article XV - Car Allowance -- -- Effective July 1, 2017, delete this article, employees receive a one time payment of \$700.00.
  
15. Article XV – section 13 – Housekeeping – correct omission from last collective bargaining agreement, snow bonus should be \$2300.00.

For the City of Fall River

For LAW Local 124

Keith A. Lewis  
City Administrator

Date 1.26.17

[Signature]

[Signature]

Approved as to Form &  
Manner of Execution Only:

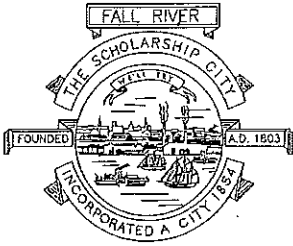
Augustine Camacho  
L.A. [Signature]

Date 1/26/2017

[Signature]

LAW FIRM  
1/26/17

4



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

**RECEIVED**

2017 FEB -2 P 3:54

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

**JASIEL F. CORREIA II**  
*Mayor*

February 2, 2017

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

Dear Honorable Council Members:

In compliance with the recently approved contract with AFSCME Local 1202 EMS Unit, I am forwarding an Order allowing the City to Adopt Chapter 467, "An Act Relative to the Retirement Benefits of Emergency Medical Technicians," paragraph G of subdivision (2) of Section 3 of Chapter 32 of Massachusetts General Laws, which legislation will place emergency medical personnel within Group 4 of the Retirement System. In accordance with the Collective Bargaining Agreement, this action will take effect on the last day of the contract June 30, 2019. Please know that the benefits of Group 4 are not retroactive, and will only be applied to years of service subsequent to the June 30, 2019 enactment.

Your support for this measure recognizes that our EMS personnel confront many of the same personal safety risks encountered by the members of other public safety departments. Your adoption of this Order is respectfully requested.

Best Regards,

Jasiel F. Correia II  
Mayor

*City of Fall River, In City Council*

ORDERED, that Chapter 467 of the Acts of 2008 "An Act Relative to the Retirement Benefits of Emergency Medical Technicians", be and the same is hereby accepted.

**Chapter 466. AN ACT TO PROMOTE BREASTFEEDING.**

*Be it enacted, etc., as follows:*

Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 221. (a) A mother may breastfeed her child in any public place or establishment or place which is open to and accepts or solicits the patronage of the general public and where the mother and her child may otherwise lawfully be present.

(b) Notwithstanding any general or special law to the contrary, the act of a mother breastfeeding her child, and any exposure of a breast incidental thereto that is solely for the purpose of nursing such child, shall not be considered lewd, indecent, immoral, or unlawful conduct.

(c) No person or entity, including a governmental entity, shall, with the intent to violate a mother's right under subsection (a), restrict, harass or penalize a mother who is breastfeeding her child.

(d) The attorney general may bring a civil action for equitable relief to restrain or prevent a violation of subsection (c).

(e) A civil action may be brought under this section by a mother subjected to a violation of subsection (c). In any such action, the court may: (i) award actual damages in an amount not to exceed \$500; (ii) enter an order to restrain such unlawful conduct; and (iii) award reasonable attorney fees.

(f) A place of religious instruction or worship shall not be subject to this section.

Approved January 9, 2009.



**Chapter 467. AN ACT RELATIVE TO THE RETIREMENT BENEFITS OF EMERGENCY MEDICAL TECHNICIANS.**

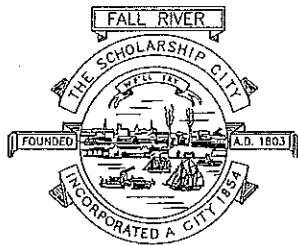
*Be it enacted, etc., as follows:*

Paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

A municipality may elect to place in Group 4 uniformed employees of a municipal or public emergency medical service who are certified at any level by the department of public health as an emergency medical technician. This section shall take effect in a municipality upon its acceptance in the following manner: in a city having a Plan D or Plan B charter, by majority vote of its city council and approved by the manager; in any other city by majority vote of the city council and approved by the mayor; in a town, by vote of the board of selectmen.

Approved January 9, 2009.

51



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

2017 FEB -2 P 3: 54

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

**JASIEL F. CORREIA II**

*Mayor*

February 2, 2017

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

Dear Honorable Council Members:

As my Administration works to achieve increased efficiencies and productivity within our local government, we continue to evaluate our management structure to assure long term stability. Each Division is being reviewed for its ability to provide consistency and continuity in the delivery of the services our residents and businesses receive from their local government. This proposed Ordinance to establish a new position of Treasurer/Collector will address this goal within our Financial Services Department.

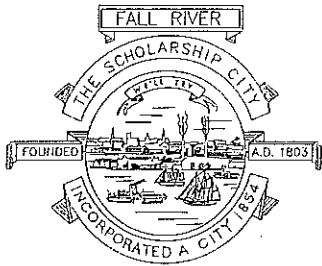
**Treasurer/Collector:** The primary function of the Treasurer/Collector is to preserve, protect and manage the financial resources of the City. The Treasurer/Collector is responsible for receipt, accurate accounting, and prudent investment of all City funds in order to maximize yields while maintaining adequate liquidity and ensuring compliance with Massachusetts General Laws, City of Fall River ordinances, and any other applicable financial mandates. The Treasurer/Collector is also responsible for negotiating all municipal borrowings (both short and long term), collecting committed taxes (Real Estate, Personal Property, and Auto Excise), and providing prompt and courteous assistance to the taxpayers and residents of the City.

We anticipate that this new position will be budget neutral. The current positions of Treasurer and Tax Collector will not be filled as these responsibilities will become part of the new position's job description. The positions of Assistant Treasurer and Assistant Tax Collector will be filled in order to create a secondary capacity to operate these Departments in the absence of the Treasurer/Collector.

We look forward to further discussion at the Ordinance Committee regarding salary parameters and the implementation of this change.

Best Regards,

Jasiel F. Correia II  
Mayor



JASIEL F. CORREIA II  
Mayor

City of Fall River  
Massachusetts  
Community Development Agency  
RECEIVED

2017 FEB -2 A 10:43

CITY CLERK  
FALL RIVER, MA

6  
buyfallriver

MICHAEL P. DION  
Executive Director / CFO

February 2, 2017

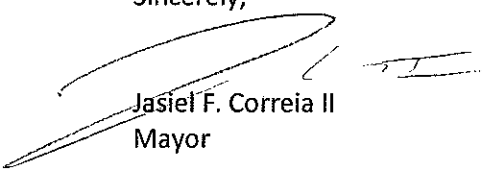
Council President Shawn Cadime and City Councilors  
One Government Center  
Fall River, MA 02722

Dear President Cadime and City Councilors:

I am pleased to forward to you an amended resolution changing only the terms of pledge collateral on the approved Section 108 Loan Application with the U.S. Department of Housing and Urban Development (HUD) for the replacement of fire equipment in low income census tracts.

Because this matter is of a time sensitive nature, I am requesting that Michael P. Dion, Executive Director/CFO be allowed to come before the Finance Committee on February 21, 2017.

Sincerely,



Jasiel F. Correia II  
Mayor

Enclosure



Mayor Jasiel F. Correia II

**RESOLUTION OF LOCAL GOVERNING BODY PLEDGING THE CITY'S FULL FAITH AND CREDIT IN SUPPORT OF ITS SECTION 108 LOAN FOR THE REPLACEMENT OF FIRE APPARATUS AND EQUIPMENT.**

**WHEREAS**, the City of Fall River (the City) developed a Section 108 Loan Guarantee Application with the goal of obtaining financing for the replacement of the City's aging fire apparatus and equipment; and

**WHEREAS**, by resolution adopted by the City Council on April 19, 2016 and approved by Mayor Jasiel F. Correia II on April 22, 2016, the City Council authorized the Mayor Jasiel F. Correia II to submit the Section 108 Loan Guarantee Application and to accept and/or execute the contract(s) with the United States of America and to do all things necessary to carry out the City's application; and

**WHEREAS**, the City's Section 108 Loan Guarantee Application was approved on August 1, 2016 and the U.S. Department of Housing and Urban Development issued an offer of commitment to guarantee the debt obligations of the City in the principal amount of \$4,998,000, plus interest thereon (the Note) to finance activities described in the City's application; and

**WHEREAS**, HUD's guarantee of the Note will be governed by a Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development act of 1974, as amended, 42 U.S.C. 5308, between the City and HUD (the Contract), which requires a Resolution of the City Council to pledge the City's full faith and credit as security in support of all the obligations of the City of Fall River under the Note and Contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL** that:

Section 1. The City Council hereby pledges the full faith and credit of the City of Fall River for the prompt payment of the principal and interest of its Section 108 Loan for the replacement of aging fire apparatus and equipment, as evidenced by the Note, and such other charges as may be authorized under the Contract. The Note and other charges as may be authorized under the Contract constitutes a general indebtedness of the City of Fall River, payable from tax revenues of the City of Fall River and such other money as is lawfully available. For as long as the Note is outstanding the City of Fall River

irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by the law without the assent of the voters, include in its annual property tax levy amounts sufficient, together with other money that is lawfully available, to pay principal and interest on the Note, and such other charges as may be authorized under the Contract, as the same become due. The full faith and credit of the City of Fall River is pledged irrevocably for the prompt payment of the principal and interest on the Note, and such other charges as may be authorized under the Contract, and such pledge shall be enforceable in mandamus against the City of Fall River.

Section 2. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. If the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances shall remain valid and enforceable.

*City of Fall River, In City Council*

9

ORDERED, that permission be and the same is hereby granted to:

Tiago Botelho, 424 High Hill Road, Dartmouth, MA, d/b/a Mill City Diesels Auto Repair and Sales, for a license to operate an auto repair shop at 1139 Slade Street, on Lot E-01-0039, Assessors Plan.

**FALL RIVER ZONING BOARD OF APPEALS**

**DATE OF MEETING: August 18, 2016**

**DATE OF SUMMARY: August 19, 2016**

**01. JOSHUA HETZLER**

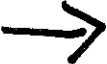
**North West corner of Dickinson and Robin Street, Lot D-5-44**

Variance request **GRANTED WITH CONDITIONS** to construct single family dwelling waiving dimensional requirements in a Single Family Residence District [S]. Lot size 5,400 +/- s.f. [Conditions being: 1. That the shed be razed; 2. Dimension as shown on plan, front yard 25 feet , rear yard 25 feet and side yard 15 feet.]

**02. SABER INVESTMENTS INC.**

**Thompson Street, Lot O-7-4**

Variance request **WITHDRAWN WITHOUT PREJUDICE** to construct a single family dwelling waiving dimensional requirements in a Local Business [B-L]. Lot size 4,870 +/- s.f.



**03. ERICA DIAS & TIAGO BOTELHO**

**1139 Slade Street, Lot E-1-39**

Variance request **GRANTED WITH CONDITIONS** to operate Auto Repair/Sales business within the existing commercial building waiving dimensional requirements in an Apartments District [A-2]. Lot size 11,554 +/- s.f. [Conditions being: 1. Hours of operation Sun-Sat 7:00am to 7:00pm; 2. Down Shielded lights after 7:00pm; 3. Signs to conform with the B-L District; 4. No work on vehicles outside; 5. No storage of vehicles outside other than the vehicles for sale; 6. No activity after 7:00pm. 7. No towing after 7:00pm;]

**04. DAVID J. MELLO**

**72 Belmont Street, Lot M-24-7**

Variance request **GRANTED WITH CONDITIONS** to subdivide an existing parcel leaving existing multi-family dwelling on one lot and to construct single family dwelling on other parcel waiving dimensional requirements in a Single Family Residence District [S]. Lot size 25,189 s +/- s.f. [Conditions being: 1. No further Subdivisions of the property; 2. All utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance; 3. At least 2 off-street parking spaces for newly created lot;]

*An Act Relative to the presumptive disability of Firefighter Adam Franco in the City of Fall River.*

An Act directing the Fall River Retirement Board to pay a certain retirement benefit to the surviving spouse of Adam Franco.

Be it enacted, as follows:

Section 1. Notwithstanding any general or special law to the contrary and in order to promote the public good, the Fall River Retirement Board shall pay Angela Franco, the surviving spouse of Adam Franco, a former firefighter for the Fire Department of the City of Fall River, as accidental death benefit pursuant to Section 9 of Chapter 32 of the General Laws.

Section 2. This Act shall take effect as of March 16, 2015.



Subrogation Group

RECEIVED

A division of Insurance Recovery Group, Inc.

Jan 18, 2017

CITY CLERK 17-10  
FALL RIVER, MA

**VIA USPS Certified Mail - 9171082133393978066073**

City of Fall River  
Attn: Town Clerk  
1 Government Center  
Fall River, Massachusetts 02721

**RE: FORMAL NOTICE OF CLAIM PURSUANT TO M.G.L. c. 258, §4**

Claimant: Government Employees Insurance Co. as subrogee of Matthew Lovell  
Claim #: 0446511390101044  
Date of Accident: Oct 18, 2016  
Location: 17th St, Fall River, MA, United States  
Type of Claim: Negligent Operation of a Motor Vehicle  
Damages Alleged: Property Damage, Towing and Deductible totaling \$2893.18

Dear Attn: Town Clerk:

Pursuant to M.G.L. c. 258 §4, Government Employees Insurance Company as subrogee of Matthew Lovell is hereby making a claim for damages due to a motor vehicle accident. Attached is a copy of the damage appraisal with photos and tow invoice. If you require additional documentation to investigate this claim pursuant to your statutory obligation please contact me. If you are inclined to discuss settlement of this claim or deny this claim within the six (6) month statutory period, please forward the appropriate communication to my attention.

Government Employees Insurance Company insured a 2012 Jeep Grand Cherokee owned by Matthew Lovell, 400 Foxborough Boulevard, Foxborough, Massachusetts. On Oct 18, 2016, Michael Rodrigues negligently operating MA Reg#M90347, a City of Fall River vehicle, at 17th St, Fall River, MA, United States and negligently failed to yield to established traffic in the roadway when pulling from a stop sign and negligently struck Matthew Lovell's vehicle. At the time of the collision, Michael Rodrigues negligently operating MA Reg#M90347 was acting as an agent, servant, or employee of the City of Fall River. In accordance with the insurance policy, Government Employees Insurance Company paid Matthew Lovell, or on their behalf, \$2393.18 for property damage and rental expense. Matthew Lovell also incurred a \$500 deductible. Government Employees Insurance Company seeks recovery of all payments, including the insureds deductible totaling \$2893.18.

If we do not hear from you within six (6) months of your receipt of this Formal Notice of Claim, this office intends to commence litigation promptly in Superior Court on our client's behalf.



RECEIVED

City of Fall River  
Notice of Claim

2017 JAN 26 P 2:04

CITY CLERK 17-11  
FALL RIVER, MA

- 1. Claimant's name: Lyon Delzenere
- 2. Claimant's complete address: 211 Dwelly St, Fall
- 3. Telephone number: Home: 508-679-0935 Work: 508-646-6410
- 4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
property damage to my vehicle due to pothole
- 5. Date and time of accident: 11-29-16 Amount of damages claimed: \$ 818.00
- 6. Exact location of the incident: (include as much detail as possible):  
Dwelly Street turning onto Tuttle Street
- 7. Circumstances of the incident: (attach additional pages if necessary):  
see attached letter

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

Only because I have a five hundred dollar deductible

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: 1-19-17

Claimant's signature: [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, 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: <input type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DAW	Date: <u>1/26/17</u>



RECEIVED

13

2017 JAN 30 P 12:13

City of Fall River  
Notice of Claim

CITY CLERK 17-12  
FALL RIVER, MA

1. Claimant's name: Catch Aguiar (Kimberly Quental-Aguiar - mother)
2. Claimant's complete address: 58 Daisy Lane, Fall River, MA 02721
3. Telephone number: Home: (508)324-4338 Work: 774-930-6886
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
accident in school
5. Date and time of accident: 11/17/15 3:00pm Amount of damages claimed: \$ 942.91
6. Exact location of the incident: (include as much detail as possible):  
Health classroom at Russ Middle in Fall River
7. Circumstances of the incident: (attach additional pages if necessary):  
Custodian apparently fix a table and placed it back in the classroom. When students went up to get their papers the table collapsed on my son's foot.
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: 1/25/17

Claimant's signature: Catch Aguiar  
Kimberly Quental Aguiar (mother)

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  School

Date: 1/30/17





RECEIVED

City of Fall River  
Notice of Claim

2017 FEB -1 A 11: 57

CITY CLERK 17-13  
FALL RIVER, MA

1. Claimant's name: Sukhmanjit S. Seera
2. Claimant's complete address: 5500 N. Main St Apt 15207 Fall River MA 02722
3. Telephone number: Home: 201-443-7671 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property Damage - Pot hole.
5. Date and time of accident: Jan 15, 2017 Amount of damages claimed: \$ 274.11
6. Exact location of the incident: (include as much detail as possible):  
1148 DAVOL ST, Fall River MA, Right next to Performance
7. Circumstances of the incident: (attach additional pages if necessary): auto motive Center Inc.  
I was driving at 35 MPH, My car hit this Pot hole  
then I stopped my car at Community Connections Inc. and  
saw that the passenger side of the tire developed a big  
side bubble and took pictures of the pothole. See attached pag
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: 1/30/2017

Claimant's signature: Sukhmanjit S. Seera

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.

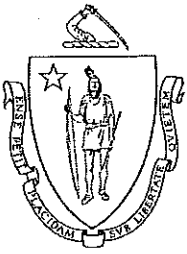
**Return this from to: City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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

14



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
www.mass.gov/ago

January 26, 2017

CJ Ferry  
300 Buffinton Street  
Fall River, MA 02721

RE: Open Meeting Law Complaint

Dear Mr. Ferry:

RECEIVED  
2017 JAN 30 A 11:49  
CITY CLERK  
FALL RIVER, MA

Thank you for contacting the Attorney General's Office. On January 23, 2017, we received your Open Meeting Law complaint, which was originally received by the Fall River City Council on or about December 27, 2016. We will review your complaint and will contact you in the event that we require additional information. We will notify you of our determination following our Office's review.

Your complaint may be resolved through either a formal order or informal action. Formal orders contain a detailed discussion of the alleged violation, applicable legal requirements, and may order any of the remedies provided in G.L. c. 30A, § 23(c). If a complaint is appropriate for informal action, we will attempt to resolve the matter by speaking to the parties, followed by a brief letter noting whether or not there was a violation and what remedial action was taken.

For additional information on the Open Meeting Law and the complaint process, please visit our website at [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting). Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

Kaitlin Maher  
Paralegal  
Division of Open Government

cc: Joseph I. Macy, Esq., Fall River Corporation Counsel  
Fall River City Council

14



# 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.

**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@comcast.net

Organization or Media Affiliation (if any): \_\_\_\_\_

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 Of Fall River City Council

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: Jan 17, 2017

**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 December 27, 2016, the entire Fall River City Council was served with this Open Meeting Law Complaint with copies to the Fall River City Clerk and the Fall River Corporate Council.

Under MGL 30A §23(b), the public body is allowed fourteen (14) business days to respond to the complaint from the date of filing.

The Fall River City Council, failed to provide a response to the complaint of December 27, 2016 within the fourteen business days as required by MGL 30A §23(b).

This is evidenced by the response of the Fall River City Corporate Counsel hereto attached dated January 23, 2017.

The City Council deliberately chooses to assign responses to another individual, office or entity by which they regularly and continuously fail to meet the requirements under MGL 30A § 23(b), these acts are willful and deliberate and refuse to meet with the complainant regarding these issues as does the assigned individual, office or entity.

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.

The City Council should implement a policy where a meeting or discussion with the complainant on possible resolutions to the complaint be held to amicably resolve these issues. The assessment of the maximum pecuniary assessment against the City Council members as they have the legal responsibility to insure that the law is complied with and have regularly failed to comply with the law.

**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.**

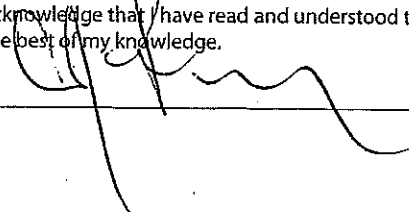
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**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](mailto: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 23, 2017

For Use By Public Body For Use By AGO  
Date Received by Public Body Date Received by AGO

**From:** moutin.t@comcast.net  
**Sent:** Friday, January 06, 2017 6:42 AM  
**To:** Madeline Coelho  
**Cc:** City Council; Tammy Moutinho  
**Subject:** Buildings & Grounds.Misappropriation of Funds

Good Morning Madeline,

Just after noon time on Wednesday this week I went to your office in attempt to discuss a situation with you. Nick informed me that you were with someone. He asked if I would I like for him to have you call me and I replied "yes please." As of 4:15pm yesterday I still had not heard from you and will now relay this current situation via this correspondence.

Due to the cemetery ordeal that I fell victim to and according to your comment that it was my responsibility as the clerk to pursue notification to additional levels of management when the situation(s) that I had brought to my immediate supervisor failed to be addressed resulting with me being blamed for the situation I feel that it is my fiduciary responsibility as the payroll clerk for the Department of Buildings and Grounds to bring this current situation to your attention:

Chris Gallagher is instructing personnel to charge overtime hours to school projects for which they are not actually performing the work at that specific location. The directive has been done in my presence and has continued on a regular basis since at least November. The individuals are directed to perform various assignments at a variety of locations and instructed, by Chris Gallagher, how to list the work on their overtime sheet that they submitted to me for payment on the payroll. For example, they may be asked to open the Kerr Mill or do Armory related assignments but when I receive their overtime sheet it will say Morton School Project or Westall School Project when the fact is they never performed work at these locations.

I was seeking your explanation of how the funding is generated for these specific capital projects and if the funds are to be used specifically for the project intended or if this is indeed an allowable practice. I have felt uneasy with this practice and the employees involved have also expressed to me their uneasiness. As much as the overtime is appreciated by these individuals they do not want to get in trouble over it and I do not want to become the victim of a known improper practice or unfavorable situation once again.

When I did not hear from you I continued to research (via individuals/agency/committee) the protocol for the funding for these school projects along with the proper use of the funds. As a result, it is my understanding that the City Council approves the funding specifically for each individual project and the funds are intended to be used only for the specific projects for which the funding is intended.

In summation, I feel that Mr. Gallagher's practice is a gross misappropriation of city/government funds. Additionally, Mr. Gallagher is abusing his authority and demonstrating mismanagement at its finest when directing employees to misrepresent the work/project that is actually being carried out.

Feel free to contact me at your convenience to further discuss this matter.

Respectfully,

Tammy Moutinho  
 Department of Buildings and Grounds