

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2017 JUL -7 P 2:37

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

JULY 7, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, JULY 11, 2017
AGENDA

5:45 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION IF THAT MEETING RUNS PAST 6:00 P.M.

1. *Transfers and appropriations (see #2 below)
2. *Admin. of Community Utilities re: language changes for ballot question related to \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements (ref. 6-27-17)

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

1. *Mayor and veto of order allocating funds from streetscapes project for repair of streets and sidewalks (held over in accordance with the City Charter 6-27-17)
2. *Transfers and appropriations (see #1 Finance)
3. *Mayor and order establishing spending limits for Revolving Funds for Fiscal Year 2018
4. *Mayor and order for Police Department to accept gift of \$5,000 from People, Inc. to purchase surveillance cameras

PRIORITY COMMUNICATIONS

5. *Administrator of Community Utilities re:
 - a. Proposed ordinance for personnel modifications
 - b. Collective bargaining agreement for AFSCME, COUNCIL 93, LOCAL 3177, AFL-CIO

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

6. *Financial order – transfer \$40,000 from EMS salaries to EMS expenses

ORDINANCES – None

RESOLUTIONS

7. *City of Fall River institute proactive plans to ensure occupancies are compliant with all statutes, ordinances and codes
8. *All travel expenses in excess of \$1,000.00 be approved by the City Council

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

CITATIONS – None

ORDERS – HEARINGS - None

ORDERS – MISCELLANEOUS

9. Police Chief's report on licenses:

Taxicab Drivers:

Al Amin

Tyler Charron

Jodi Tavares

Private Livery Drivers:

David Ferreira

10. Auto Repair Shop license renewal:

Michael Penacho d/b/a Complete Auto Tech Center at 535 Bay Street

11. Auto Body Shop license renewal:

Michael Penacho d/b/a Mike's Auto Body at 535 Bay Street

Antonio Almeida d/b/a State Road Auto Body, Inc. at 2238 South Main Street

COMMUNICATIONS – INVITATIONS – PETITIONS

12. *Claims

13. City resident regarding collection of bulky items

BULLETINS – NEWSLETTERS – NOTICES – None

TABLED MATTERS (to be acted upon if members are prepared to take action)

14. *Proposed ordinance – Personnel, Architect/Facilities Maintenance


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: JULY 11, 2017

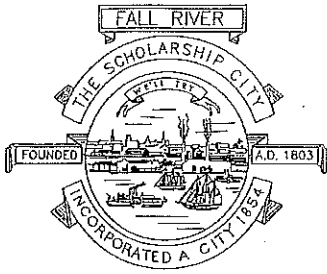
Recommendations from the following committees may be received and acted upon:

Committee on Ordinances and Legislation:

Proposed ordinance establishing the King Philip Mills Overlay District

Committee on Finance:

Ballot question re: \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements



City of Fall River
Massachusetts

Department of Community Utilities
WATER • SEWER

FINANCE RECEIVED 2

2017 JUN 20 P 3:40

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

TERRANCE SULLIVAN
Administrator

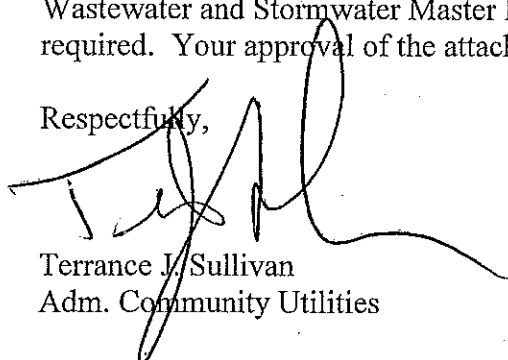
June 20, 2017

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

Dear Councilors:

On review of the approved order for the \$123,000,000 Loan Order for the Integrated Wastewater and Stormwater Master Plan improvements, minor language changes were required. Your approval of the attached revised order is respectfully requested.

Respectfully,


Terrance J. Sullivan
Adm. Community Utilities

TJS/omc
Attachment

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 27 2017

Ref. to Com. on
Finance

CITY OF FALL RIVER, In City Council

ORDERED, that the Board of Election Commissioners shall place on the official ballot for the Fall River election to be held on November 7, 2017 in the City of Fall River the following question:

Do you approve the following loan order
which has been adopted by the City Council ?

Yes _____
No _____

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

Which question may be followed by a summary as follows:

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

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

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

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 27 2017

Ref. to Com on
Finance



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

RECEIVED

2017 JUN 22 P 5:01

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

June 22, 2017

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

RE: "Order" dated May 30, 2017

Dear Councilors :

On June 6, 2017 the above "order" was specifically "Not Approved" as it is invalid and of no force or effect as it is beyond the power and authority of the Council. Moreover, said disapproval constitutes a veto which the City Council cannot override.

The above are the reasons for my action and are set forth even though they may be unnecessary as the law on this matter is clear. I refer you to the letter of Corporation Counsel dated June 12, 2017 setting forth the case law on which I have relied. (see page 2). I have also relied on the letter from Matthew J. Thomas dated May 31, 2017 attached hereto.

Respectfully,


Jasiel F. Correia, Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
JUN 27 2017

*Laid on the table
in accordance with
the City Charter
(Councilor A. Canara
abstaining)*

City of Fall River, In City Council

RECEIVED

(Councilor Pam Laliberte-Lebeau)

1 JUN 16 P 4:06

WHEREAS, the streets and sidewalks throughout the City are in dire need of repair, and

CLERK, repair, and
FALL RIVER, MA

WHEREAS, the City Council has approved the Mayor's Streetscape initiative of over \$10 million dollars, now therefore

BE IT ORDERED, that the Administration allocate \$5,729,000 to repair our streets and sidewalks and not proceed with streetscapes until our streets and sidewalks are in much better condition.

CITY OF FALL RIVER IN CITY COUNCIL

MAY 16, 2017

A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to adopt the resolution. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to strike "RESOLVED" and insert "ORDERED" carried on a voice vote, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long opposed. A subsequent motion was made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to strike "a portion of these monies" and insert "\$8 million". A further motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell to waive the rules and invite the administration to the table to answer questions failed to carry, 4 yeas, 5 nays. Councilor Pam Laliberte-Lebeau subsequently made and withdrew a motion to refer the item to the Committee on Finance. A further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long to refer the item to the Committee on Finance failed to carry, 4 yeas, 4 nays, with Councilor Steven A. Camara abstaining. The remaining motion on the floor being the amendment to strike "a portion of these monies" and insert "\$8 million", Councilor Joseph D. Camara objected to its consideration during roll call and the item was laid over until the next meeting in accordance with the Charter.

CITY OF FALL RIVER IN CITY COUNCIL

MAY 30, 2017

A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras to adopt the order. A further motion was made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Raymond A. Mitchell to amend the order to reallocate 50% of the streetscapes funding to street repairs but was later rescinded by Councilor Pam Laliberte-Lebeau. Councilor Steven A. Camara stated that he would be abstaining from any discussion on this matter and exited the Council Chamber. A further motion made by Councilor Linda M. Pereira and seconded by Councilor Richard Cabeceiras to waive the rules and invite Corporation Counsel Joseph I. Macy, Director of Financial Services Mary L. Sahady and City Planner Bill Kenney to the table carried unanimously, with Councilor Steven A. Camara absent and not voting. A motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira to table the order failed to carry, 2 yeas, 6 yeas, with Councilor Steven A. Camara absent and not voting. A further motion made by Councilor Linda M. Pereira and seconded by Cliff Ponte to refer the order to the Committee on Finance failed to carry, 4 yeas, 4 nays, with Councilor Steven A. Camara absent and not voting. A further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Raymond A. Mitchell to strike "a portion of these monies for streetscapes" and insert "\$5,729,000" carried 5 yeas, 3 nays, with Councilor Steven A. Camara absent and not voting. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira to adopt the order, as amended, carried, 5 yeas, 3 nays, with Councilor Steven A. Camara absent and not voting.

CITY OF FALL RIVER
IN CITY COUNCIL
JUN 27 2017

PRESENTED TO MAYOR FOR APPROVAL: JUN - 6 2017

VETOED AND NOT APPROVED: ☒

Mayor

Date: 6/16/17

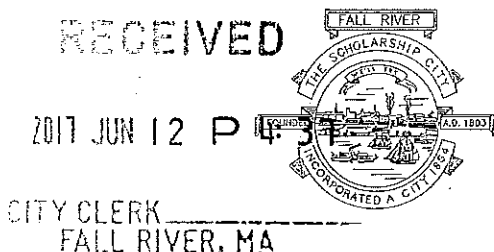
This "Order" being invalid, and of no force or effect, is specifically Not Approved.
This disapproval constitutes a veto which the City Council cannot override.

Filed: 5-9-17

/

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

JESSICA A. ADLER
Assistant Corporation Counsel

June 12, 2017

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

RE: Streetscapes Appropriation

Dear President Cadime:

You have requested my opinion as to the authority or ability of the City Council to revoke or revise a loan authorization for bonding after passage of such a measure or measures.

In order to properly analyze and answer the question it is important to understand the relationship between the Mayor and the City Council in a Plan A City. Having adopted the Plan A form of government the City of Fall River accepted what has commonly been termed a "Strong Mayor" charter. Under Plan A the mayor is "the chief executive officer" of the city (Charter Sec 48) and the "legislative powers of the city shall be vested in a city council." (Charter Sec. 50).

A good analytical starting point is the case of *Dooling v City Council of Fitchburg*, 242 Mass 599 (1922). Although Fitchburg is a Plan B City the Supreme Judicial Court made comments which are instructive in our situation. In commenting on Plan B the court said, "The form of city charter known as plan B establishes a city government whose chief officer is the mayor, and whose legislative powers are lodged in the city council. Numerous sections of this chapter disclose the plain aim to centralize authority and administrative responsibility in the mayor and to confine the city council to legislative functions." "The sphere of action of the city council of a city with plan B charter is rigidly confined to legislation with possible exceptions not here material, and cannot encroach upon executive or administrative duties, which are to be performed by the mayor or under his direction or by other municipal boards, committees or officers. This is required by the general scheme of the statute as well as by its detailed provisions."

The city council of Fitchburg awarded four construction contracts and authorized and directed the mayor to execute a described and identified contract with each successful bidder. Although the request to the court by Dooling was to require the contract awards to be subject to referendum as they were "measures" passed by the council, the court declined so to do since "[t]he orders of the city council were clearly executive and not legislative in their nature". The court held, "The passage of these orders therefore was not within the sphere of action vested in the city council..." Since the measures taken were not within the jurisdiction of the city council the referendum provisions were not applicable.

Although the City of Fitchburg is a Plan B city the court's reasoning is indicative of the analysis used in subsequent cases. It is clearly to the point in assessing conduct under Plan A, which gives a mayor even more power and authority than Plan B. It stands for the proposition that a city council cannot exceed its legislative authority.

Several cases involving the City Council of Boston and the Mayor of Boston are even more instructive. The long established general principle is that under a "Plan A" or 'Strong Mayor' type of government ... the City Council has relatively limited powers. ... Hence the City Council's authority is 'limited largely to a check on the mayor's executive function through the power of appropriation.' Boston City Council v Menino, (2000) citing with approval City Council of Boston v City of Boston, 386 Mass 171 (1982) and City Council of Boston v Mayor of Boston 383 Mass at 720.

In 1987 the Appeals Court held, that the Mayor of Boston had absolute veto power over ordinances reorganizing city agencies and departments, and thus subject ordinances were invalid and of no effect unless approved by the mayor. The court commented, "[i]n each instance the Mayor vetoed the ordinance passed by the council, and the council thereafter adopted votes sufficient to override the mayors veto - if the council had the power to override." The court ruled that the ordinances at issue were "invalid and of no effect unless approved by the mayor. The mayor's disapproval in this regard constitutes a veto which the city council cannot override." City Council of Boston v Mayor of Boston 24 Mass App Ct 663 (1987)

Each of the above cases stand for the proposition that in a Plan A city the powers of the city council are limited; mainly to controlling, to some extent, appropriations by reducing or rejecting the same on their presentation.

The question of the power of appropriation was dealt with in 1982 by the Supreme Judicial Court in another case involving the Boston City Council and the City of Boston (City Council of Boston v City of Boston, 386 Mass 171, supra). In that case the city council had rejected separate appropriations for certain departments. The city, through the mayor, collector-treasurer, and auditor then attempted to fund such offices by means of transfers of monies appropriated for other departments. The Supreme Judicial Court held that such action impermissibly encroached on powers reserved to the city council under the city charter. In this case the court spoke directly to the "allocation of power between the mayor and the city council made by the city charter." The court focused, "specifically on the appropriation process, keeping in mind that 'the scheme or framework of government is to be ascertained from all the provisions of the charter.'"

The court set forth in considerable detail the duties, responsibilities and authority of the mayor and the city council. Although certain language in the Boston charter differs from Fall River's charter the intent, purpose and general language of both charters is basically the same.

The court stated; "We had occasion only last year to observe that Boston's form of city government is the 'Plan A' or 'strong mayor' type. ... Under the city charter all executive powers of the city are 'vested in the mayor' ... The mayor appoints department or agency heads "without confirmation of the city council....and may remove a department head by filing a written statement with the city clerk." "The various department heads are accountable to the mayor, 'as the chief executive officer' for the performance of their duties". "The council does have the power, however, with the mayor's approval, to pass by-laws or ordinances to create new departments or agencies in the city."

The court further stated; "While the day-to-day operation of city government is largely left to the mayor by the city charter, the city council plays an important role in the annual appropriation process. Under the charter "[a]ll appropriations ...shall originate with the mayor, who, shall submit to the city

council the annual budget of the current expenses of the city ... for the current fiscal year.” “The council has no power to originate a budget.” “The city council ‘may reduce or reject any item’ but may not increase or add an item.”

The basic rule established by S. 3B (in Fall River’s case MGL C44s33b) is that “(a)fter an appropriation of money has been duly made by the City of Boston for any specific purpose, or for the needs and expenditures of any city department...no transfer of any part of the money thus appropriated shall be made except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea or nay vote of two thirds of all the members of the city council.”

The court found that by attempting to use debit transfer to create and maintain five new entities or departments the city, in fact, was changing appropriations and “at least to the extent it was used to maintain the five hosted entities, the debit transfer system violated s 3B and encroached impermissibly on powers reserved to the council under the city charter.”

The court went on to explain, “[w]e recognize that ‘the city council’s authority is limited largely to a check on the mayor’s executive function through the power of appropriation.’” “Furthermore, even in the appropriation process the council’s power is limited. It may not appropriate money except upon the recommendation of the mayor ... significantly, though, once the council has exercised its power to reject an item in the budget recommended by the mayor that action is final. In this case the council rejected the mayor’s recommended appropriations for the five new departments which became “hosted entities.” The mayor’s use of a debit transfer system to establish and fund these departments despite the council’s decision makes the council’s power of rejection meaningless.”

The case clearly reiterates the Mayor’s power and authority over most City matters while reaffirming the City Council’s power of initial rejection of budget appropriations. (See also, *Boston City Council v Menino*, 2000 WL 744356, Superior Court, 2000 stating; “All budgets and supplementary appropriation orders other than for school purposes, however, must originate with the mayor, who submits them to the city council. The council may reduce or reject any item but may not increase or add items.”)

Applying the rule above set forth to the case at hand it is clear that the City Council in the appropriate exercise of its authority **approved**, after full, free and wide ranging debate, through appropriation, seven separate “loan orders” authorizing the expenditure of certain sums for specific projects to be funded through bonds. Each order was titled “LOAN ORDER Streetscapes”. Each order was separately delineated as to location, amount and purpose as follows:

Streetscapes – Purchase Street \$1,398,000.00

To pay for the cost of infrastructure the purpose of which is to improve the business/architecture; architecture/waterfront link and cultural districts

Streetscapes – Bank Street/Columbia Square \$1,260,500.00

To pay for the cost of infrastructure the purpose of which is to improve the business/architecture; architecture/waterfront link and cultural districts

Streetscapes – East Main Street \$2,075,000.00

To pay for the cost of infrastructure the purpose of which is to improve the business/architecture; architecture/waterfront link and cultural districts

Streetscapes – Bedford Street \$2,450, 000.00

To pay for the cost of infrastructure the purpose of which is to improve the downtown gateway district.

Streetscapes – South Main Street

\$1,060,000.00

To pay for the cost of infrastructure the purpose of which is to improve the downtown business district

Streetscapes – North Main Street

\$1,444,000.00

To pay for the cost of infrastructure the purpose of which is to improve the downtown business district

Streetscapes – Rock Street

\$775,000.00

To pay for the cost of infrastructure the purpose of which is to improve the business/ architectural district

Each loan order stands alone as to location, purpose and amount. Three appropriate monies relating to improving “business/architecture; architecture/waterfront link and cultural districts”, one relates to improving “the downtown gateway district”, two relate to improving “the downtown business district”, and one relates to improving “the business/architectural district”. This is significant because the proceeds of a bond can only be used for the purposes of the bond authorization. (Chap 44 Sec 20) This was well known and thoroughly debated on October 11, 2016. Each loan order passed by a two-thirds vote.

In reliance on the above authorizations the City has obtained the approval, from bond counsel, to issue the bonds specific to all the streetscapes project(s), has secured general obligation bond anticipation notes on three and has issued contracts based thereon. Prior to May 16, 2017 there was no suggestion that the votes were improper or inadequate. It was not until May 30, 2017 that a vote attempting to revise, revoke or otherwise reallocate the approved loan orders was passed.

Such vote was taken on an amended motion, which purports to order the “Administration” to “allocate \$5,729,000 to repair our streets and sidewalks and not proceed with streetscapes until our streets and sidewalks are in much better condition.” For the reasons set forth in the several cases cited above this the council may not do.

Additionally, Chapter 44 Section 20 states in relevant part, “If a loan has been issued for a specified purpose but the project for which the loan was authorized has not yet been completed and no liability remains outstanding and unpaid on account thereof, a city, by two-thirds vote of all of the members of the city council ... , may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt was issued.” Applying standard rules of statutory construction the word “city” as set forth in the statute, of necessity means, a city as governed by its specific charter. Since every “city” must conform to its own charter, in a Plan A city any appropriation must be initiated by the Mayor. Therefore, in order to conform to the statutory scheme a necessary prerequisite to the city council acting pursuant to Chapter 44 Section 20 is a request from the Mayor, otherwise the council is not acting within its “sphere of action”.

In summary the action taken was beyond the authority of the council for the following reasons:

First, it was not recommended by the Mayor and therefore there was nothing before the council on which it could act.

Second, while the council could have reduced or rejected any, or all, of the proposed orders in October when the issue was initially before it, having passed the same the time has long expired for any reconsideration under parliamentary rules and no circumstance exists under which the orders can be altered or amended.

Third, as set forth in the cases cited above the Council simply does not have the power or authority to unilaterally make affirmative orders with respect to the Mayor. Upon presentation of an appropriation the council may prevent; it may reduce; it may fail to approve. It cannot issue a binding order to the Mayor in a Plan A city.

Fourth, the "Order" is invalid and unenforceable on its face. Given the fact that the "Order" started out as a resolution some imprecision of language might be expected. However, the "Order" must be interpreted as written and as such is fatally deficient for the following reasons:

1: The "order" is directed to the "Administration", a term which is understood in the vernacular but which has neither meaning nor existence in our charter or our ordinances.

2: The order assumes there is a defined fund of \$10 million dollars when, in fact, there is no such separate, discreet and distinct fund. Moreover, there is no ability to "allocate" on the part of any city department under our ordinances which define "transfers" and "appropriations" but are silent with respect to "allocations."

3: The order on its face violates Sec 2-131 of our ordinances which requires any bond issue in excess of \$5,000,000 to be presented to the voters. The order appears to suggest a new \$5,729,000 bond issue could be created from the separate loan orders which is not legally permissible.

4: The order is further invalidated by its vagueness. The council does not have the authority to order that the city "not proceed with streetscapes". Moreover, the phrase "until our streets and sidewalks are in much better condition" is not susceptible of clear interpretation since "much better" is a relative term not capable of objective determination.

For all of the above reasons it is the opinion of this office, and this writer, that the City Council's order of May 30, 2017 exceeds its power and authority, cannot, and does not, revoke previously validly issued loan orders, and is of no force or effect.

Very truly yours,

Joseph I. Macy, Corporation Counsel

MATTHEW J. THOMAS, ESQ.

Attorney at Law

May 31, 2017

Mary L. Sahady
Director of Financial Services
City of Fall River
One Government Center
Fall River, MA 02720

RE: STREETSAPES LOAN ORDERS

Dear Ms. Sahady:

Pursuant to your request, I have examined the attached Loan Orders (the "Loan Orders") for the various Streetscapes projects which were adopted by the City Council by a vote of 6 - 3 on October 11, 2016 and approved by Mayor Correia on October 18, 2016.

There are six (6) such Loan Orders. In three (3) of the Loan Orders certain sums are appropriated "[t]o pay for the cost of infrastructure the purpose of which is to improve the downtown gateway district". Each of these three (3) Loan Orders specifies an explicit and distinct area within which the appropriation may be spent. The respective areas are:

- Bedford Street,
- North Main Street, and
- South Main Street.

In the remaining three (3) Loan Orders certain sums are appropriated "[t]o pay for the cost of infrastructure the purpose of which is to improve the business/architecture; architecture/waterfront link and cultural districts". Each of these three (3) Loan Orders specifies an explicit and distinct area within which the appropriation may be spent. The respective areas are:

- Bank Street/Columbia Square
- East Main Street, and
- Purchase Street.

You have also informed me that none of the foregoing appropriations was included in the FY17 Municipal Budget as approved by the City Council, but were rather appropriated at a later date.

4 PARK PLACE • SUITE 101 • NEW BEDFORD • MA 02740
MJT@MJTHOMASLAW.COM
508-994-1500 • FAX: 508-990-1916

I have reviewed the Loan Orders which you have provided to me as well as the relevant provisions of the Code of Ordinances of the City of Fall River, the relevant sections of the General Laws of Massachusetts and relevant case law. In light of this review I offer the following opinion regarding the Loan Orders.

MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 32 & SECTION 33B

As you know, General Laws Chapter 44, Section 32 governs the approval of a municipality's annual budget. Section 32 also provides in relevant part:

"Nothing in this section shall prevent the city council, acting upon the written recommendation of the mayor, from voting appropriations, not in excess of the amount so recommended, either prior or subsequent to the passage of the annual budget."

General Laws Chapter 44, Section 32.

Since none of the appropriations set forth in the Loan Orders was included in the FY17 Municipal Budget, it was actually pursuant to foregoing authority that the appropriations in the Loan Orders were adopted by the City Council.

Over the years, City Councils across the Commonwealth have argued that they have the ability to subsequently reduce an adopted appropriation, whether the appropriation was in the annual budget or an appropriation subsequent to the adoption of the annual budget. It is my understanding that such claimed authority has been based on the provisions of Section 32 that the City Council has the ability to reduce a recommendation of an appropriation by the Mayor in the Annual Budget. The argument in favor of reducing budgeted appropriations or subsequent appropriations in the middle of a fiscal year is based on this apparent continuing ability as the appropriating authority. In any case, such authority may not be exercised if there has been an action taken in detrimental reliance on the original appropriation. Such action could include filing a position in a municipal department or causing a contractor to begin work on a capital project.

Once the appropriations were adopted by the City Council, any transfers of the appropriations could only be made upon recommendation of the Mayor. *See General Laws Chapter 44, Section 33B.*

There is also some confusion over the ability to transfer funds from bonds to other similar projects. Chapter 44, Section 20 provides in relevant part:

"If a balance remains *after the completion of the project for which the loan was authorized*, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time

than that for which the original loan, including temporary debt, was issued. (emphasis added)”

General Laws Chapter 44, Section 20.

MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 33

Pursuant to the provisions of Chapter 44, Section 33 if a Mayor fails to transmit to the City Council a written recommendation for an appropriation for any purpose not included in the annual budget, which is deemed necessary by the Council, after having been so requested by vote thereof:

“said council, after the expiration of seven days from such vote, upon its own initiative may make such appropriation by a vote of at least two thirds of its members, and shall in all cases clearly specify the amount to be expended for each particular purpose...”

General Laws Chapter 44, Section 33.

However, if the Mayor does not sign the appropriating order after it has been adopted by the City Council then the appropriating order will not become effective since “every order ordinance, resolution and vote relative to the affairs of the city adopted or passed by the city council shall be presented to the mayor for approval.” *General Laws Chapter 43, Section 55.* While a City Council may override a Mayor’s veto for most legislative actions, Section 55 expressly provides that the ability to do so:

“shall not apply to budgets submitted under section thirty-two of chapter forty-four or to appropriations by a city council under section thirty-three of said chapter.”

General Laws Chapter 43, Section 55.

CONCLUSION

In light of the foregoing, it is my opinion that the resolution of the City Council attempting to restrict the use of the appropriations is invalid since it infringes on what is clearly an executive function. It is a well recognized proposition of law in the Commonwealth that in a municipal government such as Fall River, the “sphere of action” of a City Council is confined to legislative actions, with certain exceptions and cannot encroach upon executive or administrative duties, which are to be performed by the Mayor or under his direction. *See Dooling v. City Council of Fitchburg*, 242 Mass 599 (1922).¹

¹The City of Fitchburg is a Plan B Charter municipality however, Dooling’s holding is instructive in the present matter since the City of Fall River Charter grants the Mayor even more authority than that given to a Mayor in a Plan B Charter municipality.

1
MARY L. SAHADY

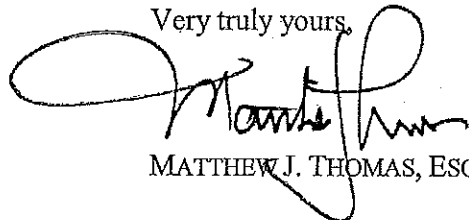
MAY 31, 2017

PAGE 4

It is further my opinion that the City Council may not rescind the Loan Orders since there has been detrimental reliance on these Loan Orders which were adopted seven months ago. Finally it is my opinion that the City Council can not transfer the appropriations, which are very specific, to other similar uses without the approval of the Mayor and if such approval is not granted the City Council can not override such a veto.

While the foregoing are my opinions, I would defer any of the foregoing opinions to those of Judge Macy since he is the Corporation Counsel for the City.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew J. Thomas".

MATTHEW J. THOMAS, ESQ.

MJT/ja

cc: Hon. Joseph Macy
enc.



User Name: Collin Weiss

Date and Time: Thursday, June 1, 2017 8:10:00 AM EDT

Job Number: 48464343

Document (1)

1. Dooling v. City Council of Fitchburg, 242 Mass. 599

Client/Matter: -None-

Search Terms: Dooling v. City Council of Fitchburg, 242 Mass. 599

Search Type: Natural Language

Narrowed by:

Content Type
Cases

Narrowed by
-None-



Neutral

As of: June 1, 2017 12:10 PM Z

Dooling v. City Council of Fitchburg

Supreme Judicial Court of Massachusetts, Suffolk

October 13, 1922

No Number in Original

Reporter

242 Mass. 599 *; 136 N.E. 616 **; 1922 Mass. LEXIS 1045 ***

DOOLING v. CITY COUNCIL OF CITY OF
FITCHBURG

Core Terms

city council, referendum, municipal, orders, charter

Case Summary

Procedural Posture

Petitioner sought a writ of mandamus to compel respondent city council to comply with a municipal referendum law as to certain orders passed by the city council.

Overview

The city was organized with the plan B charter of Mass. Gen. Laws ch. 43, §§ 18 to 44 and 55 to 63, which established a city government whose chief officer was the mayor and whose legislative powers were lodged in the city council. The city advertised for four sets of bids as to a schoolhouse. A committee of the council voted to award the contract for the erection of the schoolhouse to the lowest bidder and the other contracts for electric wiring, plumbing, and heating to other entities. Referendum petitions were filed as to the latter three contracts. The city council refused to reconsider these three orders and declined to submit any of them to vote at the next city election on the ground that the referendum was not applicable to them. Petitioner sought a writ of mandamus. The

court noted that the sphere of action of the city council of a city with plan B charter was rigidly confined to legislation, and it could not have encroached upon executive or administrative duties. The orders of the city council as to which the referendum was sought were executive and not legislative. The referendum provisions of Mass. Gen. Laws ch. 43, § 42 were not applicable to them.

Outcome

The court dismissed the petition.

LexisNexis® Headnotes

Governments > Legislation > Initiative &
Referendum

Governments > Local Governments > Charters

Governments > Local Governments > Duties &
Powers

HNI [L] It is provided by Mass. Gen. Laws ch. 43, § 42 that upon compliance with its terms there shall be a referendum respecting "any measure" finally passed by the city council of cities which have adopted plan B of city charter. "Measure" is defined by Mass. Gen. Laws ch. 43, § 37 to be "an ordinance, resolution, order or vote."

Governments > Local Governments > General
Overview

Governments > Local Governments > Administrative Boards

Governments > Local Governments > Charters

Governments > Local Governments > Duties & Powers

Governments > Local Governments > Mayors

HN2[★] The sphere of action of the city council of a city with plan B charter of Mass. Gen. Laws ch. 43, §§ 18 to 44 and 55 to 63 is rigidly confined to legislation with some exceptions and cannot encroach upon executive or administrative duties, which are to be performed by the mayor or under his direction or by other municipal boards, committees or officers.

Governments > Local Governments > Duties & Powers

Governments > Local Governments > Employees & Officials

HN3[★] A direction to an officer to sign a specified contract with a named person to do a defined thing for a specified price is not a legislative act. It is in form a direction from a superior to an inferior to perform a designated duty.

Counsel: [***1] James H. Walsh, Jr., of Fitchburg, for petitioner.

Charles T. Flynn, of Boston, for respondent.

Opinion by: RUGG

Opinion

[*600] [**616] RUGG, C. J. This is a petition for a writ of mandamus to compel the city council of the city of Fitchburg to comply with the municipal referendum law as to certain orders passed by the city council. The pertinent facts are that at the time of the events here in issue the city charter of Fitchburg was plan B of St. 1915, c. 267, now G. L. c. 43, §§ 18 to 44 and 55 to 63. The city acquired

land, selected an architect and adopted plans and specifications for the erection of a new schoolhouse. Thereafter a committee of the city council known as the committee on city property, advertised for four sets of bids as to the schoolhouse, one for its erection, another for its plumbing, the third for its electric wiring and the fourth for its heating and ventilation. The committee voted to award the contract for the erection of the schoolhouse to the corporation whose bid was lowest and the other three contracts to persons who were not the lowest bidders. The committee presented to the city council at its next meeting an order ratifying and confirming the [***2] action of the committee in advertising for and accepting the bids, which was adopted. Other orders were adopted at the same meeting awarding each of the four contracts in accordance with the vote of the committee on city property and authorizing and directing the mayor to execute with each successful bidder a described and identified contract.

No referendum petition was filed as to the order concerning the contract for the erection of the schoolhouse, but referendum petitions in form complying with G. L. c. 43, § 42, were seasonably filed as to the orders authorizing and directing the mayor to execute the other three contracts. The city council refused to reconsider [*601] these three orders and declines to submit any of them to vote at the next city election on the general ground that the referendum is not applicable to them.

HNI[★] It is provided by G. L. c. 43, § 42 (formerly St. 1915, c. 267, part 1, § 42), that upon compliance with its terms there shall be a referendum respecting 'any measure' finally passed by the city council of cities which have adopted plan B of city charter. 'Measure' is defined by section 37 of the same chapter to be 'an ordinance, resolution, order or [***3] vote.' It is manifest that these words, although of broad signification, are necessarily limited to subjects vested by law in the city council. It cannot have been the purpose of the general court to require or to permit the referendum

or the initiative (for in this particular the provisions as to municipal initiative are the same as those as to municipal referendum) touching subjects wholly outside the field of authorized action by the city council. Such a futile intention cannot be imputed to the general court.

The form of city charter known as plan B establishes a city government whose chief officer is the mayor, and whose legislative powers are lodged in the city council. [**617] *G. L. c. 43, §§ 58, 59*. Numerous sections of this chapter disclose the plain aim to centralize executive authority and administrative responsibility in the mayor and to confine the city council to legislative functions. It conforms thus to the recent tendency in the distribution of municipal business among city officers. *Galligan v. Leonard*, 204 Mass. 202, 90 N. E. 583; *Murphy v. Boston*, 220 Mass. 73, 107 N. E. 378.

HN2[7] The sphere of action of the city council of a city with plan B charter is rigidly [***4] confined to legislation with possible exceptions not here material, and cannot encroach upon executive or administrative duties, which are to be performed by the mayor or under his direction or by other municipal boards, committees or officers. This is required by the general scheme of the statute as well as by its detailed provisions.

The orders of the city council as to which the referendum is sought in the case at bar are clearly executive and not legislative in their nature. **HN3[7]** A direction to an officer to sign a specified contract with a named person to do a defined thing for a specified price is not a legislative act. It is in form a direction from a superior to an inferior to perform a designated duty. It is not the [*602] laying down of a rule, a principle or a law by which the conduct of a public officer may be guided. It is an act of legislation to authorize the construction of a public building, to set a boundary to its cost and to provide money to pay for it. But it is an executive act to select a contractor, to agree with him as to the thing to be done, the precise price, the

terms of payment, and the numerous other conditions incident to a building contract. Orders [***5] of the character here in question covered by reference to a dated contract every detail of the agreement to which the city was to become a party. Nothing was left to the discretion or the judgment of the mayor save to approve the sureties or the security upon the bond of the contractor for the performance of the terms of the contract. Such orders in substance and effect are the making of the contract and leave to the mayor only the ministerial duty of affixing his name, to give it formal legal validity. No nicety of definition is required to demonstrate that this is not legislation. The passage of these orders therefore was not within the sphere of action vested in the city council under plan B of city charter in G. L. c. 43. Not being 'measures' within the jurisdiction of the city council, the referendum provisions of that act are not applicable to them. *McMinn v. Mayor of Cambridge*, 225 Mass. 104, 113 N. E. 1037. This is the necessary result of a correct interpretation of the terms of the statute.

As a matter of practical administration of municipal affairs this interpretation is the only one which would render the referendum a workable measure. If every dissatisfied bidder or disappointed [***6] applicant for municipal work could invoke the machinery of the referendum of the statute, thereby suspending the taking effect of the measure thus assailed, efficiency and economy in the business administration of a city would be seriously affected. This consideration has led courts of some other jurisdictions to go far in restricting municipal referendum to legislative acts. *Hopping v. City Council of Richmond*, 170 Cal. 605, 150 Pac. 977; *Brazell v. Zeigler*, 26 Okl. 826, 110 Pac. 1052; *Long v. City of Portland*, 53 Or. 92, 100, 101, 98 Pac. 149, 1111. See *Erwin v. Jersey City*, 60 N. J. Law, 145, 37 Atl. 732, 64 Am. St. Rep. 584; *Huntingdon Borough v. Huntingdon Water Supply Co.*, 258 Pa. 309, 315, 101 Atl. 989.

It is not relevant to consider the terms of pre-existing ordinances of the city of Fitchburg



City of Fall River
Massachusetts
Office of the Mayor

2

JASIEL F. CORREIA II
Mayor

RECEIVED

2017 JUL -6 P 4:46

CITY CLERK
FALL RIVER, MA

July 6, 2017

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

Dear Honorable Council Members:

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

These appropriations are necessitated due to the year-end review of the operating budget. The following appropriations will assist the City in meeting its Fiscal Year 2017 obligations:

FROM:

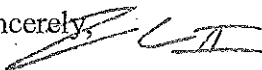
Operating Reserves	\$175,000
Claims & Damages	\$130,000
Veteran's - Salaries	\$6,000
Veteran's - Expenses	\$300,000
Administrative Services - Salaries	\$21,000
Insurance	\$126,000
City Clerk - Salaries	\$12,000
City Clerk - Expenses	\$9,000
Mayor - Salaries	\$47,000
City Council - Salaries	\$8,000
City Council - Expenses	\$1,500
Fire - Salaries	\$90,000
Fire - Expenses	\$75,000
Police - Expenses	\$100,000
Community Maintenance - Salaries	\$103,325
Financial Services - Salaries	\$15,000
Vocational Assessments	\$102,000
Community Service - Salaries	\$55,000
Community Service - Expenses	\$20,000
Total	\$1,395,825

TO:

Community Maintenance - Expenses	\$1,069,621
Financial Services - Expenses	\$54,000
Administrative Services - Expenses	\$14,000
Debt Service	\$117,557
FY 15 Snow & Ice Appropriations	\$140,647
Total	<u>\$1,395,825</u>

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

Sincerely,



Jasiel F. Correia II
Mayor

ORDERED (FY 2017 Orders):

Transfer and appropriate \$1,395,825 from:

Operating Reserves	\$175,000
Claims & Damages	\$130,000
Veteran's - Salaries	\$6,000
Veteran's - Expenses	\$300,000
Administrative Services - Salaries	\$21,000
Insurance	\$126,000
City Clerk - Salaries	\$12,000
City Clerk - Expenses	\$9,000
Mayor - Salaries	\$47,000
City Council - Salaries	\$8,000
City Council - Expenses	\$1,500
Fire - Salaries	\$90,000
Fire - Expenses	\$75,000
Police - Expenses	\$100,000
Community Maintenance - Salaries	\$103,325
Financial Services - Salaries	\$15,000
Vocational Assessments	\$102,000
Community Service - Salaries	\$55,000
Community Service - Expenses	\$20,000
Total	<u>\$1,395,825</u>

and Transfer and appropriate \$1,395,825 to:

Community Maintenance - Expenses	\$1,069,621
Financial Services - Expenses	\$54,000
Administrative Services - Expenses	\$14,000
Debt Service	\$117,557
FY 15 Snow & Ice Appropriations	\$140,647
Total	<u>\$1,395,825</u>

2

FY 17 Year End Appropriation/Transfer Number Analysis

Line	Original/Revised	Appropriation	Amount Transferred	New Appropriation
Operating Reserevs	\$	175,000	\$ (175,000)	\$ -
Claims & Damages	\$	290,000	\$ (130,000)	\$ 160,000
Veteran's - Salaries	\$	233,561	\$ (6,000)	\$ 227,561
Veteran's - Expenses	\$	2,644,726	\$ (300,000)	\$ 2,344,726
Administrative Services - Salaries	\$	1,105,910	\$ (21,000)	\$ 1,084,910
Insurance	\$	40,087,892	\$ (126,000)	\$ 39,961,892
City Clerk - Salaries	\$	305,152	\$ (12,000)	\$ 293,152
City Clerk - Expenses	\$	51,215	\$ (9,000)	\$ 42,215
Mayor - Salaries	\$	275,742	\$ (47,000)	\$ 228,742
City Council - Salaries	\$	211,038	\$ (8,000)	\$ 203,038
City Council - Expenses	\$	2,800	\$ (1,500)	\$ 1,300
Fire - Salaries	\$	13,548,512	\$ (90,000)	\$ 13,458,512
Fire - Expenses	\$	697,252	\$ (75,000)	\$ 622,252
Police - Expenses	\$	1,207,511	\$ (100,000)	\$ 1,107,511
Community Maintenance - Salaries	\$	4,818,638	\$ (103,325)	\$ 4,715,313
Financial Services - Salaries	\$	1,367,776	\$ (15,000)	\$ 1,352,776
Vocational Assessments	\$	3,836,155	\$ (102,000)	\$ 3,734,155
Community Service - Salaries	\$	2,249,607	\$ (55,000)	\$ 2,194,607
Community Service - Expenses	\$	499,813	\$ (20,000)	\$ 479,813
Community Maintenance - Expenses	\$	9,935,702	\$ 1,069,621	\$ 11,005,323
Financial Services - Expenses	\$	437,926	\$ 54,000	\$ 491,926
Administrative Services - Expenses	\$	1,544,623	\$ 14,000	\$ 1,558,623
Debt Service	\$	9,650,510	\$ 117,557	\$ 9,768,067
FY 15 Snow & Ice Appropriations	\$	-	\$ 140,647	\$ 140,647

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



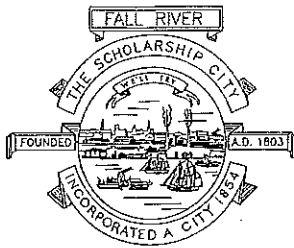
Krishnan Gupta, City Auditor

7/6/2017

CITY CLERK
FALL RIVER, MA

2017 JUL -6 P 5:02

RECEIVED



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2017 JUL -6 P 4: 59

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 6, 2017

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

Dear Honorable Council Members:

Massachusetts General Laws Chapter 44, § 53E½ require spending limits be established for revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Your approval of the associated appropriation order is respectfully requested.

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 18:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Police Department	\$10,000	Moorings Maintenance
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store

School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use

Should you have any questions or concerns in this regard, please do not hesitate to contact Mary Sahady or me.

Sincerely,

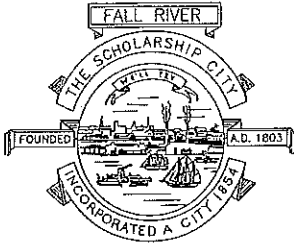


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

ORDERED, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 18:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Police Department	\$10,000	Moorings Maintenance
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use



City of Fall River
Massachusetts
Office of the Mayor

4

RECEIVED

2017 JUL -6 P 4: 46

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II

Mayor

July 5, 2017

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

RE: Police Department Donation

Council President:

The Police Department is receiving a generous donation from People Inc. in the amount of \$5,000. This donation will be used to purchase surveillance cameras for installation around the City to supplement our law enforcement efforts. Acting Chief Dupere's letter is attached for your review.

Your acceptance of this donation is respectfully requested.

Jasiel F. Correia II

Mayor



City of Fall River, Massachusetts

Police Department

Office of the Chief of Police

Daniel S. Racine
Chief of Police

685 Pleasant St.
Fall River, MA 02721
Tel. 508-324-2787
Fax: 508-324-2809
TDD: 508-324-2790

June 30, 2017

Honorable Jasiel Correia
Mayor of Fall River
One Government Center
Fall River, Ma 02722

Dear Mayor Correia,

As you know, the Police Department is working on a project to install surveillance cameras in various parts of the city. As part of this project, your office and my staff have spoken to many community partners to help defray the costs of expanding the coverage area. As a result, People Incorporated has offered a donation of \$5000 for this year to be used exclusively for the camera project. I respectfully request that we be allowed to accept this generous offer.

Thank you for your time and attention to this matter.

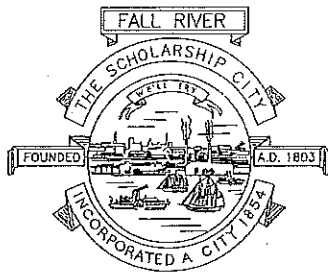
Sincerely,

Albert F. Dupere
Acting Chief of Police

City of Fall River, In City Council

4

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Police Department be, and the same is hereby authorized to accept a gift from People, Inc. in the amount of \$5,000.00 for the purchase of surveillance cameras.



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

RECEIVED

2017 JUL -6 P 12:08

JASIEL F. CORREIA II
Mayor

CITY CLERK _____ **TERRANCE SULLIVAN**
FALL RIVER, MA Administrator

July 6, 2017

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

RE: Department of Community Utilities: Water and Sewer Divisions
Staff Reorganization: Ordinances and Union Agreement

Dear Councilors:

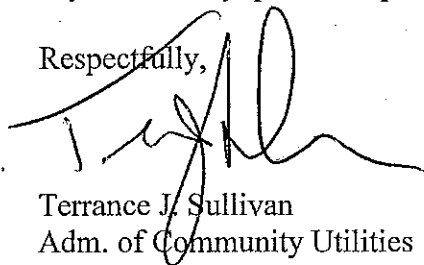
Please find enclosed the above referenced documents. This is the formal submittal to the City Council for approval. This matter was discussed with the Ordinance Committee on May 23, 2017.

The following are respectfully requested for approval:

- Personnel ordinance modifications as attached.
- AFSCME union agreement as attached.

If you have any questions, please contact me.

Respectfully,



Terrance J. Sullivan
Adm. of Community Utilities

Enclosure

5a

ORDINANCE MODIFICATIONS

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

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

By striking out in Section 50-281 which section relates to classification of position and compensation grades, the following:

<u>Class Title/In House Title</u>	<u>Compensation Grade</u>
Laborer (Water System) Water Maintenance Worker II	10B
Motor Equipment Operator and Water System Laborer/Water Maintenance Worker II or Reservation Caretaker	11B
Special Heavy Motor Equipment Operator (Water Dept.) Water Maintenance Worker I	16B
Water Reservation Caretaker	11B
Water System Foreman/Supervisor Water Distribution and Maintenance	19B
Senior Water Service Inspector/Chief Water Inspector or Water Service Worker II	19C

And by inserting in place thereof the following:

<u>Class Title/In House Title</u>	<u>Compensation Grade</u>
Water Maintenance Worker II	16B
Water Maintenance Worker I	19B
Water Maintenance Worker I (with CDL or Backhoe License)	20B
Water Maintenance Worker I (with CDL and Backhoe License)	22B
Water Maintenance Worker I (advanced backhoe operator)	28B
Water Maintenance Worker I (advanced backhoe operator with MA D-4 license)	29B
Water Maintenance Supervisor	25B
Water Maintenance Supervisor (with MA D-1 license)	27B
Water Maintenance Supervisor (with MA D-4 License)	29B
Water Division Sr. Engineering Aide	26B

Water Maintenance Sr. Engineering Aide (with MA D-4 license)

29B

Chief Water Inspector

26B

Chief Water Inspector (with MA D-4 license)

29B

5a

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

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

By inserting in Section 50-307, which section relates to salary schedules for positions covered by Local 3177 other than custodial positions, the following:

29B:	<u>Minimum</u>	<u>2nd Step</u>	<u>3rd Step</u>	<u>4th Step</u>	<u>Maximum</u>
7-1-2017	\$1,877.05	\$1,941.34	\$1,964.67	\$1,993.94	\$2,023.18

5a

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

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

By inserting in Section 50-281, which section relates to classification of positions and compensation grades, the following:

Community Utilities – Asset Manager/GIS Specialist	§ 50-310
Community Utilities – Deputy Administrator	§ 50-310
Community Utilities – Project Manager	§ 50-310
Community Utilities – Project Specialist	§ 50-310

5a

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

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

By inserting in Section 50-310, which section relates to salary schedules for Water Department and Sewer Commission Supervisors, the following:

Community Utilities – Asset Manager/GIS Specialist	7/1/17 up to \$60,000 per annum
Community Utilities – Deputy Administrator	7/1/17 up to \$89,000 per annum
Community Utilities – Project Manager	7/1/17 up to \$72,817 per annum
Community Utilities – Project Specialist	7/1/17 up to \$56,494 per annum

5a

JOB DESCRIPTIONS

WATER MAINTENANCE WORKER II

5a

Job Description:

Under the direction of the Chief Water Maintenance Worker as delegated by the Watuppa Water Board to the Director of Water Distribution and Maintenance to the Supervisor of Water Distribution and Maintenance, to perform and/or supervise work in the construction, maintenance and operation of water systems and/or sewer systems; to perform related tasks as required.

Essential Functions:

Work involves providing timely and efficient service to the people of the City for a variety of duties which include performing and/or supervising work in the construction, maintenance and operation of water systems and/or sewer systems; to be responsible for conformance to city, state standards and policies and directives promulgated by the Administrator of Community Utilities for all work for which s/he is responsible; this work is performed with some latitude in independent judgment and is subject to periodic review by the Director of Water Distribution and Maintenance in consultation with the immediate supervisor; to coordinate the work for which s/he is responsible with the work of coworkers; and to perform other related tasks as assigned.

Performs semi-skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains and connectors.

Performs manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, and plumbers engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment.

Cleans, washes, oils and greases trucks and performs manual tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

May perform the following adjunct duties as assigned:

Performs semi-skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains, and connectors. Cleans, washes, oils and greases trucks and performs other tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

Prepares ditches and excavations for laying pipes, and performs pick and shovel work in smoothing water installation trenches.

Receives pipe being lowered from above the trenches and makes the connection with the pipelines.

May replace broken or leaking pipes and performs pipe maintenance tasks. Operates all motor equipment including those with a capacity of 9 tons or under, including a range of equipment such as small tractors, snow loaders, snow fighters, sidewalk plows, pick-up trucks, dump trucks and panel trucks, and passenger automobiles.

Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, repair of the water system and equipment, loading and

5a

unloading of trucks and cars, spreading sand, gravel, and asphalt, patching concrete and asphalt surfaces, digging ditches and post holes, setting or pulling of posts, setting or pulling of posts, erecting, chipping, repairing and painting of rails and fences; shovels snow, sands roads and perform manual tasks requiring some specialized skill or knowledge in connection with snow removal.

After fires, inspects hydrants to insure that the water level is such so that freezing will not occur; when freezing occurs, thaws out hydrants.

Repairs and replaces gates and curb boxes and performs routine maintenance on them.

Performs routine manual labor tasks in connection with maintenance, care, upkeep, repair such as cutting grass, weeds, and brush; cleans culverts, loading and unloading trucks and cars; spreads sand, gravel and asphalt; patches concrete and asphalt surfaces; digs ditches and post holes; sets and pulls posts; repairs rails fences and chipping.

Erects and dismantles snow fences, sweeps sidewalks, rakes lawns, hauls debris, shovel snow, sands roads and performs other manual tasks in connection with snow removal.

Performs manual labor in a stockroom, storeroom or warehouse such as loading and unloading freight, materials and equipment, handling and storing of stock, and assisting in the taking of inventories.

Pumps water from trenches.

Digs, braces and backfill excavations for the purpose of locating pipe leaks or preparing areas for laying pipes.

Replaces worn and broken parts in water systems.

Performs related work as assigned.

Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers, subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees and the general public; a positive "can-do" attitude; ability to observe necessary safety precautions; willingness to work overtime hours as required; a motor vehicle license; ability to perform basic mathematical calculations as required by duties described above; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; ability to use small hand tools as well as specialized tools; ability to perform duties with some latitude for independent judgment under indirect supervision. Graduation from an accredited standard high school; graduation from a vocational/technical high school preferred; GED equivalent acceptable; experience in similar work highly desirable; other combinations of experience/training will be considered.

A Massachusetts Department of Safety Hoisting Engineer's license 2B or higher is desirable. A Massachusetts Board of Certification of Operator's of Drinking Water

Facilities Grade 4-Distribution license is highly desired. A CDL license Class A or B is highly desired.

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Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require the exercise of caution when operating heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Pay Scale:

Per the AFSCME Collective Bargaining Agreement

4/9/02

Updated: 7/30/08

Updated: 2/18/14

Updated: 6/30/17

WATER MAINTENANCE WORKER I

5a

Job Description:

Under the direction of the Director of Water Distribution and Maintenance as delegated to the Supervisor of Water Distribution and Maintenance, to perform and/or supervise work in the construction, maintenance and operation of water systems and/or sewer systems; to perform related tasks as required.

Essential Functions:

Work involves providing timely and efficient service to the people of the City for a variety of duties which include performing and/or supervising work in the construction, maintenance and operation of water systems and/or sewer systems; to be responsible for conformance to city, state standards and policies and directives promulgated by the Administrator of Community Utilities for all work for which s/he is responsible; this work is performed with some latitude in independent judgment and is subject to periodic review by the Director of Water Distribution and Maintenance in consultation with the immediate supervisor; to coordinate the work for which s/he is responsible with the work of coworkers; to engage in supervisory activities of workers of lesser grade when so assigned; and to perform other related tasks as assigned.

Performs skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains and connectors.

Performs manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, and plumbers engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment.

Lays and connects service pipes with street mains and meters.

Locates and repairs water leaks; drives leak detection truck or other appropriate vehicles on public and private department roads for the purpose of detecting sites of potential water leaks.

Sounds hydrants, mains, sewers, exterior and interior plumbing, etc. for potential leaks.

Installs fire hydrants.

Operates water gates.

Turns on water for new service.

Inspects work of laborers and maintenance men (Water Maintenance Workers, II) to see that it conforms to specifications and blueprints.

Operates related motor equipment; cleans, washes, oils and greases trucks and performs manual tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

May operate winches, cement mixers, compressors, and other similar equipment as required.

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Operates all motor equipment including those with a capacity of 9 tons or over, including a range of equipment such as large and small tractors, snow loaders, snow fighters, sidewalk plows, bulldozers and rollers, pick-up trucks, dump trucks and panel trucks, and passenger automobiles; semi-trailers, truck-trailer combinations, and special equipment such as road-rollers, rotary snow plows, mobile bituminous spreaders and tar distributors. Operation of equipment in this class usually requires a CDL Class A or Class B license from the Registry of Motor Vehicles.

May perform minor maintenance related to motor equipment.

Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, and repair of equipment, loading and unloading of trucks and cars; spreading sand, gravel and asphalt, patching concrete and asphalt surfaces, sands roads and performs manual tasks requiring some specialized skill or knowledge in connection with snow removal.

Incidentally may supervise a small crew of workers at a lower skill level.

Reports leaks to Chief Water Service Worker or other designated administrator and/or supervisor.

Issues daily log reports of sites covered and results.

Performs related work as assigned.

May perform the following adjunct duties as assigned:

Performs semi-skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains, and connectors. Cleans washes, oils and greases trucks and performs other tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

Prepares ditches and excavations for laying pipes, and performs pick and shovel work in smoothing water installation trances.

Receives pipe being lowered from above the trenches and makes the connection with the pipelines.

May replace broken or leaking pipes and performs pipe maintenance tasks.

Operates all motor equipment including those with a capacity of 9 tons or over, including a range of equipment such as small tractors, snow loaders, snow fighters, sidewalk plows, pick-up trucks, dump trucks and panel trucks, and passenger automobiles.

Performs manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, plumbers and other skilled trades-people engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment in the water system.

Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, repair of the water system and equipment, loading and unloading of trucks and cars, spreading sand, gravel, and asphalt, patching concrete and

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asphalt surfaces, digging ditches and post holes, setting or pulling of posts, setting or pulling of posts, erecting, chipping, repairing and painting of rails and fences; shovels snow, sands roads and perform manual tasks requiring some specialized skill or knowledge in connection with snow removal.

After fires, inspects hydrants to insure that the water level is such so that freezing will not occur; when freezing occurs, thaws out hydrants.

Repairs and replaces gates and curb boxes and performs routine maintenance on them.

Performs routine manual labor tasks in connection with maintenance, care, upkeep, repair such as cutting grass, weeds, and brush; cleans culverts, loading and unloading trucks and cars; spreads sand, gravel and asphalt; patches concrete and asphalt surfaces; digs ditches and post holes; sets and pulls posts; repairs rails fences and chipping.

Erects and dismantles snow fences, sweeps sidewalks, rakes lawns, hauls debris, shovel snow, sands roads and performs other manual tasks in connection with snow removal.

Performs manual labor in a stockroom, storeroom or warehouse such as loading and unloading freight, materials and equipment, handling and storing of stock, and assisting in the taking of inventories.

Cuts, lays and caulks water pipes using machine or hand tools to force sealing compound into joints to make them watertight.

Pumps water from trenches.

Digs, braces and backfill excavations for the purpose of locating pipe leaks or preparing areas for laying pipes.

Replaces worn and broken parts in water systems.

May work with private contractors to help them avoid hitting water mains and boxes during construction and excavation.

Takes apart and reassembles hydrants and valve mechanisms for the purpose of repairing worn or broken parts that cause leaks or other malfunctions.

Lubricates valves and adjusts their settings.

Inspects hydrant rods, thrust plates, nozzles, packing and glands and other parts on a regular basis.

Caulks the joints and seals the connections.

Makes and taps water mains and sized ¼" through 12" into line.

Performs related work as assigned.

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Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees and the general public; a positive "can-do" attitude; ability to observe necessary safety precautions; willingness to work overtime hours as required; a CDL Class A or B license is preferred; ability to perform basic mathematical calculations as required by duties described above; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; ability to use small hand tools as well as specialized tools; ability to perform duties with some latitude for independent judgment under indirect supervision. Graduation from an accredited standard high school; graduation from a vocational/technical high school preferred; GED equivalent acceptable; two years' experience in similar work required, with one years' work in a responsible position desirable; other combinations of experience/training will be considered. A Massachusetts Department of Safety Hoisting Engineer's license 2B or higher is desirable. A Massachusetts Board of Certification of Operator's of Drinking Water Facilities Grade 4-Distribution license is highly desired.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require the exercise of caution when operating heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Pay Scale:

Per the AFSCME Collective Bargaining Agreement

4/9/02

Updated: 7/30/08

Updated: 2/18/14

Updated: 6/30/17

WATER MAINTENANCE WORKER I ADVANCED BACKHOE OPERATOR

5a

Job Description:

Under the direction of the Supervisor of Water Distribution and Maintenance as delegated by the Watuppa Water Board to the Director of Water Distribution and Maintenance, to perform and/or supervise work in the construction, maintenance and operation of water systems and/or sewer systems; to perform related tasks as required.

Essential Functions:

Work involves providing timely and efficient service to the people of the City for a variety of duties which include performing and/or supervising work in the construction, maintenance and operation of water systems and/or sewer systems; to be responsible for conformance to city, state standards and policies and directives promulgated by the Administrator of Community Utilities for all work for which s/he is responsible; this work is performed with some latitude in independent judgment and is subject to periodic review by the Director of Water Distribution and Maintenance in consultation with the immediate supervisor; to coordinate the work for which s/he is responsible with the work of coworkers; to engage in supervisory activities of workers of lesser grade when so assigned; and to perform other related tasks as assigned.

Perform as crew leader on any construction activity.

Performs skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains and connectors.

Performs manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, and plumbers engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment.

Lays and connects service pipes with street mains and meters.

Locates and repairs water leaks; drives leak detection truck or other appropriate vehicles on public and private department roads for the purpose of detecting sites of potential water leaks.

Sounds hydrants, mains, sewers, exterior and interior plumbing, etc. for potential leaks.

Installs fire hydrants.

Operates water gates.

Turns on water for new service.

Inspects work of laborers and maintenance men (Water Maintenance Workers, II) to see that it conforms with specifications and blueprints.

Operates related motor equipment; cleans, washes, oils and greases trucks and performs manual tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

May operate winches, cement mixers, compressors, and other similar equipment as required.

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Operates all motor equipment including those with a capacity of 9 tons or over, including a range of equipment such as large and small tractors, snow loaders, snow fighters, sidewalk plows, bulldozers and rollers, pick-up trucks, dump trucks and panel trucks, and passenger automobiles; semi-trailers, truck-trailer combinations, and special equipment such as road-rollers, rotary snow plows, mobile bituminous spreaders and tar distributors. Operation of equipment in this class usually requires a CDL Class A or Class B license from the Registry of Motor Vehicles.

May perform minor maintenance related to motor equipment.

Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, and repair of equipment, loading and unloading of trucks and cars; spreading sand, gravel and asphalt, patching concrete and asphalt surfaces, sands roads and performs manual tasks requiring some specialized skill or knowledge in connection with snow removal.

May supervise a crew of workers at a lower skill level.

Reports leaks to Supervisor or other designated administrator and/or supervisor.

Issues daily log reports of sites covered and results.

Performs related work as assigned.

May perform the following adjunct duties as assigned:

Performs semi-skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains, and connectors. Cleans washes, oils and greases trucks and performs other tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment.

Prepares ditches and excavations for laying pipes, and performs pick and shovel work in smoothing water installation trenches.

Receives pipe being lowered from above the trenches and makes the connection with the pipelines.

May replace broken or leaking pipes and performs pipe maintenance tasks.

Operates all motor equipment including those with a capacity of 9 tons or over, including a range of equipment such as small tractors, snow loaders, snow fighters, sidewalk plows, pick-up trucks, dump trucks and panel trucks, and passenger automobiles.

Performs manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, plumbers and other skilled trades-people engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment in the water system.

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Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, repair of the water system and equipment, loading and unloading of trucks and cars, spreading sand, gravel, and asphalt, patching concrete and asphalt surfaces, digging ditches and post holes, setting or pulling of posts, setting or pulling of posts, erecting, chipping, repairing and painting of rails and fences; shovels snow, sands roads and perform manual tasks requiring some specialized skill or knowledge in connection with snow removal.

After fires, inspects hydrants to insure that the water level is such so that freezing will not occur; when freezing occurs, thaws out hydrants.

Repairs and replaces gates and curb boxes and performs routine maintenance on them.

Performs routine manual labor tasks in connection with maintenance, care, upkeep, repair such as cutting grass, weeds, and brush; cleans culverts, loading and unloading trucks and cars; spreads sand, gravel and asphalt; patches concrete and asphalt surfaces; digs ditches and post holes; sets and pulls posts; repairs rails fences and chipping.

Erects and dismantles snow fences, sweeps sidewalks, rakes lawns, hauls debris, shovel snow, sands roads and performs other manual tasks in connection with snow removal.

Performs manual labor in a stockroom, storeroom or warehouse such as loading and unloading freight, materials and equipment, handling and storing of stock, and assisting in the taking of inventories.

Cuts, lays and caulks water pipes using machine or hand tools to force sealing compound into joints to make them watertight.

Pumps water from trenches.

Digs, braces and backfill excavations for the purpose of locating pipe leaks or preparing areas for laying pipes.

Replaces worn and broken parts in water systems.

May work with private contractors to help them avoid hitting water mains and boxes during construction and excavation.

Takes apart and reassembles hydrants and valve mechanisms for the purpose of repairing worn or broken parts that cause leaks or other malfunctions.

Lubricates valves and adjusts their settings.

Inspects hydrant rods, thrust plates, nozzles, packing and glands and other parts on a regular basis.

Caulks the joints and seals the connections.

Makes and taps water mains and sized $\frac{3}{4}$ " through 12" into line.

Performs related work as assigned.

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Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees and the general public; a positive attitude; ability to observe necessary safety precautions; willingness to work overtime hours as required; a CDL Class A or B license is preferred; ability to perform basic mathematical calculations as required by duties described above; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; ability to use small hand tools as well as specialized tools; ability to perform duties with some latitude for independent judgment under indirect supervision. Graduation from an accredited standard high school; graduation from a vocational/technical high school preferred; GED equivalent acceptable; two years' experience in similar work required, with one years' work in a responsible position desirable; other combinations of experience/training will be considered. A Massachusetts Board of Certification of Operator's of Drinking Water Facilities Grade 4-Distribution license is highly desired.

A Massachusetts Department of Safety Hoisting Engineer's license 2B or higher is required. Advanced experience in the operation of a backhoe is required. The experience and ability to excavate in the street in difficult situations where multiple utilities and difficult soil conditions are encountered is required.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require the exercise of caution when operating heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Pay Scale:

Per the AFSCME Collective Bargaining Agreement

4/5/16

Updated: 6/30/17

SUPERVISOR OF WATER DISTRIBUTION & MAINTENANCE

5a

JOB DESCRIPTION:

Under the general supervision of the Director of Water Distribution & Maintenance, this is a supervisory position involving work in the construction, maintenance and operation of water systems, including related work as required.

ESSENTIAL FUNCTIONS:

Work includes planning, laying out, and assigning work to various crews and workers engaged in construction, maintenance, repair and operations tasks pertaining to the City's water distribution system in a timely and efficient manner. Work is received in the form of assignments from the Director of Water Distribution & Maintenance. Duties also include answering complaints; carrying out work orders or inspections, providing instruction and training to workers and other employees in work methods and procedures, and inspection of work in progress and upon completion.; The Supervisor's work is subject to periodic review by the Director of Water Distribution & Maintenance.; The Supervisor is responsible for conformance to city, state and federal standards, when applicable, regarding work performed and for which s/he is responsible, as well as conformance to policies and directives as promulgated by the Administrator of Community Utilities. The Supervisor also does related work as required.

The supervisor also:

1. Consults the Director of Water Distribution & Maintenance regarding subordinate performance evaluations,
2. Computes labor and material costs for billing and accounting purposes and for internal budget control and analysis purposes,
3. Determines assignments of personnel under his authority,
4. Supervises training and instructing of workers, especially for specialized tasks,
5. Keeps and reviews time records on subordinate employees,
6. Inspects subordinates' work for productivity and completeness;
7. Prepares periodic reports covering operations;

MINIMUM QUALIFICATIONS:

Thorough knowledge of practices, methods, materials and equipment used in water distribution and maintenance operations; thorough knowledge of the uses and operating characteristics of a variety of heavy and light equipment used in public water works distribution maintenance, repair and construction; comprehensive knowledge of the hazards incident to such work and of safety measures to be observed; ability to plan, lay out and supervise the work of a moderately large crew; ability to read, interpret and comply with plans and specifications for such activities; ability to maintain time, cost and material records and to prepare reports; ability to perform basic mathematical calculations as required by duties; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; ability to establish and maintain effective working relationships with employees and the general public; ability to work cooperatively and harmoniously with other city employees; willingness to work overtime hours as required; ability to perform duties with considerable latitude for independent judgment and under indirect supervision.

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Thorough experience in construction work (at least four years), including one years' experience in a supervisory role. Graduation from a standard high school or GED equivalency required, Graduation from a vocational high school desirable. A valid motor vehicle license is required.

Additional desirable competencies: Massachusetts Department of Safety Hoisting Engineer's license 2B or higher; Massachusetts Board of Certification of Operator's - Drinking Water Facilities Grade 4-D license; management or supervisory training certificates.

Other combinations of experience and training that provide the required knowledge and skills for the competent performance of the job.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require operating heavy equipment, or handling dangerous or toxic materials

PAY SCALE:

Per the AFSCME Collective Bargaining Agreement

4/25/85

12/17/85

Updated: 10/9/08

Updated: 2/18/14

Updated: 6/30/17

5a

SENIOR ENGINEERING AIDE

Job Description:

Under the direction of the Director of Water Distribution and Maintenance as delegated by the Watuppa Water Board to the Administrator of Community Utilities, to perform technical work of some complexity and difficulty in the application of engineering techniques and methods in support of municipal operations, construction, and/or maintenance of water utility systems; and to perform related tasks as required.

Essential Functions:

Work involves providing efficient service to the people of the City for responsibility of performing technical work of some complexity and difficulty in the application of engineering techniques and methods in support of municipal operations and to perform other related tasks as assigned by the Director of Water Distribution and Maintenance; to be responsible for conformance to federal, state and city codes and standards of all work performed; this work is performed with some latitude of action and is performed in conformance with policies and directives of the department head as delegated to the Director of Water Distribution and Maintenance and is subject to periodic review by the immediate supervisor; to coordinate the work for which s/he is responsible with the work of coworkers; and to perform miscellaneous engineering technical/support functions pertaining to the City's water utility systems.

Performs a variety of sub-professional tasks requiring some knowledge of and training in engineering principals and practices which may include running a transit giving line and grade on preliminary and final surveys, drafting plans and sketches, making preliminary cost estimates, calculating and recording data on projects and surveys, inspecting construction projects and assisting the chief of the survey party or resident engineer. May also act as chief of the survey party in small projects, assist in testing construction materials, or supervise maintenance of equipment. With reference to problems of unusual occurrence, extracts data from various sources, e.g. manuals, standard reference guides, field notes, reports. Is generally responsible for all necessary calculations short of calculus. Is available to assist engineer in the gathering and selection of data and in the treatment of data; performs other related duties as assigned.

Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers and supervisors; ability to work cooperatively and harmoniously with other city employees; a positive "can-do" attitude; ability to observe necessary safety precautions; willingness to work overtime hours as required; a motor vehicle license; ability to perform mathematical calculations up to the level of calculus; ability to communicate with peers and supervisors; ability to perform described duties with some latitude for independent judgment and under direct supervision.

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Graduation from a community college or accredited technical institution with specialization in engineering technology and two (2) years of engineering technician/aide experience; or graduation from a senior high school or a satisfactory educational equivalent, and four years of engineering technician/side experience. Experience with GIS, computer data management, report writing and knowledge of engineering plans is highly desirable. A Massachusetts Board of Certification of Operator's of Drinking Water Facilities Grade 4-Distribution license is highly desired. Other combinations of experience and training will be considered.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; may require the exercise of caution when working near heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Payscale:

Per the AFSCME Collective Bargaining Agreement

Updated: 7/30/08

Updated: 2/18/14

Updated: 6/30/17

5a

CHIEF WATER SERVICE INSPECTOR
Backflow Prevention/Cross Connection

Job Description:

Under the general supervision of the Director of the Water Division as delegated by the Watuppa Water Board to the Administrator of Community Utilities, to perform work, including supervisory work, involved in inspecting meters, backflow prevention devices, cross-connections, water service piping, and related systems in water service operations. To perform related duties as directed.

Essential Functions:

Work involves providing efficient service to the people of the City for responsibility of performing a variety of inspection duties, including oversight functions, pertaining to meters, backflow prevention devices, cross-connection, water system piping, and related systems in water service operations; and to perform other related tasks as assigned by the Director of the Water Division; to be responsible for conformance to federal, state and city codes and City standards of all work performed. This work is performed with some latitude of action and in conformance with policies and directives of the Director of the Water Division and is subject to periodic review by the Administrator of Community Utilities: to coordinate the work for which s/he is responsible with the work of coworkers: and to perform other related tasks as assigned.

Performs inspections of meters, backflow prevention devices, cross connections and adjacent water systems including pipes and other plumbing fixtures.

Tests on a periodic basis backflow prevention devices and certifies/documents results.

Surveys piping systems for cross connections.

Is responsible for coordination of the activities of others in the event of need; and supervision of record keeping with respect to these tasks;

Makes inspections for irregularities relating to the water service installation.

Prepares reports of findings, performs incidental related work when necessary, and delivers information in written or electronic format to the business office for billing, state compliance reports, or other purposes;

May be required to perform manual work on water meter related to repair/maintenance, operate testing equipment, shut off/turn on water services, assist in leak detection or excessive consumption inspections.

May be required to read water meters.

In conjunction with the Director of the Water Department, is responsible for increasing productivity and efficiency regarding water meter service inspections.

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Trains other employees as to City procedures.

Performs related work as assigned.

Minimum Qualifications:

1. Possess, or obtain within 3 months of appointment, all training and certification required by the Commonwealth of Massachusetts and the Fall River Water Division for the title of a.) Backflow Prevention Device Inspector/Tester, and b.) Cross-Connection Control Surveyor (two certificates).
2. Ability to establish and maintain effective working relationships with peers, subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees; represent to the general public a positive image in a courteous and professional way at all times; observe necessary safety precautions; work overtime hours as required; maintain a motor vehicle license; perform basic mathematical calculations as required; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; developed interpersonal skills; ability to perform duties with latitude for independent judgment under indirect supervision.
3. Graduation from an accredited high school or vocational high school. Some experience in water or public works arena or with a private utility preferred. Other combinations of experience and education/training will be considered.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; may require the exercise of caution when working near heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Payscale:

Per the AFSCME Collective Bargaining Agreement

Updated: 7/30/08

Updated: 2/18/14

Updated: 6/30/17

5a

ASSET MANAGER/GIS SPECIALIST
DEPARTMENT OF COMMUNITY UTILITIES

Summary of Duties:

In the Department of Community Utilities and under the direction of the Administrator of Community Utilities, coordinate, plan and direct activities of designated City and Department of Community Utilities projects, including management of water, sewer and stormwater infrastructure asset management and GIS programs. Ensure that goals and objectives of the asset management and GIS programs are accomplished within prescribed time frame and funding parameters by performing the following duties personally or through the supervision of subordinates.

Essential Duties and Responsibilities:

Duties include collection of assets and features using GPS survey equipment and software to collect and download digital data and supporting end-users of geospatial data. Use of GIS to make connections between related information sources and enable end-users to visualize and analyze this information using a spatial interface (i.e. a map). Implementation and management of an integrated Asset Management and Work Order Management systems. This will include the training of new staff in the systems use and troubleshooting system issues. This will include but not be limited to the Water, Sewer and Stormwater infrastructure as needed. Proficient on the use of AutoCAD 3D.

Other duties/requirements include:

- Create maps and graphs, using GIS software and related equipment.
- Meet with users to define data needs, project requirements, required outputs, or to develop applications.
- Conduct Research to locate and obtain existing databases.
- Gather, analyze, and integrate spatial data from staff and determine how best the information can be displayed using GIS.
- Compile geographic data from a variety of sources including censuses, field observation, satellite imagery, aerial photographs, and existing maps.
- Analyze spatial data for geographic statistics to incorporate into documents and reports.
- Design and update databases, applying additional knowledge of spatial feature representations.
- Enter new map data through use of a digitizer or by direct input of coordinate information using the principles of cartography including coordinate systems, longitude, latitude, elevation, topography, and map scales.
- Analyze geographic relationships among varying types of data.
- Prepare metadata and other documentation.

5a

- Operate and maintain GIS system hardware, software, plotter, digitizer, color printer, and video camera.
- Move, copy, delete, and add files, drawings, and maps to output reports in hard copy or electronic transfer.
- Present information to users and answer questions.
- Retrieve stored maps.
- Manage databases
- Training staff in the use of the different systems under their control.
- Dealing with day to day maintenance of the integrated Asset Management and Work order Management systems

Education and Experience

Bachelor's degree (B.A. or B.S.) or equivalent in Civil or Environmental Engineering, Business Administration, Computer Science or related field and minimum of ten years practical experience in the fields of GIS and/or asset management is preferred.

Excellent written and verbal communication skills are required.

The ability to coordinate multiple projects and agencies.

Knowledge of EPA and MA DEP regulations.

Experience in appropriate software programs in construction, asset and/or project management.

Proficient in Microsoft Word, Excel and PowerPoint.

Valid Motor vehicle license required.

Physical and Environmental Standards:

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or feel, reach with arms, and talk or hear. The employee is occasionally required to sit, climb or balance and stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus. This job requires the employee to spend a significant portion of their day operating a desktop computer or laptop.

Salary: Per Ordinance

Updated: July 5, 2017

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Deputy Administrator of Community Utilities
Department of Community Utilities

Summary of Duties:

In the Department of Community Utilities and under the direction of the Administrator of Community Utilities, coordinate, plan and direct activities of designated City and Department of Community Utilities projects, including management/construction of water, sewer and stormwater infrastructure, to ensure that goals and objectives of projects are accomplished within prescribed time frame and funding parameters by performing the following duties personally or through subordinate supervisors.

Oversee Division heads and Division support staff of the Water Department and Sewer Commission. Oversee activities of the Divisions of Sewer and Water, subject to the direction of the Administrator of Community Utilities.

Carry out and coordinate the maintenance and repair of water and sewer systems as directed by the Administrator of Community Utilities. Appointed by the Mayor; works under the general direction of the Administrator of Community Utilities.

Essential Duties and Responsibilities:

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

Keep the Administrator of Community Utilities aware of water and sewer system issues when reported by subordinates. This will include but not limited to repairs, ongoing projects, or budgetary issues.

Participate in long-term capital planning of water and sewer department. Works with other city departments and utilities to coordinate construction activities of the water and sewer department for minimal impact to the community.

Participates in departmental staff hiring. Provides input as needed to the Administrator of Community Utilities as to individual's performance in the water and sewer departments. Provides training to subordinates as requested.

Attend and participate in staff, department, or other meetings as designated by the Administrator of Community Utilities.

Maintain professional contacts and professional development to remain abreast of developments in areas relevant to water and sewer operations.

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Accounting and audit management of all phases of projects including bonding recommendations and account control.

Oversight of all contract and grant administration. This includes Construction projects including design development, bidding and construction supervision. Prepare RFP's, contracts, bid documents and certify all invoices and payments.

Oversee completion of all environmental studies and reports.

Regular construction site supervision.

Prepare regular progress and budget reports.

Works with Law Department in preparing documentation on all contract protests and claims. Provides recommendations of legal action to City.

Directs and coordinates activities of project personnel to ensure project progresses on schedule and within prescribed budget. Confers with project staff to outline work plan and to assign duties, responsibilities, and scope of authority.

Reviews status reports prepared by project personnel and modifies schedules or plans as required.

Confers with project personnel to provide technical advice and to resolve problems.

Coordinates projects activities with activities of government regulators or other governmental agencies.

Oversees the GIS/Assets Management for water, sewer and storm water.

Required to carry cell phone. Be on call as needed. Compensating time shall be provided at the discretion of the Administrator of Community Utilities.

Performs duties of the Administrator of Community Utilities in his extended absence. Service out of rank pay can be provided as approved by the City.

Education and Experience

Four years progressively responsibly management experience in state or local government with at least (3) three years' experience in a supervisory or management capacity and at least 2 year experience in municipal water and sewer operations; and either:

1. Massachusetts Certification for Drinking Water Facilities, Grade T4/D4 and Wastewater Facilities, Grade 7 License, or,
2. Bachelor's degree in civil engineering, business/public administration, or related field from a accredited institution of higher education, or,

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3. Equivalent qualifications.

Valid Motor vehicle license required. Construction supervisor's license desired. Demonstrated successful experience in public construction processes, accounting and auditing thereof. Ability to coordinate multiple projects and agencies. Knowledge of basic accounting principles and budget management. Experience with EPA, MA DEP, MA DOR and audit regulations preferred.

Necessary Knowledge, Skills, and Abilities:

Ability to communicate effectively, orally and in writing, with employees, consultants, representatives of other governments agencies, City officials, and the general public.

Excellent organizations skills and ability to supervise a workforce with diverse responsibilities and technical skills, while complying with multiple bargaining agreements.

Working knowledge of wastewater treatment and collection system operations.

Working knowledge of water treatment and distribution operations.

Skills in budget management and capital planning.

Knowledge of Massachusetts General Laws governing public works and public procurement, as well as state and federal regulations pertaining to wastewater treatment and water treatment.

Physical and Environmental Standards:

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

Classification: Non-Unit

Salary: Per Ordinance

Updated: July 5, 2017

5a

**PROJECT MANAGER
BIORESERVE/DAMS/LAND MANAGEMENT
DEPARTMENT OF COMMUNITY UTILITIES
WATER DIVISION**

Job Description:

Under the direction of the Director of the Water Division as delegated by the Watuppa Water Board to the Administrator of Community Utilities, the Project Manager performs managerial and technical work of some complexity and difficulty in the application of forestry and land management techniques and methods in support of municipal operations, watershed/forest management, land management, land conservation and ecological restoration, dam impoundment and inspection; and performs related tasks as required.

Essential Functions:

Work involves providing efficient service to the people of the City of Fall River in performing technical tasks of some complexity and difficulty in the application of forestry and land management techniques and methods in support of municipal operations and performing other related tasks as assigned by the Director of the Water Division; responsible for conformance to federal, state and city codes and standards for all work performed; performing work with some latitude of action and in conformance with policies and directives of the department head as delegated to the Director of the Water Division and is subject to periodic review; coordinating and supervising work of subordinates and coworkers on tasks for which s/he is responsible including disciplinary action if needed; and performing miscellaneous technical/support functions pertaining to the City's Water Division's watershed forests and associated land and water resources.

Performs a variety of professional tasks requiring knowledge of and training in professional forestry and land management principals and practices which may include developing and implementing watershed management plans, forest management plans, capital improvement plans, critical watershed land protection assessment and acquisition plans, preliminary cost estimates, calculating and recording data on projects and surveys, initiating, coordinating and supervising forest cutting, maintenance and other related construction projects. Works with city grant writer to identify, apply and carry out grant funded projects to advance Water Division goals. With reference to problems of unusual occurrence, gathers data from various sources, e.g. manuals, standard reference guides, field notes and reports and, through critical analysis, develops effective and comprehensive solutions and implementation plans. Is generally responsible for all property issues related to the Water Division's land assets and conducts monthly dam impoundment inspections at properties in Fall River and four nearby towns. Is available to assist in the gathering and treatment of data; and performs other related duties as assigned.

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Coordinates management, oversight and security of the watershed areas with the Municipal and State Environmental Police Officers to facilitate implementation and enforcement of all laws and regulations pertaining to the protection, cleanliness and maintenance of the Water Division's land and water resources. Manages subordinate employees including issuance of disciplinary action if needed. Coordinates volunteer groups, seasonal labor, and contractors in any operation and maintenance issues within the watershed land areas. Manages the Watuppa Reservation Headquarters, the watershed operations center at 2929 Blossom Road including maintenance, repair and preservation of historic buildings and grounds. Manages any and all license or lease agreements with third party entities, utility easements, prescriptive access easements, and issuance of cutting permits on watershed lands.

Conducts periodic public outreach programs to promote proper use and stewardship of watershed land and water resources. Manages city's Bioreserve lands in accordance with the terms and conditions of 2002 Bioreserve MOU and assumes lead role in representing the City at Quarterly Bioreserve Managers' meetings as required.

Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers, subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees; ability to observe necessary safety precautions; willingness to work overtime hours as required; has valid motor vehicle license; ability to perform mathematical calculations; ability to communicate with peers, subordinates and supervisors; ability to perform described duties with some latitude for independent judgment and without direct supervision; ability to manage and discipline subordinate employees.

Bachelor's Degree from a college or accredited technical institution with a specialization in Environmental Management, Forestry Science or similar field and five years of experience in land management, forestry or similar field. Experience with GIS, computer data management, report writing and knowledge of engineering plans is highly desirable. Must be a Massachusetts Certified Professional Forester. Other combinations of experience and training will be considered.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; may require the exercise of caution when working near heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Payscale:

As per ordinance.

Prepared: 6/30/17

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Project Manager
Utility Management/Pretreatment Program Coordinator
Department of Community Utilities

Summary of Duties:

In the Department of Community Utilities and under the direction of the Administrator of Community Utilities, coordinate, plan and direct activities of designated City and Department of Community Utilities projects, including construction of water, sewer and stormwater infrastructure, to ensure that goals or objectives of projects are accomplished within prescribed time frame and funding parameters by performing the following duties personally or through the supervision of subordinates.

The person in this position is also responsible for managing the City's Industrial Pretreatment Program.

Essential Duties and Responsibilities:

This position has supervision of employees in both the water and sewer divisions and coordinates numerous construction projects including design development, bidding, construction, bonding and audit management. The project manager is a liaison between City staff, advisory committees, public agencies, funding agencies, community groups, and the public, establishes and arranges work plans and staffing for each phase of a variety of projects, confers with project personnel to provide technical advice and to resolve problems.

This position ensures compliance with any and all regulations and that all necessary permits for construction projects are secured, insures that adequate construction site supervision is performed on all construction projects, prepares or oversees the preparation of all RFP's, contracts and bid documents and provides oversight of all contract and grant administration, reviews status reports prepared by project personnel and modifies schedules or plans as required. Prepares project reports for management or others.

The position is responsible for insuring that accounting and audit management of all phases of projects including bonding recommendations and account control are maintained to accounting and audit standards. Prepares regular progress and budget reports and certifies all invoices and payments. Supervises completion of all environmental studies and reports.

The Project Manager works with Law Department in preparing documentation on all contract protests and claims and provides technical recommendations for legal matters for or against the City. Coordinates project activities with activities of government, regulatory or other governmental agencies.

This position processes approvals/denials of Site Plan Applications, 314 CMR 7.00 permits, building permit applications for sewer and sewer connection permits.

Work also involves the day to day management of the City's Industrial Pretreatment Program including but not limited to: Assuring that all Federal, State and Municipal program requirements are met, evaluating all significant industrial users to assure their compliance with all Federal, State, and local laws and requirements and working closely

5a

with industrial representatives to assure their proper understanding of all requirements. Additionally, the position acts as liaison between the industry and Federal and State Regulatory Agencies, as well as work with industries to solve problems which have caused or may cause noncompliance. Evaluates the effects of industrial discharges on the Treatment Facility including identifying industries responsible for plant upsets. Takes those actions necessary on industries that are not meeting compliance standards to bring them into compliance at the earliest possible time. Works with the Wastewater Treatment Plant staff in developing a strategy to correct any upsets that may occur. Reports to the Administrator of Community Utilities/Sewer Commission on the status of the program as well as prepare all required reports and responses to all Federal and State Regulatory Agencies. Prepares the Annual Pretreatment Progress Report to the EPA on the status of the program as well as other required submissions.

Additionally, the position provides support and technical assistance on all computers, computer software and hardware within the department.

Education and Experience

Bachelors degree (B.A. or B.S.) or equivalent in Civil or Environmental Engineering, Business Administration, or related field and minimum of ten years practical experience in the fields of engineering, or facility or construction management is preferred.

Knowledge of accounting practices and principals is highly desirable.

A Grade 5 Certification from the Massachusetts Board of Certification of Wastewater Treatment Plant Operators or the ability to gain such certification within one year.

A Grade 3 certification for Collections Systems Operation from the New England Water Environment Federation, or the ability to gain such certification within one year.

Excellent written and verbal communication skills are required.

Minimum of five years in contract administration, and grant administration.

Demonstrated successful experience in public construction project accounting and auditing.

A minimum of five years in general construction management.

The ability to coordinate multiple projects and agencies.

Experience with EPA, MA DEP, MA DOR and audit regulations.

Must have a thorough knowledge of industrial and municipal wastewater treatment, understanding of current Federal and State regulations related to municipal wastewater treatment, collection systems, combined sewer overflows, industrial pretreatment.

This position must remain informed of EPA and MA DEP regulations, continue to evaluate the Pretreatment Program, update it as necessary and apply these changes to industries affected by the changes.

Experience in appropriate software programs in construction, asset and/or project management.

Proficient in Microsoft Word, Excel and PowerPoint.

Valid Motor vehicle license required.

5a

Required to carry cell phone.

Dependable motor vehicle required.

Physical and Environmental Standards:

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or feel, reach with arms, and talk or hear. The employee is occasionally required to sit, climb or balance and stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus. This job requires the employee to spend a significant portion of their day operating a desktop computer or laptop.

Classification: Non-Unit

Salary: Per Ordinance

Updated: July 2017

5a

Project Specialist
Department of Community Utilities

Essential Functions:

Under general supervision of the Administrator of Community Utilities, performs a variety of highly responsible operational and supervisory functions, relating to administrative services, complex financial and administrative projects.

DISTINGUISHING FEATURES OF THIS CLASSIFICATION:

Work involves providing timely and efficient service to the people of the City for a variety of highly responsible operational and supervisory functions relating to administrative services; to be responsible for conformance to City and State codes and standards of all work performed under his/her direction, and to conform to policies and directives promulgated by the Department, to coordinate the work for which she/he is responsible with the work of other co-workers which work is subject to periodic review by the Administrator of Community Utilities; and to exercise wide independent judgment in decision making under executive direction; performs related work as assigned by the Administrator of Community Utilities.

EXAMPLES OF WORK (Illustrative only – the omittance of any example of work does not necessarily exclude that work or duty from being performed by any employee in this classification).

Performs highly responsible clerical accounting work in the preparation and maintenance of payroll records, and calculations to include appropriate sick leave, overtime, personal leave, vacations, and other miscellaneous wage and compensation actions as they pertain to the preparation and maintenance of payrolls.

May also be responsible for the actual distribution of payroll checks in payment for salaries or wages;

Assists the Administrator of Community Utilities in directing and supervising the operation of the office as related to work assignments;

Records allotments and expenditures, maintains records of purchases;

Is responsible for billing and commitment of septage fees and for maintaining accurate records of same;

Records other departmental receipts and performs appropriate deposits;

Is responsible for all aspects of accounts payable, including purchase orders, requisitions, contract maintenance, processing of invoices, and preparation of bills payable schedules;

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Maintains budgetary control ledgers;
Perform technical, analytical and administrative work in assisting the Administrator of Community Utilities in the management of cash, debt and audits, including reconciling, reporting and maintaining all accounts.

Assist in the coordination, organization, monitoring and preparation of annual budget.

Develops recommendations for change in office procedure.

Perform varied duties that require judgment and discretion while dealing with the public, other city departments.

Provide high-level administrative support by preparing financial spreadsheets, reports and presentations.

Under executive direction, is responsible for the ongoing clerical support for the department;

Performs related highly responsible and complex clerical and fiscal work as assigned;

Payroll, prepare, process invoices and payment warrants using the City's Munis System
Maintain payment ledgers (i.e. annual department budget, State and Federal Grants).

Prepare letters, reports, spreadsheets, purchase requisitions, contracts, and financial reports. Review written documents for format consistency, grammar, spelling, punctuation, and proper use of terminology for completeness and accuracy.

Issue notice of Meetings;

Oversee and maintain contract expenditures, as well as expenditures applied against Grant(s) and SRF funding;

Revise accordingly and submit Request(s) for Reimbursement(s) pertaining to State and Federal Grants. Allocate and deposit receipt(s) of reimbursement(s) to proper accounts and maintain ledgers;

Assist in departmental budget preparation and fiscal operations. Maintain and verify monthly financial reports of revenue and expenditures;

Process miscellaneous cash receipts, prepare/forward schedule(s) of receivables;

Receive/review incoming correspondence. Screen correspondence & incoming calls prior to referring elsewhere for action. Handle routine/recurring inquiries and directing others to appropriate personnel. Perform necessary follow-up on all tasks to insure that action has been taken.

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Responsible for proper distribution of documents to the Department Boards and employees.

Maintain and update the office filing system, Indexing/cross-referencing material by subject matter;

Document data received by local industries pertaining to the Industrial Pretreatment Program; Document, process, and mail Notices of Non-Compliance to local industries.

Plan and coordinate the administrative activities of an office using well-defined guidelines. Prioritize multiple tasks/projects to insure executing in a timely manner in order to meet established deadlines.

Maintain department documentation; log books, and other forms of documentation, ensuring they are current and complete. Type specialized material memoranda, reports, forms, and gather, compile, sort, and calculate data/information. Identify, locate and assemble a variety of materials for reports.

Produce a wide range of computer-generated documents requiring formats. Perform various complex, detailed, and general office duties.

Experience with MUNIS, Microsoft Word/Excel, and the Internet.

Oversee annual Department inventories.

Assist the Water Division as needed and when directed by the Administrator of Community Utilities.

Oversee, manage and train other clerical personnel in both the Water and Sewer Divisions as needed.

REQUIRED KNOWLEDGE, ABILITIES, AND SKILLS:

Considerable knowledge of modern methods and practices of fiscal and general clerical administration practice; working knowledge of data processing methods and equipment pertaining to such activities; ability to establish and maintain effective and harmonious working relationships with other city employees; attitude; ability to observe safety precautions; willingness to assume responsibility; ability to make independent judgments under executive direction; willingness to work extra hours when required; and high developed interpersonal skills.

ACCEPTABLE TRAINING AND EXPERIENCE:

Applicants must have at least three years of full-time experience in performing high level accounting and clerical functions; a high school diploma from an accredited high school or vocational high school with concentration in an appropriate field, or GED equivalent; an Associate or Bachelor's Degree in accounting or specialized work in accounting beyond high school preferred; computer operation skills, and a broad understanding of

5a

computer literacy required. Other combinations of experience and training that provide the required knowledge, abilities and skills, will be considered.

Minimum Qualifications: The candidate for this position should have considerable knowledge of local, state and federal laws as they apply to the department and operations. A strong working knowledge of financial systems, accounting and budget processes is required. The ability to communicate effectively with others orally and in writing is necessary. Establish and maintain harmonious relationships, pay attention to detail, process workload efficiently and accurately. Maintain confidential information and work independently.

Physical requirements:

Normal office environment, not subject to extremes in temperature, noise, odors, etc. Frequent interruptions to assist the public, other department etc. May spend extended periods of time on computer terminal, telephone or other office equipment requiring eye-hand coordination and finger dexterity.

Classification: Management non-contract, salary per ordinance

6/30/17

City of Fall River, *In City Council*

56

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and AFSCME, COUNCIL 93, LOCAL 3177, AFL-CIO, is hereby approved.

5b

UNION AGREEMENT

56

SIDE LETTER OF AGREEMENT

BETWEEN

CITY OF FALL RIVER, MA (The City)

And

AFSCME, COUNCIL 93, LOCAL 3177, AFL-CIO (the Union)

WHEREAS, the City and Union held a meeting to discuss revising wage rates for the Water Distribution Maintenance Division;

WHEREAS, after meeting the parties wish to agree to the following;

NOW THEREFORE, in consideration of the promises set forth below and intending to be legally bound, the parties agree as follows:

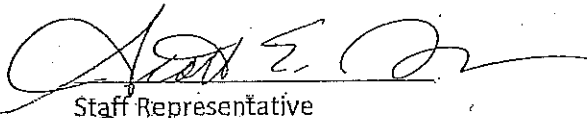
1. The City shall agree to revise the wages for the identified positions in the Water Distribution Maintenance staff in accordance with the revised salary grids as per Attachment 1 to this agreement.
2. This agreement is conditioned and subject to:
 - a. Approval of Revised ordinances by the City Council.
 - b. No retroactive pay.
 - c. Wage adjustments shall become effective on the first full payroll period following full authorization and execution of the ordinance changes for salaries as agreed.
3. The Union shall agree to:
 - a. The modification of one Head Administrative Clerk and one Field Coordinator from Union to non-union management positions and allowance to perform their current duties in addition to expanded duties without dispute and without additional hires.
 - b. Chief Water Service Inspector agrees to expand the Backflow Testing program by training (as to City procedures) additional employees licensed in backflow testing to expand the capabilities of the staff and allow the moderation of overtime as needed and as determined by management. The backflow program shall undergo a one year evaluation.
 - c. Senior Engineering Aide shall continue to perform all duties as assigned.
 - d. Water Maintenance I workers can function in the Administrative Division to repair/install meters and perform the functions of a Water Service Inspector.
 - e. Employees shall agree to the updated uniform policy as per Attachment 2 to this agreement and agree to utilize all proper safety equipment (PPE) as directed by the Department on a standard basis.
 - f. Not oppose elimination of positions.
 - g. To perform sewer and drainage repair work as needed and directed by management. Refusals for overtime related to sewer and drainage work shall not apply to DCM snow removal operations counts/refusals agreement dated 9/30/2004.


56

- h. Will not oppose use of private contractors as needed.
 - i. Shall not oppose future implementation of a time clock system subject to approval of a standard policy and Union retains all legal rights.
 - j. Shall agree to required use of Departmental ID's.
 - k. Shall not oppose use of GPS for tracking of city vehicles.
 - l. Agrees to endorse future use of computers for work order management and the asset management program.
 - m. Agree that prescheduled overtime is for the hours worked; not on a minimum basis.
 - n. Agree that all CDL licenses must have an air brake endorsement to be eligible for stipends and associated pay classification. Existing classifications of two employees shall be grandfathered.
 - o. Agree to mandatory overtime when required if the voluntary list does not meet the need in accordance with the SOP as Attachment 3.
 - p. Eliminate Article XXIII (H) for emergency on call response.
4. This agreement is without precedent and the terms herein shall not be used to prejudice the position of any of the parties in any pending or future matter and, therefore, may not be offered in any pending or future proceeding except a proceeding to enforce the terms of this agreement.

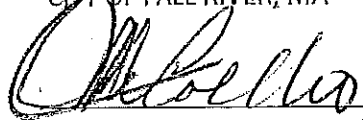
Dated this 6 day of July, 2017.

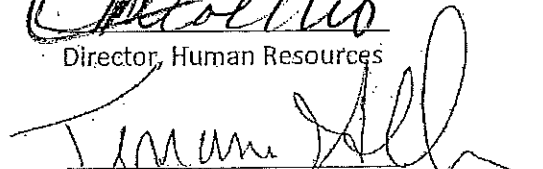
AFSCME, COUNCIL 93, AFL-CIO

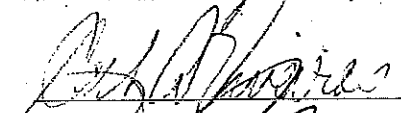

Staff Representative

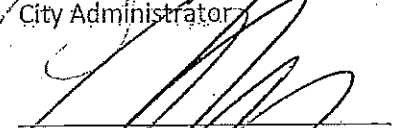

President, Local 3177

CITY OF FALL RIVER, MA


Director, Human Resources


Administrator of Community Utilities


City Administrator


Corporation Counsel as to Form
And Manner


Mayor

CURRENT

PROPOSED

Page 1 of 2

<u>13B Water Maintenance Worker II</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,116.84	1,144.05	1,171.28	1,193.05	1,220.18

<u>16B Water Maintenance Worker II</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,198.47	1,231.08	1,258.30	1,289.62	1,307.15

<u>16B - Water Maintenance Worker I</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,198.47	1,231.08	1,258.30	1,289.62	1,307.15

<u>19B - Water Maintenance Worker I</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,296.36	1,334.38	1,361.54	1,383.35	1,410.51

<u>17B-Water Maint. Worker I CDL or Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,231.08	1,263.77	1,290.87	1,312.67	1,339.81

<u>20B-Water Maint. Worker I CDL or Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,334.38	1,372.43	1,399.70	1,421.41	1,448.57

<u>18B - Water Maintenance Worker I CDL/Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,263.73	1,296.36	1,323.57	1,345.27	1,372.43

<u>22B - Water Maintenance Worker I CDL/Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,410.51	1,453.93	1,481.24	1,503.01	1,530.20

<u>20B - Water Maintenance Worker I Advanced/ Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,334.38	1,372.43	1,399.70	1,421.41	1,448.57

<u>28B - Water Maintenance Worker I Advanced/ Backhoe</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,704.17	1,758.54	1,785.67	1,813.00	1,834.74

<u>WMW/ABD-4 Water Maintenance Worker I - Advanced Backhoe (D-4)</u>					
	<u>Min.</u>				<u>Max.</u>
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1,877.05	1,941.34	1,964.67	1,993.94	2,023.18

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20B- Water Maintenance Supervisor

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,334.38	1,372.43	1,399.70	1,421.41
				1,448.57

21B - Water Maintenance Supervisor D-1

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,372.49	1,410.51	1,437.75	1,459.48
				1,486.70

25-B Water Maintenance Supervisor

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,541.14	1,595.45	1,617.17	1,644.39
				1,671.52

27B - Water Maintenance Supervisor D-1

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,644.39	1,704.17	1,725.92	1,753.13
				1,780.37

WMSD-4 Water Maintenance Supervisor D-4

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,877.05	1,941.34	1,964.67	1,993.94
				2,023.18

22B - Sr. Engineering Aide

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,410.51	1,453.93	1,481.24	1,503.01
				1,530.20

26B - Sr. Engineering Aide

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,595.47	1,644.39	1,671.54	1,698.38
				1,720.51

SEAD4 - Sr. Engineer Aide D-4

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,877.05	1,941.34	1,964.67	1,993.94
				2,023.18

CWSI - Chief Water Inspector

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,533.33	1,542.93	1,552.75	1,562.65
				1,572.59

26B - Chief Water Inspector

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,595.47	1,644.39	1,671.54	1,698.38
				1,720.51

CWSID-4 Chief Water Inspector D-4

	Min.		Max.	
	Step 1	Step 2	Step 3	Step 4
7/1/2017	1,877.05	1,941.34	1,964.67	1,993.94
				2,023.18

56

5b

Attachment #2

DRAFT

**Fall River Water Distribution Maintenance
Standard Operating Procedure
Uniforms and PPE**

Authors: Terrance Sullivan
Modification

Date: 04-18-17
Date:

Checked by:
Checked by:

Date:
Date:

Objective: Standardize Uniform and PPE Requirements

References: Agreement: Uniform Policy: 3/22/05

Requirements: Listed Below

1. Uniform Policy:

- a. All clothes on the upper torso (shirts, sweatshirts, coats, vests, etc.) shall be safety neon green or orange with black lettering stating "Fall River Water Department" on the back and left side of the chest as per departmental authorized specifications.
- b. Clothing with other advertisements and/or other contractor logos/names are not allowed.
- c. All clothes below the waist shall be black or navy blue as per departmental authorized specifications. Denim jeans are allowed but must be in good condition. Shorts are not allowed.
- d. Employees are required to replace uniform items that become worn and/or do not present in a professional manner.
- e. No sleeveless shirts.
- f. Clothes shall be clean and presentable at the start of the day.
- g. Uniform allowance shall continue as per the CBA. Currently at \$600 per year. The union may initiate discussions for use of a uniform service in lieu of the annual allowance.

5b

- h. New employees shall receive one round of clothing from the Department after the 90 day probationary period is complete as follows:

- i. 5 shirts.
- ii. 1 spring coat.
- iii. 1 winter coat.

2. PPE-Personal Protective Equipment:

- a. Hard Hats must be worn at all times when at a construction work site.
- b. Protective eyewear must be worn at all times when at a construction work site.
- c. Safety shoes (steel or composite toe) shall be worn from the start to the end of the work day.
- d. Other items as applicable to the equipment used and/or the construction site conditions.

3. Compliance References:

- a. All clothing and PPE shall be in compliance with as applicable:
 - i. OSHA.-Occupational Safety Hazard Administration.
 - ii. MA DPS.-Massachusetts Department of Public Safety.
 - iii. ANSI.-American National Standards Institute.
 - iv. Water Department specifications.
- b. The Department can impose disciplinary actions for failure to comply with these policies.

5b

Attachment #3

DRAFT

**Fall River Water Distribution Maintenance
Standard Operating Procedure
Mandatory Overtime**

Authors: Terrance Sullivan
Modification

Date: 04-24-17
Date:

Checked by:
Checked by:

Date:
Date:

Objective: Assure Staff for Emergencies

References: NA

Requirements: Listed Below

1. Normal Response:

- a. Overtime shall be applied by utilization of a rotating list to fairly assign overtime by job classification.
- b. Failure to obtain sufficient qualified employees for an overtime event can result in the following:
 - i. Use of private contractor(s).
 - ii. Implementation of mandatory overtime.

2. Mandatory Overtime:

- a. Mandatory overtime can be applied by management to meet the needs of the Division as follows:
 - i. The rotating overtime list shall be used as if a normal overtime call were being implemented.
 - ii. Each employee next in line for their job classification on the rotating list shall be called and ordered to work.
 - iii. It is the hope and intent to utilize this mandatory call only on an emergency basis.
 - iv. Failure to respond to work; answer the phone or make any effort to be available can result in disciplinary action.

6

CITY OF FALL RIVER

To the City Council

Councilors:

The Committee on Finance, at a meeting held on June 26, 2017, voted unanimously to recommend that the accompanying order be referred to the full Council for action.

Alison M. Bauchard
City Clerk

City of Fall River, *In City Council*

6

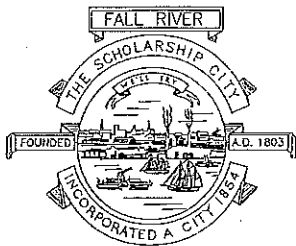
ORDERED:

That the sum of \$40,000 be transferred, and the same is, hereby appropriated for the EMS Expenses from the EMS Salaries.

CITY OF FALL RIVER
IN CITY COUNCIL (*Finance Com*)

JUN 26 2017

Ref. to full Council
for action



City of Fall River
Massachusetts
Office of the Mayor

6
RECEIVED

2017 JUN 22 P 3:48

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

June 22, 2017

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

RE: EMS Transfer

Mr. President and Members of the Honorable City Council:

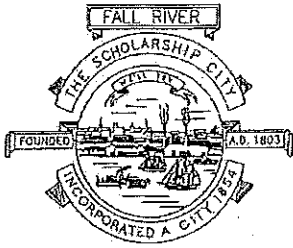
Chief Lynch is respectfully requesting a transfer from the EMS salary accounts to the EMS expense accounts to cover certain truck repairs that were unexpected as well as increased data processing cost due to the increase billing and increased sewer CSO charges because of the sewer rate change. As there are funds remaining in the salary line the Chief is requesting this transfer.

Your approval of this transfer is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL (*Finance Com.*)
JUN 26 2017
Ref to full Council
for action



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

RECEIVED

2017 JUN 22 P 3:48

JASIEL F. CORREIA II
Mayor

CITY CLERK **JOHN D. LYNCH**
FALL RIVER, MA *Fire Chief*

June 14, 2017

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

Dear Mayor Correia:

Re: Transfers from salary to expense

The amount needed to transfer is \$40,000.

Parts accessory line --62310002 548500- This overage was caused by unexpected repairs to the 2010 and 2012 rescues used as back up units.

Oil Lubricants-- 62310002 548100- This overage was caused by the increased cost for tires on the rescues and Def Fluid.

Data Processing --62310002 530800- This overage was caused by increased billing the more we bill the more we are charged for the electronic service. There was a charge for the dispatch hardware we were not aware of that was charged to cover our cost on the dispatch program.

Water sewer CSO --62310002 570100- This overage caused by increased fee

Workers comp-- 62310002 530102- This overage was due to medical bills from injuries on duty.

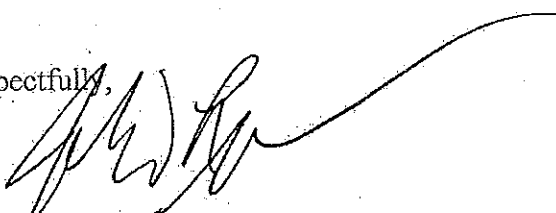
Medical Supplies- 6231002 5500100. This overage was caused by the additional rescue placed in service

The \$40,000 can be transferred from salaries - \$20,000 from **overtime** 62310001 51300.

\$15,000 can come from **professional salaries** 62310001 511200.

\$5,000 from **workers compensation** 62310001 517100

Respectfully,


John D. Lynch
Fire Chief

FY17 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
EMS Salaries	\$ 2,903,543.00 \$	(40,000.00) \$	2,863,543.00
EMS Expense	\$ 637,839.00 \$	40,000.00 \$	677,839.00

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

Stacy Gehan, Asst City Auditor

Stacy Gehan, Assistant Auditor

June 20, 2017

RECEIVED

2017 JUN 22 P 3:48

CITY CLERK
FALL RIVER, MA

6

City of Fall River, *In City Council*

(Council Vice-President Linda M. Pereira)

7

WHEREAS, code enforcement and licensing procedures are reactive instead of proactive, and

WHEREAS, in the interest of public safety all occupancies should be code compliant and meet statutory guidelines for operation, now therefore

BE IT RESOLVED, that the City of Fall River institute proactive plans to ensure that all occupancies are fully compliant with statutes, ordinances and codes, and

BE IT FURTHER RESOLVED, that all department heads commissioned with the responsibility to issue certificates of compliance are directed to inform all commercial property owners and to inform new occupants and current tenants that they will be responsible to secure all licenses and permits applicable for their specific use, and

BE IT FURTHER RESOLVED, that there be an annual inspection of commercial properties for compliance.

City of Fall River, *In City Council*

8

(Councilor Raymond A. Mitchell)

BE IT RESOLVED, that any travel expenses in excess of \$1,000.00, whether it be grant funded or city funded be approved by the City Council and all information be shared with members of that department.



RECEIVED

12

2017 JUN 28 P 12:44

CITY CLERK 17-60
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: George Sabler
2. Claimant's complete address: 33 Marsh St Fall River MA 02723
3. Telephone number: Home: (508) 496-0239 Work: (508) 672-8063
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property Damage
5. Date and time of accident: 6/21/17 @ 9pm Amount of damages claimed: \$ 318.00
6. Exact location of the incident: (include as much detail as possible):
& vicinity of 514 Nichols St Fall River MA 02720
7. Circumstances of the incident: (attach additional pages if necessary):
Hit pothole on Nichols St resulting in flat tire and need to have it replaced.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 6/26/17Claimant's signature: George Sabler

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: JUN 28 2017

12



City of Fall River
Notice of Claim

RECEIVED

2017 JUL -3 A 11:38

CITY CLERK #17-61
FALL RIVER, MA

1. Claimant's name: Andrea D. Smith
2. Claimant's complete address: 30 Orange St Apt. 1, Fall River, MA 02720
3. Telephone number: Home: 857-247-6215 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Slip
5. Date and time of accident: 12:51 P.M. 6-9-17 Amount of damages claimed: \$ 7,000.00
6. Exact location of the incident: (include as much detail as possible):
Coming down North Main street Parking lot before YMCA
7. Circumstances of the incident: (attach additional pages if necessary):
Walking up the street tripped on the sidewalk, fractured and broke my bone on the side of my right foot. Now I have a cast and using crutches
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: 6-28-17 Claimant's signature: Andrea Smith

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: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>7/3/17</u>

12

#117-62

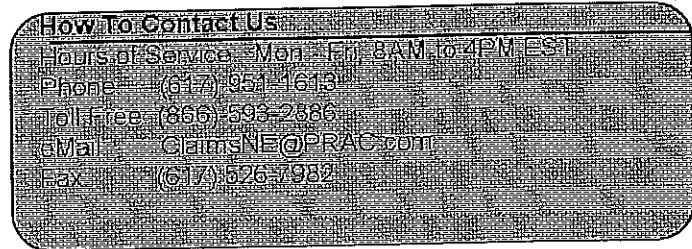
More Than Just Insurance.

Plymouth Rock
assurance_{SM}PO Box 9112
Boston, MA 02112-9112

^Print Date^

Your Personal Reference Information

Your Insured: City of Fall River Fire Dept.
 Address: 140 COMMERCE DR
 FALL RIVER, MA
 Your Operator: unk unk
 Your Claim Number: see attached police report
 Date of Loss: 06/25/2017
 Loss Location: FALL RIVER, MA
 Our Insured: John Pelletier
 Our Claim Number: 158801246588
 Loss Description: City of Fall River fire truck hit parked PRAC vehicle



CITY OF FALL RIVER FIRE DEPT
 140 COMMERCE DR
 FALL RIVER MA 02720

RECEIVED
 2017 JUL -6 P 1:39
 CITY CLERK
 FALL RIVER, MA

Dear Sir or Madam:

After conducting a thorough investigation of this loss, all facts indicate that liability rests with your insured. We request reimbursement under the subrogation clause assigning us the rights of recovery for a loss to the extent that payment is made.

TOTAL LOSS: NO	BAILMENT: No
PHYSICAL DAMAGE PAID:	\$603.66
LOSS OF USE:	\$0.00
TOTAL CLAIM:	\$603.66

Please make a check payable to Plymouth Rock Assurance Corporation. Please note our claim number with your payment and mail it to:

Claims Department
 Plymouth Rock Assurance Corporation
 P.O. Box 9112
 Boston, MA 02112-9112
 jsava@plymouthrock.com

We trust that this matter will be handled immediately and look forward to receiving payment within fourteen days.

Thank you.

Sincerely,

Jennifer Sava
 Senior Claims Representative

CITY OF FALL RIVER

14

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 23, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended


Clerk of Committees

City of Fall River, *In City Council*

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

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

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

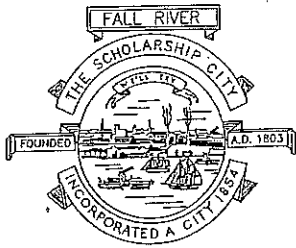
Architect/Facilities Maintenance

Not to exceed \$105,000.00 per annum

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 30 2017

Tabled, 9 years

CITY OF FALL RIVER
IN CITY COUNCIL



City of Fall River
Massachusetts
Office of the Mayor

14

JASIEL F. CORREIA II
Mayor

May 11, 2017

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

RECEIVED
2017 MAY 11 P 4:51
CITY CLERK
FALL RIVER, MA

Dear Honorable Council Members:

Following are personnel title and rate changes which I will be proposing in the fiscal 2018 budget:

Be it ordained, by the City Council of the City of Fall River, Chapter 50 of the City Ordinances be changed as follows:

Mayor Office:

- Add the position of Director of Tourism and Cultural Affairs with a salary not to exceed \$60,000
- Change position title of Receptionist to Administrative Assistant.
- Change the Salary of Mayor's Administrative Assistant from \$1,194.52 bi-weekly (or \$31,058.52) to not to Exceed \$40,000

Administrative Services:

- Add the position of Wellness Coordinator with a salary not to exceed \$70,000

Police:

- Add the position of Account Manager with a salary not to exceed \$60,000

Buildings & Grounds (Facilities Maintenance):

- Add the position of Architect with a salary not to exceed \$105,000

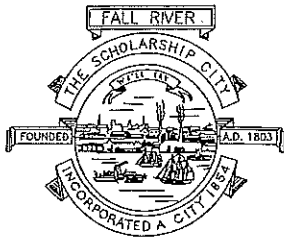
Your approval of these ordinance modification is respectfully requested. My staff and the Director of Financial Services are available to answer any questions or concerns that you may have.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 16 2017

*Referred to the
Committee on Ordinances
and Legislation*



CITY OF FALL RIVER
MASSACHUSETTS
Department of Buildings & Grounds

14

JASIEL F. CORREIA II
Mayor

CHRIS GALLAGHER
Interim Director

May 11, 2017

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

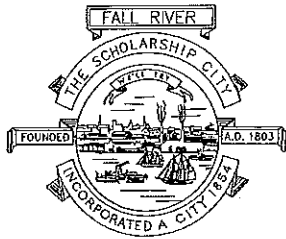
Dear Mayor Correia,

Your support is respectfully requested for a newly created position of "Architect" for the Department of Buildings and Grounds for the FY '18 budget. The department has expended approximated \$352,000.00 procuring design services this current fiscal year. It is required by Mass General Law that any building over 35K cubic feet requires controlled construction by an architect and stamped affidavits. Having a city employed "architect" would be substantially cost effect thus relinquishing funds that could be utilized to complete additional projects.

Relaying your support to the City Council to add this position to ordinance is greatly appreciated. The Department of Buildings and Grounds is grateful of your support to move forward and enhance the ability of this department to better serve the City and its programs.

Respectfully submitted,

Chris Gallagher,
Interim Director of Buildings and Grounds



**CITY OF FALL RIVER
MASSACHUSETTS**
Department of Buildings & Grounds

14

JASIEL F. CORREIA II
Mayor

CHRIS GALLAGHER
Interim Director

June 26, 2017

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

RE: Position of "Architect"

Mr. President and Members of the Honorable City Council:

Per the Council's request attached please find supporting documentation with respect to the request for a newly created "Architect" position.

Please feel free to contact me with any questions or concerns.

Respectfully,

Chris Gallagher

CG/tam

RECEIVED
2017 JUN 27 P 4:36
CITY CLERK
FALL RIVER, MA

copies to all cc. 6/27/17

Architect Project Costs for FY18 & FY19

Attached is a list of anticipated City construction projects for fiscal years 2018 and 2019 and the associated costs for architectural services for these projects. These costs represent a significant portion of the total City Construction Budgets. On average, design costs for projects range from 10-12% when design services are outsourced.

We believe that the City could save a significant amount of money if a City Architect was hired. A City Architect would make approximately \$160,000 per year with benefits, which equates to approximately \$77.00 per hour. Outsourced, architectural services typically range from \$125- \$225 per hour (see attached rate sheets). Additionally, all support professionals such as structural engineers and environmental consultants hired by the private architect are billed to the City with a standard 10-15% administrative markup. If these professionals are hired by the City, we pay only the actual cost with no administrative markup.

Community Compact Plan - Upon Council approval, the City will spend approximately \$25M over the next three years for ADA compliance, building envelopes including roofs, windows, and brick work, plumbing and electrical upgrades, as well as other building improvements. The approximate outsourced design cost for this work will be at least \$2.5M. If all this work is done by the proposed City Architect, the design cost would be approximately \$480,000. While there will be additional costs for structural, electrical and environmental engineering, we would not pay the additional 10% to 15 % markup for these professionals, only their actual invoices for service.

Other City Departments could benefit from the on-staff Architect as well. The City Architect could assist the Building Department with building closures and demolition documents. Additionally, The City Architect could also assist with CPA and CDA projects. The Water and Wastewater Departments have also used Architects.

FY18 projects, included in the Facilities Maintenance budget, to replace all counters open to the public and convert them to ADA accessible, as well as other ADA accessibility issues. Another project included in the budget is HVAC for Fire and PD to repair and replace duct work and equipment.

Office Remodels – The Water Department is adding new offices within their current location. The Office of Economic Development is moving and the existing office will need upgrading. This may also prompt the reorganization of other offices within Government Center. Given the size of all out municipal buildings, we are required to use an architect for even the simplest renovations (see attached CMR for Construction Control project requirements).

14

1.00: continued

107.3.1 Approval of Construction Documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance". One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

107.3.2 Previous Approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased Approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

107.3.4 Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

Deferral of any submittal items shall have the prior approval of the *building official*. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

107.4 Amended Construction Documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

107.5 Retention of Construction Documents. One set of *approved construction documents* shall be retained by the *building official* in accordance with M.G.L. c. 66, § 8.

107.6 Construction Control.

107.6.1 General. This section shall apply to the construction controls, professional services and contractor services required for buildings and structures needing *registered design professional* services.

The following structures are exempt from the requirements of this section:

1. Any building containing less than 35,000 cubic feet of enclosed space, measured to the exterior surfaces of walls and roofs and to the top of a ground supported floor, or in the case of a crawl space, to the bottom surface of the crawl space. In the case of basement floors or levels, the calculation of enclosed space shall include such spaces. For additions to existing buildings, the volume of enclosed space shall include the entire existing building and all proposed additions.
2. Any one- or two-family dwelling or any accessory building thereto.
3. Any building used exclusively for agricultural purposes. See Appendix C: *Group U - Agricultural Buildings* for occupancy and other limitations.
4. Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.
5. Structures where the *building official* determines that the scope of work is minor in nature and not needing *registered design professional* services.

Notwithstanding these exemptions, *registered design professional* services shall be required for activities which are deemed to constitute the practice of architecture or engineering as defined in M.G.L. c. 112, §§ 60A or 81D, except as provided in M.G.L. c. 143, § 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R. Where work is performed by licensed trades people pursuant to M.G.L. c. 112, § 81R, shop drawings or plans and specifications prepared to document that work shall not be required to bear the seal or signature of a *registered design professional*. In lieu of a seal and signature the *building official* may require that the *registered design professional* review and approve shop or record drawings for general conformance to the design concept.

Architectural Fees (Projected)

FY 2018

18 ADA Compliance Counters	\$	36,000
City Council ADA Ramp	\$	5,000
Police HVAC	\$	15,000
Veteran's Center	\$	10,000
Office Remodels	\$	50,000
Schools-non-MSBA	\$	5,000
Community Compact Yr.1	\$	175,000
TOTAL	\$	296,000

FY2019

Office Remodels	\$	20,000
Veteran's Center	\$	10,000
Schools non-MSBA	\$	324,000
Community Compact	\$	175,000
Total	\$	529,000

City Architect (Annual)

Base Salary	\$	105,000
Fringe benefits (estimated)	\$	55,000
Total	\$	160,000



GALE ASSOCIATES, INC.
 163 Libbey Parkway, P.O. Box 890189
 Weymouth, Massachusetts 02189-0004
 781-335-6465

SCHEDULE OF FEES

JANUARY 2016

Fees for services are based on the time worked on the project by staff personnel in accordance with the following schedule:

Principal	\$225/hr
Senior Associate	\$210/hr
Associate	\$195/hr
Sr. Project Manager/Sr. Structural Engineer	\$185/hr
Project Manager	\$170/hr
Sr. Engineer/Architect/Planner	\$160/hr
Project Engineer/Designer/Planner/Architect	\$150/hr
Landscape Architect	\$140/hr
Sr. Staff Engineer/Designer	\$135/hr
Staff Engineer/Staff Designer	\$125/hr
Sr. Technician/CAD Designer	\$125/hr
Technician/CAD Drafter	\$110/hr
Administrative Professional	\$110/hr
Clerk/Word Processor/Admin Assistant	\$90/hr

Fees for expert testimony at pre-trial conference, deposition, hearing, trial, or any other legal proceeding, including preparation time for any such testimony, will be billed at 1.5 times the hourly rate.

Fees for expedited services will be billed at 1.3 times the hourly rate.

Overtime will be charged for services for more than 8 hours per day, including travel, and all services on holidays, Saturdays, and Sundays. Overtime is charged at a rate of 1.5 times the regular hourly rate.

In the event onsite construction observation services are provided, the minimum charge for an onsite visit will be 4 hours.

This Schedule of Fees will be utilized for a period of six months from the date of submission unless otherwise provided in the Agreement and is subject to revisions at six-month intervals unless otherwise stipulated in the Agreement.

Reimbursable Expenses

Automobile expenses for personal or company vehicles will be charged at \$0.50 per mile, plus toll charges for travel from Gale's office to the project and return and for travel required in the conduct of work.

The following items of direct non-salary expenses shall be billed at Gale's cost plus 15%.

1. Transportation and living expenses incurred for out-of-town projects.
2. Long distance telephone calls, facsimiles, telegrams and cables.
3. Delivery charges for samples, field testing equipment, etc.
4. Laboratory equipment and instrumentation directly identifiable to the project and specifically noted in Gale's proposal.
5. Purchase of specialized equipment and rental of equipment from outside vendors.
6. Photographs for project records and reproduction of drawings and reports.
7. Computer services provided by outside vendors.
8. Drafting and word processing services and other labor provided by outside contract personnel.
9. Use of rental vehicles.
10. Contractor and sub-consultant services.

14

WILLIAM STARCK ARCHITECTS, INC.

Our services will not include the following:

- Hazardous Materials Testing
- Structural engineering services
- Mechanical, electrical, plumbing engineering services
- Construction Testing
- Repairs to latent conditions discovered during the project

The services above or any other additional services, can be provided and billed hourly at the rates listed below or we could negotiate a fixed fee for the additional services.

- Principal Architect\$175/hr
- Project Manager/Designer/Architect.....\$125/hr
- Drafter.....\$ 75/hr

If acceptable, please sign and return a copy of this proposal to us and we will prepare a standard AIA form of Agreement between Owner and Architect.

Sincerely,



Rodney Jacques, R.A.
Vice President

Accepted: _____

Date: _____

RJ/ml

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CORPORATE OFFICE
126 Cove Street, Fall River, MA 02720
Tel: 508.679.5733 Fax: 508.672.8556

www.starckarchitects.com

PROVIDENCE OFFICE
10 Dorrance Street, Providence, RI 02903
Tel: 401.519.3647 Fax: 401.519.3601

- 18.0 Schematic Design Review and Value Engineering Changes
- 19.0 Schematic Design Project Manual
- 20.0 Schematic Design Drawings
- 21.0 Local Actions & Approvals
- 22.0 Schematic Design Module 4 Submittals

Design Development Phase	N/A
Construction Documents Phase	N/A
Early Bid Packages	N/A
Bidding Phase	N/A
Construction Administration Phase	N/A
Completion Phase	N/A
TOTAL BASIC SERVICES	\$570,000

Extra Services

Extra Services provided pursuant to Article 8 shall be compensated as determined by the Owner (a) by a lump sum fee agreed upon in advance in writing by the Owner and the Designer, or (b) on an hourly basis in accordance with the lesser of \$150 per hour or the rate schedule set forth below for time expended, or (c) on an hourly basis in accordance with the lesser of \$150 per hour or a multiple of 2.5 times the direct personnel expense (without benefits) of the Designers or Subconsultants personnel including principals.

Hourly Rates:

PRINCIPAL/MANAGER	\$160.00/hour
PROJECT ARCHITECT	\$135.00/hour
JOB CAPTAIN	\$110.00/hour
TECHNICAL (Entry Level Designer, Senior CAD Drafter, Model Maker)	\$60.00/hour
JUNIOR TECHNICAL (Junior CAD Drafter, Student Intern)	\$45.00/hour
ADMINISTRATIVE	\$40.00/hour
LANDSCAPE ARCHITECT PRINCIPAL	\$160.00/hour
LANDSCAPE ARCHITECT	\$130.00/hour
LANDSCAPE ARCHITECT - DESIGNER	\$90.00/hour

CIVIL ENGINEER PRINCIPAL	\$160.00/hour
SENIOR PROJECT CIVIL ENGINEER	\$130.00/hour
CIVIL ENGINEER	\$85.00/hour
STRUCTURAL ENGINEER PRINCIPAL	\$160.00/hour
STRUCTURAL ENGINEER	\$110.00/hour
HVAC ENGINEER PRINCIPAL	\$160.00/hour
ELECTRICAL ENGINEER PRINCIPAL	\$160.00/hour
PLUMBING ENGINEER PRINCIPAL	\$160.00/hour
SPECIFICATION CONSULTANT	\$105.00/hour
ENERGY MODELING CONSULTANT	\$125.00/hour
GEOTECHNICAL ENGINEER PRINCIPAL	\$160.00/hour
GEOTECHNICAL ENGINEER	\$110.00/hour
TRAFFIC ENGINEER	\$135.00/hour

Extra Services Not Included In Basic Services:

Phase 1: Site Surveyor – Topographical, Utility & Boundary Survey (Scope as required to satisfy Schematic Design submittal requirements – Assume 1 site. See Attachment G.)	\$39,500
Phase 1: Preliminary Geotechnical Evaluation of Proposed Site Area (Existing High School site at 360 Elsbree Street site. See Attachment G.)	\$32,500
Phase 1: Hazardous Materials Inspection Services (Scope as required to satisfy Schematic Design submittal requirements. See Attachment G.)	\$4,500
Phase 1: Traffic Study (Existing High School site only. See Attachment G.)	\$16,500
Phase 1: Environmental Site Assessment (Existing High School site only. See Attachment G.)	\$6,500
Phase 1: Building Information Modeling (no BIM utilized through Schematic Design)	N/A
Phase 2: Site Surveyor (post-Schematic Design)	TBD
Phase 2: Geotechnical Evaluation (post-Schematic Design)	TBD
Phase 2: Hazardous Materials Investigation (post-Schematic Design)	TBD
Phase 2: Site Permitting and Approvals Planning Board (post-Schematic Design)	TBD