

City of Fall River Massachusetts

Office of the City Clerk 2017 JAN 20 A 10:31

RECEIVED

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

JANUARY 20, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, JANUARY 24, 2017
AGENDA

6:00 P.M. COMMITTEE ON FINANCE

1. Resolution – Discussion with Administration re: architectural design services at Veterans' Center on Pine Street (adopted 1-10-17)
2. Resolution – Discussion with Administration re: positions of Grant Coordinator and Substance Abuse Prevention Coordinator (adopted 10-11-16)
3. Discussion of Fiscal Year 2017 – Quarter 2 Budget Report (tabled 1-10-17)

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 – None

PRIORITY COMMUNICATIONS

1. *Rep. Carole Fiola requesting meeting with federal delegation to discuss the city's multi-million dollar Combined Sewer Overflow (CSO) project
2. *Corporation Counsel and Attorney General's Office regarding an open meeting law complaint
3. *Corporation Counsel re: city resident's request to cap number of tobacco sales permits

COMMITTEE REPORTS – None

ORDINANCES

4. *Proposed ordinance re: Quarterly Budget Reports

RESOLUTIONS

5. *Engineering Division and the Administration investigate possibility of resurfacing Wilson Road as soon as possible
6. *City Council support the redevelopment or building of a new B.M.C. Durfee High School
7. *City Council support the Fall River Area Chamber of Commerce and area businesses in Promoting the EdUp Campaign

CITATIONS – None

ORDERS – HEARINGS – 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

ORDERS – MISCELLANEOUS

8. *City Council meeting schedule for remainder of 2017

9. Police Chief's report on licenses

Taxicab Drivers:

Kathleen Anderson	Akeem Barlow	Angela Beveridge
Christopher C. Cole	Dane Dicarlo	Michael Diniz
Tiffany Evans	Tracee Francisco	Anthony Garcia
Sereda Lopes	William Marshall	Keith Mcaskill
Steven Ouellette	Todd Pina	Zachary Powers-Alves
Manuel Silvia II	Ashley Sylvia	Sarah Thomas

Private Livery Drivers:

Sandra Barcellos Dion

10. Auto Repair Shop license renewals:

- David J. Motta d/b/a Action Cycles, 326 Pleasant Street
- Thomas A. Legault d/b/a Tom Legault's Auto Repair, 745 Brayton Avenue

COMMUNICATIONS – INVITATIONS – PETITIONS

11. *Claims

12. *Open Meeting Law complaint from CJ Ferry regarding January 4, 2017 complaint re: meeting of City Council Committee on Economic Development and Tourism

13. *Communication from Attorney General regarding OML complaint of December 13, 2016 City Council Committee on Economic Development and Tourism

14. City Council Committee/Meeting Minutes:

*City Council Meeting – December 27, 2016

*Committee on Finance – January 10, 2017

*Public Hearing – December 13, 2016

*Special City Council Meeting – November 9, 2016

*Special City Council Meeting – January 10, 2017

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

(Councilor Raymond A. Mitchell)

WHEREAS, there has been a great amount of discussion regarding the needed repairs at the Veterans' Center located at 755 Pine Street, and

WHEREAS, a discussion was held in the Committee on Finance on December 27, 2016, and

WHEREAS, a communication was received from Jo Ann Bentley Architect, Inc. on December 30, 2016 regarding comments that were made during this meeting, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration and Jo Ann Bentley to clarify any questions regarding the necessary repairs that are needed to this building and any comments that were made during the December 27, 2016 Committee on Finance meeting.

In City Council, January 10, 2017

Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

Finance 1

Jo Ann Bentley Architect, Inc.

209 Bedford Street, Suite 204
Fall River, Massachusetts 02720
Tel: 508-674-7600 Fax: 508-674-7603

December 30, 2016

Cathy Ann Viveiros, City Administrator, City of Fall River
Shawn E. Cadime, President City Council
One Government Center
Fall River, MA 02722

Re: Veterans Building, Pine Street

Dear Mrs. Viveiros and Mr. Cadime:

Over the last two days I have heard many comments regarding the City Council's December 27, 2016 meeting and discussion of the Pine Street Veterans Building. I feel the need to state that I currently have no contract with the City of Fall River to perform any scope of architectural services for the Veterans Center.

In April 2016 I was asked by CDA Executive Director Mike Dion if I could help him by taking a look at the Veterans Center and give him a list with corresponding cost estimates of exterior repairs that were needs for the building. I visited the building along with a roofing contractor, a mason and a window contractor. They gave me their best judgment as to the extent of repairs needed to be performed along with budget costs. This outline of work and cost estimate was given to Mr. Dion. I was contacted again towards the end of October 2016 to re-visit looking at the roof. I made arrangements with Christopher Gallagher for a bucket truck to gain access to the roof. I met on site with my architectural roofing representative to view the roof. I received a report from the roofing representative which outlined a scope of work for removal and replacement of the roof and a construction cost estimate based on information from four local roofing contractors. I emailed the report to Chris Gallagher.

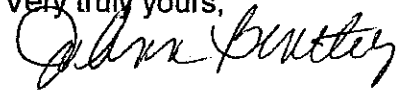
Finance 1

While I was under no obligation and under no contract I was happy to help Mr. Dion as this building has a special personal memory for me. You see my father was a Lieutenant for the Fall River Fire Department and in the early 1980's was head of dispatch at the 'Signal Station', that now being the Pine Street Veterans Center. My Dad died in June 1982 but the last time my Dad worked was the week of the Arlans Mill fire in November of 1981. I clearly remember picking up food and coffee and bringing it to my Dad at the Signal Station and spending time there with him. There was so much happening that he could not leave and ended up staying there for a few days. So when Mr. Dion asked me to help with a report on the building of course I agreed and did the work pro bono.

Again, at this time I have no contract to perform any design services for this building, and all work I have been asked to do has been completed and passed along to the interested parties. While I would be happy to work on this project I would request a contract for architectural design services before proceeding.

Should you have any questions please do not hesitate to call.

Very truly yours,



Jo Ann Bentley, RA

President

(Councilor Pam Laliberte-Lebeau)

WHEREAS, substance abuse is increasing in our city and nationwide, and

WHEREAS, the City of Fall River is committed to providing the best possible services to our residents, now therefore

BE IT RESOLVED, that the Administration and the Director of Health and Human Services be invited to a future meeting of the Committee on Finance to discuss the differences between the current Grant Coordinator position and the proposed Substance Abuse Prevention Coordinator position, and

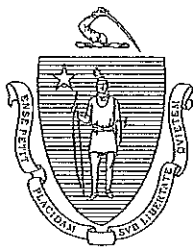
BE IT FURTHER RESOLVED, this discussion includes the following items for both positions:

- Job description and responsibilities, along with powers and duties
- Salary and benefits, including grant monies that would be used
- List of differences between the two positions
- Copy of grant and details outlining use of funds.

In City Council, October 11, 2016
Adopted, as amended.

A true copy. Attest:

Alison M. Bouchard
City Clerk



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

RECEIVED

2017 JAN 17 A 10:35

CITY CLERK _____
FALL RIVER, MA

CAROLE A. FIOLA
STATE REPRESENTATIVE
6th BRISTOL DISTRICT

STATE HOUSE, ROOM 446
TEL: (617) 722-2460
Carole.Fiola@MAhouse.gov

January 13, 2017

Honorable Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510

Honorable Senator Elizabeth Warren
317 Hart Senate Office Building
Washington, DC 20510

Honorable Congressman Bill Keating
2351 Rayburn House Office Building
Washington, DC 20515

Honorable Congressman Joseph P. Kennedy III
434 Cannon House Office Building
Washington, DC 20515

Dear Senators Markey and Warren, and Congressmen Keating and Kennedy:

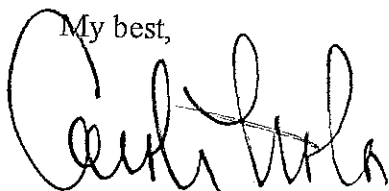
In light of President-elect Trump's campaign promise and initiative to invest a trillion dollars of federal funds in infrastructure projects during the course of his presidency, I would like to take this opportunity to publicly invite you as a part of a full federal delegation to a meeting with local and state elected and public officials to meet in Fall River and discuss the city's multi-million dollar Combined Sewer Overflow (CSO) project and the city's challenge to meet the financial cost of this federally mandated, but unfunded, environmental infrastructure project. I believe that it is of the utmost importance that the entire federal delegation meet with both the state delegation and city officials to hear firsthand of the devastating financial impact that this project has and will continue to have upon the City of Fall River's existing and future budgets. As it stands now, since 1994 the city has bonded, borrowed and spent just under \$200 million dollars on the design and construction of underground interceptor tunnels throughout most of the city to capture and treat wastewater before it is disposed into the Taunton River and Narragansett Bay. After the MRWA, which is comprised of 61 communities, Fall River is the largest borrow in the Commonwealth of State Revolving Funds (SRF) for these projects. The annual debt service on these bonds is \$9 million, which is a crippling sum for our city.

1

As you are aware, the expenditure of this money to date results from a 1985 EPA regulation, and court action mandating the City invest in the CSO project. Now, as a result of the city needing to meet additional EPA mandates, the residents of the city will be asked to cast their vote on a November 2017 debt exclusion Referendum Vote in the amount of \$123 million to upgrade the city's wastewater treatment plant and provide additional funding for the CSO project. To the extent that the referendum is approved, sewer rates in the city will increase a minimum of \$228.00/ year per household not counting normal annual increases and this is in addition to the astronomical increases our tax payers have struggled with since 1994. In a city that is financially struggling with investment in education, public safety, pensions, healthcare, sidewalk and roadway repair, the proposed sewer and wastewater treatment plant improvements and associated rate increases will further inhibit the city to invest in the above mentioned core areas and cause undue financial and economic harm upon the residents of the city.

While I understand that it may be uncommon for both Senators and Congressmen to collectively meet together with elected and non-elected city and state officials, I believe that the enormity of this situation mandates such a meeting in light of the following two facts: (1) the cause and impetus for the proposed multi-million sewer and wastewater improvements are EPA mandated and do not take into account the city's financial ability to meet these unfunded federal mandates; and (2) now there may be an opportunity to correct these unfunded federal mandates as part of the President-elect's frequently mentioned trillion dollar infrastructure commitment to "rebuild America." Such a political platform position by the President elect clearly opens the door for the filing of legislation to correct this issue and alleviate this undue emotional and financial strain on the city and its residents as well as other municipalities throughout the country struggling with the same issue. Towards this end, I respectfully request that your respective staffs coordinate with each other to develop convenient meeting dates and times and provide this information to the city for coordination on the local level. Thank you for your time and attention to this matter and I look forward to hearing from each of you.

My best,



Carole Fiola
State Representative

cc: Mayor Jasiel Correia
Senator Michael Rodrigues
State Representative Paul Schmid
State Representative Alan Silvia
Fall River City Council
Terrence Sullivan, Fall River Administrator of Community Utilities

2

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 11, 2017

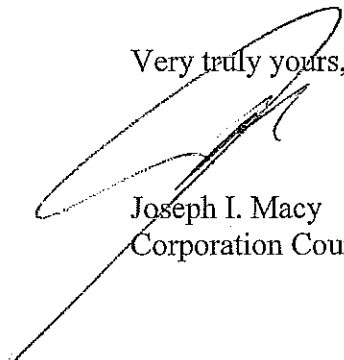
Shawn Cadime, President
City Council
One Government Center
Fall River, MA 02722

Re: Open Meeting Law Complaint

Dear Councilor Cadime:

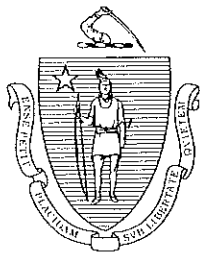
Enclosed please find an original letter dated January 6, 2017 from the Attorney General's Office regarding an Open Meeting Law Complaint as discussed.

Very truly yours,


Joseph I. Macy
Corporation Counsel

Enclosure

RECEIVED
2017 JAN 11 P 3:04
CITY CLERK
FALL RIVER, MA



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

January 6, 2017

OML 2017 – 6

Joseph I. Macy, Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaint

RECEIVED
2017 JAN 11 P 3:04
CITY CLERK
FALL RIVER, MA

Dear Attorney Macy:

This office received two related complaints from CJ Ferry alleging that the Fall River City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The first complaint was filed with the Council on January 12, and the Council responded by letter dated January 15. The first complaint was then filed with our office on January 20. The second complaint was filed with the Council on January 27, and the Council responded by letter dated January 29. The second complaint was then filed with our office on February 1. In his complaints, Mr. Ferry alleges that the Council violated the Open Meeting Law by: (i) deliberating outside of a noticed meeting, and (ii) failing to follow proper procedure when responding to an Open Meeting Law complaint.

We appreciate the patience of the parties while we reviewed this matter.² Following our review, we find that the Council violated the Open Meeting Law as alleged in the complaints. In reaching this determination, we reviewed the complaints, the Council’s responses, and the requests for further review filed with our office. We also reviewed a supplementary response provided by Fall River Corporation Counsel dated July 13. Finally, we spoke with Councilor Shawn Cadime and Council Secretary Colleen Taylor by telephone, both on December 13.

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² Beginning in May, we sought additional information from the Fall River Corporation Counsel’s Office concerning the allegations addressed in this letter. Information was provided to us, on a rolling basis, beginning in July. While we recognize that the Corporation Counsel’s Office experienced staffing changes during this time, we nevertheless note that failure to provide documentation requested by our Office in the course of its investigation of an Open Meeting Law complaint may constitute a separate violation of the Open Meeting Law. See OML 2016-12.

FACTS

We find the facts as follows. The Council is a nine-member public body, thus five members constitute a quorum. On January 6, Councilor Shawn Cadime e-mailed the Council's secretary, Colleen Taylor, asking her to draft two proposed resolutions for discussion at an upcoming Council meeting. Ms. Taylor is not a member of the Council. At issue is the second of these proposed resolutions. The relevant text of the e-mail to Ms. Taylor was as follows:

Create a new 3 member committee titled Budget Preparation, Revenue & Audit Committee. I would like the resolution to state that any items referred out of this committee will automatically be referred to the Committee on Finance. If you could also call the other members and see who would like to [co-sponsor] this with me that would be great. I have spoken to most of them and they are expecting this resolution.

Following this e-mail, Ms. Taylor drafted the proposed resolution and responded to Councilor Cadime by e-mail showing him what she had drafted. She then sent a copy of the proposed resolution to the other Councilors. Ms. Taylor does not recall whether any Councilors contacted her in response to this e-mail, although she stated to our office that it would not have been uncommon for Councilors to do so. Similarly, Councilor Cadime does not recall how many Councilors he spoke to regarding this matter. On January 7, Councilor Cadime sent an e-mail to Ms. Taylor, stating, "I tweaked the resolution slightly and I included those councilors who will sponsor the resolution with me." In the upper right-hand corner of the draft resolution, the names of eight Councilors were listed, including Councilor Cadime.

On January 8, the Council posted notice for a meeting to be held on January 12. The January 12 meeting was the first of the year, and the meeting notice indicated that the Council would consider several pieces of new business. The meeting notice listed a section called "RESOLUTIONS," with three proposed resolutions below. Of significance, the meeting notice listed one proposed resolution as, "Committee on Ordinances and Legislation consider adding another City Council standing committee, titled Budget Preparation, Revenue and Audit Committee." The Council held its January 12 meeting as planned and voted favorably on this draft resolution.

The first complaint was filed with the Council on January 12. On January 15, the Corporation Counsel sent a response on behalf of the Council. During a January 26 meeting, the Council discussed the January 12 complaint. The second complaint was then filed with the Council to address the procedure by which the Council dealt with the first complaint.

DISCUSSION

I. The Council Deliberated Outside of a Noticed Meeting.

The Open Meeting Law is designed to eliminate "much of the secrecy surrounding the deliberations and decisions on which public policy is based." Ghigliione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). The law requires that meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See G.L. c. 30A, §§ 20(a)-(b), 21. The law defines a "meeting" as, "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. A "deliberation" is defined as "an oral or written communication through any medium, including

electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” Id. For the purposes of the Open Meeting Law, a “quorum” is a simple majority of the member of the public body. Id.

Here, the complainant in his first complaint alleges that the Council deliberated outside of a noticed meeting to discuss the proposed resolution creating the Budget Preparation, Revenue and Audit Committee. Gauging members’ interest in a proposal prior to its introduction at a meeting constitutes active solicitation of an opinion by a body member; we have previously stated that this behavior, when reaching a quorum, violates the Open Meeting Law. See OML 2014-176; OML 2013-76; OML 2013-75.³ While neither Councilor Cadime nor Ms. Taylor could recall which Councilors they spoke to regarding the proposed resolution, it is clear from Councilor Cadime’s January 7 e-mail that he had secured the support of seven other Councilors to co-sponsor the proposed resolution. This process of securing support constituted deliberation between or among a quorum of the nine-member Council.⁴ Accordingly, we find that the Council violated the Open Meeting Law as alleged.

II. The Council Failed to Follow Proper Procedure in Responding to an Open Meeting Law Complaint.

The second complaint addresses how the Council dealt with the first complaint. When an individual files an Open Meeting Law complaint with a public body, the chair “shall disseminate copies of the complaint to the members of the public body,” and “the public body shall review the complaint’s allegations.” 940 CMR 29.05(3), (5). The chair is required to disseminate copies and the public body must meet to review the complaint and formulate a response, or meet to delegate that authority. See OML 2012-90. Here, the Corporation Counsel sent a response before the Council met to review the complaint. As the Council is required to review the complaint prior to authorizing legal counsel to respond, we find that the Council violated the Open Meeting Law as alleged.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law with respect to both of the related complaints. We order the Council’s immediate and future compliance, and we caution that similar future violations may be considered evidence of intent to violate the law. Within 30 (thirty) days of receipt of this letter, we order the Council to publicly disclose at a meeting all e-mails between Councilors and/or the Council secretary concerning the proposed resolution discussed herein.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

³ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

⁴ Based on Mr. Cadime’s January 7 e-mail, it appears that he contacted a quorum of the Council to gauge support for the proposed resolution. We note that public bodies may not utilize non-members, such as administrative staff, to facilitate communication between or among a quorum on matters within the Council’s jurisdiction. See OML 2013-75.

Sincerely,



Kevin W. Mangano
Assistant Attorney General
Division of Open Government

cc: CJ Ferry
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

2

Colleen Taylor

From: Shawn Cadime
Sent: Wednesday, January 06, 2016 1:51 PM
To: Colleen Taylor
Subject: Resolutions

Colleen,

Would you be able to draft 2 resolutions for me?

1. Reduce the Committee on Real Estate from 5 members to 3 members given that we no longer have the amount of surplus school buildings that need to be sold.

2. Create a new 3 member committee titled Budget Preparation, Revenue, & Audit Committee. I would like the resolution to state that any items referred out of this committee will automatically be referred to the Committee on Finance. If you could also call the other members and see who would like to co sponsor this with me that would be great. I have spoken to most of them and they are expecting this resolution.

Please call me if you need anything. My office number is Thanks

-Shawn

Colleen Taylor

From: Colleen Taylor <ctaylor@fallriverma.org>
Sent: Wednesday, January 06, 2016 2:29 PM
To: 'Shawn Cadime'
Subject: RE: Resolutions
Attachments: Real Estate Cmte. 2010.pdf

Shawn,
I have attached the ordinance that was used to change the Real Estate Committee from 3 members to 5. Do you just want to file a proposed ordinance, changing it from 5 to 3? Let me know.
Thanks,
Colleen

From: Shawn Cadime
Sent: Wednesday, January 06, 2016 1:51 PM
To: Colleen Taylor
Subject: Resolutions

Colleen,

Would you be able to draft 2 resolutions for me?

1. Reduce the Committee on Real Estate from 5 members to 3 members given that we no longer have the amount of surplus school buildings that need to be sold.
2. Create a new 3 member committee titled Budget Preparation, Revenue, & Audit Committee. I would like the resolution to state that any items referred out of this committee will automatically be referred to the Committee on Finance. If you could also call the other members and see who would like to co sponsor this with me that would be great. I have spoken to most of them and they are expecting this resolution.

Please call me if you need anything. My office number is : Thanks

-Shawn

(President Joseph D. Camara)

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, Mass., 1999, which chapter relates to Administration be amended, as follows:

By striking out in Section 2-151, which section relates to standing committees established, sub-section (7) in its entirety and inserting in place thereof the following:

- (7) Committee on real estate, consisting of five members.

In City Council, February 23, 2010
Passed to be ordained

Approved, February 25, 2010
William A. Flanagan, Mayor

A true copy. Attest:

Alison M. Brett

City Clerk

2

Colleen Taylor

From: Colleen Taylor <ctaylor@fallriverma.org>
Sent: Thursday, January 07, 2016 9:54 AM
To: Shawn Cadime
Subject: Resolution
Attachments: Budget Preparation, Revenue & Audit Committee 1-12-16.docx

Good Morning!

Attached is a DRAFT of the resolution that you requested regarding the addition of another committee. Please make any changes/corrections and I will forward to all Councilors if you wish for co-sponsorship. Also, Councilor Joseph Camara would like to speak with you. Can you please call him at

Thanks,
Colleen

*Colleen A. Taylor
City Council Secretary
One Government Center
Fall River, MA 02722*

508-324-2233

2

(President Shawn E. Cadime)

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, 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.

Colleen Taylor

From: Shawn
Sent: Wednesday, January 06, 2016 2:31 PM
To: Colleen Taylor
Subject: Re: Resolutions

Yes please.

Sent from my iPhone

On Jan 6, 2016, at 2:28 PM, Colleen Taylor <ctaylor@fallriverma.org> wrote:

Shawn,
I have attached the ordinance that was used to change the Real Estate Committee from 3 members to 5. Do you just want to file a proposed ordinance, changing it from 5 to 3? Let me know.
Thanks,
Colleen

From: Shawn Cadime
Sent: Wednesday, January 06, 2016 1:51 PM
To: Colleen Taylor
Subject: Resolutions

Colleen,

Would you be able to draft 2 resolutions for me?

1. Reduce the Committee on Real Estate from 5 members to 3 members given that we no longer have the amount of surplus school buildings that need to be sold.

2. Create a new 3 member committee titled Budget Preparation, Revenue, & Audit Committee. I would like the resolution to state that any items referred out of this committee will automatically be referred to the Committee on Finance. If you could also call the other members and see who would like to co sponsor this with me that would be great. I have spoken to most of them and they are expecting this resolution.

Please call me if you need anything. My office number is

Thanks

-Shawn

<Real Estate Cmte. 2010.pdf>

2

Colleen Taylor

From: Shawn Cadime
Sent: Thursday, January 07, 2016 12:24 PM
To: Colleen Taylor
Subject: Re: Resolution

Colleen,

I tweaked the resolution slightly and I included those councilors who will sponsor the resolution with me.

On Thu, Jan 7, 2016 at 9:54 AM, Colleen Taylor <ctaylor@fallriverma.org> wrote:

Good Morning!

Attached is a DRAFT of the resolution that you requested regarding the addition of another committee. Please make any changes/corrections and I will forward to all Councilors if you wish for co-sponsorship. Also, Councilor Joseph Camara would like to speak with you. Can you please call him at

Thanks,

Colleen

Colleen A. Taylor

City Council Secretary

One Government Center

Fall River, MA 02722

508-324-2233

2

Colleen Taylor

From: Shawn Cadime
Sent: Thursday, January 07, 2016 12:29 PM
To: Colleen Taylor
Subject: Re: Resolution
Attachments: Budget Preparation, Revenue & Audit Committee 1-12-16.docx

sorry here's the attachment.

On Thu, Jan 7, 2016 at 12:24 PM, Shawn Cadime
Colleen,

I tweaked the resolution slightly and I included those councilors who will sponsor the resolution with me.

On Thu, Jan 7, 2016 at 9:54 AM, Colleen Taylor <ctaylor@fallriverma.org> wrote:

Good Morning!

Attached is a DRAFT of the resolution that you requested regarding the addition of another committee. Please make any changes/corrections and I will forward to all Councilors if you wish for co-sponsorship. Also, Councilor Joseph Camara would like to speak with you. Can you please call him at

Thanks,

Colleen

Colleen A. Taylor

City Council Secretary

One Government Center

Fall River, MA 02722

508-324-2233

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

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

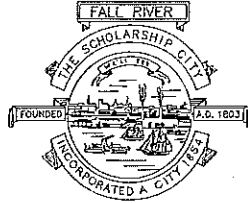
WHEREAS, in order to improve the City Council's understanding of the entire budget preparation process, city revenues, and city audits now therefore

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.

3

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 5, 2017

Council President Shawn E. Cadime
One Government Center
Fall River, MA 02722

RE: Tobacco Cap

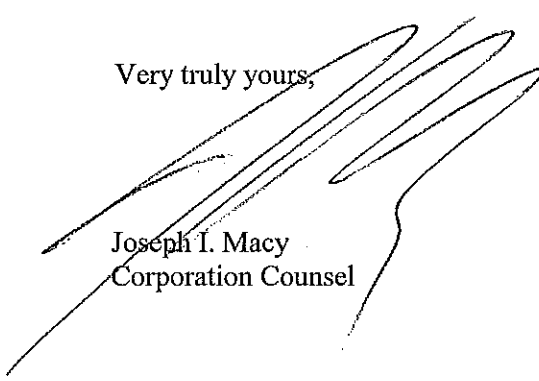
Dear Council President:

On December 27, 2016 a letter to the City Council from John C. Bourassa was referred to me. As there was no specific request made I am somewhat at a loss as to how to respond.

By way of explanation the City does have an ordinance regulating tobacco sales. I can find no "cap" or limit on the number of retail sites permitted. Whether or not there should be one is a matter of policy.

I realize this may not be particularly helpful, however if you have any further questions on this matter please feel free to contact me.

Very truly yours,


Joseph I. Macy
Corporation Counsel

CITY CLERK
FALL RIVER, MA

2017 JAN -9 P 3:26

RECEIVED

12/19/16

3

I am writing to request permission from City Council
to be put on the Agenda for Ordinance
committee to have a cap added to tobacco ordinance.

NEW ENGLAND CIG & SMOKE EMPORIUM
568 North Main Street
Fall River, Mass, 02720
5086736555
John C Bourassa

CITY OF FALL RIVER, MA
16 DEC 26 PM 4:00

RECEIVED
2016 DEC 15 A 10:03
CITY CLERK
FALL RIVER, MA

CITY OF FALL RIVER
IN CITY COUNCIL
DEC 27 2016

Referred to the
Legislation Council

CITY OF FALL RIVER, MA
17 JAN -3 PM 4:02

ARTICLE VI. SALE, VENDING AND DISTRIBUTION OF TOBACCO PRODUCTS ¹⁶¹

Sec. 34-311. Definitions.

Sec. 34-312. Violations; penalties.

Sec. 34-313. Enforcement.

Sec. 34-314. Permit for site and sale of tobacco products and nicotine delivery products.

Sec. 34-315. Sale or distribution to underage persons prohibited; verification of age of purchaser.

Sec. 34-316. Posting of regulations regarding sale to underage persons.

Sec. 34-317. Vending machines and self service displays.

Sec. 34-318. Distribution of free samples; redemption of coupons.

Sec. 34-319. Out-of-package sales prohibited.

Sec. 34-320. Prohibition of the sale of tobacco products by health care institutions.

Sec. 34-321. Prohibition of the sale of tobacco products by educational institutions.

Sec. 34-311. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business agent means an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

E-cigarette means any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid, or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Educational institution means any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee means any individual who performs services for an employer.

Employer means any individual, partnership, association, corporation, trust or other organized group of individuals, including the City of Fall River or any agency thereof, which uses the services of one or more employees.

Health care institution means an individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the state department of public health under M.G.L.A. c. 112 or a retail establishment that provides pharmaceutical goods and services and subject to the provisions of 247 CMR 6.00. Health care institution includes, but is not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

Individual means any employee or volunteer or any person who patronizes an area where tobacco products or nicotine delivery products are sold.

Minor means any individual who is under the age of 18.

Nicotine delivery product means any article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and

which is being marketed and sold solely for that approved purpose. Nicotine delivery product includes, but is not limited to, e-cigarettes.

Permittee means any sole proprietorship, partnership, joint venture, corporation or other place of business, including retail establishments and bars, that has been issued a permit for site and sale of tobacco products and nicotine delivery products by the city board of health regulating the sale of tobacco products in the city.

Person means an individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.

Retail store means any establishment selling goods or articles or personal services to the public.

Self service display means any display from which customers may select a tobacco product or a nicotine delivery product without assistance from an employee or store personnel, excluding vending machines.

Tobacco product means cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

Vending machine means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, tobacco products or nicotine delivery products upon the insertion of coins, trade checks, slugs or other forms of payment.

(Ord. No. 1998-12, § 9-135, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Cross reference—Definitions generally, § 1-2.

Sec. 34-312. Violations; penalties.

- (a) It shall be the responsibility of the permittee and/or the individual in charge of the area where tobacco products or nicotine delivery products are being sold to ensure compliance with all sections of this article pertaining to his place of business. The permittee and/or individual in charge of the area permitted for tobacco or nicotine delivery product sales or person involved in violation of any of the provisions of this article will receive a fine as follows:
 - (1) In case of a first violation, the permittee and/or individual in charge of the area permitted for sales or person not in compliance with the provisions of this article shall receive a fine of \$100.00.
 - (2) In case of a second violation within 24 months of the date of the current violation, the permittee and/or individual in charge of the area permitted for sales or person not in compliance with the provisions of this article shall receive a fine of \$200.00 and the permit for site and sale of tobacco products and nicotine delivery products may be suspended for seven consecutive business days.
 - (3) In case of a third violation or more violations within two years, the permittee and/or individual in charge of the area permitted for sales or person not in compliance with the provisions of this article shall receive a fine of \$300.00 and the permit for site and sale of tobacco products and nicotine delivery products may be suspended for 30 consecutive business days.
- (b) Any person who violates any provision of this article may be penalized by a noncriminal disposition pursuant to M.G.L.A. c. 40, § 21D, and as specified in chapter 2, article X, or by filing a criminal complaint at the appropriate venue with penalties as set forth in subsection (a) of this section.
- (c) Refusal to cooperate with inspections pursuant to this section may result in the suspension of the permit for site and sale of tobacco products and nicotine delivery products for 30 consecutive business days.
- (d) In addition to the monetary fines set above, any permittee who engages in the sale or distribution of tobacco products or nicotine delivery products directly to a consumer while his permit is suspended may be subject to the suspension of all board of health-issued permits for 30 consecutive business days.
- (e) The city board of health shall provide written notice to the permittee of the intent to suspend a permit. The notice shall contain the reasons for the suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven days after the date of the notice. The permittee shall have an opportunity

to be heard at such hearing. After a hearing, the city board of health may suspend the permit for site and sale of tobacco products and nicotine delivery products if the board finds that a sale to a minor has occurred. The permittee shall be notified of the board of health's decision in writing.

(Ord. No. 1998-12, § 9-143, 5-12-1998; Ord. No. 2007-4, § 2, 2-27-2007; Ord. No. 2011-5, 3-22-2011)

Sec. 34-313. Enforcement.

- (a) The board of health will periodically engage individuals under the age of 18 to attempt to purchase cigarettes, other tobacco products or nicotine delivery products for the purpose of monitoring compliance with this article.
- (b) The board of health, or its officers and agents, shall enforce this article.

(Ord. No. 1998-12, § 9-142, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-314. Permit for site and sale of tobacco products and nicotine delivery products.

- (a) No person shall sell tobacco products or nicotine delivery products over the counter or by vending machine within the city without a permit for site and sale of tobacco products and nicotine delivery products issued by the city board of health for each tobacco retail place of business. The fee for this permit shall be as provided in the fee schedule in Appendix A to this Revision, and is due upon commencement of operation. The permit is renewable annually each January 1.
- (b) A permit for site and sale of tobacco products and nicotine delivery products is nontransferable, however, a new permit will be issued when a retail store changes location and has shown compliance pertaining to the provisions of this article. A new owner of an establishment that sells tobacco must apply for a new permit for site and sale of tobacco products and nicotine delivery products. No new permit will be issued unless and until all outstanding penalties incurred by the previous permittee are satisfied in full.
- (c) Each applicant selling tobacco products is required to provide proof of a current tobacco sales license issued by the state department of revenue before a tobacco sales permit can be issued.
- (d) Each permit for site and sale of tobacco products and nicotine delivery products shall be displayed at the retail establishment in a conspicuous place.
- (e) As part of the permit application process, the applicant will be provided with the ordinance from which this article is derived. Each applicant is required to sign a statement declaring that the applicant has read said ordinance and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco or nicotine delivery product sales regarding both the ordinance and state laws pertaining to the sale of tobacco.
- (f) No permittee shall sell tobacco products or nicotine delivery products until the owner or manager has completed a retailer training session conducted by the city board of health.
- (g) No permittee shall allow any employee to sell tobacco products or nicotine delivery products until such employee reads the ordinance from which this article is derived and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the ordinance and applicable state laws.
- (h) Issuance of a permit for site and sale of tobacco products and nicotine delivery products shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this section.
- (i) A permit for site and sale of tobacco products and nicotine delivery products will not be renewed if the permittee has failed to pay taxes owed to the city and all fines issued and the time period to appeal the fines has expired.

(Ord. No. 1998-12, § 9-139, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-315. Sale or distribution to underage persons prohibited; verification of age of purchaser.

- (a) No person shall sell any tobacco product or any nicotine delivery product in any of its forms to any person under the age of 18 or, not being his parent or guardian, give a tobacco product or nicotine delivery product in any of its forms to any person under the age of 18.
- (b) Each permittee shall verify by means of a photograph identification containing the bearer's date of birth that no person purchasing tobacco products or nicotine delivery products is younger than 18 years of age. No such verification is required for any purchaser over the age of 26. A written note or telephone communication from a parent or guardian will not be sufficient to allow a person under the age of 18 to purchase a tobacco product or a nicotine delivery product.

(Ord. No. 1998-12, § 9-136, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-316. Posting of regulations regarding sale to underage persons.

- (a) *Tobacco products.* In conformance with M.G.L.A. c. 270, § 7, a copy of M.G.L.A. c. 270, § 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell cigarettes at retail. The notice to be posted shall be that notice provided by the department of public health stating that the sale of tobacco products to persons under the age of 18 is prohibited. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner that it may be readily seen by a person standing at or approaching the cash register. Such notice shall be placed directly facing the purchaser and shall not be obstructed from view. Such notice shall be placed on the cash register or at a distance no greater than two feet from the cash register.
- (b) *Nicotine delivery products.* The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating that "the sale of nicotine delivery products to minors under 18 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating that "the use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor.

(Ord. No. 1998-12, § 9-137, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-317. Vending machines and self service displays.

- (a) In order to restrict access to tobacco products and nicotine delivery products to minors, all vending machines in the city must be equipped with a lock-out device approved by the city board of health, be located only in an establishment with a valid pouring liquor license, be located in establishments where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time and be in operation in the permitted establishment as of January 1, 2009. The device shall lock out all sales, and the locking mechanism shall be such that it can only be released to operate on a one-time only basis by an employee of the establishment owning, managing or leasing the vending machine. No new vending machines may be installed after December 31, 2008.
- (b) Vending machines shall be located within the immediate vicinity and in plain view and control of a responsible employee so that all purchases are observable and controllable.
- (c) Vending machines must be posted with signage stating that the machine is equipped with a lock-out device and identifying the person in charge of release of the lock-out device.
- (d) Vending machines must be posted with signage that indicates that cigarettes will not be sold to any person under the age of 18.

- (e) Self service displays of tobacco products or nicotine delivery products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only exception is self service displays that are located in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.

(Ord. No. 1998-12, § 9-138, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-318. Distribution of free samples; redemption of coupons.

- (a) No manufacturer, distributor or retailer may distribute or cause to be distributed any free samples of tobacco products or nicotine delivery products within the city.
- (b) No person shall accept from a minor any coupons or vouchers redeemable for tobacco products or nicotine delivery products in the city.

(Ord. No. 1998-12, § 9-140, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-319. Out-of-package sales prohibited.

No manufacturer, distributor or retailer may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than 20 cigarettes, including single cigarettes.

(Ord. No. 1998-12, § 9-141, 5-12-1998; Ord. No. 2011-5, 3-22-2011)

Sec. 34-320. Prohibition of the sale of tobacco products by health care institutions.

No health care institution located in the city shall sell or cause to be sold tobacco products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

(Ord. No. 2011-5, 3-22-2011)

Sec. 34-321. Prohibition of the sale of tobacco products by educational institutions.

No educational institution located in the city shall sell or cause to be sold tobacco products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

(Ord. No. 2011-5, 3-22-2011)

FOOTNOTE(S):

--- (6) ---

Cross reference— Businesses, ch. 14. (Back)

State Law reference— Tobacco products, sale or gift to minors, M.G.L.A. c. 270, §§ 6, 6A. (Back)

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:

By striking out Sec. 2-182 (b) which section relates to the annual budget in its entirety and inserting in place thereof the following:

Budget updates shall be made during the second regular meeting of the Committee on Finance in the months of January, April and October. The fourth quarter report shall be made during the month of August.

(Councilor Linda M. Pereira)

WHEREAS, Wilson Road is a main artery that is heavily traveled, and

WHEREAS, many sections of Wilson Road are in disrepair and still continuing to deteriorate, and

WHEREAS, this can be extremely dangerous and difficult to navigate for motorists, now therefore

BE IT RESOLVED, that the Engineering Department and the Administration investigate the possibility of resurfacing Wilson Road as soon as possible.

City of Fall River, *In City Council*

(Councilor Richard Cabeceiras)

6

WHEREAS, investment in education is important to create economic growth in Fall River, and

WHEREAS, our children's success should be among the top priorities of all elected officials, and

WHEREAS, the current B.M.C. Durfee High School building does not meet the needs of today's youth, and

WHEREAS, the City has an opportunity to build a new B.M.C. Durfee High School with state grants, and

WHEREAS, a more vibrant learning facility can help local children thrive, and

WHEREAS, businesses looking to locate or remain in the area value education, now therefore

BE IT RESOLVED, that the City Council support the redevelopment or building of a new B.M.C. Durfee High School.

City of Fall River, *In City Council*

7

(Councilor Richard Cabeceiras)

WHEREAS, the Fall River Area Chamber of Commerce and local businesses invest in the EdUp campaign, and

WHEREAS, educational attainment is important for our children's future, now therefore

BE IT RESOLVED, that the City Council support the Fall River Area Chamber of Commerce and area businesses in promoting the EdUp Campaign.

City of Fall River, *In City Council*

8

ORDERED, that regular meetings of the City Council during 2017 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 unless otherwise ordered:

February 7
February 21
March 14
March 28
April 11
April 25
May 9
May 23
June 13
June 27
July 11
August 15
September 12
September 26
October 10
October 24
November 14
November 28
December 12
December 26

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



RECEIVED

City of Fall River
Notice of Claim

2017 JAN -9 P 12:59

CITY CLERK #17-03
FALL RIVER, MA

1. Claimant's name: Bobbie Jo Schultz
2. Claimant's complete address: 46 W Warr St
3. Telephone number: Home: 774-208-4082 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pot Hole damaged rim
5. Date and time of accident: 1/2/17 5:30pm Amount of damages claimed: \$ 678.73
6. Exact location of the incident: (include as much detail as possible):
Exit 6 E to Davel street. 30ft before merging pot hole right side on exit
7. Circumstances of the incident: (attach additional pages if necessary):
It was dark out already. Hit Pot hole, TPMS warning went off tire flattened immediately. rim has a 90° angle bend not fixable Need new one. Tire split on impact also
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: 1-9-17

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.

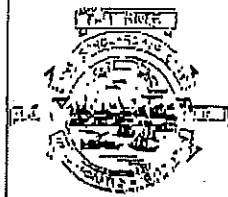
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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

Date: 1/9/17



RECEIVED

2017 JAN 10 P 1:15

City of Fall River
Notice of Claim

CITY CLERK 17-06
FALL RIVER, MA

1. Claimant's name: Theresa James
2. Claimant's complete address: 4000 N. Main St. #32 Fall River, MA
3. Telephone number: Home: 401-481-0905 Work: 888-388-9981 02720
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto accident
5. Date and time of accident: ^{Between} 1/7/17 & 1/8/17 Amount of damages claimed: \$ 4,160.90
6. Exact location of the incident: (include as much detail as possible):
In front of the trees on the side of 4000 N. Main St. F.R.
7. Circumstances of the incident: (attach additional pages if necessary):
My car was legally parked. During the snow storm, a plow hit my car and did not stop. The plow came to close to my car and ripped a hole in my car with the actual plow
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
Geico 300 Crosspoint PKWY Gatzville, NY 14068

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: 1-10-17

Claimant's signature: Theresa James

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 90 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 ☐ DCM

Date: 1/10/17



City of Fall River
Notice of Claim

RECEIVED

2017 JAN 12 A 9:50

CITY CLERK #17-07
FALL RIVER, MA

1. Claimant's name: Margaret Tarbet
2. Claimant's complete address: 56 St Joseph St, Apt 513, FR 02723
3. Telephone number: Home: 508 678 8756 Work: Same (retired)
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Fall in Pleasant Street due to hole in pavement negligently left uncapped
5. Date and time of accident: 20 June 2016, morning Amount of damages claimed: \$ See other side
6. Exact location of the incident: (include as much detail as possible):
Location: Pleasant Street, north side, just east of Plymouth. See photos.
7. Circumstances of the incident: (attach additional pages if necessary):
For location, circumstances, and photos, please see other side and attached pages
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
Medicare

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: 10 Jan 2017

Claimant's signature: M. Tarbet

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 ☒ DCM Date: 1/12/17



RECEIVED

2017 JAN 12 A 10:36

CITY CLERK #17-08
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: CHRISTOPHER SPOUSTA
2. Claimant's complete address: 111 HART ST TAUNTON 02780
3. Telephone number: Home: 774 501 2791 Work: 508 646 8346
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage too wheel tire and FRONT END ALIGNMENT
5. Date and time of accident: Dec 31 2016 1130 PM Amount of damages claimed: \$ \$289.00
6. Exact location of the incident: (include as much detail as possible):
Headed East on Rt 6 Navol street 1148
7. Circumstances of the incident: (attach additional pages if necessary):
Merging to left ~~lane~~ Lane to take
Left turn up Route 6 at underpass.
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
Plymouth Rock 866 353 6292 Policy # PRA000013814

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: 1/10/17

Claimant's signature: Christopher Spousta

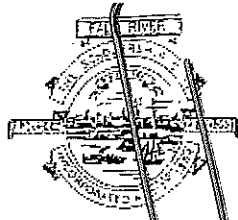
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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 ☒ DCM Date: 1/12/17



City of Fall River
Notice of Claim

RECEIVED

2017 JAN 17 P 3:07

CITY CLERK 17-09
FALL RIVER, MA

Council

11

1. Claimant's name: Mary E. Boyd
2. Claimant's complete address: 16 Scotticut Neck Road #191 Fairhaven MA 0271
3. Telephone number: Home: 774-473-6127 Work: cell 707-484-7571
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Autotire damage in pothole on city street
5. Date and time of accident: 1/2/17 11:45am Amount of damages claimed: \$ 135.45
6. Exact location of the incident: (include as much detail as possible):
pothole located in Rt Lane in front of VW dealership @ 80 Canning Blvd, Fall River
7. Circumstances of the incident: (attach additional pages if necessary):
Just driving from First Ford where I had a level 3 all points check up on my Fiesta (27,319 mi) and was looking ahead to light at next intersection (Canning Blvd & Tucker St) when my rt front tire dropped into a deep pothole. Tire was flat in 5-10 seconds before I got to McDonalds. 50 feet.
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: 1/9/17

Claimant's signature: Mary E Boyd

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 ☒ DCM

Date: JAN 17 2017



OPEN MEETING LAW COMPLAINT FORM

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

12
RECEIVED

Please note that all fields are required unless otherwise noted.

2017 JAN 17 A 10:40

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 Sub-Committee on Economic Development and Tourism

Specific person(s), if any, you allege committed the violation: Stephen Long, Chairman

Date of alleged violation: Jan 4, 2017

1-18-17 emailed to all Councilors

12

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 13, 2016, the Fall River City Council and more particularly, the entire sub-committee of the Fall River City Council on Economic Development and Tourism 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, once again, as appears by its record of responses, failed to meet the statute imposed deadlines.

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 sub-committee and the Council has a whole, should implement a policy where a meeting or discussion with the complainant on possible resolutions.

The assessment of the maximum pecuniary assessment against the sub-committee members as they have the legal responsibility to insure that the law is complied with.

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, 2017

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



OPEN MEETING LAW COMPLAINT FORM

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

*Received at City Council
Meeting 12-13-16
5:55pm 12*

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 - Sub-Committee on Economic Development and Tourism

Specific person(s), if any, you allege committed the violation: Stephen Long, Chairman, Steven Camara, Richard Cabeceiras

Date of alleged violation: 11/29/2016

CITY OF FALL RIVER
IN CITY COUNCIL
DEC 27 2016

*Referred to the
Legislative Council*

-16 emailed to all Councilors

12

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.

The Fall River City Council Sub-Committee on Economic Development and Tourism allegedly violated the Open Meeting Law (MGL 30A) by:

1. Failing to state on the agenda that the City Administration will be making presentations governing the City's proposed marketing campaign (See Attached Agenda)
2. The City Council was notified publicly during the meeting by City Councilor Steven Camara that they may be delving into an area of a violations of MGL 30A on other presentation being made by the Chamber of Commerce President Robert Mellion (Present for item 1 on agenda) who was present to voice the Chamber's ideas on a branding initiative, and members of of the Fall River Industrial Park who were present for items 3 and 4 on the agenda, when they decided to digress into the City Tax Factor and they were only allowed 3 minutes. City Councilor Camara shut down that issue recognizing the need to stay on agenda.
3. Whereas, the City Council Chairman failed to stop further discussion or presentation by the branding committee which were not on the agenda. The item on the agenda was Item # 2: Order- That the sum of \$30,000 be transferred from the Mayor's Office Salaries to the Mayor's Office Expenditures for the launching of the City's branding initiative (referred 8-16-16)

Which consists a violation of MGL 30A §20(a) as the Chair should have reasonable foreseen that the administration intended to present the entire branding campaign and plan thereof, further, the Chair failed to exercise control over the meeting and order the cessation of the presentations on the City's proposed Branding Campaign, as he was readily aware that it was not on the agenda and had been advised earlier when another issue had occurred. This appears to be willful and deliberate to allow the administration to present their proposed branding campaign and thereby denying the public the right to know, oppose or support in a clear and timely manner.

See attached Agenda of Meeting for November 29, 2016
See video of meeting at <http://vod.frgtv.us/video/193714426>

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.

Immediate attendance at next available OML Training
Assessment of maximum pecuniary assessments as the subcommittee was aware of the law as demonstrated and willfully and deliberately violated 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.

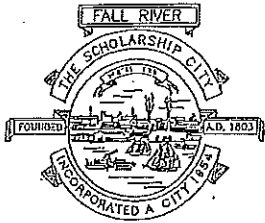
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

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: 12/13/2016

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



COLLEEN A. TAYLOR
CLERK OF COMMITTEES

CITY OF FALL RIVER, MASSACHUSETTS

CITY COUNCIL

2016 NOV 18 P 3:20

TY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CLERK OF COMMITTEES

November 17, 2016

Dear Councilor:

A meeting of the City Council Committee on Economic Development and Tourism will be held on Tuesday, November 29, 2016 at 5:30 pm in the Council Chamber, Government Center, to discuss the following items:

1. Resolution – Committee on Economic Development and Tourism invite Robert Mellion, President and CEO of Fall River Chamber of Commerce, to hear Chamber's ideas on a branding initiative (tabled 4-24-14)
2. Order – That the sum of \$30,000 be transferred from the Mayor's Office Salaries to the Mayor's Office Expenditures for the launching of the City's branding initiative (referred 8-16-16)
3. Resolution – Committee on Economic Development and Tourism convene to discuss technology for fire safety, suppression and reporting systems in the area of the Fall River Industrial Park (adopted 3-22-16)
4. Resolution – Committee on Economic Development and Tourism convene to discuss traffic patterns and road maintenance in and around the Industrial Park (adopted 3-22-16)

It is respectfully requested that you attend this meeting.

Very truly yours,

Colleen A. Taylor
Colleen A. Taylor
Clerk of Committees

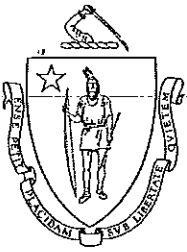
Committee Members:

S. Long, Chr.
R. Cabeceiras
S. Camara

ADA Coordinator:

Gary P. Howayeck, Esq. 508-324-2650

ONE GOVERNMENT CENTER • FALL RIVER, MA 02722
TEL (508) 324-2233 • EMAIL: CTAYLOR@FALLRIVERMA.ORG



13

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 12, 2017

CJ Ferry
300 Buffinton Street
Fall River, MA 02721

RE: Open Meeting Law Complaint

Dear Mr. Ferry:

Thank you for contacting the Attorney General's Office. On January 10, 2017, we received your Open Meeting Law complaint, which was originally received by the Fall River City Council Subcommittee on Economic Development and Tourism on or about December 13, 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. 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 Subcommittee on Economic Development and Tourism

RECEIVED
2017 JAN 17 A 10:38
CITY CLERK
FALL RIVER, MA

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, December 27, 2016, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell, Linda M.
Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: None

President Shawn E. Cadime called the meeting to order at 9:18 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. *Mayor and Collective bargaining agreement for AFSCME Council 93
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order. Councilor Cliff Ponte stated that he wanted to commend the Administration for the Memorandum of Agreement, which was very easy to understand.
2. *Mayor and loan order for Thomas Chew and Maplewood Parks \$310,000
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance. Councilor Pam Laliberte-Lebeau requested that the Administration provide a list of the improvements that will be made to these parks with this money.

PRIORITY COMMUNICATIONS

3. Planning Board recommending the acceptance of Arthur Street extending from
Ashley Street to Sidney Street
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file and the order for plans be adopted.
4. Planning Board recommending the acceptance of Ashley Street extending from
North Main Street to dead end

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the communication be accepted and placed on file and the order for plans be adopted.

5. Traffic Commission recommending amendments to the traffic ordinances

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the item to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS – None

ORDINANCES

Second Reading and enrollment:

6. *Proposed ordinance – Traffic, miscellaneous

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-Lebeau the ordinance was passed through second reading and enrollment. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, the ordinance was passed to be ordained.

Approved, December 30, 2016, Mayor Jasiel F. Correia II

7. *Proposed ordinance – Mooring Fees Revolving Fund

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira the ordinance was passed through second reading and enrollment. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, the ordinance was passed to be ordained.

Approved, December 30, 2016, Mayor Jasiel F. Correia II

RESOLUTIONS

8. *Department of Community Maintenance provide a location with dumpsters to accept

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution. Councilor Raymond A. Mitchell stated that if we want to promote a clean city, then we need to provide a place to dump construction waste. To expect a contractor to drive to New Bedford or Taunton to dispose of the waste is unrealistic.

Approved, December 30, 2016, Mayor Jasiel F. Correia II

9. *Committee on Ordinances and Legislation review all boards and commissions

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution. Councilor Cliff Ponte stated that there are a number of boards and commissions that have not met in years. He requested that the Administration review all boards and commissions before the Committee on Ordinances and Legislation meets to discuss this matter.

CITATIONS

10. Sandra Dennis – providing Poll Workers with meals during early voting

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses

Taxicab Drivers:

Thomas Andrade	Belinda Fernandes	Jennifer Ferreira
Steven Howance	David Larkin	Joshua J. Levesque
Lynda Lozinski	Jamie Maïtoza	Todd J. Quintal
Mikael Raposa	Gilbert Rouhana	Jennifer Tavares
Alyssa M. Truehart	Jose Vasconcelos	

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.

12. Auto Repair Shop license renewal – LP Auto Repair at 1201 Slade Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

13. *Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the claims to Corporation Counsel.

14. *Open Meeting Law complaint from CJ Ferry regarding November 29, 2016

City Council Committee on Economic Development and Tourism Meeting

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the complaint to Corporation Counsel

15. *Flint Neighborhood Association requesting permission to establish a monument for veterans lost since 9/11

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the request to the Planning Board.

16. *Flint Neighborhood Association requesting permission to dedicate the soccer field at Fr. Travasso's Park in honor of "The Ponta Delgada Soccer Club"

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the request to the Planning Board.

17. *City resident requesting a cap on tobacco licenses

A motion was made by Councilor Raymond A. Mitchell to accept the communication and place it on file, but received no second. On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the request to Corporation Counsel

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take items #18 through #23 together.

City Council Committee/Meeting Minutes:

18. *City Council Meeting – September 13, 2016

19. *City Council Meeting – November 22, 2016

20. *Special City Council Meeting – September 19, 2016

21. *Committee on Finance – September 19, 2016

22. *Committee on Ordinances and Legislation – December 6, 2016

23. *City Council Public Hearing – November 9, 2016

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to approve items #18 through #23.

BULLETINS – NEWSLETTERS – NOTICES

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take items #24 through #25 together.

24. Notice of Casualty and Loss at 248 Grattan Street

25. Notice of Casualty and Loss at 93 Frost Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that items #24 through #25 be accepted and placed on file.

A recess was taken at 9:44 p.m. to allow the ordinances to be signed and the Council reconvened at 9:46 p.m.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

PRIORITY MATTERS

Mayor requesting amnesty from any fines levied from December 24, 2016 to January 3, 2017 regarding improper disposal of recycling or trash

On a motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order. Councilor Linda M. Pereira stated that she was happy to see this, but mentioned that it would have been better if it had been done earlier in the holiday season. Councilor Pam Laliberte-Lebeau stated that it would have been nice to have had more notice. Councilor Raymond A. Mitchell stated that he was in agreement with the amnesty, but it should have been submitted sooner so that residents were made aware. Also, he doesn't understand why plastic bags and wrapping paper are not recyclable.

Approved, December 30, 2016, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

Communication from Suzanne Wordell and Family re: road conditions on Copicut Road

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the communication to the Committee on Public Works and Transportation.

COMMITTEE REPORTS

Committee on Finance recommending:

Authorized to be published and referred to the full Council for action, as amended:

Integrated Wastewater and Stormwater Master Plan Improvements – Phase One
\$3,800,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was voted 8 yeas, 1 nay to authorize the loan order to be published and referred to the full Council for action, as amended, with Councilor Steven A. Camara voting in the negative.

Integrated Wastewater and Stormwater Master Plan Improvements – Phase Two
\$123,000,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was voted 7 yeas, 2 nays to authorize the loan order to be published and referred to the full Council for action, as amended, with Councilors Richard Cabeceiras and Steven A. Camara voting in the negative.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 9:50 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, January 10, 2017 at 6:15 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara,
Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long,
Raymond A. Mitchell, Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary L. Sahady, Director of Financial Services
Robert Smith, Harbormaster
Chris Gallagher, Director of Building and Grounds
Joseph I. Macy, Corporation Counsel

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Before Discussion of Financial Matters:
CJ Ferry, 300 Buffinton Street – Misappropriations

Agenda:
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take item #5 out of order.

5. Establish spending limit of \$12,000 for Mooring Fees Revolving Fund
Councilor Steven A. Camara questioned how they arrived at the amount of \$12,000. The Harbormaster stated that it would be more than sufficient as they usually spend about \$6,000 per year, so if there was any overlap of funds, this would be more than enough to cover their needs. Councilor Linda M. Pereira asked how much it would cost to install a new mooring. The Harbormaster stated about \$1,500. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to recommend the order be adopted.

1. Discussion of loan order for capital repairs at Thomas Chew and Maplewood Parks -- \$310,000
Councilor Pam Laliberte-Lebeau asked what the money would be used for. The City Administrator stated that it was for the installation of splash pads at both parks. The Director of Buildings and Grounds stated that the design would be the same as the splash pad that

14
was installed at Pulaski Park. The splash pads will use fresh water and there will be a timer installed, so that they will turn off after fifteen minutes if they are not being used. On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the loan order to the full Council for action.

2. Discussion of \$30,000 request to transfer funds from Mayor's Office Salaries to Mayor's Office Expenditures for branding initiative
Councilor Richard Cabeceiras asked if these were RFP's or RFQ's. The City Administrator stated that these were RFP's. Councilor Linda M. Pereira stated that the tag line "Make it Here" has already been copyrighted by Citi Group. Councilor Steven A. Camara stated that the Council initially agreed to this, so let it go forward. Corporation Counsel stated that he anticipates a favorable reply from Citi Group to use the tag line "Make it Here", as long as it does not conflict with Citi Group, such as the City of Fall River issuing a credit card. Councilor Stephen R. Long stated that he is part of the Branding Committee and he has not had anyone contact him for more information. He stated that if we do not fund the project, then we will have nothing. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the order to the full Council for action, with Councilor Cliff Ponte opposed.

3. Discussion of Fiscal Year 2017 – Quarter 2 Budget Report
The City Administrator stated that it is very difficult for the Financial Team to be ready to finalize the quarter and be prepared to discuss it at the first meeting of the City Council after the end of the quarter. She stated that the second meeting would be much more helpful to allow time to prepare the documents for the discussion. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Steven A. Camara, it was voted 6 yeas, 3 nays to table the matter, with Councilors Raymond A. Mitchell, Cliff Ponte and President Shawn E. Cadime voting in the negative. President Shawn E. Cadime stated that an ordinance should be submitted to change this discussion to the second meeting. Councilor Raymond A. Mitchell stated that he will file this ordinance.
A motion was made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau to reconsider the previous motion, but was not considered because there is no reconsideration allowed on the motion to table.

4. Transfers and appropriations
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Stephen R. Long, it was unanimously voted to recommend the order be adopted.

Citizens' Input Time – After Discussion of Financial Matters:
None

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 8:13 p.m.

List of documents and other exhibits used during the meeting:
Agenda packet (attached)
CD and DVD of meeting


Clerk of Committees

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, December 13, 2016 at 5:45 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara,
Steven A. Camara, Stephen R. Long,
Raymond A. Mitchell, Linda M. Pereira and Cliff Ponte

ABSENT: Councilor Pam Laliberte-Lebeau

IN ATTENDANCE: Jeff Cabral, 68 Foote Street, Fall River, MA 02724
Kelly-Ann Correia, Right of Way Specialist, UC Synergetic
21 Oxford Street, Mansfield, MA 02048
David Boland, 348 Rumstick Road, Barrington, RI 02806

The President called the meeting to order at 5:47 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Curb Removals

1. Jeff Cabral, 68 Foote Street, requests the removal of 7.10 feet of curbing with an existing 16.9 foot driveway for a total of 24 feet at 68 Foote Street to allow for improved vehicle access to the on-site parking.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Jeff Cabral came forward and explained that the additional curb cut will allow better access to his driveway and will not take away any on street parking spaces. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

2. Blandina Flores, 673 Second Street, requests the removal of 6.3 feet of curbing with an existing 15 foot driveway for a total of 21.3 feet at 673 Second Street to allow for improved vehicle access to the on-site parking.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

3. Alex Samanica, 21 Odd Street, requests the removal of 16 feet of curbing with an existing 15 foot driveway for a total of 31 feet at 21 Odd Street to allow access to multiple off-street parking spaces.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

Joint Pole Relocation

4. Petition of Verizon New England Inc. and Massachusetts Electric Company for one jointly owned pole relocation as follows:

The relocation of one (1) pole 4/14-30 feet southerly on Blossom Road to a point approximately 427' north of the intersection of Blossom Hill Drive. This pole relocation is necessary in order to accommodate a proposed private property pole line. In accordance with Plan No. MA2016-42 dated September 23, 2016.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Kelly-Ann Correia, a Right of Way Specialist representing Verizon New England, Inc. came forward and stated that the reason for the pole relocation was for the construction of a solar farm. Council President Shawn E. Cadime requested an updated list of double pole locations and status of each. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

Revocation of a Permit for the Storage of Inflammables

5. Fall River News Co., 138-144 Robeson Street, Fall River, MA, to store 12,000 gallons of gasoline underground and 12 vehicles with gasoline in tanks thereof, an increase of 10,000 gallons at 138-144 Robeson Street. Sales of these products are not authorized.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and David Boland representing Fall River News Company and stated that he was no longer in need of the permit, as they no longer dispense gasoline at this location and haven't for many years. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

Councilor Steven A. Camara arrived at 5:54 p.m.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adjourn at 5:55 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Wednesday, November 9, 2016, 2016 at 5:35 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Stephen R. Long, Pam Laliberte-Lebeau, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Benjamin Mello, Administrator of Assessing
Richard Gonsalves, Chairman, Board of Assessors
Richard Wolfson, Member, Board of Assessors
Roger Tache, Member, Board of Assessors
Cathy Ann Viveiros, City Administrator

President Shawn E. Cadime called the meeting to order at 5:48 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

A motion was made by Councilor Raymond A. Mitchell to adopt the order for a 1.69 tax factor, but received no second.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira it was unanimously voted to waive the rules to allow the Board of Assessors and the City Administrator to address the Council.

Councilor Steven A. Camara stated that he would like to see the City trend back towards the 1.75 tax factor to assist the residents in the City. He would like to see the tax factor raised slightly from 1.69 to 1.70. Councilor Linda M. Pereira stated that although she agrees with the Councilor in seat three, she would like to be more aggressive and she would like to motion to raise the tax factor to 1.72. Councilor Cliff Ponte stated that he understands that people in this community are struggling tremendously and he agrees that we need to help the residents, so he would like to see a 1.71 or 1.72 tax factor.

Councilor Pam Laliberte-Lebeau questioned if there had been stipulations on the length of time associated with the vote that changed the tax factor to 1.69 and stated that she would also like to see the tax factor changed to 1.71 or 1.72.

The City Administrator stated that the 1.69 tax factor has been in effect for the past eight years. With using the 1.69 tax factor, it will raise the residential rate by \$0.53 per thousand and the commercial rate by \$0.98 per thousand. If we change to the 1.72 tax factor the residential rate would increase by \$0.38 per thousand and the commercial rate by \$1.52 per thousand. If we were to go to the 1.75 tax factor the residential rate would increase by \$0.22 per thousand and the commercial rate by \$2.05 per thousand. So hopefully this puts the rates in perspective.

A motion was made by Councilor Linda M. Pereira to adopt the order for a 1.71 tax factor, but received no second.

A motion was made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira to adopt the order for a 1.72 tax factor.

Councilor Stephen R. Long asked what the valuation of tax exempt properties were. The Chairman of the Board of Assessors stated that the valuation for 2016 was \$920,716,412 and for 2017 it is \$920,956,856, but noted that these figures also include municipal buildings and hospitals.

Council President Shawn E. Cadime relinquished the chair to Vice President Linda M. Pereira so that he could deliver remarks at 6:36 p.m. President Cadime questioned who was paying PILOTS and the City Administrator stated that the Housing Authority, Academy Building and a few others were paying PILOTS. President Cadime returned to the chair at 6:45 p.m.

Councilor Steven A. Camara stated that many residents are receiving no increase in their Social Security pensions, but their taxes and water bills are increasing.

The roll was called on the motion to adopt the order for a 1.72 tax factor and it was voted 5 yeas, 4 nays with Councilors Richard Cabeceiras, Joseph D. Camara, Stephen R. Long and Cliff Ponte voting in the negative.

A recess was taken at 7:05 p.m. to allow the Board of Assessors to submit updated orders and the Council reconvened at 7:17 p.m.

On a motion made by Councilor Steven A. Camara and seconded by Raymond A. Mitchell, it was voted 5 yeas, 4 nays to adopt the classes of real property with Councilors Richard Cabeceiras, Joseph D. Camara, Stephen R. Long and Cliff Ponte voting in the negative.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 7:27 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:



City Clerk

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 10, 2017, 2016 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: Councilors Richard Cabeceiras, Shawn E. Cadime, Joseph D. Camara,
Steven A. Camara, Stephen R. Long, Pam Laliberte-Lebeau, Raymond A.
Mitchell, Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: None

The City Clerk, Alison M. Bouchard called the meeting to order at 6:00 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Councilor Steven A. Camara arrived at 6:01 p.m.

1. Order – Elect President of the City Council for the year 2017
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order. On a roll call vote, Councilor Shawn E. Cadime received 9 votes and was declared President of the City Council for the year 2017. Councilor Shawn E. Cadime was then sworn to his duties by the City Clerk.

2. Order – Elect Vice-President of the City Council for the year 2017
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order. On a roll call vote, Councilor Linda M. Pereira received 8 votes and Councilor Richard Cabeceiras received 1 vote. Councilor Linda M. Pereira was declared Vice President of the City Council for the year 2017. A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to make the vote unanimous. Councilor Steven A. Camara stated that this motion must be made by a Councilor from the minority. Councilor Joseph D. Camara then made a motion for unanimity and it was seconded by Councilor Raymond A. Mitchell and it was voted unanimously. Councilor Linda M. Pereira was then sworn to her duties by the City Clerk.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adjourn at 6:07 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk